



# Planning Department

## MEMORANDUM

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

FROM: Joanne Marques  
Regulatory Planning & Zoning

DATE: March 20, 2025

RE: Planning Department Recommendations

Please find attached, for your information, Planning Department recommendations for the March 25, 2025 Board of Appeals Hearing.

Also included are the Board Memos for:  
265 to 269 Maverick ST East Boston 02128 and 246 to 248 Dorchester AVE South Boston 02127.

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



<b>Case</b>	BOA1684879
<b>ZBA Submitted Date</b>	2025-01-21
<b>ZBA Hearing Date</b>	2025-03-20
<b>Address</b>	22B to 22 Beacon ST Boston 02108
<b>Parcel ID</b>	0304687000
<b>Zoning District &amp; Subdistrict</b>	Government Center/Markets State House Protection Area
<b>Zoning Article</b>	45
<b>Project Description</b>	The proposed project would change the use from one coffee shop with takeout to another coffee shop with takeout.
<b>Relief Type</b>	Conditional Use
<b>Violations</b>	Use: conditional (restaurant with takeout)

#### **Planning Context:**

Located at the edge of the Boston Common, the ground floor of the four-story mixed use building at 22-22B Beacon Street is currently occupied by a Dunkin' Donuts. In February 2005, a conditional use permit for Dunkin' Donuts was granted that allowed takeout from the establishment. The proposed project would change the occupancy of the ground floor from a Dunkin' Donuts to a new coffee shop, also with takeout. While the site is within the Beacon Hill Historic District, additional review does not apply because the project does not include exterior changes. The project similarly sidesteps Ordinance 7.4.11, which requires Parks review when a project is within 100' of a public park, which is true of this site. However, since no external alterations are being proposed, additional Parks review would not be required.

#### **Zoning Analysis:**

A conditional use permit is required to extend this existing takeout use (use item 36A). The prior conditional use was granted with a proviso that limited it to the previous petitioner. This specific site continues to be an appropriate location for a coffee shop with takeout, and no additional hazards to pedestrians and drivers would result from the extension of this existing use (Section 6-3). This project represents an opportunity for zoning reform. In the updated Article 8 use tables, adopted through Squares + Streets zoning, takeout is a component of restaurant uses, simplifying approval processes for proponents.



**Recommendation:**

In reference to BOA1684879, The Planning Department recommends APPROVAL.

Reviewed,

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Deputy Director of Zoning



<b>Case</b>	BOA1686316
<b>ZBA Submitted Date</b>	2025-01-24
<b>ZBA Hearing Date</b>	2025-03-20
<b>Address</b>	853 to 855 E First ST South Boston 02127
<b>Parcel ID</b>	0603702000
<b>Zoning District &amp; Subdistrict</b>	South Boston Neighborhood Medium Residential
<b>Zoning Article</b>	68
<b>Project Description</b>	The proposed project is a new curb cut for two cars in the backyard of a three-decker at the corner of First Street and Acadia Street in South Boston.
<b>Relief Type</b>	Variance
<b>Violations</b>	Usable Open Space Insufficient

**Planning Context:**

The proposed project is a new curb cut for two cars at the rear of a three-decker at the corner of First Street and Acadia Street in South Boston. 853 East First Street sits within a Parking Freeze District and the project would have to be approved by the Parks Department pursuant to Ordinance 7.4.11. The property is across the street from a park with 17 on-street public parking spaces. The street was enlarged to accommodate these angled spaces. There are no other houses with driveways on First Street.

**Zoning Analysis:**

The proposed project triggers a usable open space violation because it would replace a backyard with a driveway. The corner lot also presents maneuverability issues and could create a hazard to pedestrians and vehicles. As such, this project does not meet the standards for a variance.

**Recommendation:**

In reference to BOA1686316, The Planning Department recommends DENIAL.





Planning Department

**CITY of BOSTON**

Reviewed,

*Kathleen Onuf*

Deputy Director of Zoning



<b>Case</b>	BOA1661508
<b>ZBA Submitted Date</b>	2024-10-11
<b>ZBA Hearing Date</b>	2025-03-20
<b>Address</b>	8 Friendship RD Mattapan 02136
<b>Parcel ID</b>	1801418000
<b>Zoning District &amp; Subdistrict</b>	Hyde Park Neighborhood 1F-6000
<b>Zoning Article</b>	69
<b>Project Description</b>	The project proposes changing the use from a single-family to a two-family dwelling. It includes a 14-foot rear extension on the first and second floors, and expanding the living space for Unit 2 in the attic by adding a dormer on the rear elevation. Additionally, new rear decks will be added on both the first and second floors.
<b>Relief Type</b>	Variance
<b>Violations</b>	Height Excessive (stories) FAR Excessive Rear Yard Insufficient

**Planning Context:**

This site lies within a residential neighborhood at the border of Mattapan and Hyde Park, two blocks south of River Street and within 1/4 mile of the Shops at Riverwood commercial center. This neighborhood is a mix of 1- and 2-unit buildings with uniform front yards and lot sizes. Several nearby homes on similar-sized lots that are 50' wide and 100' deep are two-unit buildings, including two of the properties immediately abutting this site.

The site is within the PLAN: Mattapan study area, but zoning has not been updated here because this area is within the Hyde Park Neighborhood Zoning article. PLAN: Mattapan calls for increasing the neighborhood's housing supply to ease demand and competition for current housing stock in Mattapan, and a large impact does not need to come from large development alone. The PLAN states that within the traditional residential fabric, like this site, infill development that is in keeping with neighborhood character will create more low-rise (1-3 unit) housing stock. Although this is not an infill development, the proposed rear addition maintains the neighborhood character from the street view and the additional massing in the rear is in line with the size and scale of nearby two-unit buildings.



Given the surrounding context of a mix of 1- and 2-unit buildings and alignment with the goals of PLAN: Mattapan, this is an appropriate addition for this site.

**Zoning Analysis:**

This project was previously reviewed and approved at the ZBA hearing on May 16, 2024. Since then, new changes have been made to the design and these changes have triggered a new variance which cites excessive height in stories, excessive FAR and rear yard insufficient.

The project violates the required 40' rear yard setback; the existing rear setback is 43.4' and the proposed is 35'. This is worsening the rear yard condition, but four of the surrounding properties also have rear yards between 30' and 35'. Additionally this is an adequate rear yard providing usable open space and distance to surrounding buildings which allows for the right amount of light and air.

The project violates the required 2.5 stories maximum height; the existing height is 2.5 stories and the proposed addition of the dormer would bump this up to 3 stories, because the sloped roof would now be counted as a full story. The project also violates the required FAR of 0.5.

Although the proposed project increases the number of stories and FAR beyond existing conditions, it does so to create more livable space, aligning with the area's vision outlined in the Planning Context, which emphasizes the need for additional housing stock. Additionally, the overall scale of this proposed addition and the resulting violations are similar to the surrounding context for both 1-unit and 2-unit buildings.

Plans reviewed are titled "8 Friendship Road", prepared by Design Development Consultants, and revised on August 7, 2024.

**Recommendation:**

In reference to BOA1661508, The Planning Department recommends APPROVAL.

Reviewed,

Deputy Director of Zoning



<b>Case</b>	BOA1675560
<b>ZBA Submitted Date</b>	2024-12-03
<b>ZBA Hearing Date</b>	2025-03-20
<b>Address</b>	11 Clive ST Jamaica Plain 02130
<b>Parcel ID</b>	1900673000
<b>Zoning District &amp; Subdistrict</b>	Jamaica Plain Neighborhood 3F-5000
<b>Zoning Article</b>	55
<b>Project Description</b>	The proponent is seeking to build a dormer on the third floor to create new space for a new bathroom.
<b>Relief Type</b>	Variance
<b>Violations</b>	Side Yard Insufficient

#### **Planning Context:**

The proponent is seeking to add a new dormer to the third floor of an existing detached, three-floor, one-family residential building. The addition will allow for a new bathroom for the third floor. The lot is located at 11 Clive Street in Jamaica Plain, in a neighborhood characterized by predominantly three- to four-story residential buildings, many of which feature dormers on their pitched roofs. Most of the lots in this area have uneven side yards, meaning that one side yard is significantly bigger than the other. In many cases this is due to one side yard having a driveway and therefore being larger than the other.

#### **Zoning Analysis:**

The project triggers a dimensional violation due to an insufficient side yard. Article 55 requires a minimum setback of seven feet from a side lot line, ten feet from an abutting structure, and a combined width of at least seventeen feet for both side yards.

The proposed project does not increase the existing sideyard of 3.9', which is lower than the required sideyard required under Article 55, as mentioned in the above paragraph. Since the proposed shed dormers do not alter the side yard width, the violation is based on an existing sideyard nonconformity. The project does not worsen current conditions, and given the minimal exterior changes, it should be allowed to proceed.



This case also underscores the need for zoning reform. Simple, contextually appropriate improvements like this should be permitted by right rather than requiring a variance.

**Recommendation:**

In reference to BOA1675560, The Planning Department recommends APPROVAL.

Reviewed,

A handwritten signature in black ink, appearing to read "Kathleen O'Neil".

Deputy Director of Zoning



<b>Case</b>	BOA1682689
<b>ZBA Submitted Date</b>	2025-01-09
<b>ZBA Hearing Date</b>	2025-03-20
<b>Address</b>	26 Whittemore ST West Roxbury 02132
<b>Parcel ID</b>	2006668000
<b>Zoning District &amp; Subdistrict</b>	West Roxbury Neighborhood 1F-8000
<b>Zoning Article</b>	56
<b>Project Description</b>	Amendment to ALT1566831, an issued permit for zoning-compliant renovations. Additional work consisting of a small extension of living space in the basement, as well as a new front porch.
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive Front Yard Insufficient

**Planning Context:**

Lot is a single-family home in West Roxbury, in a 1F-8000 subdistrict within the Corey Street Neighborhood Design Overlay District. Lot is substantially larger than parcels typical in this area, with a lot size of 18,696 square feet. Proponent seeks to build a backyard patio, to convert unfinished basement space into a sauna and bathroom, and to replace a front porch. Updating zoning to enable a by-right path for small-scale renovations on residential properties is a key goal of the City of Boston's Neighborhood Housing zoning initiative, announced in November 2024.

**Zoning Analysis:**

Per Article 56, Table D, the maximum FAR for a single-family house in a 1F-8000 subdistrict is 0.3. Currently with an FAR of 0.3, the additional 120 square feet would increase the site to an FAR of 0.31, which is a violation. Given that no substantial space is being created within the building, but rather simply that basement space is being reclassified as livable and thus counted in the FAR, this change is de minimis and relief is appropriate.



Per Article 56, Table D, the minimum front yard for a single-family house in a 1F-8000 subdistrict is 20 feet. The existing front porch on this property, not counting the stairs down to the sidewalk, is 17.4' from the front lot line, which is a violation. The proposed porch would be 15.2', which is a worsening of 2 feet. While the precise change in depth of the stairs is not marked on the plans, they appear to be shorter than the existing staircase, but with the expanded porch may still end a foot or two closer to the sidewalk than the existing condition. The front wall of the house is 25.3' from the front lot line, and this porch is only 21.2' wide. Many houses on this block have front yards that are as short or shorter than this single-family house's front yard, and front yard zoning in this subdistrict does not reflect existing conditions. This violation is a minor worsening of an existing condition and improves the usability of the front porch. Zoning reform should adjust dimensional regulations in residential districts to rectify this widespread nonconformity. Relief is appropriate.

Section 80E-2.1.(b).(iii) provides three conditions where properties in a Neighborhood Design Overlay District will be subject to the design component of Article 80 Small Project Review: 1) if the roof shape, cornice line, street wall height, or building height of an existing building is changed. A former widow walk is being proposed on the roof, which is a modification of the roof shape, cornice line, or building height. Additionally, a second condition is 2) the erection or extension of a building with a gross floor area of 300 or more square feet, a condition that does not apply. Finally, the final condition is 3) the exterior alteration of a building massing or door or window openings where three hundred or more square feet of wall area area are modified. Not enclosed, this front porch appears to represent approximately 200 square feet of changes to the front wall, which does not appear to meet this condition. Under the first condition of changes to the roof line, design review is appropriate.

**Recommendation:**

In reference to BOA1682689, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review.

Reviewed,

Deputy Director of Zoning



<b>Case</b>	BOA1685231
<b>ZBA Submitted Date</b>	2025-01-22
<b>ZBA Hearing Date</b>	2025-03-20
<b>Address</b>	368 to 372 W Broadway South Boston 02127
<b>Parcel ID</b>	0601162000
<b>Zoning District &amp; Subdistrict</b>	South Boston Neighborhood MFR/LS
<b>Zoning Article</b>	68
<b>Project Description</b>	Change use to include community center in existing commercial building.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	Parking or Loading Insufficient Nonconforming Use Change Use: Conditional (Community Center)

**Planning Context:**

The proposed project seeks to change the use of an existing commercial building at 368-372 W Broadway to include a community center. 368-372 W Broadway is a four-story commercial building that contains a mix of commercial uses such as a dental office, a real estate office, and a credit union. The largest use belongs to the South Boston Lithuanian Citizens Association who offers a restaurant and multiple function rooms for rent. This change would allow the South Boston Lithuanian Citizens Association to open a community center with a meeting hall on the fourth floor of the building.

This area of W Broadway consists of a mix of commercial and mixed-use buildings and is easily accessible by the MBTA 9 bus. Commercial uses include a law firm, dental offices, clothing stores, opticians, and restaurants.

This project would allow the South Boston Lithuanian Citizens Association to expand their operations and continue to create a community space in South Boston for the Lithuanian-America community.

**Zoning Analysis:**

The refusal letter states a total of three violations: insufficient parking, nonconforming use change, and a conditional use for the community center. This area is currently zoned as MFR/LS where community centers are a conditional use and would require 1 space per 1,000





square feet of gross floor area. This project plans to add a community center with zero parking spaces.

Regarding parking, the minimum parking ratio for the community center requires 1 space per 1,000 square feet of gross floor area. However, the site currently has no off-street parking spaces and proposes none as part of this project. This is a case for zoning reform to address the discrepancy between the parking requirement and necessity. This site is well-served by public transit as it is located just 150 feet from a bus stop for MBTA 9 bus route and 0.6 miles from Broadway Station.

The last two violations are in regards to use regulations. Under Article 68, MFR/LS subdistrict, a community center is a conditional use. The previous use, a function room available for rent, was an accessory use that was also conditional. This causes the violation because an existing nonconforming use is being changed to another nonconforming use to accommodate the community center. However, since nonconforming uses are allowed under Article 9, it is recommended that this change is allowed because it would create an additional gathering space for the Lithuanian-American community without causing any negative impacts to this area of South Boston. A conditional use permit should also be granted for the community center to support the diversity in community gathering spaces.

The plans reviewed are titled ALT1672323 Z.R. decision letter updated at request of attorney with BOA hearing plan set attached 2.3.25 and were prepared by Dana Vaiciulionis Architect, LLC. They are dated November 19, 2024.

**Recommendation:**

In reference to BOA1685231, the Planning Department recommends APPROVAL.

Reviewed,

A handwritten signature in black ink, appearing to read "Kathleen Onuf".

Deputy Director of Zoning



<b>Case</b>	BOA1677320
<b>ZBA Submitted Date</b>	2024-12-10
<b>ZBA Hearing Date</b>	2025-03-25
<b>Address</b>	329 to 343 Washington ST Brighton 02135
<b>Parcel ID</b>	2202397000
<b>Zoning District &amp; Subdistrict</b>	Allston/Brighton Neighborhood NS-1
<b>Zoning Article</b>	51
<b>Project Description</b>	Change of use of part of the ground floor from commercial to residential.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	Usable Open Space Insufficient Conditional Use

**Planning Context:**

The current use of the three-story building at 329 to 343 Washington St is thirty-three income-restricted residential units and five ground floor commercial units consistent with the surrounding mixed use district. The proponents seek to convert three non-street facing commercial units into two new accessible, income-restricted residential units. In addition to this proposed change of use , the existing residential units on the upper floors would be renovated. The two commercial spaces with storefront conditions facing the street will remain. Uses along Washington Street are a mix of retail, mixed use buildings and multifamily residential.

**Zoning Analysis:**

Residential use in the ground floor of the NS-1 zoning subdistrict is a conditional use. NS-1 zoning in Brighton was designed to reinforce an active commercial street along corridors like the context here. The proposed use would be subject to the conditions required in section 6-3 to receive approval. Upon review the project does not violate any of the outlined conditions and will be aligned with city planning goals of increasing the affordable unit stock for the city. The current storefront commercial spaces will still be in use providing an active main street. This proposal can be recommended for approval of a conditional use permit.

The proposal presently has a violation of insufficient open space. At a total of thirty-five units the building would require 1,750 SF of open space. Presently the site does not have enough open



space for the existing units and with the addition of two new units this nonconformity would be worsened. The surrounding buildings and residences similarly lack open space and to build more open space on this site would require demolition of the building to expand open space. This is a case for zoning reform to better align dimensional regulations, including open space requirements, with the size of lots and built conditions.

“The Warren Building” drawn by The Architectural Team, dated September 20, 2024

**Recommendation:**

In reference to BOA1677320, The Planning Department recommends APPROVAL.

Reviewed,

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Deputy Director of Zoning



<b>Case</b>	BOA1689438
<b>ZBA Submitted Date</b>	2025-02-04
<b>ZBA Hearing Date</b>	2025-03-25
<b>Address</b>	960A Centre ST Jamaica Plain 02130
<b>Parcel ID</b>	1902804010
<b>Zoning District &amp; Subdistrict</b>	Jamaica Plain Neighborhood CPS
<b>Zoning Article</b>	55
<b>Project Description</b>	Erect a single-story detached garage for two vehicles and establish new paving for the driveway.
<b>Relief Type</b>	Variance
<b>Violations</b>	Lot Area Insufficient Side Yard Insufficient Number of units per acre excessive Change in non-conforming use Two buildings on one lot

**Planning Context:**

This parcel is located in a low-density, primarily residential neighborhood just south of the rotary where Centre Street intersects with the Arborway. It directly abuts the parcel at 920 Centre Street, a decommissioned monastery building currently undergoing Article 80 Large Project review to be converted to 120 units of housing, 118 on-site parking spaces, and other residential amenities. The edge of the Arnold Arboretum is also located just one parcel away east of the parcel line.

The street wall on the east side of Centre Street is very lush and populated with a dense canopy of mature trees. Existing structures are significantly set back from the street edge, preserving a green and shady street edge. Most accessory parking for the parcels on this side of the street are surface spots, and paved side yard driveways are common.



Local planning context in this area is limited, but the neighborhood strategies for Jamaica Plain in the Urban Forest Plan (2022) indicate a high degree of open space and heat mitigation in this area. Given that most of Boston's tree canopy is on residential land, there is a need to preserve and protect this canopy even as improvements are made on residential property. Removal of on-site trees for the construction of the proposed garage is not recommended.

### **Zoning Analysis:**

The existing lot size is 17,194 sf (0.39 acres), less than the one acre requirement. Several lots in the immediate vicinity are much smaller, and the low lot coverage of the existing residential structure on the lot appropriately serves the natural conservation goals of the CPS. A maximum of three units per acre is exceeded due to a pre-existing non-conformity of the existing single-family residential unit on a non-conforming lot size. These violations are both pre-existing non-conformities that are not being worsened, so relief is recommended.

The side yard requirement (50 feet) is a pre-existing non-conformity on the north side of the parcel where the side yard is 9.9 feet at the narrowest, but the proposed garage introduces a new side yard violation. The proposed side yard is 10 feet. Given the existing side yard condition on the other side of the parcel, and the significant space from adjacent parcel structures, this condition is acceptable if the existing canopy is minimally impacted by the proposed structure.

The violation for 2 or more dwellings on one lot is derived from Article 55, section 41.12, which requires that 'A Dwelling shall not be built to the rear of another Dwelling, Accessory Building, or Main Building'. However, the proposed parking garage does not significantly affect access to light, air, and on-site open space for the existing residential structure, and potential topographical elevation changes may limit the siting of the structure in a less visible location, so relief is recommended.

Finally, the violation for a change in non-conforming use is applicable to the parking garage, which is Forbidden in a CPS. Given the visible presence of surface parking along this block, a well-designed garage that is sensitive to surrounding natural features would be an improvement from existing conditions for the scenic preservation goals of the CPS.

The plans reviewed are titled ALT1526998 - 960 Centre St\_ZBAPPlans and were prepared by Land Mapping. They are dated July 12, 2023.



**Recommendation:**

In reference to BOA1689438, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans shall be reviewed by the Department of Parks and Recreation due to its location within the Greenbelt Protection Overlay District, that plans be submitted to the Planning Department for design review with respect to avoiding loss of trees and other natural features on-site, reducing impervious surface, and location of the proposed garage to limit visual impact from the public right of way.

Reviewed,

A handwritten signature in black ink, appearing to read "Kathleen Onuf".

Deputy Director of Zoning



<b>Case</b>	BOA1682719
<b>ZBA Submitted Date</b>	2025-01-09
<b>ZBA Hearing Date</b>	2025-03-25
<b>Address</b>	42 Doncaster ST Roslindale 02131
<b>Parcel ID</b>	1805715001
<b>Zoning District &amp; Subdistrict</b>	Roslindale Neighborhood 1F-6000
<b>Zoning Article</b>	Art. 67
<b>Project Description</b>	Proposed new construction single-family home on a vacant lot.
<b>Relief Type</b>	Variance
<b>Violations</b>	Lot Area Insufficient Lot Width Insufficient FAR Excessive Height Excessive (ft) Usable Open Space Insufficient Lot Frontage Insufficient

**Planning Context:**

This proponent seeks to construct a new one-unit, three-story residential dwelling on a 4,664 sq ft vacant lot within a predominantly residential area of Roslindale. The proponent also seeks to construct a one-and-a-half story, two-car garage in the rear yard of the lot. The vacant lot abuts the side lot line of a two-story building to the northeast and abuts the rear lot line of two lots to the southeast that hold a one-and-a-half story building and a one-story building, respectively. Based on assessing records, this property is in common ownership with the two-story building that it abuts to the northeast. That abutting property currently has the address 42 Doncaster Street (Parcel ID: 1805716000) and this proposed project seems to also have the address of 42 Doncaster Street based on plans (Parcel ID: 1805715001), so it is unclear if this new project is intended to remain a standalone parcel or intended to be merged with the abutting parcel due to the shared address.

This property slopes downward in elevation towards the southeastern rear yard of the lot. Due to this, while the basement level is slightly above grade facing the northwestern front lot line on Doncaster Street, the basement level appears taller towards the rear thus making the rear elevation of the proposed project look more like a four-story building. This part of Doncaster Street is made up of one-unit dwellings that range in height from one story to two-and-a-half



stories. While the proposed appearance of three stories in the front and four stories in the rear is not common within this area, the precedents of two-and-a-half story buildings showcase existing buildings of similar height in feet to this proposed project. Additionally, the proposed project provides sufficient rear yard space between the end of the primary structure and the southeastern rear lot line to not heavily encroach on the abutting southern property, which itself has a primary structure that is significantly distant from the abutting property lines.

Based on satellite imagery, the existing lot has an existing small shed with an existing curb cut and short driveway leading to the shed from the northwestern front lot line on Doncaster Street. The project plans indicate that the existing curb cut will be closed and a new curb cut and new driveway are proposed to be built and extended along the southwestern side lot line towards the proposed two-car garage in the rear yard. It is assumed the shed will be demolished to accommodate the proposed driveway as it would extend through the location where the shed is currently located.

The properties on this street mostly have side yard driveways as their main parking areas and very few of the properties have rear yard parking spaces or rear yard garages. The proposal of a rear yard garage reduces the visibility of vehicles from the public realm. However, the resulting parking area for the driveway and garage reduce the usable open space of the property. This could be alleviated by reducing the garage's overall scale which would thus reduce how wide the paved parking area in front of the garage door would need to be and open up more usable open space on the lot. Additionally, since the existing lot in the rear is mostly made of permeable green space, the reduction in paved area would help retain more permeable open space which aligns with City goals of limiting the replacement of green space with paved, impermeable area.

### **Zoning Analysis:**

This proposal has received six violations specific to lot standards (lot area, lot width, usable open space, and lot frontage) and building standards (floor area ratio and building height in feet).

It should be noted that the project plans indicate that the proposed project is 32'-2" in height, which is below the maximum height regulation of 35 ft in the 1F-6000 zoning subdistrict (Art. 67, Sec. 9). The proposed height of three stories is excessive of the maximum height regulation of two-and-a-half stories in this same district (Art. 67, Sec. 9), though that was not flagged in this project's refusal letter. Overall, the maximum height regulations (both in feet and stories) as well





as the floor area ratio maximum (allowed maximum ratio of 0.5; proposed ratio of 0.8) indicate a need for zoning reform within this area since there are several residential properties like this that exceed these maximums in some way while accommodating one-unit land uses. Such limitations reduce the opportunity to provide infill development or small additions of living area for similar one-unit or potential two-unit properties that would have building massings that appropriately fit in this residential area. As stated in the Planning Context, this property's height in feet from the front lot line does not appear excessive when compared to nearby two-and-a-half story residential buildings, and its rear height and broader scale are not visible from the public realm and reasonably setback from the rear abutting property.

The proposed project has an insufficient lot area (minimum of 6,000 sq ft required; 4,664 sq ft provided) and insufficient lot width and lot frontage dimensions (minimum of 60 ft each; 31.12 ft lot width and 40 ft lot frontage provided) (Art. 67, Sec. 9). These dimensions are all existing nonconformities for this property and the proposed project does not change those conditions. As such, this indicates a need for zoning reform as it relates to lot standards for this area as there are several nearby parcels of similar size and dimensions that hold one-unit land uses and there is an overall variety of parcel scales in this area that represent a wider range than what the current lot standard regulations account for in dimensions.

This project has an insufficient amount of usable open spacer per dwelling unit with a minimum of 1,800 sq ft per unit required and 1,450 sq ft provided (Art. 67, Sec. 9). The difference is small enough between what is required and what is provided that the proponent should consider adjustments either to the scale of the proposed primary dwelling or the proposed garage to better accommodate more ground-level usable open space and more retention of the existing permeable green space.

Site plan completed by Neponset Valley Survey Association, Inc. on December 3, 2024. Project plans completed by Timothy Sheehan Architect on November 12, 2024.

**Recommendation:**

In reference to BOA1682719, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review with attention to increasing the amount of ground-level usable open space, which may include reducing the massing of the proposed primary dwelling, the proposed two-car garage, or both.



Planning Department

**CITY of BOSTON**

Reviewed,

*Kathleen Onuf*

Deputy Director of Zoning



<b>Case</b>	BOA1650722
<b>ZBA Submitted Date</b>	2024-09-09
<b>ZBA Hearing Date</b>	2025-03-25
<b>Address</b>	19 Sanford ST Mattapan 02126
<b>Parcel ID</b>	1703343000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 1F-6000
<b>Zoning Article</b>	65
<b>Project Description</b>	The owner seeks to construct an attached three-story side addition to the existing three-unit residential building. The new addition will consist of five off-street parking spaces at grade with two new units above. The new proposed use will be five residential units.
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive Forbidden Use Height Excessive Height Excessive (stories) Side Yard Insufficient Front Yard Insufficient Parking or Loading Insufficient Rear Yard Insufficient

**Planning Context:**

19 Sanford St is located in a transit accessible location in the Mattapan neighborhood a less than a five minute walk away from multiple bus lines to the MBTA Red Line Ashmont Station. The surrounding residences are mostly a mix of one- and two-family homes with only one or two larger multifamily homes. Many of the surrounding buildings take up the majority of their lot. The owner seeks to construct an attached three-story side addition to the existing three-story, three-unit residential building. The new addition will consist of five off-street parking spaces at grade with two new units above. The new proposed use will be five residential units.

PLAN: Mattapan, adopted by the BPDA Board in May 2023, has several key goals on housing including expanding multi-family zoning along the majority of key Mattapan's corridors, encouraging transit-oriented development projects to locate people closer to jobs, transit, and other services (cited from PLAN: Mattapan). Further, the plan identifies Morton Street as an



important corridor for housing development. New development will be expected to make best efforts to retain existing buildings in order to preserve Mattapan's built form and character, but also as a means to reduce the environmental impacts of new construction.

While this area is included in PLAN: Mattapan, it is not included in the zoning updates to implement the plan because it is currently in the Dorchester Neighborhood Subdistrict.

### **Zoning Analysis:**

The proposed project has eight zoning violations. The first violation is regarding the required amount of off-street parking. Article 55 requires at least six off street parking spaces, the applicant proposes five. This amount of parking is sufficient given the proposals proximity to public transportation.

The second violation is a use violation due to the fact that the applicant proposes a five unit residence in an area that only allows one unit; however, the refusal letter states that since 1946 the residence has been three-family. The proposed project would add two units, aligned with PLAN: Mattapan's goal to accommodate small-scale multi-unit residential within neighborhood residential areas to meet neighborhood needs. It would also increase the safety of existing and new units because it would require the installation of a sprinkler system for fire suppression and other upgrades. The following dimensional violations are existing non-conformities and will not be worsened by the proposal. The front yard requirement in the district is 15'(feet). Existing and proposed will be 8.7' (feet). Rear yard is required to have 40' (feet). Existing and proposed will be 6.8' (feet). Side yard is required to have 10' (feet). North-west existing and proposed will be 2.5'. South-east existing and proposed will be 4.2'(feet). Building Height is required to be 35' (feet). Existing and proposed will be 40'-3". Stories required to be two and a half. Existing and proposed will be three stories.

Zoning requires a maximum of 0.5 FAR; the existing building has an FAR is 0.76 and the proposed project will have a FAR of 1.27. While this will represent a larger building than the surrounding context, it is providing housing near the key Morton St corridor. Many of the surrounding building structures also take up the majority of their lot.

The property is located in a Neighborhood Design Overlay District established in Article 65-32 and so needs to go through design review. The Neighborhood Design Overlay Districts are



established to protect the historic character, existing scale, and quality of the pedestrian environment of these neighborhoods, which give Dorchester its unique architectural character.

**Recommendation:**

In reference to BOA1650722, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review.

Reviewed,

A handwritten signature in black ink, appearing to read "Kathleen Onuf".

Deputy Director of Zoning



<b>Case</b>	BOA1675756
<b>ZBA Submitted Date</b>	2024-12-03
<b>ZBA Hearing Date</b>	2025-03-25
<b>Address</b>	241 Columbia RD Dorchester 02121
<b>Parcel ID</b>	1400097000
<b>Zoning District &amp; Subdistrict</b>	Roxbury Neighborhood MFR
<b>Zoning Article</b>	50
<b>Project Description</b>	The applicant proposes to enclose the existing front porches on the building's second and third floors. This modification is intended to enhance functionality of interior spaces and improve overall utility, while preserving the structure's architectural character.
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive Front Yard Insufficient Side Yard Insufficient

**Planning Context:**

The site is located in the Roxbury neighborhood within the MFR subdistrict and falls under the Boulevard Planning District zoning overlay. This medium residential property features street frontage on Columbia Road and is bordered at the rear by a currently vacant industrial parcel exceeding 10,000 square feet. The project is consistent with the surrounding three- and four-story multifamily residential buildings and is consistent in scale and lot pattern, including the yard.

**Zoning Analysis:**

The proposal to enclose the existing front porches has been reviewed in detail against the requirements of Article 50, Section 29 (Table F) for MFR-zoned properties, revealing the following details.

**Floor Area Ratio Compliance:**

For row homes or buildings with four units or fewer in MRF zoned areas, Article 50, Section 29 (Table F) mandates a minimum lot area of 3,000 square feet. The property exceeds the allowed



Floor Area Ratio (FAR) of 1.0. Adding new living space would further increase the total floor area, resulting in an even greater exceedance of the permitted ratio. However, the modified building is not out of character with surrounding properties, indicating a need for zoning reform to better align dimensional requirements with existing context.

**Front Yard Requirements:**

The ordinance requires a minimum front yard depth of 15 feet. The current design provides only 12 feet of depth from the porch edge to the property line, thereby failing to meet the required front yard dimension; however, this is an existing non-conformity that is not being worsened by the enclosure of the porch.

**Side Yard Requirements:**

For semi-attached dwellings, townhouses, and row houses, the side yard requirement is generally 10 feet unless the property is on a corner lot (refer to Section 50-44.5 for special provisions). In this case, the design only provides 4 feet of clearance from the building to the side property line, which is insufficient; however, this is an existing non-conformity that is not being worsened by the proposed project.

The plans, entitled Columbia Road Enclosed Front Porches and prepared by Qinnervision Concepts LLC on 09/26/2024, propose the enclosure of the front porches. The proposed enclosed front porch project does not meet the lot area ratio (FAR) requirements for a three-unit row home and falls short on the required front and side yard dimensions as outlined in Article 50, Section 29. Given the minor nature of these discrepancies and the project's potential to enhance functionality and preserve architectural character, zoning relief is warranted. The project is a case for zoning reform to establish dimensional requirements that better align with the existing built fabric.

**Recommendation:**

In reference to BOA1675756, The Planning Department recommends APPROVAL.

Reviewed,

Deputy Director of Zoning



<b>Case</b>	BOA1669678
<b>ZBA Submitted Date</b>	2024-11-07
<b>ZBA Hearing Date</b>	2025-03-25
<b>Address</b>	879 to 881 Blue Hill AV Dorchester 02124
<b>Parcel ID</b>	1404262000
<b>Zoning District &amp; Subdistrict</b>	Greater Mattapan Neighborhood LC
<b>Zoning Article</b>	60
<b>Project Description</b>	The proponent is seeking the addition of live entertainment to a new restaurant.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	Use: nonconforming use change Use: forbidden (live entertainment)

#### **Planning Context:**

This one-story restaurant and lounge is located at the corner of Blue Hill Avenue and Angell Street. Blue Hill Avenue is a major commercial corridor with other restaurants as well as convenience stores, barber shops, and a grocery store. Restaurants of this type require licenses from the License Board specific to the operator.

The project is situated within a Neighborhood Business subdistrict, which has the stated purpose of "encourag[ing] the development of neighborhood businesses that provide essential goods and services as well as jobs and entrepreneurial opportunities for the Greater Mattapan community" (Section 60-10).

#### **Zoning Analysis:**

Since this project appears to be for a new restaurant, the extension of a nonconforming use citation would not apply. ISD has been contacted in regards to this issue.

The proposed new use is a restaurant with live entertainment, which requires a conditional use permit if it operates no later than 10:30 PM, and a variance if it is open after 10:30 PM. It is unclear from the application what the hours of operation for the business would be.





Whether a conditional use permit or a variance is required, approval is recommended because this project falls within the purview of ongoing land use modernization updates. In Squares + Streets districts, for instance, most entertainment and events are classed as either allowed or allowed at the ground level. This change reduces costs and regulatory burdens on small businesses.

**Recommendation:**

In reference to BOA1669678, The Planning Department recommends APPROVAL.

Reviewed,

A handwritten signature in black ink, appearing to read "Kathleen Onuf".

Deputy Director of Zoning



<b>Case</b>	BOA1684195
<b>ZBA Submitted Date</b>	2025-01-16
<b>ZBA Hearing Date</b>	2025-03-25
<b>Address</b>	137 Pleasant ST Dorchester 02125
<b>Parcel ID</b>	1301615000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 3F-5000
<b>Zoning Article</b>	65
<b>Project Description</b>	Convert the basement of a three unit building into two new units for a total of five units.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	FAR Excessive Parking or Loading Insufficient Forbidden Use

#### Planning Context:

The proposed project would convert a currently unfinished basement into two new residential units. No external alterations are proposed. This kind of improvement is an example of the kinds of renovations and changes the Planning Department seeks to streamline via the new Neighborhood Housing Zoning initiative, announced in November 2024, where a clear goal is the eventual citywide allowance of maintenance and upgrades to existing structures without the need for zoning relief via variances. Updating a basement to become an additional unit is also one of the proposed schemes for enabling attached or internal ADUs in Boston through the Planning Department's newly released ADU Guidebook, also released in November and approved by the BPDA Board.

This basement unit is a good example of creating housing on existing sites that itself appears to represent basic expectations of quality and dignity, rather than an attempt to squeeze additional units in whatever leftover space exists on a site. This site is not within the Coastal Flood Resilience Overlay District.

The existing basement slab is 8'2" deep at its deepest point from the first floor, which complies with the building code. The basement features one dedicated elevated side door at that existing depth with stairs leading down into the basement, and all windows are shoulder-height



basement windows without window wells. Additionally, an internal set of stairs to the first floor will be removed. The new plans include a retaining wall to lower the ground depth on the entry side, allowing each unit to have two full doors at floor height. Furthermore, a new sprinkler system located on the first floor will provide fire suppression for the new basement units.

The proposed project is located one block from Dorchester Avenue and the Field's Corner commercial hub. The built form is dominated by triple deckers and larger multifamily residential buildings. Several multifamily dwellings on this block establish a precedent for the use, which the proposed project would achieve within the retained envelope of the predominant triple-decker typology. The proposed zero off-street parking is a common condition on this block.

### **Zoning Analysis:**

The proposed project triggers three zoning violations.

The first violation is the building's use. The area is zoned for three-family while the proposed project is multifamily. As stated in the planning context, multifamily residential is an established use in the area.

The excessive FAR violation is triggered as the new basement units count towards FAR. There is no dimensional change proposed for the exterior of the building which would still comport well to the area's triple-decker context.

The third violation is for insufficient parking. This zoning calls for at least five parking spaces while the project retains the zero parking existing on site. As discussed in the planning context, the proposed ratio is in line with the character of this neighborhood, which is well-served by transit and local commercial amenities.

### **Recommendation:**

In reference to BOA1684195, The Planning Department recommends APPROVAL.

Reviewed,

A handwritten signature in black ink, appearing to read "Kathleen Onuf".

Deputy Director of Zoning



<b>Case</b>	BOA1686754
<b>ZBA Submitted Date</b>	2025-01-28
<b>ZBA Hearing Date</b>	2025-03-25
<b>Address</b>	5 to 7 Ackley PL Jamaica Plain 02130
<b>Parcel ID</b>	1102242000
<b>Zoning District &amp; Subdistrict</b>	Jamaica Plain Neighborhood 3F-4000
<b>Zoning Article</b>	55
<b>Project Description</b>	Erect a new three-story residential building with two units and two exterior parking spaces on a merged lot (5-7 Ackley Place + 9-11 Ackley Place). Companion case for 9-11 Ackley Place (ERT1672942), which proposes the same project scope (resulting in two buildings on one lot with a total of four units and four parking spaces).
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	Lot Area Insufficient FAR Excessive Additional Lot Area Insufficient Usable Open Space Insufficient Front Yard Insufficient Side Yard Insufficient Lot Frontage Insufficient Lot Width Insufficient Application of Dimensional Requirements (Two of More Dwellings on Same Lot)

**Planning Context:**

This recommendation relates to one of two applications tied to a single proposed project upon the project site, 5-11 Ackley Place. The project seeks to demolish an existing two-story, four-unit, semi-attached residential structure upon the lot and erect two identical, three-story, two-unit residential structures in its place. The project scope also includes the creation of four new off-street parking spaces accessed via a shared drive aisle located between the two proposed residential structures. This scope of work is divided into two separate permit applications (BOA1686754 for 5-7 Ackley Place and BOA 1686755 for 9-11 Ackley Place), each of which will require its own recommendation. This recommendation relates to the 5-7 Ackley Place portion of the project.



The proposed project sits in an established residential subdistrict in the Egleston Square area of Jamaica Plain. Its surroundings consist of a mix of two- to three-story residential structures with single-family to multi-family residential land uses. The majority of these structures feature minimal front yard setbacks (three to seven feet, on average) and 1:1 off-street parking to dwelling unit ratios. In addition, the project site sits within a block radius of the Brookside Community Health Center and William F. Flaherty Playground Park.

The project site is a double-wide lot (86' wide) with an existing two-story, four-unit, semi-attached residential structure and two off-street parking spaces. The proposed project seeks to demolish the site's existing structure and replace it with two detached, three-story, two-unit residential structures (netting four total dwelling units on the site) as well as four off-street parking spaces, located in the rear yard and accessed via a shared driveway (10' - 12' wide). While these structures are proposed to exist upon the same lot, they are sited and designed in a way that functionally divides the double-wide property into two, equally-sized parcels. The resulting layout (with two 43' wide frontages) regularizes the site's parcellation and allows the site to better align - visually and operationally - with the existing built form of the project's surrounding area.

Additionally, despite retaining the site's existing four-unit use, the proposed project nearly doubles the amount of total gross floor area upon the site, enabling the creation of four new family-sized dwelling units, each with three bedrooms and larger living spaces than existing. Because this GFA is predominantly added in the vertical plane (the proposal's total lot coverage roughly matches the existing condition), the project is also able to retain much of the site's existing open space. New landscaping and plantings are proposed by the project in this open space, providing the site with more greening and potential tree canopy than what is present today (no trees or plantings - aside from a single small tree along the site's front lot line - are currently existing upon the site).

This proposed project scope is one that aligns with the City's stated housing, resilience, and transportation goals, which recommend:

(1) infill development as a means of promoting housing diversity and increasing the availability of more flexible, family-sized housing options (Housing a Changing City, Imagine Boston 2030 - September 2018);

BOA1686754

2025-03-25

2 Planning Department



- (2) increasing permeability and the City's tree canopy to promote flood resilience and reduce the heat island effect (Heat Resilience Solutions for Boston - April 2022 + Urban Forest Plan - September 2022); and
- (3) a maximum drive aisle width of 12' for residential uses and the implementation of shared curb cuts and drive aisles, wherever possible (Roadway Design Standards - March 2025).

Planning Department Urban Design staff have recommended the project undergo Planning Department design review to increase the structures' proposed front yard setbacks (as to better match the area's predominant existing building alignment) and expand permeability upon the site (through additional landscaping and the use of permeable paving for its driveway).

### **Zoning Analysis:**

The proposed project's insufficient lot size and additional lot area per dwelling unit violations are existing nonconforming dimensions, not proposed to be worsened by the existing project. Accordingly, the impacts of these violations are minimal to the surrounding area.

The project's insufficient side yard, lot width, and lot frontage violations are incorrectly cited on the project's refusal letter. The dimensional regulations for the project's 3F-4000 subdistrict required a minimum setback of seven feet from the side lot line and ten feet from the nearest abutting structure. The project's proposed seven foot setback from the side lot line and ten foot setback from the nearest structure comply with this requirement. Meanwhile, the site's existing/proposed lot width and lot frontage both meet minimum dimensional requirements for the area (25').

The project's FAR violation is triggered by the net addition of 4,654 square feet of gross floor area to the site. This addition of GFA increases the site's FAR from 0.56 to 1.37. While this figure exceeds the maximum dimension permitted under the area's zoning (0.8), the project does not propose a net increase to the site's existing building lot coverage. Instead, much of this increase can be attributed to the GFA added through the project's proposed third story and basement level living spaces (both of which are permitted by-right for the site). Because of these factors, as well as the fact that roughly 50% of the area's parcels feature similar FAR figures (between 1.0 and 1.5), the project's FAR violation is contextual to the area.



The project's insufficient front yard violation relates to the lack of a front yard setback proposed. While the zoning for 3F-4000 subdistricts requires structures to have a fifteen foot front yard setback, the area's predominant front yard setback condition is closer to five feet (of which the site's existing structure conforms to). A proviso for Planning Department design review has been added to this recommendation to increase the proposal's front yard setback to a minimum of five feet, better aligning the project with its surroundings. This design review process should also focus on addressing the site's insufficient usable open space violation (1,384 square feet proposed, 1,631 square feet required) by increasing permeability upon the site, specifically through the addition of landscaping and permeable pavement.

As per Section 55-41.13, the project will require a conditional use permit to move forward, due to proposing two main buildings on the same lot. This condition is already existing upon the site (which features two semi-attached residential structures thereon) and is sought to be reaffirmed by the proposed project. While this use is not appropriate for every location, the project's existing double-wide site (86' lot width) makes it a prime candidate for such development. By proposing two street-facing and appropriately setback detached residential structures on the site, the project effectively divides the single site into two. The resulting layout (with two 43' wide lots) is one that better aligns the parcel - both visually and functionally - to the site's surrounding context (mostly detached residential structures on 40' to 50' wide lots). Accordingly, the proposed project is deemed appropriate to the site.

Future zoning reform for the area should remove minimum lot size requirements and recalibrate dimensional regulations (such as FAR and front yard setbacks), to better align zoning with the existing built context.

Plans reviewed are titled, "5-7 Ackley Place Townhouses," prepared by "Form + Place," on November 20, 2024.

**Recommendation:**

In reference to BOA1686754, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review to provide a five foot front yard setback and increase permeability upon the site.



Planning Department

**CITY of BOSTON**

Reviewed,

*Kathleen O'Neil*

Deputy Director of Zoning





<b>Case</b>	BOA1686755
<b>ZBA Submitted Date</b>	2025-01-28
<b>ZBA Hearing Date</b>	2025-03-25
<b>Address</b>	9 to 11 Ackley PL Jamaica Plain 02130
<b>Parcel ID</b>	1102242000
<b>Zoning District &amp; Subdistrict</b>	Jamaica Plain Neighborhood 3F-4000
<b>Zoning Article</b>	55
<b>Project Description</b>	Erect a new three-story residential building with two units and two exterior parking spaces on a merged lot (5-7 Ackley Place + 9-11 Ackley Place). Companion case for 5-7 Ackley Place (ERT1672941), which proposes the same project scope (resulting in two buildings on one lot with a total of four units and four parking spaces).
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	Lot Area Insufficient Additional Lot Area Insufficient Side Yard Insufficient Front Yard Insufficient FAR Excessive Usable Open Space Insufficient Application of Dimensional Requirements (Two of More Dwellings on Same Lot)

**Planning Context:**

This recommendation relates to one of two applications tied to a single proposed project upon the project site, 5-11 Ackley Place. The project seeks to demolish an existing two-story, four-unit, semi-attached residential structure upon the lot and erect two identical, three-story, two-unit residential structures in its place. The project scope also includes the creation of four new off-street parking spaces accessed via a shared drive aisle located between the two proposed residential structures. This scope of work is divided into two separate permit applications (BOA1686754 for 5-7 Ackley Place and BOA 1686755 for 9-11 Ackley Place), each of which will require its own recommendation. This recommendation relates to the 9-11 Ackley Place portion of the project.



The proposed project sits in an established residential subdistrict in the Egleston Square area of Jamaica Plain. Its surroundings consist of a mix of two- to three-story residential structures with single-family to multi-family residential land uses. The majority of these structures feature minimal front yard setbacks (three to seven feet, on average) and 1:1 off-street parking to dwelling unit ratios. In addition, the project site sits within a block radius of the Brookside Community Health Center and William F. Flaherty Playground Park.

The project site is a double-wide lot (86' wide) with an existing two-story, four-unit, semi-attached residential structure and two off-street parking spaces. The proposed project seeks to demolish the site's existing structure and replace it with two detached, three-story, two-unit residential structures (netting four total dwelling units on the site) as well as four off-street parking spaces, located in the rear yard and accessed via a shared driveway (10' - 12' wide). While these structures are proposed to exist upon the same lot, they are sited and designed in a way that functionally divides the double-wide property into two, equally-sized parcels. The resulting layout (with two 43' wide frontages) regularizes the site's parcellation and allows the site to better align - visually and operationally - with the existing built form of the project's surrounding area.

Additionally, despite retaining the site's existing four-unit use, the proposed project nearly doubles the amount of total gross floor area upon the site, enabling the creation of four new family-sized dwelling units, each with three bedrooms and larger living spaces than existing. Because this GFA is predominantly added in the vertical plane (the proposal's total lot coverage roughly matches the existing condition), the project is also able to retain much of the site's existing open space. New landscaping and plantings are proposed by the project in this open space, providing the site with more greening and potential tree canopy than what is present today (no trees or plantings - aside from a single small tree along the site's front lot line - are currently existing upon the site).

This proposed project scope is one that aligns with the City's stated housing, resilience, and transportation goals, which recommend:

(1) infill development as a means of promoting housing diversity and increasing the availability of more flexible, family-sized housing options (Housing a Changing City, Imagine Boston 2030 - September 2018);



(2) increasing permeability and the City's tree canopy to promote flood resilience and reduce the heat island effect (Heat Resilience Solutions for Boston - April 2022 + Urban Forest Plan - September 2022); and

(3) a maximum drive aisle width of 12' for residential uses and the implementation of shared curb cuts and drive aisles, wherever possible (Roadway Design Standards - March 2025).

Planning Department Urban Design staff have recommended the project undergo Planning Department design review to increase the structures' proposed front yard setbacks (as to better match the area's predominant existing building alignment) and expand permeability upon the site (through additional landscaping and the use of permeable paving for its driveway).

### **Zoning Analysis:**

The proposed project's insufficient lot size and additional lot area per dwelling unit violations are existing nonconforming dimensions, not proposed to be worsened by the existing project.

Accordingly, the impacts of these violations are minimal to the surrounding area.

The project's insufficient side yard violation is incorrectly cited on the project's refusal letter. The dimensional regulations for the project's 3F-4000 subdistrict required a minimum setback of seven feet from the side lot line and ten feet from the nearest abutting structure. The project's proposed ten foot setback from both the side lot line and the nearest structure comply with this requirement.

The project's FAR violation is triggered by the net addition of 4,654 square feet of gross floor area to the site. This addition of GFA increases the site's FAR from 0.56 to 1.37. While this figure exceeds the maximum dimension permitted under the area's zoning (0.8), the project does not propose a net increase to the site's existing building lot coverage. Instead, much of this increase can be attributed to the GFA added through the project's proposed third story and basement level living spaces (both of which are permitted by-right for the site). Because of these factors, as well as the fact that roughly 50% of the area's parcels feature similar FAR figures (between 1.0 and 1.5), the project's FAR violation is contextual to the area.

The project's insufficient front yard violation relates to the lack of a front yard setback. While the zoning for 3F-4000 subdistricts requires structures to have a fifteen foot front yard setback, the area's predominant front yard setback condition is closer to five feet (of which the site's existing structure conforms to). A proviso for Planning Department design review has been added to this



recommendation to increase the proposal's front yard setback to a minimum of five feet, better aligning the project with its surroundings. This design review process should also focus on addressing the site's insufficient usable open space violation (1,384 square feet proposed, 1,631 square feet required) by increasing permeability upon the site, specifically through the addition of landscaping and permeable pavement.

As per Section 55-41.13, the project will require a conditional use permit to move forward, due to proposing two main buildings on the same lot. This condition is already existing upon the site (which features two semi-attached residential structures thereon) and is sought to be reaffirmed by the proposed project. While this use is not appropriate for every location, the project's existing double-wide site (86' lot width) makes it a prime candidate for such development. By proposing two street-facing and appropriately setback detached residential structures on the site, the project effectively divides the single site into two. The resulting layout (with two 43' wide lots) is one that better aligns the parcel - both visually and functionally - to the site's surrounding context (mostly detached residential structures on 40' to 50' wide lots). Accordingly, the proposed project is deemed appropriate to the site.

Future zoning reform for the area should remove minimum lot size requirements and recalibrate dimensional regulations (such as FAR and front yard setbacks), to better align zoning with the existing built context.

Plans reviewed are titled, "9-11 Ackley Place Townhouses," prepared by "Form + Place," on November 20, 2024.

**Recommendation:**

In reference to BOA1686755, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review to provide a five foot front yard setback and increase permeability upon the site.

Reviewed,

A handwritten signature in black ink, appearing to read "Kathleen Onuf".

Deputy Director of Zoning



<b>Case</b>	BOA1674856
<b>ZBA Submitted Date</b>	2024-11-29
<b>ZBA Hearing Date</b>	2025-03-25
<b>Address</b>	33 Worcester ST Roxbury 02118
<b>Parcel ID</b>	0900609001
<b>Zoning District &amp; Subdistrict</b>	South End Neighborhood MFR
<b>Zoning Article</b>	64
<b>Project Description</b>	The applicant proposes to construct two rear-facing decks on the existing townhouse at 33 Worcester Street. These decks, to be located above the first story, are intended to enhance outdoor living space for the building's residents while maintaining the architectural integrity of the structure.
<b>Relief Type</b>	Conditional Use
<b>Violations</b>	Town House/Row House Extensions into Rear Yard

#### **Planning Context:**

The property is located in the South End neighborhood, within an MFR zoning district, specifically designated as Medium Residential. It is an attached brick row house, consistent with the architectural character of the surrounding area. The neighborhood is composed of similar historic row houses, many of which feature porches and balconies above the first story in the rear. Given this existing pattern, the proposed rear-facing decks align with the neighborhood's built environment and contribute to the evolving use of outdoor space while maintaining architectural cohesion. However, the modified building is not out of character with surrounding properties, indicating a need for zoning reform to better align dimensional requirements with existing context.

#### **Zoning Analysis:**

The plans propose the construction of two rear-facing decks on the existing row house. However, a detailed review of the proposal against the requirements of Article 64, Section 9.4 for MFR-zoned properties has revealed the following details:



Rear Yard Extension Compliance: Article 64, Section 9.4 of the Boston Zoning Code governs Townhouse/Row House Extensions into Rear Yards. Under this section, any extension that: Increases the gross floor area by 50 or more square feet, or Involves the addition of a porch or balcony (excluding a roof deck) above the first story, requires conditional use approval. Since the proposed decks extend beyond the first story, they do not conform as-of-right and require Zoning Board of Appeal (ZBA) approval.

Rear Yard Setback Compliance: The property is subject to a minimum rear yard setback of 20 feet. The existing rear yard depth before the deck addition is 52 feet. The proposed decks extend 6 feet from the building, leaving a remaining rear yard depth of 46 feet. Since the remaining yard space far exceeds the required 20-foot setback, the project does not create a nonconforming rear yard condition.

Existing Deck & Consistency with Neighborhood Character: The property already features an existing deck above the first floor, demonstrating a precedent for elevated outdoor spaces on the structure. Additionally, nearby row houses in the neighborhood also have porches/balconies above the first story, indicating a pattern of similar modifications in the area.

The proposed rear-facing decks require conditional use approval under Article 64, Section 9.4 due to their classification as a rear yard extension above the first story. However, the plans, entitled 33 WORCESTER STR and prepared by I.S. Hernandez Services Inc. on 06/14/2024, demonstrated that the design is in keeping with the existing built environment. The existing deck, the 46-foot remaining rear yard depth (well beyond the 20-foot minimum requirement), and the presence of similar features in the neighborhood indicate that this project is a reasonable and appropriate enhancement to the property. Zoning relief is warranted. The project is a case for zoning reform to establish dimensional requirements that better align with the existing built fabric.

**Recommendation:**

In reference to BOA1674856, The Planning Department recommends APPROVAL.

Reviewed,

A handwritten signature in black ink, appearing to read "Kathleen Onuf".

Deputy Director of Zoning



<b>Case</b>	BOA1652789
<b>ZBA Submitted Date</b>	2024-09-16
<b>ZBA Hearing Date</b>	2025-03-25
<b>Address</b>	65 E Cottage ST Dorchester 02125
<b>Parcel ID</b>	0703644050
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood LI
<b>Zoning Article</b>	65
<b>Project Description</b>	Erect free standing sign for wayfinding purposes.
<b>Relief Type</b>	Variance
<b>Violations</b>	Free Standing Signs Not Allowed in LI Districts

**Planning Context:**

The proposed monument style sign is located outside of a development area in which the businesses do not have direct street frontage. As a result, the sign is meant to be used for wayfinding purposes. To ensure that the primary function of the sign is wayfinding, the arrangement should be adjusted to remove the vertical advertising element, and move the plate for the MBTA station to the top, additionally noting where accessible routes exist to the station. Design review is suggested for this proposal to ensure such changes are made.

**Zoning Analysis:**

The development for which this sign is proposed does not provide visibility for all building tenants from the street. As this sign serves a wayfinding purpose, relief is suggested to allow a free-standing sign.

**Recommendation:**

In reference to BOA1652789, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review to ensure that wayfinding is the primary purpose of the proposed signage.



Planning Department

**CITY of BOSTON**

Reviewed,

*Kathleen Onuf*

Deputy Director of Zoning





<b>Case</b>	BOA1641125
<b>ZBA Submitted Date</b>	2024-08-16
<b>ZBA Hearing Date</b>	2025-03-25
<b>Address</b>	116 to 128 Lincoln ST Boston 02111
<b>Parcel ID</b>	0304332000
<b>Zoning District &amp; Subdistrict</b>	Leather District Leather District
<b>Zoning Article</b>	44
<b>Project Description</b>	Replacing a formerly existing roof deck.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	Height Excessive FAR Excessive Roof Structure Restrictions

#### **Planning Context:**

This six-story building is located within the Leather District and 1/4 mile away from South Station. This block of Lincoln Street is fully built out, with six-story buildings of similar romanesque revival architectural style. The buildings in this block are all listed in the MHC Historic Inventory, but are not landmarked.

The proposed project constructs a new roof deck accessible only to the sixth-floor unit, and utilizes an existing headhouse that served a former roof deck here. Based on satellite imagery, the former roof deck existed in the same place until the fall of 2022.

The vast majority of buildings in the Leather District occupy the entirety of their lots, meaning there is limited outdoor amenity space for residents. Roof decks are one of the only methods of introducing new outdoor amenity space in the absence of more significant redevelopment. There is a roof deck on the immediately adjacent building to the north, and several more throughout the surrounding area. Given the previous existence of a roof deck and the prevalence in the area, it is appropriate for this location.

#### **Zoning Analysis:**

The maximum building height in this subdistrict is 80 feet. The proposed roof deck does not count towards building height, and therefore is not worsening this existing nonconformity as the



existing building height is 83'. The maximum FAR in this subdistrict is 6. The proposed roof deck does not count towards calculating FAR, and therefore would not worsen any existing nonconformity. The FAR is not indicated on the submitted plans, but is estimated to be 5.5, meaning the project should not be cited for excessive FAR.

Pursuant to Section 44-6, roof structures within the Leather District require conditional approval from the ZBA, provided that the structure is not visible from the public right of way and that it is architecturally consistent with the surrounding area. Given the height of the building, the narrowness of the Lincoln Street public way, and the provided sightline diagrams, the roof structure should not be visible from the public way.

Plans are titled "Redbord English Roof Deck," dated March 20, 2024, and prepared by Studio Watt O'Keefe.

**Recommendation:**

In reference to BOA1641125, The Planning Department recommends APPROVAL.

Reviewed,

A handwritten signature in black ink, appearing to read "Kathleen Onuf".

Deputy Director of Zoning



<b>Case</b>	BOA1688572
<b>ZBA Submitted Date</b>	2025-01-30
<b>ZBA Hearing Date</b>	2025-03-25
<b>Address</b>	166 to 168 Salem ST Boston 02113
<b>Parcel ID</b>	0302180000
<b>Zoning District &amp; Subdistrict</b>	North End Neighborhood MFR/LS
<b>Zoning Article</b>	54
<b>Project Description</b>	Add a roof deck to an existing building.
<b>Relief Type</b>	Variance
<b>Violations</b>	Roof Structure Restrictions Height Excessive

### **Planning Context:**

The proposed project would add a roof deck to a currently built and occupied building. The project sits at the lower end of Copp's Hill, where the commercial heart of the North End transitions into the residential waterfront sections of the neighborhood. The proposed project is in one of the densest areas of the city, with many existing roof decks already occupied and in use on the same block. Three and four floor apartment buildings are the only built form present in the area. In addition, the headhouse is already constructed and will not disrupt the views that are already present.

### **Zoning Analysis:**

The proposed project is triggering two violations. The first is in regards to roof structure restrictions. Under Article 54, roof decks may only be accessed by a hatch or bulkhead, yet the proposed project utilizes a headhouse. However, the headhouse is already constructed and has been a part of the building for its almost 100 year history. Proposing a change to the structure is unreasonable and presents an undue hardship.

The second violation is in regards to height. The existing building is already at the area zoned max height of 55 feet. As the roof deck is over one foot higher than the existing roof, it counts towards height as per article 54. However, while the area is zoned to a limit of 55 feet, properties that existed when the code was updated in 1985 are exempt from the restriction if they were to demolish and rebuild. The highest point of the existing building is 62 feet. As the



proposed roof deck is lower than what would be allowed for new construction, this violation garners the need for relief.

**Recommendation:**

In reference to BOA1688572, The Planning Department recommends APPROVAL.

Reviewed,

A handwritten signature in black ink, appearing to read "Kathleen O'Neil".

Deputy Director of Zoning



<b>Case</b>	BOA1622100
<b>ZBA Submitted Date</b>	2024-07-02
<b>ZBA Hearing Date</b>	2025-03-25
<b>Address</b>	155R Princeton ST East Boston 02128
<b>Parcel ID</b>	0106656000
<b>Zoning District &amp; Subdistrict</b>	East Boston Neighborhood EBR-3
<b>Zoning Article</b>	53
<b>Project Description</b>	Build a new three stories containing three units on top of an existing garage.
<b>Relief Type</b>	Variance,Conditional Use
<b>Violations</b>	Roof Structure Restrictions Height Excessive (stories) Front Yard Excessive Side Yard Insufficient Rear Yard Insufficient Two or More Dwellings on Same Lot

**Planning Context:**

This application proposes building three-stories containing three-units on top of an existing garage. This would be on a new lot (155R Princeton St) which would be created through a subdivision proposed on a companion case (BOA1677882). The other part of the proposed subdivided lot (157 Princeton St) contains an existing three-story, three-unit building.

Plan: East Boston, which was adopted by the BPDA Board on March 14, 2024, states that in the subarea where this project is located ("Eagle Hill"), "Most buildings are close to the sidewalk edge, if not immediately abutting it, and are close to each other." In the immediate surrounding area, nearly all existing buildings fit this description, with front yards between 0 and 5 feet and narrow side yards with few driveways. There is one other building in the area (216 Saratoga St) with a typology similar to what is proposed in this project, with a dwelling built at the rear of another dwelling. This building (built in 1910) is an outlier among dwellings otherwise built to the edge of the lots.

Plan: East Boston states that one of the key land use and built form recommendations for neighborhood residential areas is to "allow for a mix of housing types within a limited range and



affirm the physical characteristics that define lowscale neighborhood fabric... These limits would be set by using existing built forms as a guide, ensuring that the size and scale of new development are consistent with what already exists." This proposed project does not support this plan recommendation, as the proposed project is significantly different in form from what currently exists in the area and updated zoning.

### **Zoning Analysis:**

New zoning for this area to codify the recommendations of PLAN: East Boston was adopted on April 24, 2024.

The proposed building would be a total of four stories (three new residential stories on top of the existing garage). This means it does not comply with the zoning maximum of three stories. However, because of the slight downwards slope of the lot, it does comply with the maximum height in feet (35 feet). The proposed building is also about the same height (slightly shorter) than the existing building on 157 Princeton, and it therefore fits in the context of the area in terms of height.

The proposed new building would not comply with the rear, side, and front yard requirements. The zoning requires a 30 feet rear yard for this lot, while the proposed rear yard is 0 feet. The zoning also requires a side yard of 3 feet, while the proposed side yard is 0 feet. While an accessory building like a garage is allowed to be located within a required side or rear yard, the proposed new building would violate all these updated yard requirements. The project also does not comply with the front yard maximum of 5 feet, as the front yard would be approximately 40 feet due to the accessway to the building and its location behind another building. This front yard maximum was established in the zoning to support the planning goals of allowing for a mix of housing types while affirming the existing physical characteristics of the neighborhood fabric, including residential buildings with street frontage.

Section 53-29.13 of the Code states that "A Dwelling shall not be built to the rear of another Dwelling." The Code further states that the Board of Appeal may grant zoning relief for this requirement "if it finds that open space for all occupants, and light and air for all rooms designed for human occupancy, will not be less than would be provided if the requirements of this Section 53-29.13 were met." This project would cut off all access to light from the rear for the existing building on 157 Princeton St. Therefore, the Board of Appeal should not grant this zoning relief.



Plans reviewed: "PROPOSED THREE FAMILY RENOVATION" prepared by "SLHG" and dated "7/12/24."

**Recommendation:**

In reference to BOA1622100, The Planning Department recommends DENIAL.

Reviewed,

A handwritten signature in black ink, appearing to read "Kathleen O'Neil".

Deputy Director of Zoning



<b>Case</b>	BOA1677882
<b>ZBA Submitted Date</b>	2024-12-12
<b>ZBA Hearing Date</b>	2025-03-25
<b>Address</b>	157 Princeton ST 1 East Boston 02128
<b>Parcel ID</b>	0106656000
<b>Zoning District &amp; Subdistrict</b>	East Boston Neighborhood EBR-3
<b>Zoning Article</b>	53
<b>Project Description</b>	Subdivide an existing lot into two lots: 155R Princeton St and 157 Princeton St. 157 Princeton St contains an existing three-story, three-unit dwelling.
<b>Relief Type</b>	Variance
<b>Violations</b>	Building Lot Coverage Excessive Permeable Area of Lot Insufficient Side Yard Insufficient Rear Yard Insufficient

**Planning Context:**

This application proposes subdividing an existing lot into two lots: 155R Princeton St at the southwest and 157 Princeton St at the northeast. 157 Princeton St contains an existing three-story, three-unit dwelling. A companion case (BOA1622100) proposes adding three-stories containing three-units on top of an existing garage on 155R Princeton St.

Plan: East Boston was adopted by the BPDA Board on March 14, 2024. The Plan states that one of the key land use and built form recommendations for neighborhood residential areas is to "preserve privately-owned open space and increase permeable areas. The spaces between buildings created by front, side, and rear yard setbacks contribute to neighborhood open space and provide the space needed for trees and other plants to grow. Permeable areas are needed to support groundwater recharge and limit stormwater runoff that contributes to neighborhood flooding and worsens water quality." This proposed subdivision does not support this plan





recommendation, as it does not preserve adequate space to the side and rear of the existing building on 157 Princeton for trees and other plantings or for permeable area.

**Zoning Analysis:**

New zoning for this area to codify the recommendations of PLAN: East Boston was adopted on April 24, 2024.

The proposed lot subdivision would create two new lot lines, one at the rear of the existing building and one on the west side of the existing building. This would create new rear yard and side yard violations for the existing building, as the new side yard would be 2.7 feet (while the zoning requires 3 feet) and the new rear yard would be 3.7 feet (while the zoning requires 10 feet).

Additionally, the new proposed lot dimensions for 157 Princeton St would mean the existing building would not comply with the building lot coverage or permeable area of lot requirements, as the building lot coverage would be 80% (the zoning maximum is 60%) and the permeable area of the would be no more than 20% (the zoning minimum is 30%).

Plans reviewed: "SUBDIVISION PLAN" prepared by "SLHG" and dated 11/22/22.

**Recommendation:**

In reference to BOA1677882, The Planning Department recommends DENIAL.

Reviewed,

A handwritten signature in black ink, appearing to read "Kathleen Onuf".

Deputy Director of Zoning



<b>Case</b>	BOA1668942
<b>ZBA Submitted Date</b>	2024-11-05
<b>ZBA Hearing Date</b>	2025-03-25
<b>Address</b>	206 Chelsea ST East Boston 02128
<b>Parcel ID</b>	0106381000
<b>Zoning District &amp; Subdistrict</b>	East Boston Neighborhood 3F-2000
<b>Zoning Article</b>	53
<b>Project Description</b>	Subdivide 555 square feet of land from 206 Chelsea Street and combine the subdivided portion with 204 Chelsea Street, resulting in the existing driveway being entirely on the 204 Chelsea Street lot. No work to be done, subdivide only.
<b>Relief Type</b>	Variance
<b>Violations</b>	Side Yard Insufficient

**Planning Context:**

The proposed project sits in an established residential subdistrict in the Paris Flats area of East Boston. Its surroundings consist of a mix of two- to three-story structures with two-family to multi-family residential land uses. Due to the area's narrow parcellation (20' - 25' lot widths, on average), many of these structures feature little to no side yard separation from one another. Additionally, almost none (less than five percent) have existing off-street parking located on their parcels.

The proposed project site is a 25' wide lot, currently occupied by an existing three-story, three-family residential structure. It is also one of the area's few properties with existing off-street parking, located in a side yard driveway shared with its neighboring property, 204 Chelsea Street. Presently, this driveway is divided equally between the two sites (their side lot lines bisect the drive aisle). The proposed project seeks to alter this existing condition by transferring ownership of its portion of the drive aisle to its neighboring property. This is accomplished by subdividing 555 square feet of land from the existing lot (the 5' wide portion occupied by the driveway) and merging it with 204 Chelsea Street. The result is updated lot dimensions for the



two sites, which reduce 206 Chelsea Street's lot width from 25' to 20' and protect the existing and future use of the driveway for 204 Chelsea Street.

The recommendations of PLAN: East Boston (adopted January 2024) help enable this project as well as any potential future development on the 206 Chelsea Street site, by calling for the: (1) removal of minimum lot size / width requirements; (2) implementation of more flexible form-based and site-oriented dimensional regulations; and (3) amendment of the neighborhood's zoning language regarding the extensions of existing nonconforming dimensions. The project's scope is also aligned with the PLAN's stated built form goals for the Paris Flats area, which support projects that affirm the physical characteristics (such as the parcel dimensions or side yard setbacks) of the area's existing low-scale neighborhood fabric.

### **Zoning Analysis:**

The proposed project's refusal letter incorrectly cites the property's zoning subdistrict as 3F-2000. This categorization relates to a now outdated iteration of East Boston's neighborhood zoning. Because updated zoning for East Boston (which implemented new subdistrict names and boundaries) was adopted prior to the project's filing date (adopted 4/24/24, project filed 6/4/24), the project's zoning subdistrict should instead be listed as EBR-3.

The proposed project's insufficient side yard violation relates to the requirements of this updated zoning. It is triggered by the re-parcellation of the site's existing side yard setback, from 206 Chelsea Street to 204 Chelsea Street. This reduces the project site's existing side yard setback from five feet (compliant with the zoning) to zero feet (which does not meet the area's minimum three foot setback requirement). While noncompliant with the zoning, this project scope ultimately represents a minimally invasive change to surrounding area akin to an existing nonconformity. That is because the proposal: (1) does not propose any alterations to the existing site or structure; (2) maintains the existing side setback - 10 feet - between the existing structures on the project site and its neighboring parcel; and (3) results in updated an lot width and side yard setback for the project site that is contextual to the surrounding area. Several of the site's surrounding lots have similar twenty foot widths, while almost fifty percent of the area's lots feature side yard setbacks not meeting the area's required minimum (with many holding similar zero-side-setback conditions). Accordingly, the proposed project will have little to no impact on the surrounding area, and should be permitted to move forward.



Plans reviewed are titled, "Subdivision Plan of Land, 204-206 Chelsea Street, Boston, Massachusetts," prepared by "Framingham Survey Consultants Inc.," on September 11, 2023.

**Recommendation:**

In reference to BOA1668942, The Planning Department recommends APPROVAL.

Reviewed,

A handwritten signature in black ink, appearing to read "Kathleen O'Neil".

Deputy Director of Zoning



<b>Case</b>	BOA1690482
<b>ZBA Submitted Date</b>	2025-02-07
<b>ZBA Hearing Date</b>	2025-03-25
<b>Address</b>	90 to 92 Perthshire RD Brighton 02135
<b>Parcel ID</b>	2203497000
<b>Zoning District &amp; Subdistrict</b>	Allston/Brighton Neighborhood 2F-5000
<b>Zoning Article</b>	51
<b>Project Description</b>	Erect a new two-unit building in conjunction with BOA1690484 at 94-100 Perthshire Road to erect a four-unit building on the same lot after razing the existing property for a total of six units.
<b>Relief Type</b>	Variance
<b>Violations</b>	Front Yard Insufficient Parking or Loading Insufficient Parking design and maneuverability Two or More Dwellings on Same Lot

### Planning Context:

The proposed project seeks to construct a new two-unit residential building at 90-92 Perthshire Road in Brighton, in conjunction with BOA1690484 at 94-100 Perthshire Road, which plans to construct a four-unit residential building on the same lot. The proposed two-unit residential building will be two and a half stories tall and each unit will contain three bedrooms. There will also be eight parking spaces behind these buildings that will be shared with 94-100 Perthshire Road. The existing curb cut will be removed in favor of a new 12.2 foot curb cut on the west side of the property.

This lot is a 20,050 square foot lot that is mostly vacant with a 2.5-story single-unit residential building on the east side of the site. Because this building was built in 1950, it is subject to Article 85 Demolition Delay. The current curb cut sits in the center of the lot and is 20 feet wide. While Perthshire Road is currently zoned as 2F-5000, it contains a mix of residential properties that range from single-unit, two-unit, and three-unit.

This project would further the goals outlined in Housing a Changing City, Boston 2030 (September 2018) as it would increase the housing stock by building contextually-appropriate infill housing units on a large lot that has been underutilized.



### **Zoning Analysis:**

The refusal letter states three violations: front yard insufficient, parking or loading insufficient, and two or more dwellings on one lot. Under Article 51, for an area zoned as 2F-5000, the minimum required front yard is 20 feet. This is a case for zoning reform to align with the dimensional regulations of the built environment. While the project is proposing a front yard of 9.5 feet, this aligns with the modal front yard in the area and would bring the proposed project into consistency with the surrounding area.

The minimum parking ratio for this area is 1.75. This project proposes a total of eight parking spaces for both this project and for BOA1690484 at 94-100 Perthshire Road. Both of these projects are proposing a total of six residential units. This is also a case for zoning reform to address the discrepancy between the requirement and necessity. This site is 0.3 miles from Oak Square in Brighton which provides access to multiple MBTA bus routes, including the 57, 64, and 501, offering multiple public transportation alternatives.

Section 51-56.5 (d) requires that 50% of the proposed parking spaces be at least 7 feet by 18 feet, while the remaining spaces must be at least 8.5 feet by 20 feet. This project includes eight parking spaces: one at 12 feet by 19 feet and seven at 9 feet by 19 feet. While the design meets the 7 feet by 18 feet requirement, the remaining spaces do not meet the 8.5 feet by 20 feet requirement. Relief should not be granted because the parking layout should be adjusted to comply with this requirement while also increasing permeable surface, improving the rear yard for the front two units. This is feasible as the minimum required drive aisle width is 10 feet which this proposal exceeds so it would be possible to allow for modification without compromising the functionality.

The last violation is in regards to two dwellings on one lot. Section 51-57.13 requires that a) the distance between dwellings must be at least twice the minimum side yard, b) both buildings must meet dimensional requirements for lot area, lot width, lot frontage, usable open space, and front, rear, and side yards as if they were on separate lots, and c) no dwelling shall be built behind another unless approved by the Board of Appeal. Relief should be granted for this violation for different factors. First is because the proposed buildings exceed the required spacing. The minimum side yard is 10 feet, and the proposed distance between buildings is more than 20 feet. Second, while the project does not fully meet the front yard requirement, as previously stated, the proposed front yard aligns with the modal front yard on Perthshire Road.



And finally, although Section 51-57.13 discourages putting another residential dwelling in the rear of another, the unique shape of this lot makes it different to create different layouts.

Because this lot has an average length of 203 feet but a frontage of 67.89 feet, this layout is one of the only viable options for maximizing the lot's use for the creation of housing. Therefore relief should be granted for this violation.

The plans reviewed are titled ERT1651770 Z.R. decision updated with revised site plan with BOA hearing plan set attached 3.11.25 and were prepared by Sangiolo Associates, Architects. They are dated February 16, 2025.

**Recommendation:**

In reference to BOA1690482, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review to ensure the parking layout meets the minimum required parking space sizes and to increase permeable surfaces to enhance the rear yard experience for the front two units.

Reviewed,

A handwritten signature in black ink, appearing to read "Kathleen Onuf".

Deputy Director of Zoning



<b>Case</b>	BOA1690484
<b>ZBA Submitted Date</b>	2025-02-07
<b>ZBA Hearing Date</b>	2025-03-25
<b>Address</b>	94 to 100 Perthshire RD Brighton 02135
<b>Parcel ID</b>	2203497000
<b>Zoning District &amp; Subdistrict</b>	Allston/Brighton Neighborhood 2F-5000
<b>Zoning Article</b>	51
<b>Project Description</b>	Erect a new four-unit building in conjunction with BOA1690482 at 90-92 Perthshire Road, to erect a two-unit building on the same lot after razing existing property for a total of six units.
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive Height Excessive (stories) Rear Yard Insufficient Lot Width Insufficient Parking design and maneuverability Existing Building Alignment Parking or Loading Insufficient Use: Forbidden (MFR) Two or More Dwellings On One Lot

**Planning Context:**

The proposed project seeks to construct a new four-unit residential building at 94-100 Perthshire Road in Brighton, in conjunction with BOA1690482 at 90-92 Perthshire Road, which plans to construct a two-unit residential building on the same lot. The proposed four-unit residential building will be three stories tall and each unit will contain three bedrooms. There will also be eight parking spaces in front of these buildings that will be shared with 90-92 Perthshire Road. The existing curb cut will be removed in favor of a new 12.2 foot curb cut on the west side of the property.

This lot is a 20,050 square foot lot that is mostly vacant with a 2.5-story single-unit residential building on the east side of the site. Because this building was built in 1950, it is subject to Article 85 Demolition Delay. The current curb cut sits in the center of the lot and is 20 feet wide. While Perthshire Road is currently zoned as 2F-5000, it contains a mix of residential properties that range from single-unit, two-unit, and three-unit.





This project would further the goals outlined in the Allston-Brighton Needs Assessment (January 2024) as it would increase the housing stock by building contextually-appropriate infill housing units on a large lot that has been underutilized.

### **Zoning Analysis:**

The refusal letter states nine violations: excessive FAR, excessive height in stories, insufficient rear yard, insufficient lot width, parking design and maneuverability, existing building alignment, insufficient parking, forbidden use, and two or more dwellings on one lot.

Under Article 51, the maximum FAR for an area zoned as 2F-5000 is 0.6, while this project proposes an FAR of 0.75. Although this exceeds the maximum allowed amount, relief is warranted because this project is providing a total of six residential units on a lot that is larger than most lots in this area in buildings that are a comparable size to the existing residential buildings in this area. This lot is 20,050 square feet and this would ensure an efficient and appropriate use of the available space.

The maximum allowed height is 35 feet or 2.5 stories while this project proposes 35 feet and 3 stories. While the proposed project surpasses the maximum height in stories, it is still under the maximum allowed height in feet. Relief is warranted because the site's grade change mitigates height concerns as this portion of the lot sits at a lower grade than the area fronting Perthshire Road and other nearby properties, such as 70-72 Perthshire Road, also have three stories.

The minimum required rear yard is 30 feet, the minimum required lot width is 50 feet and under Article 51, MFR is a forbidden use in an area zoned as 2F-5000. The project proposes a rear yard of 16 feet, a lot width of 68.22. The refusal letter states that this is a violation because the shared driveway which includes its walkways is 20 feet, which does not meet the 50 feet minimum requirement. However, under Article 2, lot width is defined as the shortest horizontal distance between the side lot lines. As this definition does not exclude driveways, this should not be listed as a violation.

Under Article 51, the minimum required rear yard is 30 feet while multifamily is forbidden in a 2F-5000 subdistrict. The project proposes a 16 foot rear yard and is proposing a multifamily. Relief is warranted for these two violations due to the unique size of the 20,050 square feet lot which is larger and wider than most in the area. While multifamily is a forbidden use, limiting this lot to a two-unit residential use would underutilize its square footage. Regarding the rear yard,



increasing it would compromise the shared parking and reduce the functional rear yard for the front two units. Because of this, relief is warranted for these violations.

In regards to two dwellings on one lot. Section 51-57.13 requires that a) the distance between dwellings must be at least twice the minimum side yard, b) both buildings must meet dimensional requirements for lot area, lot width, lot frontage, usable open space, and front, rear, and side yards as if they were on separate lots, and c) no dwelling shall be built behind another unless approved by the Board of Appeal. Relief should be granted for this violation for different factors. The first is because the proposed buildings exceed the required spacing. The minimum side yard is 10 feet, and the proposed distance between buildings is more than 20 feet. Second, while the project does not fully meet the rear yard requirement, as previously stated, it would be difficult to increase the rear yard while ensuring adequate space for parking and an adequate rear yard experience for the front two units. Finally, although Section 51-57.13 discourages putting another residential dwelling in the rear of another, the unique shape of this lot makes it different to create different layouts. Because this lot has an average length of 203 feet but a frontage of 67.89 feet, this layout is one of the only viable options for maximizing the lot's use for the creation of housing. Therefore relief should be granted for this violation.

The lot size and lot frontage make it difficult to conform with the existing building alignment. With a lot frontage of 68.22 feet, it would not be feasible for all six proposed units to front Perthshire Road. Additionally, with its current design, forcing all six units to front Perthshire Road would also underutilize its square footage.

Section 51-56.4 notes that off-street parking spaces shall not be located in any part of a front yard. However, due to the design of this project and BOA1690482 at 90-92 Perthshire Road, the shared parking is placed between the two buildings resulting in parking within the front yard of this proposal. Relief is warranted because relocating the parking to the rear would require a longer driveway and create more impervious surface which is not ideal. This change would also reduce the living space for the rear units, and push them closer to the front units and compromise each unit's access to light and privacy.

The minimum parking ratio for this area is 1.75. This project proposes a total of eight parking spaces for both this project and for BOA1690482 at 90-92 Perthshire Road. Both of these projects are proposing a total of six residential units. This is also a case for zoning reform to address the discrepancy between the requirement and necessity. This site is 0.3 miles from Oak



Square in Brighton which provides access to multiple MBTA bus routes, including the 57, 64, and 501, offering multiple public transportation alternatives.

The plans reviewed are titled ERT1651774 Z.R. decision letter with BOA hearing plan set attached 2.7.25 and were prepared by Sangiolo Associates, Architects. They are dated September 11, 2024.

**Recommendation:**

In reference to BOA1690484, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review focusing on the driveway and walkway to the units and shared parking to increase permeable surfaces.

Reviewed,

A handwritten signature in black ink, appearing to read "Kathleen Onuf".

Deputy Director of Zoning



<b>Case</b>	BOA1651382
<b>ZBA Submitted Date</b>	2024-09-10
<b>ZBA Hearing Date</b>	2025-03-25
<b>Address</b>	66 Burt ST Dorchester 02124
<b>Parcel ID</b>	1704553000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 1F-7000
<b>Zoning Article</b>	65
<b>Project Description</b>	Proposed enclosure of existing porches in the second and third floors, which increases livable area by 440 square feet.
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive Height Excessive (stories) Side Yard Insufficient Rear Yard Insufficient

**Planning Context:**

This lot is located on 66 Burt St in Dorchester, in an area with predominantly residential two to three-story buildings, many of them are triple-deckers. For many triple-deckers in Boston enclosing their porches has been a great way to create more livable space to accommodate for changing needs while maintaining existing housing stock.

The project is in line with planning goals in Housing a Changing City, Boston 2030 (2018), that detail the need to ensure diverse types of housing stock. In this case, maintaining an existing structure with overall improvements allows for the continued use of an existing housing structure, compared with other common approaches across Boston, such as seeking zoning relief for total redevelopment with new construction. The enclosure of the porches is creating space for a new office for each of the units on the second and third floors.

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



**Zoning Analysis:**

The project involves enclosing existing porches on the second and third floors, adding 440 square feet of livable space. This triggers zoning violations related to FAR, number of stories, and side and rear yards.

The 1F-7000 district requires a 12 foot side yard for most lots, except narrow lots, where it is reduced based on lot width. For this 35-foot-wide lot, the adjusted requirement is approximately 7.62 feet. The existing side yard is 4.82 feet, and the project does not further reduce it. Since it maintains existing conditions without worsening the nonconformity, it should be allowed.

The proposed enclosure slightly reduces the already non-conforming rear yard setback by just 1.63 feet. Additionally, the FAR increases modestly from 1.53 to 1.69, both of which exceed the allowable 0.4 FAR. Given the minimal impact, these should be considered reasonable adjustments. Both FAR and rear yard requirements in this case highlight the need for zoning reform, as they are stricter than what is typical in the built context.

This recommendation is based on the plan titled 66 Burt Street created by Volunteers of America on 4/29/24.

**Recommendation:**

In reference to BOA1651382, The Planning Department recommends APPROVAL.

Reviewed,

A handwritten signature in black ink, appearing to read "Kathleen Oruta".

Deputy Director of Zoning



<b>Case</b>	BOA1690291
<b>ZBA Submitted Date</b>	2025-02-07
<b>ZBA Hearing Date</b>	2025-03-25
<b>Address</b>	14 Merlin ST Dorchester 02124
<b>Parcel ID</b>	1700260000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 2F-5000
<b>Zoning Article</b>	65
<b>Project Description</b>	Convert an existing one-unit building into a four-unit building with minimal exterior changes.
<b>Relief Type</b>	Variance
<b>Violations</b>	Parking or Loading Insufficient Side Yard Insufficient Use: forbidden (MFR) Use: forbidden (basement unit)

#### **Planning Context:**

This project proposes converting an existing one-unit building into a four-unit building. The existing building is three stories plus a basement. The only proposed exterior changes are minor cosmetic updates and updates to add egress for the new first floor and basement units.

This project is within the study area for the Codman Square + Four Corners Squares + Streets Small Area Plan. Squares + Streets is a planning and zoning initiative focused on adding, supporting, and improving housing, public space, small businesses, and arts and culture in transit-accessible neighborhood centers and along main streets. Although the Codman Square + Four Corners Squares + Streets Small Area Plan is currently paused, this area's inclusion in the Squares + Streets initiative shows that it was identified as a transit-accessible area which would benefit from transit-oriented development and zoning reform. In particular, the location of this proposed project is 0.3 miles from Talbot Ave MBTA Commuter Rail Station and 0.8 miles from Shawmut MBTA Red Line Station. This project therefore aligns with city-wide planning goals of increasing housing in transit-rich areas.

#### **Zoning Analysis:**



This project requires a variance for this proposed use of the building for four-units, as multifamily residential is forbidden in this subdistrict. However, as discussed in the planning context, increasing housing in this area aligns with the City planning goals of transit-oriented development. There are also multifamily buildings already existing nearby and in the zoning subdistrict, such as 22, 26, and 30 Thane Street.

Relatedly, because this project would increase the number of units in the building to four, the zoning requires five parking spaces (1.25 spaces per unit). The parking is not clear because there is not a site plan provided, but there appears to be no more than 1-1.75 available spaces (because tandem spaces constitute 0.75 of a parking space per Article 65). However, a lower parking ratio is appropriate due to this project's location near transit, and the fact that in order to provide more parking, the existing structure would have to be demolished and/or more of the rear yard and usable open space converted to parking.

This project also violates the side yard requirement of 10 feet, as the existing building has a side yard of 5 feet. This is an existing non-conformity and relief is appropriate.

Article 65, Section 8.2 Use Regulations: Basement Units Applicant will need to seek relief to have a unit located in the basement. Dwelling Units in basements are forbidden. Given the overall policy goals for housing production in Boston, a basement unit is an appropriate use if designed reasonably. Because the basement is partially above grade, there are windows with access to light and air. However, it is not clear that the new window well would provide an adequate second means of egress. This project should therefore receive design review to ensure the second means of egress for the basement unit is designed to meet all building and fire code requirements.

Plans reviewed: "ALT1622752-Plans for ZBA" prepared by "Albert Cosia" and dated "6/12/2024"

**Recommendation:**

In reference to BOA1690291, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review with respect to providing a second means of egress for the basement unit.



Planning Department

**CITY of BOSTON**

Reviewed,

*Kathleen O'Neil*

Deputy Director of Zoning





<b>Case</b>	BOA1651071
<b>ZBA Submitted Date</b>	2024-09-10
<b>ZBA Hearing Date</b>	2025-03-25
<b>Address</b>	23 Richfield ST Dorchester 02121
<b>Parcel ID</b>	1502356000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 2F-6000
<b>Zoning Article</b>	65
<b>Project Description</b>	Proposed renovation to add a two-bedroom basement additional dwelling unit to an existing three-unit building.
<b>Relief Type</b>	Variance
<b>Violations</b>	Parking or Loading Insufficient Lot Area Insufficient FAR Excessive Usable Open Space Insufficient Use: Forbidden

**Planning Context:**

The subject parcel is located in a medium density, residential area that is immediately adjacent to a small industrial area. The surrounding residential buildings are similar in scale and are within walking distance to Ceylon Park and the Lilla G. Frederick Middle School.

The proposed improvement is an example of the kinds of renovations and changes the Planning Department seeks to streamline via the new Neighborhood Housing Zoning initiative, announced in November 2024, where a clear goal is the eventual citywide allowance of maintenance and upgrades to existing structures without the need for zoning relief via variances. Updating a basement to become an additional unit is also one of the proposed schemes for enabling attached or internal Accessory Dwelling Units (ADUs) in Boston through the Planning Department's newly released ADU Guidebook, also released in November and approved by the BPDA Board.

The subject property is also located in the Fairmount Indigo Corridor Planning Area. The Corridor Plan seeks to link culturally rich residential areas with mixed-use amenities in settings that are accessible and affordable. The development of an ADU within the existing floor plan of



a three-unit building directly contributes to the goals of the plan because it adds an additional residential unit to the neighborhood which contributes to affordability. It also adds an additional unit in an area close to transit and open space, increasing accessibility to services for residents.

**Zoning Analysis:**

The subject property is located in the Dorchester Neighborhood District 2F-6000 and is an existing three-family detached dwelling. Article 65 Section 8(3) states that an Additional Dwelling Unit shall be an Allowed Use and shall be exempt from all requirements of the Code provided that the creation of the dwelling does not cause an extension of the building envelope. The existing structure has a stairwell to the basement entrance that faces the street.

The proposal includes a roof and railing above the stairwell which does not constitute an extension of the existing building envelope. The proposal therefore qualifies for the exemption in Article 65 Section 8 (3).

The exemption provided by Article 65 Section 8(3) states that the Additional Dwelling Unit shall be an allowed use. It also exempts the project from the requirements for parking, lot area, floor area ratio, and usable open space.

The plans reviewed are titled Basement Renovation - Additional Dwelling Unit 23 Richfield Street Dorchester, MA 02125 and were prepared by GPH design. They are dated August 29, 2023.

**Recommendation:**

In reference to BOA1651071, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review with respect to providing a second means of egress for the proposed unit.

Reviewed,

A handwritten signature in black ink, appearing to read "Kathleen O'Connell".

Deputy Director of Zoning



<b>Case</b>	BOA1631614
<b>ZBA Submitted Date</b>	2024-07-25
<b>ZBA Hearing Date</b>	2025-03-25
<b>Address</b>	679 Cummins HW Mattapan 02126
<b>Parcel ID</b>	1802115000
<b>Zoning District &amp; Subdistrict</b>	Greater Mattapan Neighborhood R2
<b>Zoning Article</b>	60
<b>Project Description</b>	Subdivide the existing parcel into two lots and build a new three-unit structure on the new parcel.
<b>Relief Type</b>	Variance
<b>Violations</b>	Rear Yard Insufficient Side Yard Insufficient Front Yard Insufficient Parking or Loading Insufficient Exceeded Building Lot Coverage Insufficient permeable lot area Forbidden Parking location

**Planning Context:**

This proposal was previously considered and deferred at the January 28, 2025 hearing. The plans have not changed and the recommendation has remained the same.

The proponents are proposing to divide an existing lot into two lots and build a new three-unit building. The existing three-unit structure would remain 677 Cummins Highway while the new lot with the proposed construction would become 679 Cummins Highway. The present site of what is proposed to be the 679 Cummins Highway parcel is currently serving as a fully paved parking lot for 677 Cummins Highway. Subdivision of the lot would create two lots much smaller than the typical lot size in the area; in order to provide infill development, the proponent would have to consider smaller buildings than what is typically seen in the area. The existing lot is 6,768 SF and the new lots will be 3,218 SF and 3,551 SF. The proposed would be located in the extents of PLAN: Mattapan. PLAN: Mattapan was adopted in April 2023; updated zoning for residential areas followed in January 2024. PLAN: Mattapan outlines Cummins Highway as a crucial corridor in the neighborhood. Infill development in character to the context is encouraged along corridors like Cummins Highway.



**Zoning Analysis:**

The proposal would trigger seven violations for the new building at 679 Cummins Highway while creating four violations for the existing building at 677 Cummins Highway due to the creation of a new, smaller lot. The 677 Cummins Highway parcel will have an insufficient size of permeable space at 8% while the required is 25%. This however is not a new violation for the site due to an already existing lack of permeable space. 677 Cummins Highway will also have a new insufficient cumulative side yard minimum of 6' while the required is 14'. The last new violation for the 677 Cummins Highway parcel will be insufficient parking of 0 spaces while the required is 2.25 (3) spaces. These violations are caused due to the creation of the new lot, but reflect common non-conformities seen in the area. The new proposed 679 Cummins Highway property would have a violation of exceeding the allowed building lot coverage of 40% at a coverage amount of 53%. The proposed project will also have an insufficient amount of permeable area of lot at 0% while the required is 25%. There will also be an insufficient side yard at 2' while the required is 3'. The cumulative side yard setback would be insufficient at 7' while the required is 14'. The rear yard setback would be insufficient at 5.6' while the required is 20'. The parking of 2 cars would be insufficient at 2 while the required minimum is 2.25 (3) . The location of the parking is also a violation due to parking not allowed along the front yard of a parcel. These violations can not be recommended for relief. The zoning is very recent zoning created to implement PLAN: Mattapan and the violations would work against the outlined new zoning. Proponents should consider an addition of housing in an appropriate manner, either by pursuing an ADU, or by constructing a smaller building on a new lot to comply with dimensional regulations. "677 Cummins HWY Zoning Set" Dated 12-26-2024 drawn by SIC Design

**Recommendation:**

In reference to BOA1631614, The Planning Department recommends DENIAL WITHOUT PREJUDICE. Proponent should consider a project that aligns with the dimensional regulations of updated zoning, particularly for any new infill development.

Reviewed,

Deputy Director of Zoning



<b>Case</b>	BOA1591933
<b>ZBA Submitted Date</b>	2024-04-19
<b>ZBA Hearing Date</b>	2025-03-25
<b>Address</b>	36 Akron ST 12 Roxbury MA 02119
<b>Parcel ID</b>	1201332000, 1201331000
<b>Zoning District &amp; Subdistrict</b>	Roxbury Neighborhood 3F-4000
<b>Zoning Article</b>	Article 50
<b>Project Description</b>	Combine two lots, demolish an abandoned 1-unit building, and construct a 4-story, 9-unit residential building.
<b>Relief Type</b>	Conditional Use,Variance
<b>Violations</b>	Additional Lot Area Insufficient FAR Excessive Height Excessive (stories) Height Excessive (ft) Usable Open Space Insufficient Front Yard Insufficient Parking or Loading Insufficient NDOD Applicability Use: Forbidden (MFR)

**Planning Context:**

This project was previously scheduled for the October 29, 2024 Zoning Board of Appeal hearing. The project has not changed, and the zoning violations remain the same. As such, the Planning Department recommendation has not changed.

This site is within a residential neighborhood of Roxbury, just over 1/4 mile south of Nubian Square, a key mixed-use transit hub for the City. The surrounding area is composed primarily of one-, two-, and three-unit buildings, with a handful of larger apartment buildings nearby. The site is just one block away from the PLAN: Nubian Square boundary, so it was not included in any recommendations from that planning initiative. However, the Roxbury Strategic Master Plan ("RSMP," 2004) identifies transit oriented development as a key strategy for the neighborhood for both housing opportunities and economic activity. Specifically, the plan cites that "Transit-



Oriented Development offers the collateral benefit of lowering the need for parking and reducing traffic,” so a lower than 1:1 parking ratio is appropriate for this area. Additionally, the location of this site near a vibrant mixed-use hub, additional housing units are appropriate here.

The two parcels, if combined, would be larger than many in the area; the site would be 6,556 square feet. However, the parcelization within this same zoning district is relatively inconsistent, with sizes ranging from 800 square feet to over 10,000 square feet. Given the large parcel size here, a multi-unit development is appropriate.

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

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

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

### **Zoning Analysis:**

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

The proposed nine units require an additional 14,000 square feet of lot area (2,000 per additional unit over two units). The additional area available on the lot is 2,556 square feet, meaning only three units could be built as-of-right. Additionally, many of the surrounding parcels



three or more units would be in nonconformity with this requirement. This is an area for zoning reform, where additional lot area is not reflective of the existing conditions for the area.

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

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

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

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

BOA1591933

2025-03-25

3 Planning Department



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

Plans reviewed are titled "36 Akron Street Boston MA 02119," prepared by Melton Ferre LLC, and dated October 14, 2024.

**Recommendation:**

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

Reviewed,

A handwritten signature in black ink, appearing to read "Kathleen Onuf".

Deputy Director of Zoning





<b>Case</b>	BOA1648030
<b>ZBA Submitted Date</b>	2024-08-29
<b>ZBA Hearing Date</b>	2025-03-25
<b>Address</b>	2164 to 2168 Washington ST Roxbury 02119
<b>Parcel ID</b>	0802478000
<b>Zoning District &amp; Subdistrict</b>	Roxbury Neighborhood DUDLEY SQUARE EDA
<b>Zoning Article</b>	50
<b>Project Description</b>	Building renovations with no massing, setback, nor height changes. Renovating basement to become usable space
<b>Relief Type</b>	Variance
<b>Violations</b>	Excessive Floor Area Parking or Loading Insufficient

#### **Planning Context:**

The proposed project entails extensive renovations to the existing building, but there will be no massing, setback, nor height changes made to the property. The project will also convert the basement into art studio space, community rooms, as well as associated office space for the proponent. This triggers the need for zoning relief due to the increased floor area with the basement now being included in the FAR calculation. The building is built perpendicular to a slope. The first story from the front of the building would be the second story from the rear. Surrounding context points to the appropriate fit of occupied basement spaces, as many of the neighboring properties the heart Nubian Square have occupied basement commercial space, including the project's direct abutter.

#### **Zoning Analysis:**

This proposed project triggers two violations. The proposed FAR of 2.3 exceeds the zoning maximum of 2.0. However, the proposal does not include any alteration to the exterior dimensions of the existing building. The basement is currently an unfinished and unoccupied area. This project will convert that space into art studios, community rooms, and offices for the proponent. There will be no changes to the occupancy of the building: the proposal seeks to expand the floor area of an existing use. as it already operates this project is an addition to similar spaces located elsewhere in the building.



The second violation is in regards to parking. The proposal has no associated parking on the parcel while the zoning code requires 1 space per 1,000 Square feet. However, BTD parking guidelines state that this area may have a parking ratio as little as 0 spaces per unit. As this project is adding no new parking, it is helping to achieve these goals. In addition, there is a large public parking lot located adjacent to the property that helps to relieve parking congestion in the area in addition to being well served by public transit.

**Recommendation:**

In reference to BOA1648030, The Planning Department recommends APPROVAL.

Reviewed,

A handwritten signature in black ink, appearing to read "Kathleen Onuf".

Deputy Director of Zoning



<b>Case</b>	BOA1659785
<b>ZBA Submitted Date</b>	2024-10-07
<b>ZBA Hearing Date</b>	2025-03-25
<b>Address</b>	8 Brooks ST East Boston 02128
<b>Parcel ID</b>	0106342000
<b>Zoning District &amp; Subdistrict</b>	East Boston Neighborhood EBR-3
<b>Zoning Article</b>	53, 9, 32
<b>Project Description</b>	Construct a two-story vertical addition to an existing one-story commercial building, resulting in a first-floor commercial space and four residential units.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	Rear Yard Insufficient GCOD Applicability Building Lot Coverage Excessive Permeable Area of Lot Insufficient Roof Structure Restrictions Nonconforming Use Change

### Planning Context:

This site is located 450' from the Airport Blue Line Station and within half a block of the East Boston Greenway. The existing building is a one-story commercial space for Helados Juli's Frozen Dessert shop, and is attached to a neighboring three-story residential building to the west and a one-story market to the east. The adjacent property with a one-story market to the east is addressed 6 Brooks Street, and a proposal to add three stories to the existing building was approved at the Zoning Board of Appeal on November 9, 2023, prior to updated zoning to implement PLAN: East Boston was adopted.

The proposed project preserves the existing ground floor retail (and retains the existing tenant), and constructs two stories above, resulting in four additional residential units. Two roof decks are proposed for the units on the third floor.

PLAN: East Boston (2024) recognizes this area as "Neighborhood Residential," which highlights infill development as a key focus for providing new housing and the need for improving access to neighborhood-serving retail amenities. This proposed project achieves both by constructing a



vertical addition on an underutilized building and maintaining a neighborhood-serving retail store. This property was subsequently rezoned as an EBR-3 subdistrict.

### **Zoning Analysis:**

There are three dimensional requirement violations for this proposed project. The minimum required rear yard in the EBR-3 subdistrict is 1/3 of the lot depth. This property is 50' deep, and requires a minimum rear yard of 16.67'. The existing property is nonconforming, with a 13.9' rear yard, and the proposed project does not worsen this nonconformity. The maximum building lot coverage for a mid-block property in the EBR-3 subdistrict is 60%. The existing and proposed building lot coverage is 70%. Modifying the project to eliminate these nonconformities would require partial demolition of the existing building, which is otherwise being preserved. Finally, the minimum permeable area of lot required is 30%, but the existing and proposed permeable area of lot is 0%. The portion of the rear yard that is not occupied by a building is paved over; the proponent should introduce permeable pavers or landscaping to increase permeable area of lot.

These dimensional violations are improperly cited, because this proposed project constitutes a vertical extension, and is therefore subject to Section 53-30 - Nonconformity as to Dimensional Requirements. The proposed vertical extension is within the maximum Building Height allowed by zoning, and does not increase the existing dimensional nonconformities for rear yard, building lot coverage, and permeable area of lot.

The project is also cited for a roof structure violation, due to a "reconfiguration of existing roof structure via proposed two story vertical addition with private roof decks." Section 53-25 states that a roof structure must be granted conditional use by the Board of Appeal if "such construction relocates or alters the profile and/or configuration of the roof or mansard." Roof decks are an opportunity to improve the quality of the residential units, and are a prominent feature in many of the surrounding residential buildings, including two properties down and across the street.

The proposal is cited for a nonconforming use change, because the existing small restaurant use is forbidden for mid-block lots in the EBR-3 subdistrict. Section 9-2 states that the Board of Appeal may grant permission for such substitute nonconforming use.



Finally, the project is cited for GCOD applicability, due to the substantial rehabilitation of the existing structure. Consequently, the project is subject to GCOD review by the Boston Water and Sewer Commission.

Plans reviewed are titled "8 Brooks Street Boston, MA", prepared by GCD Architects, and dated September 9th, 2024.

**Recommendation:**

In reference to BOA1659785, The Planning Department recommends APPROVAL WITH PROVISIO/S: the plans shall be reviewed and approved by the Boston Water & Sewer Commission due to its location within the Groundwater Conservation Overlay District (GCOD).

Reviewed,

A handwritten signature in black ink, appearing to read "Kathleen Onuf".

Deputy Director of Zoning



<b>Case</b>	BOA1675304
<b>ZBA Submitted Date</b>	2024-12-02
<b>ZBA Hearing Date</b>	2025-03-25
<b>Address</b>	140 Chelsea ST East Boston 02128
<b>Parcel ID</b>	0106280000
<b>Zoning District &amp; Subdistrict</b>	East Boston Neighborhood 3F-2000
<b>Zoning Article</b>	53
<b>Project Description</b>	Change use for an existing residential building from three units to four units.
<b>Relief Type</b>	Variance
<b>Violations</b>	GCOD Applicability FAR Excessive Additional Lot Area Insufficient Usable Open Space Insufficient Parking or Loading Insufficient Use: Forbidden (MFS) Use: Forbidden (Basement Units) Number of Allowed Habitable Stories

### Planning Context:

This project was previously reviewed by the Planning Department for the ZBA hearing on February 4, 2025. Because no new plans have been submitted, the Planning Department's recommendation has remained the same.

The proposed project seeks to change the use of the existing 3-unit residential building at 140 Chelsea Street in East Boston to four units by converting the basement into a one-bedroom unit. No changes to the external structure will be made. However, this basement unit would be located entirely below grade, which is a significant concern due to the project's location in the Coastal Food Resiliency Overlay District (CFROD) where new residential living areas must be elevated to protect against future flooding. This portion of Chelsea Street primarily consists of 3-family row houses with some mixed-use buildings and a multi-family residential building nearby. The MBTA Airport Blue Line Station is also 0.3 miles away.

This project does not align with the goals set by PLAN: East Boston (January 2024). While PLAN: East Boston's recommendations for this area outlined goals in retaining existing structures, the PLAN also noted that for any proposed projects that fall into CFROD, living spaces must be located above the Sea Level Rise - Design Flood Elevation. This is important



as many areas in East Boston, such as the project site, are susceptible to flooding caused by both sea level rise and increased precipitation.

### **Zoning Analysis:**

Because this project was filed in March 2024 before the new zoning changes from PLAN: East Boston were adopted in April 2024, the zoning was reviewed under different zoning than what is now in effect. This project is located in the EBR-3 subdistrict under the current zoning and the violations under the previous 3F-2000 subdistrict are GCOD applicability, forbidden use, basement units are forbidden, number of allowed habitable stories is exceeded, excessive FAR, insufficient additional lot area, insufficient open space, and insufficient parking.

Because this project is located in the Groundwater Conservation Overlay District (GCOD), this project is also subject to review by the BWSC.

While the updated zoning relaxes previously present use restrictions on basement dwelling units, this is only applicable when the site does not sit in the City's Coastal Flood Resilience Overlay District (CFROD). The updated zoning also explicitly forbids the extension of living area below the Sea Level Rise - Design Flood Elevation. As the proposed unit will sit entirely below grade, it means that it will sit below the Sea Level Rise - Design Flood Elevation. Because this site sits in CFROD, and would be forbidden under both the previous and updated zoning, no relief should be granted for the forbidden basement units or number of allowed habitable stories.

While multi-family residential units are forbidden under the previous 3F-2000 subdistrict, up to 6 units are allowed in an EBR-3 subdistrict if the lot frontage is greater than 55 feet. However, this parcel only has a lot frontage of 21.46' which means that the maximum allowed number of units is three. Because this would not need the guidelines in PLAN: East Boston, no relief should be granted.

In regards to the FAR, additional lot area, and amount of open space, the updated zoning for the area removes these dimensional regulations and replaces them with updated dimensional regulations based on building form and environmental performance items such as lot coverage and minimum permeable area to better reflect the East Boston context. However, as no changes to the external structure will be made, it is clear that the FAR would increase, and the amount of usable open space would decrease with the creation of the additional unit. Because there will be no changes made to increase the amount of usable open space or amount of permeable surface, no relief should be warranted especially as this falls in CFROD.

BOA1675304

2025-03-25

2 Planning Department



In regards to parking, the minimum parking ratio is one off-street parking space per dwelling unit. While this site currently has two parking spaces in the rear, no additional spaces are being proposed. Creating additional parking spaces would require demolition of the current building which goes against the goals outlined in PLAN: East Boston to retain existing structures. PLAN: East Boston's transportation goals for this area also encouraged a better pedestrian experience with traffic calming solutions. Relief for the parking ratio is warranted as the current ratio would support the goals of PLAN: East Boston.

The plans reviewed are titled ALT1579294 Z.R. decision letter with BOA hearing plan set attached 5.7.24 11.20.24 Z.R. updated (1) and were prepared by Bloom Architect and are dated 3/1/24.

**Recommendation:**

In reference to BOA1675304, The Planning Department recommends DENIAL.

Reviewed,

A handwritten signature in black ink, appearing to read "Kathleen Onuf".

Deputy Director of Zoning



## **CHAIR STATEMENT**

**December 12, 2024**

This is a public hearing before the Boston Redevelopment Authority doing business as the Boston Planning & Development Agency, being held in conformance with Article(s) 80A-6 and 80-B7 of the Boston Zoning Code to consider the proposed Notice of Project Change in relation to the proposed project located at 246-248 Dorchester Avenue in South Boston as a Development Impact Project.

The hearing was duly advertised on November 22, 2024 in the Boston Herald.

This is a BPDA hearing on a proposed petition by the Agency. Staff members will first present their case and are subject to questioning by members of the Agency. Thereafter, anyone who wishes to testify about the proposed project will be afforded an opportunity. We are taking support and opposition at the same time.

If you are planning to testify via Zoom, please take the time now to verify that your computer microphone is active and click the hand icon on your Zoom control panel. This will signal to staff that you would like to speak. When your hand is raised, it will be blue. If you are calling in to the meeting and would like to testify, please dial \*9 to raise your hand. When I call for all testimony, staff will announce your name and allow you to talk. You must unmute your microphone, your webcam will not be active.

If you are planning to testify in person in the Boardroom, please line up behind the podium after the presentation has concluded, we will call on you.

In an effort to accommodate all who would like to speak about this proposal, each person will be given up to two minutes to comment. BPDA staff will indicate when thirty seconds remain. At that time, please conclude your remarks so that the hearing may continue, and others may be heard. Finally, the proponents are allowed a period of five to ten minutes for rebuttal if they so desire.

Dylan\_, please begin the presentation.

**MEMORANDUM****DECEMBER 12, 2024**

**TO:** **BOSTON REDEVELOPMENT AUTHORITY**  
**D/B/A BOSTON PLANNING & DEVELOPMENT AGENCY (BPDA)**  
AND KAIROS SHEN, DIRECTOR

**FROM:** CASEY A HINES, DIRECTOR OF DEVELOPMENT REVIEW  
DYLAN NORRIS, PROJECT ASSISTANT  
FORD DELVECCHIO, PLANNER I  
JOHN DALZELL, SR. ARCHITECT FOR SUSTAINABLE DEVELOPMENT  
JOHN STUART FISHBACK, SENIOR LANDSCAPE ARCHITECT II

**SUBJECT:** PUBLIC HEARING TO CONSIDER THE NOTICE OF PROJECT CHANGE IN  
RELATION TO THE DEVELOPMENT IMPACT PROJECT LOCATED AT 246-  
248 DORCHESTER AVENUE IN SOUTH BOSTON.

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**SUMMARY:** This Memorandum requests that the Boston Redevelopment Authority ("BRA") d/b/a Boston Planning & Development Agency ("BPDA") (1) authorize the Director to issue a Determination waiving further review pursuant to Section 80A-6 of the Boston Zoning Code ("Code") for the Notice of Project Change filed with the BPDA on October 9, 2024 ("NPC") for the 246-248 Dorchester Avenue Project in the South Boston neighborhood of Boston (as further described below, the "Proposed Project"); (2) authorize the Director to issue a Certification of Compliance for the Proposed Project pursuant to Section 80B-6 of the Code, upon successful completion of the Article 80 Large Project Review Process; (3) approve the Proposed Project as a Development Impact Project ("DIP") within the meaning of Section 80B-7 of the Code; and (4) authorize the Director to take and any all actions, and to execute any and all other agreements and documents deemed necessary and appropriate by the Director in connection with the foregoing, including, without limitation, a Cooperation Agreement that will include a provision requiring compliance with the Boston Residents Jobs Policy and a DIP Agreement.

**PROJECT SITE**

The Proposed Project is located on a 22,042 square feet lot currently occupied by the Enterprise Rent-A-Car business at 246-248 Dorchester Avenue in South Boston ("Project Site"). The Project Site, as it is, consists of an under-utilized lot in South Boston, with a single-story building occupied by an automobile rental business surrounded by asphalt parking lots. With frontage on Dorchester Avenue, the Project Site is bounded by West Fifth and West Sixth Streets, and the South Boston Bypass/Haul Road at its rear.

**DEVELOPMENT TEAM**

The development team includes:

<b>Proponent:</b>	Dot Ave Property LLC Jason Cincotta 508.344.5727 Jason@cincotta.co
<b>Project Architect:</b>	Utile Michael LeBlanc Tom Beresford <a href="mailto:leblanc@utiledesign.com">leblanc@utiledesign.com</a> <a href="mailto:beresford@utiledesign.com">beresford@utiledesign.com</a> 617.423.7200
<b>Legal Counsel:</b>	McDermott, Quilty, Miller & Hanley LLP Joseph P. Hanley, Esq Nicholas J Zozula, Esq 617.946.4600 <a href="mailto:jhanley@mqmhlaw.com">jhanley@mqmhlaw.com</a> <a href="mailto:nzozula@mqmhlaw.com">nzozula@mqmhlaw.com</a>
<b>Transportation Consultant and Site</b>	Howard Stein Hudson Keri Pyke 617.348.3301

kpyke@hshassoc.com

**DESCRIPTION AND PROGRAM****ORIGINAL APPROVAL (JANUARY 2018)**

Originally the project was approved by the BPDA Board on January 11, 2018, for the construction of up to one hundred fifty-nine (159) hotel rooms ("Approved Project") in a base building of five (5) main levels over ground level lobby/commercial and garage space, with two (2) additional levels setback from the main building base. The Approved Project included approximately 15,000-20,000 gross square feet of neighborhood serving and hospitality amenities, comprising of a restaurant, lounge, event space and outdoor deck, and at-grade, on-site parking for approximately sixty (60) valet-parked vehicles, all totaling approximately 87,000 square feet.

**PROPOSED NOTICE OF PROJECT CHANGE (2024):**

Dot Ave Property LLC ("Proponent") filed the NPC with the BPDA on October 9th, 2024. The Proponent proposes to revise the Approved Project to consist of ten (10) stories versus the original eight (8) stories (but of the same building height of 109 feet). The building will include ten (10) more hotel "keys" in a building of the same approximate size of 87,000 square feet but on a smaller subdivided lot of approximately 16,363 square feet (reduced from the previous lot size of 22,042 square feet) in order to maintain the approved hotel use but to slightly shift programming to an extended stay model with kitchenettes ("Proposed Project"). Based on changes in the hospitality market due to the pandemic, interest rate increases, and construction cost increases, the Proponent requests that the Proposed Project be approved in order for its construction to be feasible.

**PROJECT METRICS**

<b><u>Estimated Project Metrics</u></b>	<b>Jan 2018 Approval</b>	<b>2024 NPC</b>
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<b>Gross Square Footage</b>		
	87,000	87,000
<b>Gross Floor Area</b>		
<i>Retail</i>	13,000	5,300
<i>Hotel</i>	74,000	77,000
<i>Mechanical /Storage</i>		4,700
<b>Development Cost Estimate</b>	\$45,000,000	\$45,000,000
<b>Parking spaces</b>	60	31

### **Planning Context**

The Proposed Project is located within the Study area of PLAN: South Boston, Dorchester Avenue (2016) in the plan's "Use Zone 3: Edge Zone". The plan recommends that non-residential uses be limited to "neighborhood-serving uses", including smaller scale retail, and professional offices such as insurance or real estate agent offices. Accordingly, the plan discourages hotel, hospital, and health care uses. The NPC's proposed change from traditional to extended stay hotel brings the previously Board-approved project into closer alignment with the plan's land use goals.

The Proposed Project is consistent with public realm improvements and building scales envisioned by PLAN: South Boston, Dorchester Avenue. The plan envisioned this location as part of a transition zone between the existing lower-scale South Boston residential neighborhood to the north and east, and a growth area characterized by greater building heights to the south and west. While the NPC proposes to increase floor area ratio and lot coverage, the plan does not recommend a maximum floor area ratio, and lot coverage up to 100% is recommended for this location. The previously Board-approved building height of

109 feet is also consistent with the plan's maximum recommended height of 120 feet.

### **Zoning**

The Project Site is located in the South Boston Neighborhood and the M-1 Restricted Manufacturing Subdistrict as well as a Restricted Parking District of the Code. Hotel/Apartment Hotel Use (Use Item No. 15) remains a Forbidden Use within the relevant M-1 Zoning Subdistrict. Both Local Retail Business (Use Item No. 34) and General Retail Business (Use Item No. 35) are Allowed Uses within the relevant M-1 Zoning Subdistrict. Additionally, both Retail Catering (Use Item No. 36A – Take Out Restaurant) and Restaurant (Use Item No. 37) are Allowed Uses within the relevant M-1 Zoning Subdistrict.

The Proposed Project will again require relief from the Code in the form of Variances for Article 8, Section 7: Hotel (Use Item #15) Forbidden; Article 13, Section 4: Dwellings in Non-Residential Districts; Article 15, Section 1: Floor Area Ratio; Article 16, Section 1: Building Height Excessive; Article 16, Section 1: Building Height (# of Stories) Excessive; and Article 20, Section 1: Rear Yard Insufficient.

### **Urban Design**

-Prior to the issuance of the Certification of Compliance the Proponent will provide a comprehensive materiality mockup for BPDA approval that demonstrates materiality options besides EIFIS.

- Prior to the issuance of the Certification of Compliance the Proponent will submit a comprehensive Signage to be approved by the Staff.

### **Article 37 /Smart Utilities**

The Proponent will continue utilizing an integrative project design and delivery process. The Proposed Project will be designed and constructed to achieving LEED Gold certification / 62 points and with a Building 2035 pCEI of 2.03 kg CO<sub>2</sub>e/sf-yr. The design prioritizes an air-tight well insulated building enclosure with AU Vertical

0.128 and a 34% WWR. The building systems include all-efficient-electric heat pump space and DHW heating and energy recovery ventilation.

In support of Boston's Carbon Neutral 2050 goals, the Proposed Project will assess and, with City / IGBC Staff, determine the feasibility to include each of the following measures:

- Efficient electric heat pumps for building domestic hot water heating. Analysis should include first costs, efficiency incentives, operating costs, and avoided carbon emissions.
- Mass timber (or hybrid) for the building structure and additional low embodied carbon building materials, products, and solutions.
- Rooftop and building integrated solar PV systems.
- Purchasing 100% renewable electricity sufficient for achieving net zero carbon performance including BCCE's 'Green 100', REC's, and renewable electricity.

Assessments should be completed within 90 days of Board approval and submitted to City / IGBC Staff. Feasibility to include any of these measures should be determined with City / IGBC staff prior to commencing design development.

The Proposed Project is preparing for future climate conditions with Rainwater Management and Heat Island Reduction strategies including roofing and site materials with high solar reflective index values, shade plantings, permeable paving, green infrastructure, and a minimum of 1" of rain fall stormwater retention and infiltrate capacity.

To reduce vehicle emissions, at least 25% of the Proposed Project parking spaces will be equipped with Electric Vehicle Charging Stations.

### **Transportation / Public Realm Infrastructure Improvements**

With the understanding that Proposed Project's current site plan is a potentially interim condition dependent on potential future development of the adjacent parcel located at 220 Dorchester Avenue (also owned by the Proponent), the proponent will commit to continue to collaborate with the BPDA to design an



interim site and landscaping plan that cohesively serves the Proposed Project in the long-term condition should the potential development of 220 Dorchester Avenue cease. The site and landscaping plan will be finalized with the BPDA following Board approval, prior to the execution the Certificate of Compliance and prior to seeking PIC approval for proposed work within the adjacent Public Way. The site design shall support the functional and experiential goals of the hotel and the retail space beyond the current focus on the engineering of vehicular access.

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

- In addition to providing a protected bike Lane along the frontage of the project site the proponent will also commit to providing additional bike lane and other necessary pavement marking modifications on Dorchester Avenue from West 5th St up to the Haul Road Bridge to be determined in further consultation with the City.

- The proponent will also commit to a curb extension and reconstructed pedestrian ramp located at West 6th street and Dorchester Avenue.

- The Proponent also agrees to provide space for a bikeshare station on or near the project site and in compliance with the City's Bike Parking Guidelines, and will contribute \$49,000 to be paid to the Boston Transportation Department for the bikeshare program at Certificate of Occupancy.

- The addition of four (4) street trees within the public right of way. Street trees shall be provided with soil resources which meet or exceed minimum City requirements. Planning requests that soil volumes meet Boston Complete Streets Design Guideline recommendations to the extent feasible, which target 2 cubic feet of soil per 1 square foot of mature tree canopy. Mature tree canopy diameter should strive to match on-center tree spacing of 25'-0".

The Proponent will complete public realm improvements to include, full design services (up to \$25,000), including Public Improvement Commission ("PIC") approvals, for the sidewalk extension on West Broadway in South Boston Adjacent to the Broadway MBTA station for the length of the bus stop. The Proponent will also provide \$10,000 to the Parks and Recreation Department, and \$115,000 to planning, design and/or construction of additional public realm improvements, affordable retail space, civic/cultural/art space or 21<sup>st</sup> century industrial space.

The design analysis for the West Broadway sidewalk extension is to be carried out by Howard Stein Hudson working with Boston Transportation Department ("BTD"), Planning Department, City of Boston Public Works Department ("PWD"), PIC, and Massachusetts Bay Transportation Authority ("MBTA") shall commence upon execution of the Cooperation Agreement. The contribution payments shall be made to the BPDA upon issuance of the Certificate of Occupancy by the City of Boston Inspectional Services Department ("ISD")

### **MITIGATION AND COMMUNITY BENEFITS**

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

#### **MITIGATION**

The Proposed Project will provide community benefits for the surrounding neighborhood and the City of Boston as a whole, both during construction and on an ongoing basis upon its completion, including:

- Creation of up to 169 hotel rooms and approximately 11,350 gross square feet of neighborhood serving and hospitality amenities, including restaurant, lounge, event space and outdoor deck;

- Provide a local hotel to complement the population increase and expanded residential growth within the community;

- Assist in addressing the current shortage in the availability of high-quality hotel rooms for guests and visitors to the City of Boston at a location within ready access to the Boston Convention and Exhibition Center, the Innovation District and the downtown area of the City;
- Introduction of new neighborhood visitors who will provide support to the local community and utilize local businesses;
- Establishment of a design forward development that helps better activate the street frontage along Dorchester Avenue, and provides enhanced pedestrian amenities and increased foot traffic;
- Replacement of an underutilized lot used for rental car parking and storage, improving visual appearance of the area, and improving environmental conditions on the existing site;
- Activation of an underutilized site at the crossroads of numerous modes of public transit and ready access to the state highway system;
- The improvement of the visual appearance of the site and surrounding neighborhood by replacing an unattractive concrete-block commercial building surrounded by open-air parking and vehicle storage;
- Introduction of planting of new street trees, improved sidewalks, and other streetscape amenities to improve and enhance the pedestrian landscape and experience;
- Establishment of a premier example of sustainable construction and development;
- Temporary creation of many new jobs in the construction and building trade industries; and
- Substantial addition to real property taxes for the City of Boston

**COMMUNITY BENEFITS**

In addition to the aforementioned mitigation in the original January 2018 approval, the Proponent had made a commitment of \$65,000 to be contributed upon the issuance of a building permit for the Proposed Project to the BPDA. The BPDA will release an application for Community Benefits, and in turn applicants are required to submit to the BPDA a detailed budget and comprehensive plan describing their objectives and goals if they are to receive funding.

In connection with the community benefits described above, the Proponent will enter into a Cooperation Agreement. The community benefits contribution payments shall be made to the BPDA upon issuance of the building permit by the City of Boston Inspectional Services Department ("ISD") and will be distributed as outlined above.

In addition to the above contributions the Proponent has committed to:

- Updating local abutters and neighborhood organizations through the duration of the construction period of the Proposed Project to discuss construction progress and address concerns.
- Hosting up to five (5) events annually in their available event space for neighborhood non-profits based in the South Boston community, including the Edgerley Family South Boston Boys & Girls Club and South Boston en Accion.
- Upon completion, the Proponent will work with its selected hotel operator to promote and encourage local employment for South Boston residents and consider local businesses for services and programs.
- Supporting the mission of South Boston En Accion and continuing dialogue on a possible future collaboration

**DEVELOPMENT IMPACT PROJECT EXACTION**

The Proposed Project constitutes a Development Impact Project ("DIP") under Article 80, Section 80B-7 of the Code. Based upon the current plans for the Proposed Project, which calls for the renovation of one building containing a total of approximately 87,000 of DIP Uses in the aggregate, the Proponent is anticipated to provide a Neighborhood-Housing Trust ("NHT") payment contribution of up to

approximately Five Hundred and Ninety-Eight Thousand Two Hundred and Ninety and 00/100 Dollars (\$598,290) and a Neighborhoods Jobs Trust ("NJT") payment contribution of up to approximately One Hundred and Thirteen Thousand Nine Hundred and Sixty and 00/100 Dollars (\$113,960), or equivalent job and/or housing creation programs as approved by the BPDA and the NHT or NJT, as applicable. These estimated linkage amounts are calculated as follows:

**Housing Linkage:**

DIP Uses 87,000 square feet  
Exclusion -50,000  
37,000  
X \$16.17/square foot  
\$598,290

**Jobs Linkage:**

DIP Uses 87,000 square feet  
Exclusion -50,000  
37,000  
X 3.08/square foot  
\$113,960

The DIP gross floor area for the Proposed Project is subject to final calculation based upon the final design plans and applicable provisions of the Development Impact Project Agreement to be entered into by the Proponent and the BPDA

**ARTICLE 80 REVIEW PROCESS**

On October 9, 2024, the Proponent filed the NPC with the BPDA, the submission of which initiated the Large Project Review process for the Proposed Project and a public comment period, which concluded on November 8, 2024.

The BPDA hosted an Impact Advisory Group meeting on October 30, 2024. The Impact Advisory Group meeting was advertised in the local neighborhood newspapers, posted to the BPDA's calendar, and email notification was sent to all subscribers of the BPDA's South Boston and the South Boston Waterfront neighborhood updates.

The BPDA also hosted a public meeting on November 4, 2024. The public meeting was advertised in the local neighborhood newspapers, posted to the BPDA's calendar, and email notification was sent to all subscribers of the BPDA's South Boston neighborhood updates.

**RECOMMENDATIONS**

The Proposed Project complies with the requirements set forth in Section 80B-5 of the Code. Therefore, BPDA staff recommends that the Director be authorized to: (1) issue a Determination waiving further review pursuant to Section 80A-6 of the Code for the NPC for the Proposed Project; and execute a DIP agreement and Cooperation Agreement, and execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project

An appropriate vote follows:

**VOTED:** That the Director be, and hereby is, authorized to issue a Determination waiving further review pursuant to Section 80A-6 of the Boston Zoning Code (the "Code"), which: (i) finds that the Notice of Project Change submitted by Dot Ave Property LLC, to the Boston Redevelopment Authority ("BRA") on October 9, 2024, adequately describes the potential impacts arising from the development of the 246-248 Dorchester Avenue Project ("Proposed Project") located at 246-248 Dorchester Avenue in South Boston, and provides sufficient mitigation measures to minimize those impacts in connection with the Proposed Project; and (ii) waives further review of the Proposed Project, subject to continuing design review by the BRA; and

**FURTHER**

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

**FURTHER**

**VOTED:** That the BRA hereby finds and determines in accordance with 80B-4.3 of the Code that the Project, as described in the Article 80 Filings,

conforms to the general plan for the City as a whole, and that nothing in the Project will be injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and Burdens, and therefore approves the Proposed Project as a

Development Impact Project within the meaning of Section 80B-7 of the Code; and

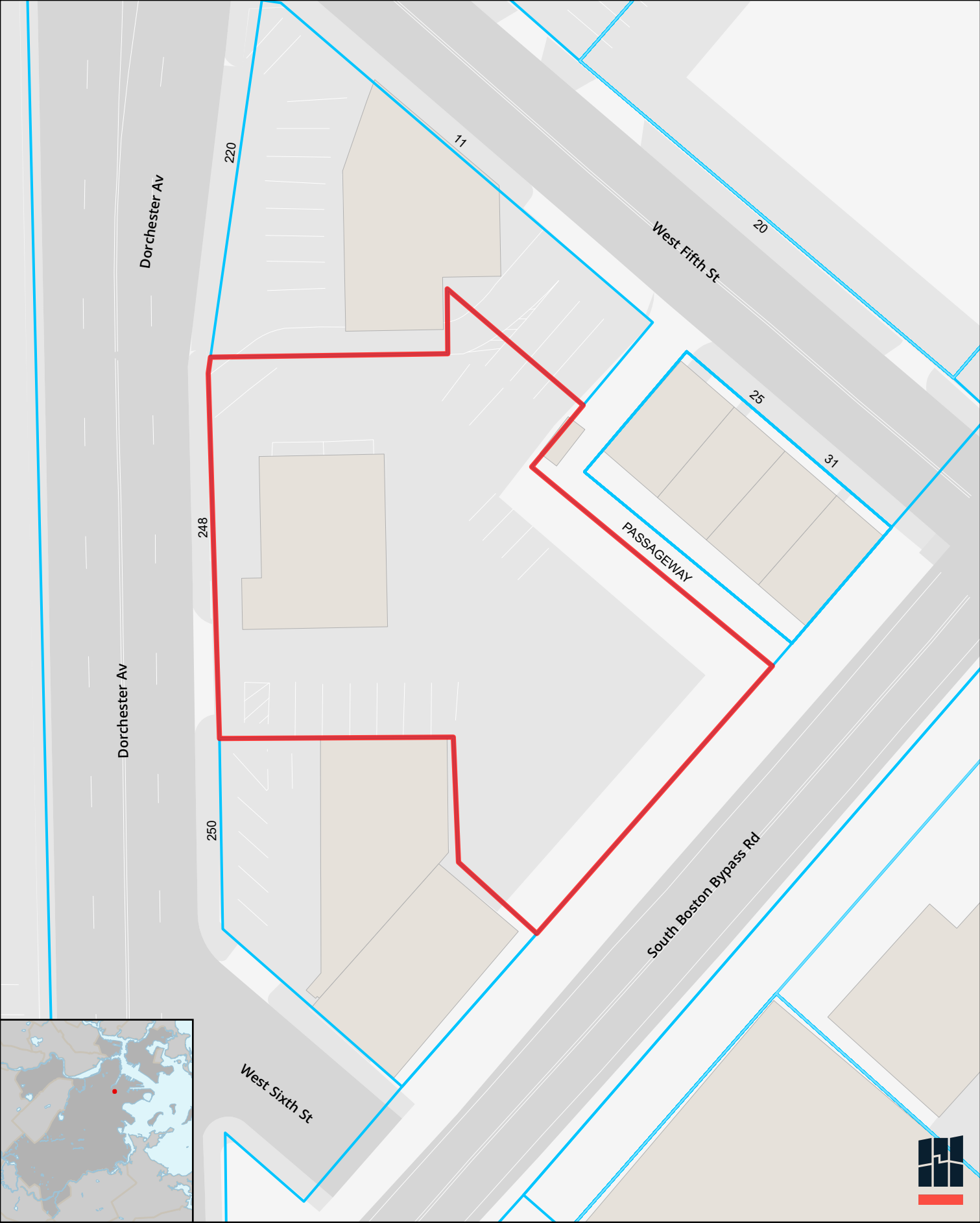
**FURTHER**

**VOTED:** That the Director be, and hereby is, authorized to take any and all actions and execute any and all documents and agreements deemed necessary and appropriate by the Director in connection with the foregoing, including, without limitation, executing and delivering a Cooperation Agreement which will include a provision requiring c Compliance with the Boston Residents Jobs Policy, and a Development Impact Project Agreement, along with any and all other documents, certificates and agreements that the Director deems appropriate and necessary in connection with the Proposed Project.





# 246-248 Dorchester Avenue





# 246-248 Dorchester Avenue





# 246-248 Dorchester Avenue, South Boston

Notice of Project Change

October 9, 2024

Submitted Pursuant to Article 80B of the Boston Zoning Code



McDERMOTT, QUILTY,  
MILLER & HANLEY LLP

[WWW.MQMHLAW.COM](http://WWW.MQMHLAW.COM)

28 STATE STREET, SUITE 802  
BOSTON, MA 02109

October 9, 2024

**VIA DEVELOPER PORTAL & ELECTRONIC MAIL**  
**([dylan.norris@boston.gov](mailto:dylan.norris@boston.gov))**

James Arthur Jemison, Director  
City of Boston Planning Department  
Boston City Hall, 9th Floor  
Boston, MA 02201  
Attn: Dylan Norris, Project Assistant, Development Review

**RE: 246-248 Dorchester Avenue, Ward 6, South Boston**  
**Notice of Project Change**

Dear Director Jemison:

Our office represents Dot Ave Property LLC (the “Proponent”), as owner and developer of the land and its approved development project at 246-248 Dorchester Avenue in South Boston (the “Site” or “Project Site”), pursuant to Article 80-B of the City of Boston Zoning Code (“Article 80 LPR” and the “Zoning Code,” respectively). Specifically, I am writing to provide you with this proposed Notice of Project Change (“NPC”), to revise the approved building to consist of ten (10) stories versus the original eight (8) stories (but of the same building height of 109 feet), to include ten (10) more hotel “keys” in a building of the same size of approximately 87,000 square feet but on a smaller subdivided lot of approximately 16,363 square feet (reduced from the previous lot size of 22,042 square feet) and to maintain the approved hotel use but to slightly shift programming to an extended stay model (collectively, the “NPC Project”).

Currently occupied by the Enterprise Rent-A-Car business, the Site as is consists of under-utilized land in South Boston, with a single-story building occupied by an automobile rental business surrounded by asphalt parking lots. With frontage on Dorchester Avenue, the Site is bounded by West Fifth and West Sixth Streets, and the South Boston Bypass/Haul Road at its rear.

**I. PRIOR APPROVALS AND PROJECT BACKGROUND**

The Proponent’s original project was approved by the Boston Planning and Development Agency (“BPDA”) on January 11, 2018, for the construction of up to one hundred fifty-nine (159) hotel rooms in a base building of five (5) main levels over ground level lobby/commercial and garage space, with two (2) additional levels setback from the main building base, and including approximately 15,000-20,000 gross square feet of neighborhood serving and hospitality amenities, comprising restaurant, lounge, event space and outdoor deck, and at-grade,

on-site parking for approximately sixty (60) valet-parked vehicles, all totaling approximately 87,000 square feet (the “Approved Project”).

By way of background, on June 30, 2017, in accordance with the BPDA's policy on mitigation as outlined in the Executive Order Relative to the Provision of Mitigation by Development Projects in Boston, the Proponent submitted a Letter of Intent (“LOI”) for the Approved Project. Subsequently, the Proponent filed its Project Notification Form for Article 80 LPR with the BPDA on October 2, 2017 (“PNF”), in accordance with Article 80B of the Zoning Code. Thereafter, it then completed the required public and City agency review process for Article 80 LPR, including public meetings with the BPDA’s Impact Advisory Group (“IAG”) and the local community, an official scoping session with City agencies, and approval by the Boston Civic Design Commission on December 5, 2017. On January 11, 2018, the BPDA approved the Approved Project and issued a Board Memorandum and Vote which authorized the issuance of Certification of Compliance under Article 80B-6 of the Zoning Code and a Scoping Determination Waiving the Requirement of Further Review pursuant to Article 80B-5.3(d) of the Zoning Code. On March 15, 2018, the BPDA issued the Scoping Determination Waiving the Requirement of Further Review (the “Scoping Determination”). A copy of the Board Memorandum and Vote and the Scoping Determination are attached hereto as **Exhibit A**.

Additionally, on April 24, 2018, the City of Boston Zoning Board of Appeal (“Board”) granted the necessary relief and approvals for the Approved Project with the Board’s Zoning Decision signed on May 8, 2018, and entered into the public record with the Inspectional Services Department (“ISD”) on May 11, 2018 (the “Zoning Decision”). The Zoning Decision was thereafter extended several times by the Proponent, with an ultimate expiration date of May 11, 2024. A copy of the Zoning Decision and Extensions are attached hereto as **Exhibit B**. The Zoning Decision granted relief from the Zoning Code for the following: Article 8, Section 7: Hotel (Use Item #15) Forbidden; Article 13, Section 4: Dwellings in Non-Residential Districts; Article 15, Section 1: Floor Area Ratio; Article 16, Section 1: Building Height Excessive; Article 16, Section 1: Building Height (# of Stories) Excessive; and Article 20, Section 1: Rear Yard Insufficient.

## **II. NOTICE OF PROJECT CHANGE**

Again, the Proponent proposes to revise the approved building to consist of ten (10) stories versus the original eight (8) stories (but of the same building height of 109 feet), to include ten (10) more hotel “keys” in a building of the same size of approximately 87,000 square feet but on a smaller subdivided lot of approximately 16,363 square feet (reduced from the previous lot size of 22,042 square feet) and to maintain the approved hotel use but to slightly shift programming to an extended stay model (again, the “NPC Project”). Based on changes in the hospitality market due to the pandemic, interest rate increases, and construction cost increases, the Proponent submits that the Approved Project must be revised in this NPC in order for its construction to be feasible.

The Proponent hopes to rebalance the cost/revenue ratios and seek a more durable hospitality model by proposing the following measures:

- reducing building footprint to create a more efficient massing and reduce foundation cost;

- replacing some event venue spaces with new keys within the previously approved zoning envelope to increase revenue capacity;
- reprogramming the hotel to include an extended-stay model in order to serve current travel patterns and be more prepared for future potential market fluctuations; and,
- redistributing land area from the Site to the adjacent parcel at 220 Dorchester Avenue (also owned by the Proponent's affiliated entity Dot Ave Two Twenty LLC) to increase the NPC Project's viability by reducing land basis while increasing the future development potential on the 220 Dorchester Avenue parcel.

### **Updated Zoning Code Requirements**

The Project Site is located in the South Boston Neighborhood and the M-1 Restricted Manufacturing Subdistrict as well as a Restricted Parking District of the Zoning Code (the "Code"). Hotel Use (Use Item No. 15) remains a Forbidden Use within the relevant M-1 Zoning Subdistrict. Both Local Retail Business (Use Item No. 34) and General Retail Business (Use Item No. 35) are Allowed Uses within the relevant M-1 Zoning Subdistrict. Additionally, both Retail Catering (Use Item No. 36A – Take Out Restaurant) and Restaurant (Use Item No. 37) are Allowed Uses within the relevant M-1 Zoning Subdistrict.

The NPC Project will again require relief from the Zoning Code in the form of Variances for Article 8, Section 7: Hotel (Use Item #15) Forbidden; Article 13, Section 4: Dwellings in Non-Residential Districts; Article 15, Section 1: Floor Area Ratio; Article 16, Section 1: Building Height Excessive; Article 16, Section 1: Building Height (# of Stories) Excessive; and Article 20, Section 1: Rear Yard Insufficient.

In this regard, please see below for the NPC Project's compliance/non-compliance with the underlying requirements of the Zoning Code and its comparison to the Approved Project, with changes highlighted in the chart itself.

<b>Dimensional Element</b>	<b>M-1 Zoning</b>	<b>Approved Project (2017)</b>	<b>Proposed Project (2024)</b>
Minimum Lot Size	None	22,042 SF	<b>16,364 SF</b>
Minimum Lot Size (Add Dwell Units)	None	-	-
Site Area	-	-	-
Gross Floor Area (GFA)	-	87,000 SF	87,000 SF
Max. Floor Area Ratio	1.00	3.94	<b>5.32</b>
Max. Building Height	35'-0" (2-1/2 Stories)	109'-0" (8 Stories)	109'-0" <b>(10 Stories)</b>
(Minimum) Lot Width	None	129'-7"	<b>82'-0"</b>
(Minimum) Lot Frontage	None	126'-0"	<b>82'-0"</b>

(Minimum) Front Yard Setback	None	10'-0"	10'-0"
(Minimum) Side Yard	None	0'-0"	0'-0"
(Minimum) Rear Yard	20'-0"	0'-0"	0'-0"
(Required) Off-Street Parking	33 (max)	60	<b>30</b>
(Minimum) Number of Loading Bays	Per Article 80	1	1
(Minimum) Usable Open Space	None	3,000 SF	3,000 SF

## Urban Design Principles

### Introduction

Since the Approved Project in early 2018, the context of the neighborhood has been changing rapidly. With the Dot Ave Plan completed and multiple developments recently approved in the immediate area, the Proponent submits that the NPC Project is now, more than ever, a critical programmatic addition to the area. Of the five million square feet (+/-) of new development recently approved along Dot Ave by the City of Boston, the NPC Project is the only new hotel use being proposed to our knowledge. The NPC Project will **serve and supplement the coming commercial, lab and residential uses** along the corridor while also taking pressure off the housing inventory by allowing guests to stay longer than traditional hotels focused exclusively on business service.

### Place Making Opportunities – Small Business, Visual Access to Ground Floor Use

In keeping with the Dot Ave Plan's stated goal of bolstering place making opportunities along Dorchester Avenue, the NPC Project proposes to provide approximately 2,900 square feet of commercial/retail space along the entire length of the highly visible Dorchester Avenue frontage. The Hotel Lobby will be located on a woonerf-like plaza located along the north side of the building to maximize active uses into the Site and provide a gracious off-street drop-off location for hotel guests. The woonerf will ultimately serve not only the proposed hotel but also a potential future phase building which will occupy the parcel to the north all the way to West 5th Street. This will provide a shared plaza-like space which will be lined with active uses. The retail storefronts are proposed to be constructed of glass curtain wall providing **high visual access to the ground floor uses**, enhancing and extending the West Broadway commercial/retail district further to the south along Dorchester Avenue.

### Recreational and Green Space Connections

The NPC Project will house indoor storage for bicycles as well as a Blue Bike Station to encourage their use as primary transportation. The NPC Project's location provides residents with quick and direct access to the **South Bay Harbor Bike Trail** which connects Dudley Square to the waterfront. The NPC Project is also proximate to the new park under the expressway overpass and the culmination of the Emerald Necklace as it arrives at the water at Carson Beach.

### **Streetscape/Open Space**

The NPC Project proposes a generous transition from street to building by providing a dedicated bike path on the northbound side of the road, a robust planting zone, and a new, wider sidewalk to reinforce the Dot Ave Plan's intent to **enhance the pedestrian realm** along the Dorchester Ave corridor. This design proposal also carefully negotiates the elevation changes between the existing street level, sidewalk level, and proposed ground floor level which needs to consider future resiliency issues. Additionally, the upper floors of the hotel will include a publicly accessible restaurant, lounge, and roof deck featuring unmatched views of the Back Bay and Downtown skylines.

### **Building Exterior Design Principles**

#### **Summary**

The NPC Project building massing has been altered from the Approved Project scheme to address the economic realities of building in Boston's construction and financing environment, as well as seeking to optimize the Project Site and the addition of the neighboring "Dough Boy" parcel to the north. Both parcels, as they exist, have an inefficient shape to them. By reallocating land from the Project Site to the "Dough Boy" parcel, the NPC Project is able to propose a more streamlined and elegant Hotel massing while creating a more robust potential future development opportunity on the adjacent property.

The Project Site sits within the West Broadway neighborhood of South Boston within the Dorchester Avenue Study area and will closely consider the goals and vision of that study. The immediate context varies widely in its architectural style and era. Many of the neighboring properties are of an industrial nature with open surface parking lots. As such, the facades of the buildings are driven by factors ranging from historic references to urban scaled responses to adjacent conditions, as well as more sustainable criteria such as maximizing the benefits of the sun.

#### **Materiality and Massing**

Historically, South Boston was made up of street after street of brick and wood framed rowhouses all built at the edges of the waterfront industrial districts. More recently, buildings of larger scale and varying materiality have been emerging from the vacant lots and industrial parcels which currently reside along the Dorchester Avenue corridor. The recently completed buildings range in materiality from brick to metal panel to "Hardie board" siding. In general, there is little consistency to point to in terms of finding a prevailing character in the neighborhood. The NPC Project proposes a contemporary vision and character which the Proponent feels is consistent with the development proposals recently approved along Dot Ave. The Proponent also believes that a clean, more contemporary expression is critical to the success of the NPC Project and its position within this emerging neighborhood. The "body" of the building proposes generous windows framed by a deeply recessed metal panel system which accentuates the play of light on the facades throughout the day while also providing critical shading to the windows. Above 70 feet, the building steps back, consistent with the Dot Ave study, and proposes a publicly accessible lounge space and roof terrace looking out over Dot Ave. The detailing of this level will reinforce the indoor/outdoor nature of this program with full height glass walls that are detailed with the slenderest mullions possible. The event pavilion of the Approved Project design has been replaced with hotel keys on the upper levels allowing the massing to be more compact and efficient.



### **Sustainable Design**

The NPC Project's proposed design will meet the Massachusetts Stretch and Specialized Energy Code. The Site's unique location provides inherent sustainability benefits. Density, proximity to public transit, storm water mitigation, a fleet of rental bicycles, bicycle storage for employees, and accommodation for fuel efficient vehicles are all part of the site design. The heating and cooling energy demands will be reduced through high performance insulation strategies, carefully selected glass specifications, reduced water use fixtures, and high efficiency heat pump HVAC systems. The NPC Project will provide internal space for trash and recycling and will divert much of the construction waste from landfills. Indoor air quality will be controlled with an energy recovery ventilator providing tempered outdoor air to all habitable spaces as well as low emitting paints and sealants. Urban heat island effect will be mitigated using light-colored roofing materials as well as rooftop terraces with extensive planted areas.

### **Parking**

The NPC Project is proposing 28 permanent off-street parking spaces with three (3) additional temporary spaces to serve as check-in/checkout spaces for the hotel until any proposed future development is constructed on the adjacent Dough Boy parcel. In addition, the NPC Project proposes 36 bicycle parking spaces, far in excess of the required bike parking for hotels. Off Street Loading is provided and a temporary vehicle turn around at the hotel drop off will help to organize vehicles coming and going from the Site without disrupting flow of traffic on Dot Ave.

### **Transportation Demand Management**

The NPC Project will take full advantage of its proximity to public transit as it is within close range of six (6) different bus lines, one (1) stop away from South Station on the MBTA Redline, and a quick ride to Logan Airport via the red to silver lines. As stated above, the NPC Project also plans to provide protected bicycle storage as well as Blue Bike rentals available to the hotel guests to encourage alternative and sustainable forms of transportation. This will reduce overall trips generated from the site and reduce pressures on the busy traffic moving along Dorchester Avenue towards downtown and the Expressway. Please refer further to the traffic section of the original PNF filing. The NPC Project will also be making improvements to Dot Ave in alignment with the Transportation Department's future goals for the corridor as shown on the enclosed site plan.

### **Public Benefits**

As mentioned throughout these narratives, the NPC Project is proposing a program which is currently in demand and will only be more so as the Dot Ave corridor starts to get built out. The hotel and its proposed public facing uses will provide amenities to the neighborhood that will enrich the experience of the existing community. Food and beverage, meeting spaces, and recreational spaces are a direct benefit to the community. The NPC Project will not only provide construction jobs in an economy which has shown some signs of softening, but will also provide many permanent jobs to the community. The NPC Project will also complete one more step in the city's goal of restructuring Dot Ave as a more pedestrian friendly thoroughfare while also organizing vehicle and bike traffic in a way which is far safer than the current conditions at the site. Road striping to support a new northbound bike lane will be added, extending from West 5<sup>th</sup> Street to the Haul Road Bridge. The NPC Project is located in a particularly advantageous place that will help bridge the bustling West Broadway retail center to the proposed development projects to the south and on to Andrew Square. The NPC Project will also abide by the public

benefits and mitigation approved as part of the Approved Project pursuant to the January 11, 2018, BPDA Board Memorandum and Vote.

**Shadows**

Because the building height remains the same as previously proposed and the building massing has become slimmer, we expect the shadow impacts to remain the same and likely reduced from the previously proposed massing.

**Updated Community Outreach**

In support of the NPC filing, the Proponent has conducted initial and preliminary outreach with local elected South Boston representatives and the West Broadway Neighborhood Association, and it looks forward to reconnecting with other neighborhood interest holders and the IAG as part of the Article 80 LPR NPC process.

Thank you for your time and attention to this matter. Please do not hesitate to contact me with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph P. Hanley". The signature is fluid and cursive, with a large, stylized "H" and "A".

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Joseph P. Hanley, Esq.

JPH/njz

cc: Lydia Polaski, Mayor's Office of Neighborhood Services  
District 2 City Councilor Flynn  
State Senator Collins  
State Representative Biele

**Exhibits**

Exhibit A – Board Memorandum and Vote and the Scoping Determination  
Exhibit B – Zoning Decision and Zoning Extensions  
Exhibit C – NPC Project Exhibits

# **Exhibit A – Board Memorandum and Vote and the Scoping Determination**

MEMORANDUM

BOARD APPROVED

JANUARY 11, 2018

**TO:** **BOSTON REDEVELOPMENT AUTHORITY**  
**D/B/A BOSTON PLANNING & DEVELOPMENT AGENCY\***  
AND BRIAN P. GOLDEN, DIRECTOR

**FROM:** JONATHAN GREELEY, DIRECTOR OF DEVELOPMENT REVIEW  
MICHAEL CHRISTOPHER, DEPUTY DIRECTOR FOR  
DEVELOPMENTREVIEW/GOVERNMENT AFFAIRS  
CASEY HINES, SENIOR PROJECT MANAGER  
MICHAEL CANNIZZO, SENIOR ARCHITECT/URBAN DESIGNER  
MARY KNASAS, SENIOR PLANNER III

**SUBJECT:** 248 DORCHESTER AVENUE, SOUTH BOSTON

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**SUMMARY:** This Memorandum requests that the Boston Redevelopment Authority (the "BRA") d/b/a Boston Planning & Development Agency ("BPDA") authorize the Director to: (1) issue a Scoping Determination waiving the requirement of further review pursuant to Article 80, Section 80B-5.3(d) of the Boston Zoning Code (the "Code") for the 248 Dorchester Avenue project located at 248 Dorchester Avenue in the South Boston neighborhood (as further described below, the "Proposed Project"); (2) issue a Certification of Compliance under Section 80B-6 of the Code upon successful completion of the Article 80 review process for the Proposed Project; and (3) execute and deliver a Cooperation Agreement, a Boston Residents Construction Employment Plan, and any and all other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

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### **PROJECT SITE**

The project site includes 0.5 acres (22,042 square feet) and includes 246-248 Dorchester Avenue (Enterprise Rent-A-Car Office) and is bounded to the north by 270 Dorchester Avenue (Doughboy Donuts & Deli) and 26-29 West Fifth Street

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\*Effective October 20, 2016, the BRA commenced doing business as BPDA.

(multi-family residences), to the east by the MA Department of Transportation Haul Road (South Boston Bypass), to the south by 250 Dorchester Avenue and West Sixth Street, and to the west by Dorchester Avenue (the "Project Site"). The Project Site is currently occupied by a one-story Enterprise Rent-A-Center office building with surface parking on both sides along Dorchester Avenue and in the rear of the site along the Haul Road, which will be demolished to allow for the new construction to commence.

## **DEVELOPMENT TEAM**

The development team consists of:

Property Owner/Developer:	<u>Evergreen Property Group, LLC</u> Jason F. Cincotta
Article 80 Permitting Consultant:	<u>Mitchell L. Fishman Consulting</u> Mitchell Fishman
Legal Counsel/Outreach:	<u>McDermott Quilty &amp; Miller LLP</u> Joseph Hanley, Esq.- Partner Nicholas Zozula, Esq.
Architect:	<u>Utile, Inc.</u> Michael LeBlanc Ben Greer
Sustainable Consultant:	<u>WSP USA</u> Jeremy Pinkham, P.E., LEED AP BD+C
Landscape Architect:	<u>GroundView LLC</u> Wilson Martin
Transportation Planner/Engineer:	<u>Howard Stein Husdon</u> Keri Pyke, P.E., PTOE
Civil Engineer/Infrastructure/Survey:	<u>Samiotes Consultants, Inc.</u> Stephen R. Garvin, PE, LEED AP Alicja Zukowski

Noise and Air Consultant: Tech Environmental, Inc.  
Marc C. Wallace

Geotechnical Engineer: McPhail Associates  
Tom Fennick

Hazardous Waste Consultant: GZA GeoEnvironmental, Inc.

## **DESCRIPTION AND PROGRAM**

The Proposed Project envisions the construction of up to one hundred fifty-nine (159) hotel rooms with approximately 15,000-20,000 gross square feet of neighborhood serving and hospitality amenities, including restaurant, lounge, event space and outdoor deck, and at-grade, on-site parking for approximately sixty (60) valet-parked vehicles, all totaling 87,000 square feet. The Proposed Project will also provide a distinct hospitality use as a design-forward development that better activates the street frontage along Dorchester Avenue with enhanced pedestrian amenities and increased foot traffic attracting local residents, guests and visitors within a short walk from the West Broadway MBTA Station.

The hotel, which will include a base of five main levels over ground level lobby/commercial and garage space, will be topped by two additional levels set-back from the main building base for hospitality related amenity space to include outdoor seating, café/restaurant, swimming pool/fitness and banquet space on the seventh and eighth floors. Typical upper floors will be approximately 13,244 square feet. Total height to the top of the highest occupied floor will be 99 feet. Automobile access will be undercover into a turnaround area and access to the garage from Dorchester Avenue. Service vehicle access will be provided from Dorchester Avenue and accommodate SU-36 trucks with maneuvering within the site. The context of the immediate area is supportive of, and well-suited to the proposed scale and scope of the Proposed Project, including several buildings of four to six stories in height, and the Macallen Building with a height of up to ten stories at Dorchester Avenue and West Fourth Street.

The Proponent plans to commence construction of the Proposed Project in 4<sup>th</sup> Quarter 2018 with an estimated completion in 3<sup>rd</sup> Quarter 2020. There are an estimated 360+/- construction jobs contributing to the Proposed Project. The total development cost is approximately \$45 million.

Based on current schematic design plans, the Proposed Project will not be subject to the requirements of Section 80B-7, Development Impact Project, owing to the fact the Proposed Project will not occupy an aggregate gross floor area of more than 100,000 square feet.

### **ARTICLE 80 REVIEW PROCESS**

On June 30, 2017, in accordance with the BPDA's policy on mitigation as outlined in the Executive Order Relative to the Provision of Mitigation by Development Projects in Boston, the Proponent submitted a Letter of Intent ("LOI") for the Proposed Project.

On August 21, 2017, letters soliciting Impact Advisory Group ("IAG") nominations for the Proposed Project were delivered to City Councilor Bill Linehan, State Senator Linda Dorcena-Forry, State Representative Nick Collins, and Congressman Stephen Lynch. Additional letters seeking nominations were delivered to the Mayor's Office of Neighborhood Services and the City Councilors At-Large.

The letters sought nominations or recommendations to the IAG by August 28, 2017. City Councilor Linehan responded with one (1) nomination, City Councilor Essaibi George responded with one (1) nomination, and Representative Collins responded with one (1) nomination. In addition, the Mayor's Office of Neighborhood Services responded with three (3) nominations and the BPDA-Planning Department contributed two (2) nominations.

Seven (7) individuals were appointed to the IAG and have participated in advising BPDA staff on the determination and consideration of impacts and appropriate mitigation regarding the Proposed Project. The following list includes the names of the IAG members:

Patricia McCormack  
Linda Zablocki  
Bill Gleason  
Jen Ledet  
Betty Flaherty  
Claudia Osorio  
Anna White

On October 2, 2017, the Proponent filed a Project Notification Form (“PNF”), which initiated a 30-day public comment period. Notice of the receipt by the BPDA of the PNF was published in the *Boston Herald* on October 2, 2017. The PNF was sent to the City’s public agencies, as well as to the IAG members, pursuant to Section 80A-2 of the Code.

Pursuant to Section 80B-5.3 of the Code, a Scoping Session was held on October 24, 2017, with the City’s public agencies where the Proposed Project was reviewed and discussed. Members of the IAG were also invited to attend the Scoping Session.

On October 30, 2017, the BPDA hosted an IAG meeting at the Mass Bay Credit Union, 147 West Fourth Street, at which time the Proponent presented the Proposed Project to the IAG.

On October 30, 2017, the BPDA hosted a publicly-advertised community meeting regarding the PNF at the Mass Bay Credit Union, 147 West Fourth Street. Advertisement for the public meeting ran in *South Boston Today* on October 19, 2017, and *South Boston Online* on October 19, 2017. The meeting notice was also posted on the BPDA website, and distributed to the BPDA South Boston mailing list. The public comment period concluded on November 10, 2017.

The Proposed Project received approval from the Boston Civic Design Commission (“BCDC”) on December 5, 2017.

## **ZONING**

The Project Site is located within a Restricted Manufacturing (M-1) zoning district under the base underlying Boston Zoning Code (the “Code”). The Proposed Project will therefore require relief from the Code in the form of Variances and/or Conditional Use Permits under the currently applicable code regulations for the Proposed Project at the Project Site. In particular, the Proposed Project is anticipated to require zoning relief as follows:

### **Boston Zoning Code – Use Requirements**

Hotel Use (Use Item No. 15) is a Forbidden Use within the relevant M-1 zoning subdistrict. Both Local Retail Business (Use Item No. 34) and General Retail Business (Use Item No. 35) are Allowed Uses within the relevant M-1 zoning subdistrict. Additionally, both Retail Catering (Use Item No. 36A – Take



Out Restaurant) and Restaurant (Use Item No. 37) are Allowed Uses within the relevant M-1 zoning sub-district.

### **Boston Zoning Code – Dimensional Requirements**

The Proposed Project will include approximately 87,000 feet of gross floor area on a site that consists of approximately 22,042 square feet of land, for a resulting projected floor area ratio (“FAR”) of approximately 3.90. Current M-1 zoning establishes a maximum FAR of 1.0. The applicable dimensional regulations for the Proposed Project also require a maximum building height of 2-½ stories and 35 feet and a Rear Yard Setback Minimum of 20 feet. Thus, it is anticipated that the Proposed Project will require Variances from the Code for excessive Building Height, excessive FAR and Insufficient Rear Yard setback.

Finally, as the Project Site is within the area of the South Boston Dorchester Avenue Planning Initiative (the “Planning Initiative”), it has also undergone extensive review by the BPDA for substantial compliance with the spirit and intent of the Planning Initiative, as detailed in the following section.

### **PLANNING CONTEXT**

Plan: South Boston Dorchester Avenue

In December 2016, the BPDA Board adopted a neighborhood plan for the Dorchester Avenue Corridor between Andrew Square and Broadway Station, which is considered a prime area for transit-oriented development. The goal of the planning process was to create new zoning that aligns the aspirations of the community with predictable, as-of-right development conditions that will enhance overall livability in the area. The plan examined and determined the compatibility of different uses including retail, housing, light industrial, as well as other commercial uses. Of particular focus was the area’s underutilized light industrial buildings and their potential transformation and contribution to the corridor’s future.

The Proposed Project is located within the area covered by PLAN: South Boston/Dorchester Avenue (the “Plan”) and is consistent with the goals and initiatives that were discussed for Dorchester Avenue and the Project Site. Efforts will continue to be made to comply with the Plan with respect to use, density, community benefits and urban design goals.

In keeping with density bonus benefits identified in Plan the Proponent will complete public realm improvements to include, full design services (up to \$25,000), including PIC approvals, for the sidewalk extension on West Broadway in South Boston adjacent to the Broadway MBTA station for the full length of the bus stop. The Proponent will also provide \$10,000 to the Parks and Recreation Department, and an additional \$115,000 allocated towards the density bonus requirements in accordance with the Plan which may include planning, design and/or construction of additional public realm improvements, affordable retail space, civic/cultural/art space or 21<sup>st</sup> century industrial space.

The design analysis for the West Broadway sidewalk extension to be carried out by Howard Stein Hudson working with BTDA, BPDA, PWD, PIC, and MBTA shall commence upon execution of the Cooperation Agreement. The remaining density bonus contribution payments shall be made to the BPDA upon issuance of the Certificate of Occupancy by the City of Boston Inspectional Services Department ("ISD").

## **MITIGATION & COMMUNITY BENEFITS**

### ***MITIGATION***

The Proposed Project will provide many community benefits for the surrounding neighborhood and the City of Boston as a whole, both during construction and on an ongoing basis upon its completion, including:

- Creation of up to 159 hotel rooms and approximately 15,000 - 20,000 gross square feet of neighborhood serving and hospitality amenities, including restaurant, lounge, event space and outdoor deck;
- Provide a local hotel to complement the population increase and expanded residential growth within the community;
- Assist in addressing the current shortage in the availability of high-quality hotel rooms for guests and visitors to the City of Boston at a location within ready access to the Boston Convention and Exhibition Center, the Innovation District and the downtown area of the City;
- Introduction of new neighborhood visitors who will provide support to the local community and utilize local businesses;

- Establishment of a design forward development that helps better activate the street frontage along Dorchester Avenue, and provides enhanced pedestrian amenities and increased foot traffic;
- Replacement of a blighted open and underutilized lot used for rental car parking and storage, improving the safety and visual appearance of the area, and improving environmental conditions on the existing site;
- Activation of an underutilized site at the crossroads of numerous modes of public transit and ready access to the state highway system;
- Improvement of the safety and visual appearance of the site and surrounding neighborhood by replacing an unattractive concrete-block commercial building surrounded by open-air parking and vehicle storage;
- Introduction of planting of new street trees, improved sidewalks, and other streetscape amenities to improve and enhance the pedestrian landscape and experience;
- Establishment of a premier example of sustainable construction and development;
- Temporary creation of many new jobs in the construction and building trade industries; and
- Substantial addition to real property taxes for the City of Boston

### ***COMMUNITY BENEFITS***

In addition to the aforementioned mitigation, the Proponent has made a commitment of \$65,000 to be contributed upon the issuance of a building permit for the Proposed Project to the BPDA. The BPDA will release an Application for Community Benefits, and in turn applicants will be required to submit to the BPDA a detailed budget and comprehensive plan describing their objectives and goals if they are to receive funding.

In connection with the community benefits described above, the Proponent will enter into a Cooperation Agreement. The community benefits contribution payments shall be made to the BPDA upon issuance of the building permit by the City of Boston Inspectional Services Department ("ISD") and will be distributed as outlined above.

In addition to the above contributions the Proponent has committed to:

- Updating local abutters and neighborhood organizations through the duration of the construction period of the Proposed Project to discuss construction progress and address concerns.
- Hosting up to five (5) events annually in their available event space for neighborhood non-profits based in the South Boston community, including the Edgerley Family South Boston Boys & Girls Club and South Boston en Accion.
- Upon completion, the Proponent will work with its selected hotel operator to promote and encourage local employment for South Boston residents and consider local businesses for services and programs.
- Supporting the mission of South Boston En Accion and continuing dialogue on a possible future collaboration.

### **RECOMMENDATION**

BPDA staff believes that the PNF adequately describes the Proposed Project's potential impacts, satisfying the criteria for the issuance of a Scoping Determination Waiving Further Review under Section 80B-5 of the Code. It is therefore recommended that the Board authorize the Director to: (1) issue a Scoping Determination waiving the requirement of further review pursuant to Article 80, Section 80B-5.3(d) of the Code for the Proposed Project; (2) issue a Certification of Compliance under Section 80B-6 for the Proposed Project upon successful completion of the Article 80 review process; and (3) execute and deliver a Cooperation Agreement, a Boston Residents Construction Employment Plan, 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 of the Boston Redevelopment Authority (the "BRA") be, and hereby is, authorized to issue a Scoping Determination under Section 80B-5.3(d) of the Boston Zoning Code (the "Code") which: (i) finds that the Project Notification Form adequately describes the potential impacts arising from the 248 Dorchester Avenue project, located at 248 Dorchester Avenue in the South Boston neighborhood

(the "Proposed Project"), and provides sufficient mitigation measures to minimize these impacts; and (ii) waives further review of the Proposed Project under Section 80B-5 of the Code, subject to continuing design review by the BRA; and

**FURTHER**

**VOTED:** That the Director be, and hereby is, authorized to issue a Certification of Compliance under Section 80B-6 of the Code for the Proposed Project upon the successful completion of all Article 80 processes; and

**FURTHER**

**VOTED:** That the Director be, and hereby is, authorized to execute a Cooperation Agreement, a Boston Residents Construction Employment Plan, and any and all other agreements and documents that 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 BRA.



April 18, 2018

Mr. Joseph P. Hanley, Esq. - Partner  
McDermott Quilty & Miller LLP  
28 State Street, Suite 802  
Boston, MA 02109

Re: Scoping Determination Waiving Further Review  
248 Dorchester Avenue  
South Boston, Massachusetts

Dear Mr. Hanley:

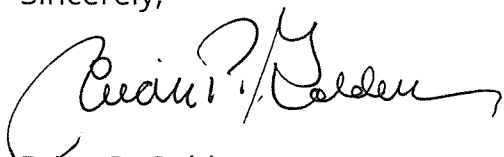
Please be advised that on January 11, 2018 the Boston Redevelopment Authority ("BRA") Board voted its authorization for the Director to issue a Scoping Determination waiving further review pursuant to Section 80B-5.3(d) of the Boston Zoning Code (the "Code") which finds that the Project Notification Form ("PNF") submitted to the BRA by Evergreen Property Group, LLC ("Proponent") on October 2, 2017 (i) adequately describes the potential impacts arising from the 248 Dorchester Avenue project, located in South Boston (the "Proposed Project"), and provides sufficient mitigation measures to minimize these impacts; and (ii) waives further review of the Proposed Project under subsections 4 and 5 of Section 80B-5 of the Code, subject to continuing design review. The Proposed Project comprises the construction of up to 159 hotel rooms with approximately 15,000-20,000 gross square feet of neighborhood serving and hospitality amenities, including restaurant, lounge, event space and outdoor deck, and at-grade, on-site parking for approximately 60 valet-parked vehicles, all totaling 87,000 gross square feet of interior space

Pursuant to the January 11, 2018 vote by the BRA, I hereby issue this Scoping Determination waiving further review under section 80B5-5.3(d) of the Code in connection with the Proposed Project which finds that (i) the PNF adequately describes the potential impacts arising from the Proposed Project and (ii) waives further review of the Proposed Project under subsections 4 and 5 of Section 80B-5 of the Code, subject to continuing design review by the BRA.

This Scoping Determination waiving further review shall not become final until nineteen (19) days after the date hereof. I hereby invite the public to comment on

the conditions the BRA requires in this Scoping Determination for the mitigation of the Proposed Project's impacts. Such comments must be submitted in writing to the BRA within fourteen (14) days hereof and must be based on significant new information not submitted during the public comment period or scoping session required by Section 80B-5.3(b) and (c) of the Code. The BRA shall consider any comments received and may modify this Scoping Determination to add, delete, or modify the conditions set forth therein, provided that any such changes shall be made no later than the date in which the Scoping Determination becomes final.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian P. Golden", with a large, stylized initial "B" and "G".

Brian P. Golden  
Director

# **Exhibit B – Zoning Decision and Zoning Extensions**



McDERMOTT  
QUILTY &  
MILLER LLP

28 STATE STREET, SUITE 802  
BOSTON, MA 02109

[WWW.MQMILLP.COM](http://WWW.MQMILLP.COM)

April 13, 2023

**VIA ELECTRONIC MAIL ONLY (javier.salas@boston.gov)**

Sherry Dong, Chairwoman  
c/o Javier Salas, Esq.  
Zoning Board of Appeal  
1010 Massachusetts Avenue, 5<sup>th</sup> Floor  
Boston, MA 02118

**RE: Request for Extension of Zoning Relief  
246-248 Dorchester Avenue, Ward 6, South Boston – BOA#803394**

Dear Chairwoman Dong:

As counsel to Evergreen Property Group LLC (the “Appellant”), I am writing to request a further one (1) year extension of the Board’s grant of zoning relief at the real property situated at 246-248 Dorchester Avenue, Ward 6, South Boston (the “Premises”) until May 11, 2024.

By way of background, the Board granted zoning approvals for the Appellant’s construction of a new eight (8) story hotel building at the Premises, with 159 rooms, approximately 15,000 to 20,000 gross square feet of hospitality amenities, restaurant, lounge, event and outdoor spaces, on-site parking for approximately 60 valet-parked vehicles and related site improvements (the “Project”). The relief granted remains current and enforceable, as authorized by the Board’s legal decision in BOA#803394 (the “Zoning Decision”) and subsequently extended until May 11, 2023 (the “Extension”). **Please find enclosed copies of said Zoning Decision and Extension.**

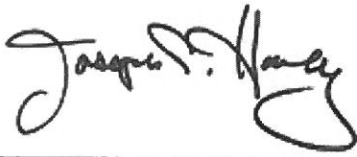
As it includes the new construction of over 50,000 square gross feet, the Project also underwent Large Project Review by the Boston Planning and Development Agency (“BPDA”), under Article 80-B of the City of Boston Zoning Code. Pursuant to the applicable proviso of the Board’s Zoning Decision, and as part of the BPDA’s Large Project Review certification process, the Project is also subject to the subsequent BPDA design review for building permit eligibility.

A further one (1) year extension is necessary and appropriate, due to recent constraints on commercial lending and the lasting impacts of the COVID-19 pandemic on new hotel projects. While Boston's hotel industry appears to be rebounding, after experiencing some of the worst occupancy declines in the country, credit markets are now far more challenging and limited for new construction. As a result, the Appellant has experienced further delays in securing necessary financial commitments to proceed with final construction plans. With optimism for improved market conditions and continued diligence, however, it remains committed to the project but requires additional time to secure construction financing. In making this request, the Appellant also submits that the basis for a further extension is consistent with the provisions of the Massachusetts House Bill No. 4598 and its adoption into state law, to address permitting challenges imposed on municipalities and state authorities resulting from COVID-19.

***Specifically, for the circumstances outlined herein above, the Appellant respectfully requests an additional one (1) year extension of the relief granted by the Board's Zoning Decision (and Extensions), with a new expiration date of May 11, 2024.***

Thank you for your consideration of this request and, if acceptable, kindly place this matter on the Board's public hearing agenda on May 9<sup>th</sup>, 2023. Please also feel free to contact me with any questions, or for more information.

Very truly yours,



**Joseph P. Hanley, Esq., Partner**

enc.

cc: Stephanie Haynes, Administrative Secretary Board of Appeal  
Evergreen Property Group LLC

Signed May 9, 2023  
Sherry Dong-Chair-Voted In Favor  
/s/Sherry Dong  
Norm Stembridge-Secretary-Voted In Favor  
/s/Norm Stembridge  
Raheem Shepard-Voted In Favor  
/s/Raheem Shepard  
Giovanny Valencia-Voted In Favor  
/s/Giovanny Valencia  
Hansy Better Barraza-Voted In Favor  
/s/Hansy Better Barraza  
Katie Whewell-Voted In Favor  
/s/Katie Whewell  
Alan Langham -Voted In Favor  
/s/Alan Langham

At it's regularly scheduled hearing date of May 9, 2023. The Board of Appeal members sitting for this appeal voted to grant a year extension until May 11, 2024.

McDERMOTT  
QUILTY &  
MILLER LLP

28 STATE STREET, SUITE 802  
BOSTON, MA 02109

[WWW.MQM LLP.COM](http://WWW.MQM LLP.COM)

March 24, 2022

**VIA ELECTRONIC MAIL ONLY (thomas.broom@boston.gov)**

Christine Araujo, Chairwoman  
c/o Thomas J. Broom, Esq.  
Zoning Board of Appeal  
1010 Massachusetts Avenue, 5<sup>th</sup> Floor  
Boston, MA 02118

**RE: Request for Third Extension of Zoning Relief**  
**246-248 Dorchester Avenue, Ward 6, South Boston – BOA#803394**

Dear Chairwoman Araujo:

As counsel to Evergreen Property Group LLC (the “Appellant”), I am writing to request a further one (1) year extension of the Board’s grant of zoning relief at the real property situated at 246-248 Dorchester Avenue, Ward 6, South Boston (the “Premises”) until May 11, 2023.

By way of background, the Board granted zoning approvals for the Appellant’s construction of a new eight (8) story hotel building at the Premises, with 159 rooms, approximately 15,000 to 20,000 gross square feet of hospitality amenities, restaurant, lounge, event and outdoor spaces, on-site parking for approximately 60 valet-parked vehicles and related site improvements (the “Project”). The relief granted remains current and enforceable, as authorized by the Board’s legal decision in BOA#803394 (the “Zoning Decision”) and subsequently extended until May 11, 2022 (the “Extensions”). **Please find enclosed copies of said Zoning Decision and Extensions.**

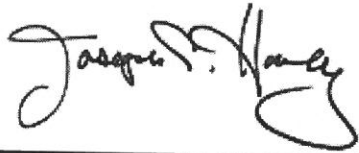
As it includes the new construction of over 50,000 square gross feet, the Project also underwent Large Project Review by the Boston Planning and Development Agency (“BPDA”), under Article 80-B of the City of Boston Zoning Code. Pursuant to the applicable proviso of the Board’s Zoning Decision, and as part of the BPDA’s Large Project Review certification process, the Project is also subject to the subsequent BPDA design review for building permit eligibility.

A further one (1) year extension is necessary and appropriate, due to the intervening and continued impacts of the COVID-19 pandemic on financing for new hotel projects. Boston's hotel industry has been particularly compromised by the impacts of COVID-19, with some of the worst occupancy declines in the country during the onset of the pandemic. As a result, lender and investor confidence has lagged, and the Appellant has been further delayed in securing the necessary financial commitments to proceed with final designed reviewed construction plans. With market conditions now improving, however, the Appellant is able to better evaluate and/or execute on the Project, and it respectfully asks for this additional time to do so. In making this request, the Appellant also submits that the basis for a further extension is consistent with the provisions of the Massachusetts House Bill No. 4598 and its adoption into state law, to address permitting challenges imposed on municipalities and state authorities resulting from COVID-19.

***Specifically, for the circumstances outlined herein above, the Appellant respectfully requests an additional one (1) year extension of the relief granted by the Board's Zoning Decision (and Extensions), with a new expiration date of May 11, 2023.***

Thank you for your consideration of this request and, if acceptable, kindly place this matter on the Board's next available public hearing agenda. Please also feel free to contact me with any questions, or for more information.

Very truly yours,



**Joseph P. Hanley, Esq., Partner**

enc.

cc: Stephanie Haynes, Administrative Secretary Board of Appeal  
Evergreen Property Group LLC

Signed April 26, 2022  
Chriistine Araujo-Chair-Voted In Favor  
/s/Christine Araujo  
Mark Fortune-Secretary-Voted In Favor  
/s/Mark Fortune  
Joseph Ruggiero-Voted In Favor  
/s/Joseph Ruggiero  
Mark Erlich-Voted In Favor  
/s/Mark Erlich  
Sherry Dong-Voted In Favor  
/s/Sherry Dong  
Eric Robinson- Voted In Favor  
/s/Eric Robinson  
Jeannie Pinado-Alternate Member-Voted In Favor  
/s/Jeannie Pinado

At it's regularly scheduled hearing date of April 26, 2022, the Board of Appeal members sitting for this appeal voted to granted an extension until May 11, 2023 which include all applicable tolling for this project. pursuant to an act to address challenges faced by municipalities and state authorities resulting from COVID-19, 2020 Mass Acts, Chapter 53, Section 17



**City of Boston  
Board of Appeal**

Inspectional Services Department  
1010 Massachusetts Avenue  
Boston, MA 02118  
617-635-4775

**Members**

Christine Araujo - *Chair*  
Bruce Bickerstaff  
Mark Fortune - *Secretary*  
Peter Chin  
Mark Erlich  
Anthony Pisani, AIA  
Craig Galvin

**NOTICE OF DECISION  
CASE NO.BOA803394  
PERMIT #ERT792668  
APPEAL SUSTAINED  
WITH PROVISOS**

**In reference to appeal of**

**Evergreen Property Group, LLC**

**concerning premises**

**246-248 Dorchester Avenue, Ward 06**

**to vary the application of the Zoning Act, Ch. 865, Acts of 1956, as amended,  
in this specific case, I beg to advise that the petition has been granted.**

**Decision has been filed in the office of the Commissioner of the Inspectional  
Services Department , 1010 Massachusetts Avenue, fifth floor, Boston, MA  
02118, and is open for public inspection. Date of entry of this decision in the  
Inspectional Services Department was 5/11/2018.**

**FOR THE BOARD OF APPEAL**

*Matthew Fitzgerald*

**Matthew Fitzgerald, Esq  
Assistant Corporation Counsel**

*AKS*



CITY OF BOSTON  
**BOARD OF APPEAL**  
OFFICE OF THE BOARD OF APPEAL

April 24, 2018

DATE

Decision of the Board of Appeal on the Appeal of  
Evergreen Property Group, LLC

to vary the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8, at premises:

246-248 Dorchester Avenue, Ward 6

For the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: Variance

Article(s): 8(8-7) 13(13-4) 15(15-1) 16(16-1: Floor area ratio & Building height excessive) 20(20-1)

Purpose: New construction 159 room hotel with amenity spaces and retail spaces with 60 valet parking spaces.  
Variances will be sought. Existing building to be razed.

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner, as set forth in papers on file numbered BOA-803394 and made a part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely:

THE BOSTON HERALD on Tuesday, April 3, 2018

The Board took a view of the petitioner's land, examined its location, layout and other characteristics.

The Boston Redevelopment Authority was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BRA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, April 24, 2018 in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for Permit# ERT792668 and January 17, 2018 plans submitted to the Board at its hearing and now on file in the Building Department.



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**Decision of the Board of Appeal on the Appeal of**

This appeal seeks permission to erect a new eight (8) story hotel with 159 rooms, approximately 15,000 to 20,000 gross square feet of hospitality amenities, restaurant, lounge, event and outdoor deck space, with on-site parking for approximately 60 valet-parked vehicles and related sidewalk, open space and site improvements, as per plans (the "Proposed Project").

The reason for this appeal is to allow the appellant property owner-developer, Evergreen Property Group, LLC ("Appellant"), to activate an under-utilized lot at a gateway location in the South Boston community and provide much-needed hospitality amenities for this section of the neighborhood and the City as a whole. The proposal will also provide a unique hotel use designed to enhance the vibrancy of the Dorchester Avenue commercial district, which will serve both local residents and visitors alike. The Proposed Project includes overall design that complements the history and future development of the neighborhood. The appeal is necessary, as the requested relief requires a series of Variances under the terms of the Boston Zoning Code ("Zoning Code") as follows: Article 8, Section 7: Hotel (Use Item #15) Forbidden; Article 13, Section 4: Dwellings in Non-Residential Districts; Article 15, Section 1: Floor Area Ratio; Article 16, Section 1: Building Height Excessive; Article 16, Section 1: Building Height (# of Stories) Excessive; and Article 20, Section 1: Rear Yard Insufficient. In this regard, the Appellant specifically seeks, and by this decision is hereby granted, relief from the Zoning Code violations identified in the Building Commissioner's written denial letter dated February 13, 2018, and appealed by the Appellant on February 20, 2018.

**I. Property Site, Existing Conditions and Context of Area**

As outlined in its presentation, testimony and materials offered at the Board's public hearing, and further detailed herein, the Appellant submits and the Board finds that the land and existing building conditions at the project site are *unique* and appropriate for the Proposed Project. Additionally, the Appellant has demonstrated that the immediate area surrounding the premises includes certain abutting and nearby existing structures and recent growth which help to support and necessitate the relief requested, while also integrating certain mitigating measures into its development program.

By way of background, the project site is located at 246-248 Dorchester Avenue in the South Boston neighborhood of Boston between the South Boston Bypass/Haul Road and A Street (the "Property Site"). Currently occupied by the Enterprise Rent-A-Car business, the





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Property Site consists of 22,042 square foot of under-utilized land in South Boston, with a single-story building occupied by the automobile rental business surrounded by asphalt parking lots. With frontage on Dorchester Avenue, the Property Site is also bounded by West Fifth and West Sixth Streets, and the South Boston Bypass/Haul Road at its rear.

The nearby neighborhood is a mix of light industrial, retail, and other commercial uses, as well as residential buildings ranging from a small number of single-family homes to numerous multi-unit condominiums and apartments. MBTA buses run on Routes 9, 11 and 47 close to the site on both Dorchester Avenue and West Broadway, and the Broadway Redline Line MBTA station is less than five (5) blocks from the site. Broadway Station provides a direct connection to South Station and downtown Boston, and points north to Cambridge and south to Quincy. The context of the immediate area is supportive of and well-suited for the scale and scope of the Proposed Project, including several buildings of four (4) to six (6) stories in height, and the Macallen Building with a height of up to ten (10) stories at Dorchester Avenue and West Fourth Street.

Situated within the South Boston Zoning District and a Restricted Manufacturing (M-1) zoning subdistrict, the Proposed Project is governed by the base underlying Boston Zoning Code. The Proposed Project will therefore require relief from the Code in the form of Variances under the currently applicable code sections applicable to the Proposed Project at the Property Site. The Property Site is also subject to review under the Restricted Parking Overlay District (RPOD) but the determination of off-street parking and loading will be reviewed by the BPDA as stipulated by Article 80. While 60 valet parking spaces are currently programmed, the final amount of off-street parking and loading will be reviewed and determined by the BPDA pursuant to the provisions of the Article 80 Large Project Review process.

The Property Site is also situated in the area of the South Boston Dorchester Avenue Planning Initiative (the "Planning Initiative"), a planning study commenced by the BPDA and the City of Boston for the purpose of ensuring that the 144 acres of the Study Area are strategically planned for a broader type of uses and scale of development best suited for the future growth of the Dorchester Avenue corridor. A product of months of intensive participation by a broad group of area residents, property owners, business owners, advocates, public agencies, and other stakeholders, the Planning Initiative details a framework for new zoning for





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the area that will allow for future growth in a manner that is consistent with the community's vision. As part of the relief requested, the Appellant has designed its development program in substantial conformity with the goals and objectives of the Planning Initiative; with careful consideration to its building height, density, setbacks, parking and overall scale. With frontage on Dorchester Avenue, the Property Site is uniquely situated in the Planning Initiative area as appropriate for a potential new hotel use to support the nearby commercial district and create a vibrant transition to the surrounding residential sections of the neighborhood.

**II. Proposed Project**

The Proposed Project consists of a new eight (8) story hotel of approximately 87,000 gross square feet, including 159 rooms, approximately 15,000 to 20,000 gross square feet of hospitality amenities, restaurant, lounge, event and outdoor deck space, with on-site valet parking and related improvements in sidewalk, open space and site configuration. The result of the Proposed Project is to provide a distinct hospitality use at a design-forward development that better activates the street frontage along Dorchester Avenue with enhanced pedestrian amenities and increased foot traffic attracting local residents, guests and visitors within a short walk from the MBTA's West Broadway Redline Station.

As an "independent" boutique hotel concept, the Proposed Project has been designed to enhance the vibrancy of the Dorchester Avenue commercial district and complement the surrounding mixed-use community. The Appellant also notes and the Proposed Project will provide substantial benefits to the City and the South Boston neighborhood, including but not limited to the following 1) creating up to 159 hotel rooms and approximately 15,000 - 20,000 gross square feet of neighborhood serving and hospitality amenities, including restaurant, lounge, event space and an outdoor deck; (2) providing a local hotel to complement the population increase and expanded residential growth within the community; (3) assisting in addressing the current shortage in the availability of high-quality hotel rooms for guests and visitors to the City of Boston at a location within ready access to the Boston Convention and Exhibition Center, the Innovation District and the downtown area of the City; (4) introducing new visitors to support and utilize local businesses; (5) providing a design-forward development that better activates street frontage along Dorchester Avenue, with enhanced pedestrian amenities and increased foot traffic; (6) replacing an underutilized lot, with improved environmental conditions; (7) activating



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## Decision of the Board of Appeal on the Appeal of

an underutilized site at the crossroads of numerous modes of public transit; and, (8) improving public safety and visual appearance of the site for the surrounding neighborhood.

### **III. Consistency of Variance Findings**

As also outlined in the Appellant's presentation, testimony and materials offered at the Board's public hearing, and further detailed herein, the Appellant specifically submits, and the Board finds, that the Property Site consists of certain *unique* characteristics and conditions which support the grant of the requested Variances herein. Due to these unique characteristics and conditions, the Appellant submits that it is constrained and deprived from its reasonable use of the land; and the strict application of the subject Zoning Code unnecessarily prohibits the much-needed upgrade and conversion of the Property Site, for the following articulated reasons:

- i. *First*, the site's angular and disproportionate lot configuration presents siting difficulties for any new building on the Property Site. The existing building is also an existing non-conforming structure per certain Zoning Code requirements; and it is not feasible for adaptive reuse;
- ii. *Second*, the Property Site is uniquely situated at a location within the Planning Initiative area which the BPDA has determined to be generally appropriate for a potential new hotel use; and the Appellant has taken great care to work within the applicable framework of the Planning Initiative to deliver a consistent building height, density, parking and overall design program; and
- iii. *Third*, the Property Site is anticipated to require and benefit from environmental remediation, as a result of the existing automobile rental business thereat.

Taken together, these unique characteristics and special circumstances at the Property Site present a substantial hardship and support the grant of the requested Variances, as the minimum relief necessary for the much-needed upgrade, remediation and reuse of the Property Site as a Hotel development which has been carefully planned and scoped as part of the City's extensive Planning Initiative. Granting the relief requested is also consistent with purpose and



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intent of the Zoning Code, the Planning Initiative and not injurious to the neighborhood or detrimental to public welfare, as the Proposed Project has been thoroughly processed with extensive community input, administrative review and resulting project modifications and mitigations measures to help lessen any impacts and supplement the existing and future conditions of the surrounding neighborhood.

In response to these unique circumstances and special conditions at the Property Site, the Proposed Project has also been carefully-designed and developed with an appropriate scope and scale for the grant of the subject dimensional Variances. In this regard, the new Dorchester Avenue study permits building heights of up to 120' at this location. With a few notable exceptions, the majority of nearby development projects built prior to the Dorchester Avenue Study top out at 70'. As such, the proposed design of the project endeavors to recall the scale of these buildings from the pedestrian perspective by stepping the upper floors back from the street edge by 30' and the side yards typically by 20'. With these setbacks, the 7th and 8th floors of the Proposed Project are much smaller and more pavilion-like on the roof of the larger building. This element of the design helps bridge the scale between existing and future developer along this section of the Dorchester Avenue corridor.

The Appellant also notes that its proposed new building structure has been appropriately setback at the ground level along Dorchester Avenue (further back than contemplated by the Planning Initiative). While maintaining recommended street wall setbacks, the second floor of the proposed building then cantilevers toward the street by four (4) feet creating an eighteen foot-high "ceiling" along the street level plaza. This design helps to create a more intimate sense of scale to the pedestrian passerby. In furtherance of the City's Complete Street guidelines, this design measure helps to enhance the public realm experience at the sidewalks along Dorchester Avenue with generous space for bikes, pedestrians and outdoor activities as well as providing a row of tree planters along Dorchester Avenue to create shade for the active uses along the sidewalk and beautify the street experience. Along the northeast side of the Property Site where the building abuts residential uses, the proposal is to provide planted buffers to soften the impacts of the proposed building on the rear yards of the residential building. The Proposed Project will also include rooftop uses, most of which will be publicly accessible.

For the reasons detailed herein and further developed by the Appellant at the public hearing before the Board, the Appellant submits and the Board finds that the subject premises is



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especially affected by the circumstances described herein, and the relief requested will not substantially derogate from the intent or purpose of the Zoning Code and the Planning Initiative. Rather, the Board's grant of approval will allow for the reasonable use of the Property Site for a purpose substantially more consistent with and beneficial to this area of the Planning Initiative.

**IV. Public Review, Project Modifications and Resulting Community Support**

As part of the Boston Planning and Development Agency's ("BPDA") Article 80 Large Project Review process, the Appellant notes that the Proposed Project is the result of extensive and positive community outreach with abutting and nearby residents, several meetings with the West Broadway Neighborhood Association ("WBNA"), several meetings with the appointed Impact Advisory Group ("IAG") and the required BPDA-sponsored public meeting for the Proposed Project. In particular, the Appellant has worked closely with neighborhood interests, local elected and appointed officials and the BPDA, including direct participation in the Planning Initiative's public review process. Consistent with the input received, which included written community support for the new Hotel Use at the Property Site, the Proposed Project has been carefully designed with a building scale and overall development program that substantially complies with the Planning Initiative.

As a result of its extensive community outreach and responsive project measures, the Appellant received a vote of support from the WBNA (representing the area most closely impacted by the Proposed Project) as well as several supportive public comments submitted to the BPDA as part of their Article 80 Large Project Review process. Finally, at the public hearing before the Board, representatives from the Mayor's Office of Neighborhood Services, District City Councilor Flynn and At-Large City Councilor Flaherty were recorded in favor of the relief requested, as was the New England Regional Council of Carpenters and UNITE HERE Local 26. No individuals or organizations were recorded in opposition at the Board hearing. Thus, the Board finds that the BPDA's Article 80 Large Project Review recommendation of approval, coupled with the Appellant's extensive community outreach and this strong showing of public support, is evidence that the requested relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of the Zoning Code, and the granting of said relief is in the public interest.

The Board of Appeal finds that all of the following conditions are met:



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- (a) That there are special circumstances or conditions, fully described in the findings, applying to the land or structure for which the variance is sought (such as, but not limited to, the exceptional narrowness, shallowness or shape of the lot, or exceptional topographical conditions thereof), which circumstances or conditions are peculiar to such land or structure but not the neighborhood, and that said circumstances or conditions are such that the application of the provisions of this Code would deprive the appellant of the reasonable use of such land or structure; and
- (b) That for reasons of practical difficulty and demonstrable and substantial hardship fully described in the findings, the granting of the variance is necessary for the reasonable use of the land or structure and that the variance as granted by the Board is the minimum variance that will accomplish this purpose; and
- (c) That the granting of the variance will be in harmony with the general purposes and intent of this Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In determining its findings, the Board of Appeal has taken into account: (1) the number of persons residing or working upon such land or in such structure; (2) the character and use of adjoining lots and those in the neighborhood; and (3) traffic conditions in the neighborhood.

The Board is of the opinion that all conditions required for the granting of the Variances under Article 7, Section 7-3 of the Zoning Code have been met, and that the varying of the terms of the Zoning Code as outlined above will not conflict with the intent and spirit of the Zoning Code.





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Therefore, acting under its discretionary power, the Board (the members and substitute member(s) sitting on this appeal) unanimously voted to grant the requested Variances as described above, annuls the refusal of the Building Commissioner and orders him to grant a permit in accordance with this decision, with the following proviso, which, if not complied with, shall render this decision null and void.

**APPROVED AS TO FORM:**

  
 Assistant Corporation Counsel

**PROVISO: 1. Subject to design review by  
 BRA.**

**Signed, May 8, 2018**

  
 Christine Araujo Chairperson

  
 Mark Fortune - Secretary

  
 Marie St. Fleur  
  
 Bruce Bickerstaff

  
 Mark Erlich

  
 Anthony Pisani, AIA

  
 Craig Galvin

## **Exhibit C – NPC Project Exhibits**

# 248 Dorchester Ave. Hotel

NPC Filing Addendum  
10/09/2024



# Table of Contents

1. Zoning Change
2. Site Plan
3. Massing
4. Floor Plans
5. Public Realm
6. Stormwater Management Plan
7. Certified Plot Plan
8. Article 37 Sustainability Narrative
9. Article 37 Energy Performance Report

# Zoning change

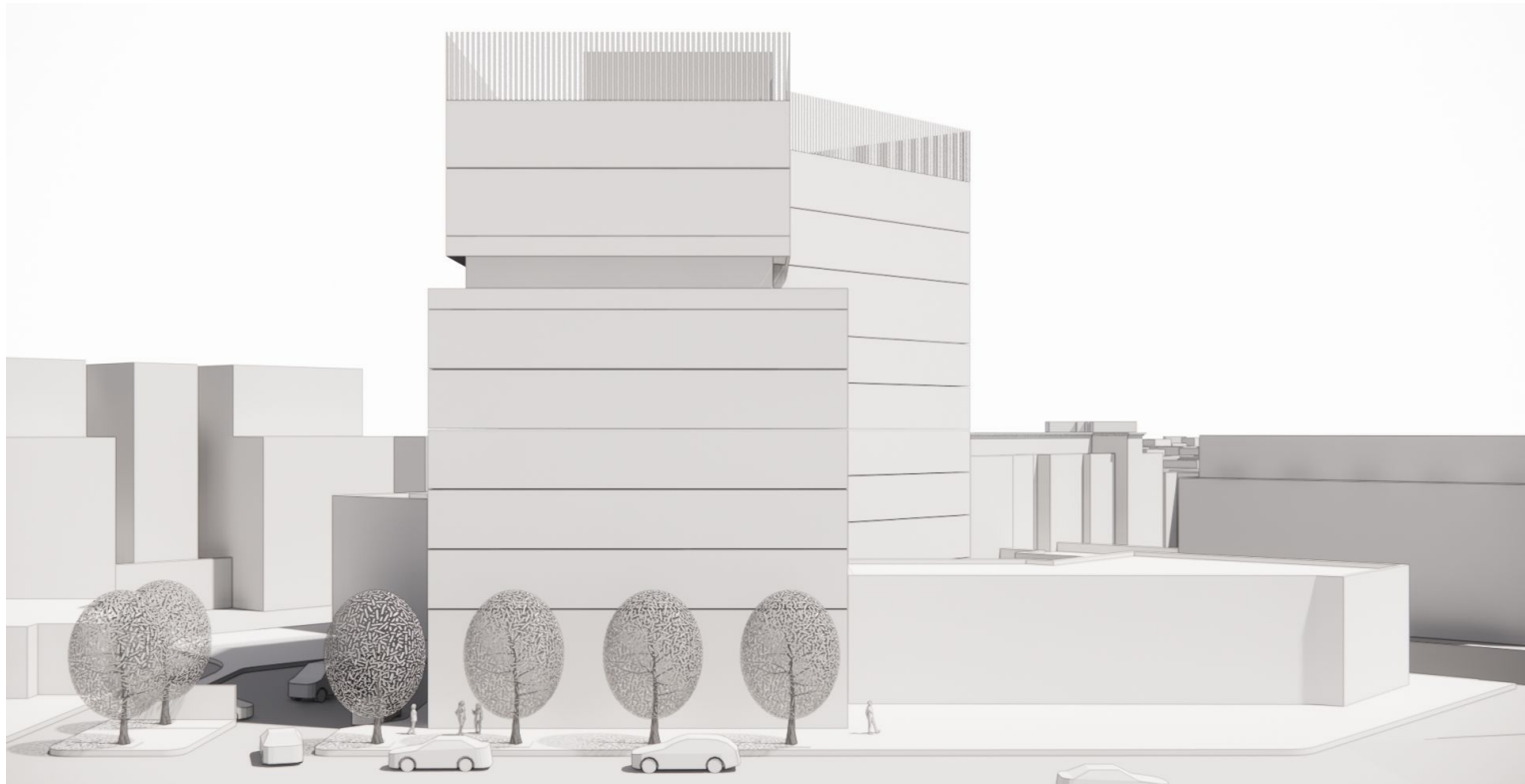




# Scheme comparison Recap



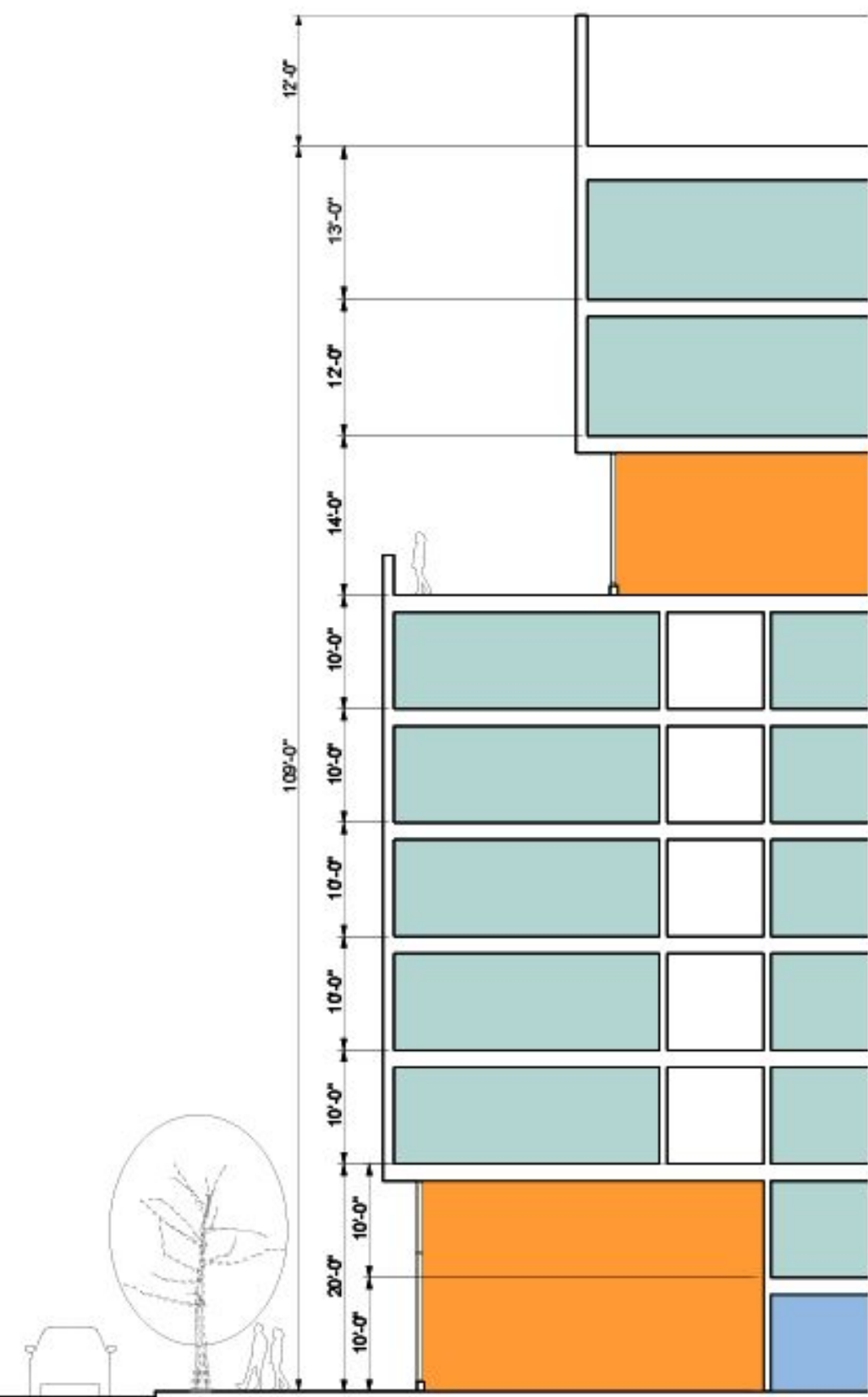
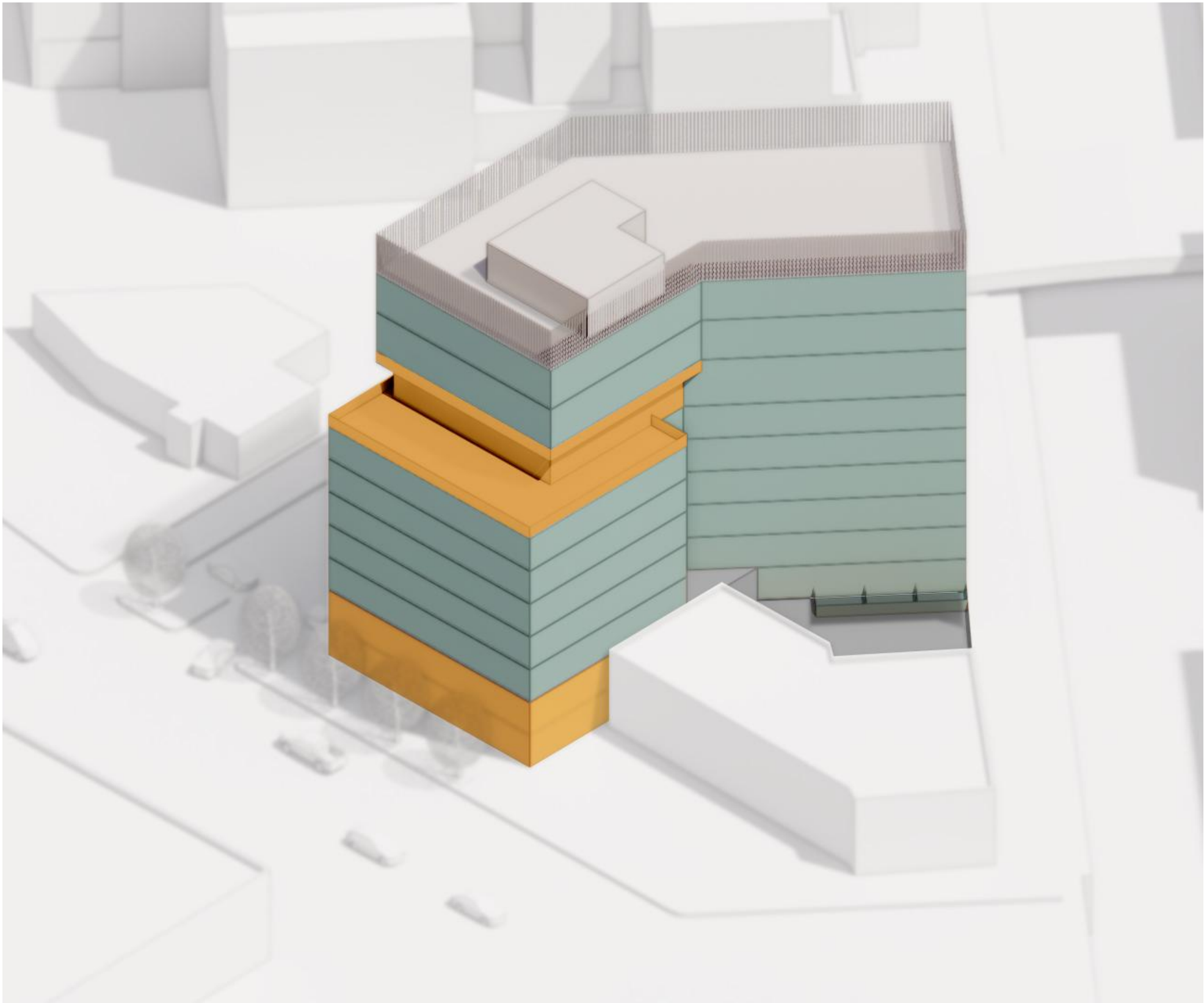
**Previous**  
Keys: 159  
GFA: 87,000 SF



**Proposed**  
Keys: 169  
GFA: 87,000 SF

# Program

- BOH
- Lodging
- Lobby
- Public Facing





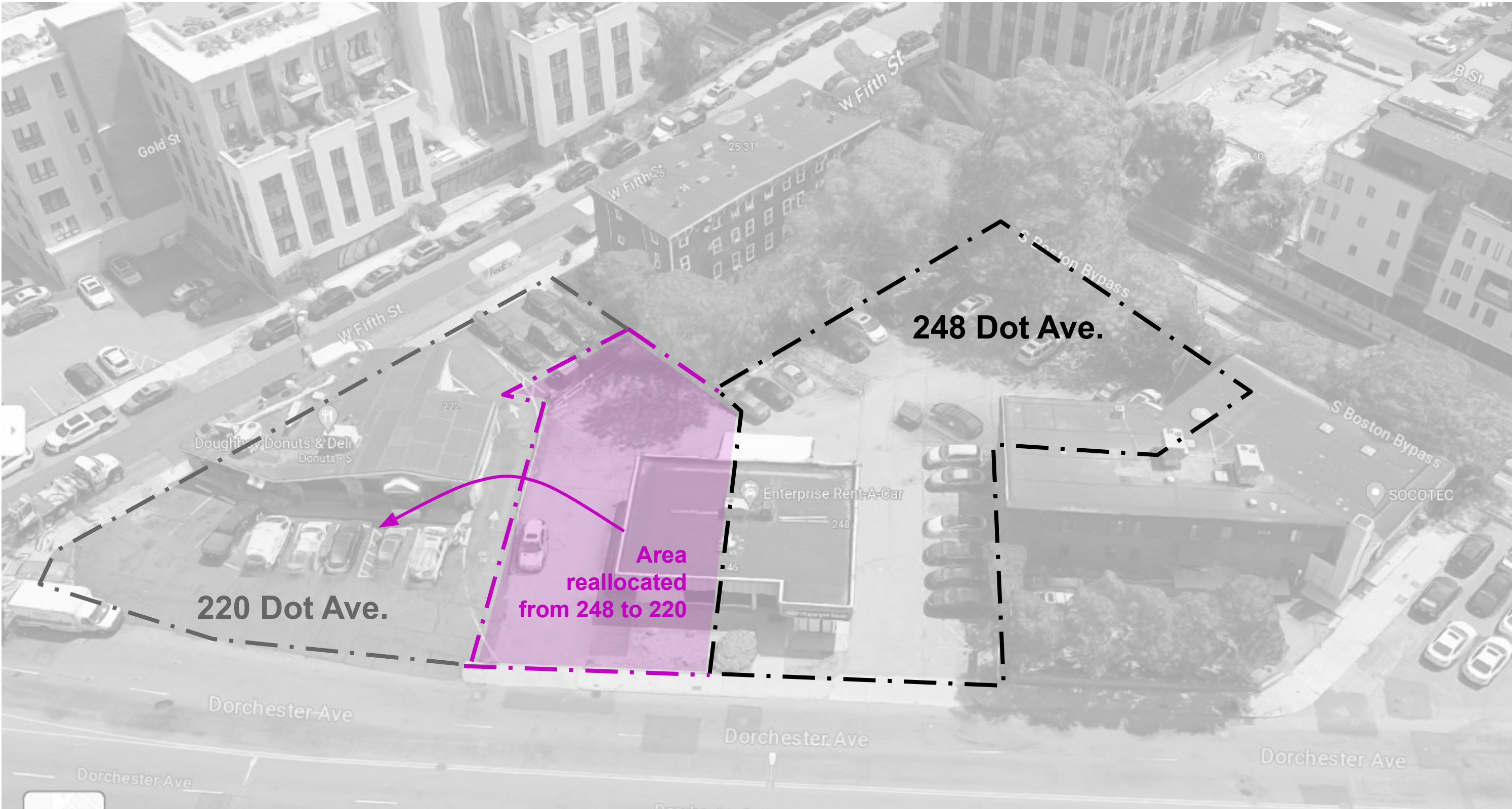
# Existing Conditions



Current Use: Enterprise Rental Car Branch Location



# NPC - lot line change



Current Use: Enterprise Rental Car Branch Location

# Scheme Comparison - Zoning Chart

Dimensional Element	M-1 Zoning	Approved Project (2017)	Proposed Project (2023)
Minimum Lot Size	None	22,042 SF	<b>16,364 SF</b>
Minimum Lot Size (Add Dwell Units)	None	-	-
Site Area	-	-	-
Gross Floor Area (GFA)	-	87,000 SF	87,000 SF
Max. Floor Area Ratio	1.00	3.94	<b>5.32</b>
Max. Building Height	35'-0" (2-1/2 Stories)	109'-0" (8 Stories)	109'-0" <b>(10 Stories)</b>
(Minimum) Lot Width	None	129'-7"	<b>82'-0"</b>
(Minimum) Lot Frontage	None	126'-0"	<b>82'-0"</b>
(Minimum) Front Yard Setback	None	10'-0"	10'-0"
(Minimum) Side Yard	None	0'-0"	0'-0"
(Minimum) Rear Yard	20'-0"	0'-0"	0'-0"
(Required) Off-Street Parking	33 (max)	60	<b>30</b>
(Minimum) Number of Loading Bays	Per Article 80	1	1
(Minimum) Usable Open Space	None	3,000 SF	3,000 SF



# PLAN: Dot Ave

248 Dot Ave. -----

## Height

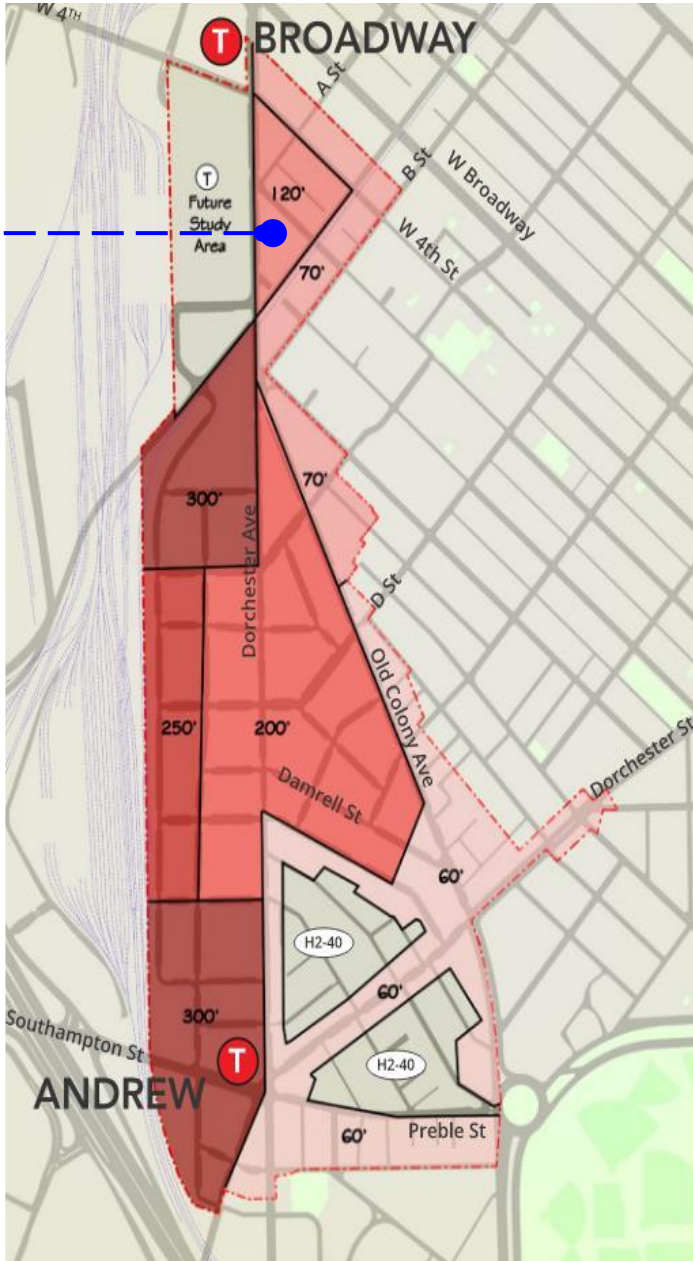


Figure 163. Density bonus height zones diagram



## Lot Coverage

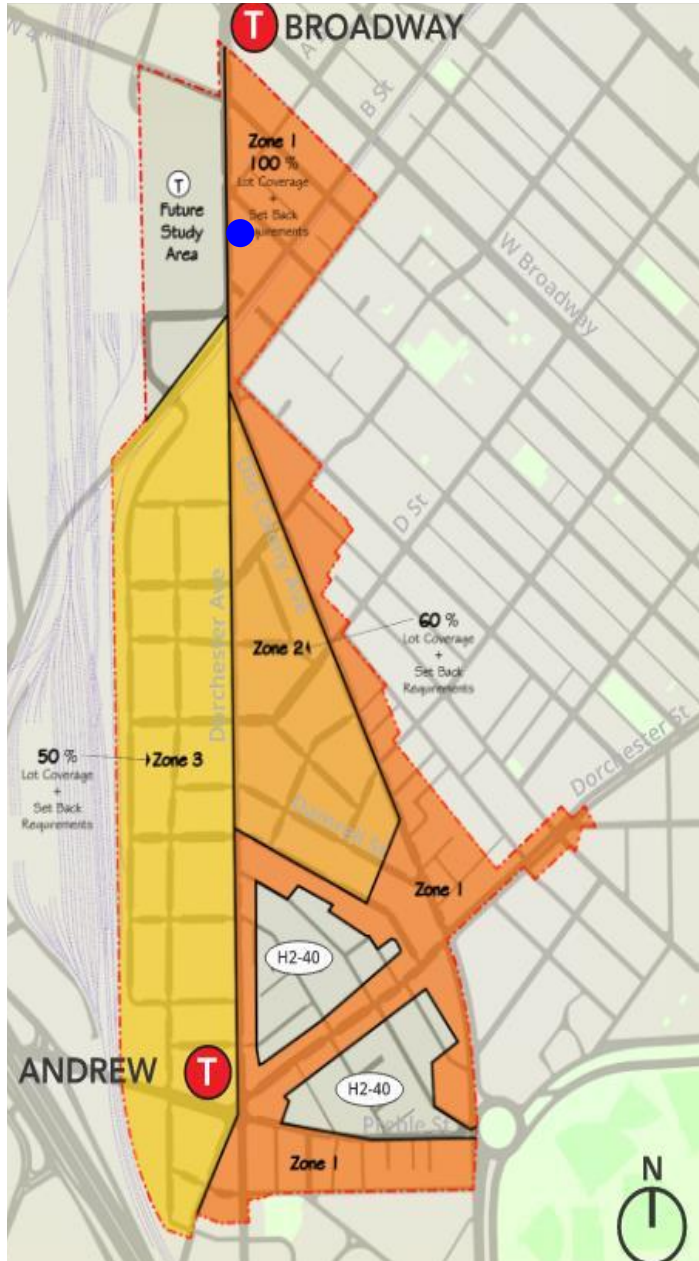


Figure 149. Lot coverage zones

- Zone 1 - 100% Lot Coverage + Setback Requirements
- Zone 2 - 60% Lot Coverage + Setback Requirements
- Zone 3 - 50% Lot Coverage + Setback requirements
- H2-40 - Base Residential Zoning

## Commercial



- Commercial ground floor corridor
- Connections to existing open space
- Green space

## Stepbacks

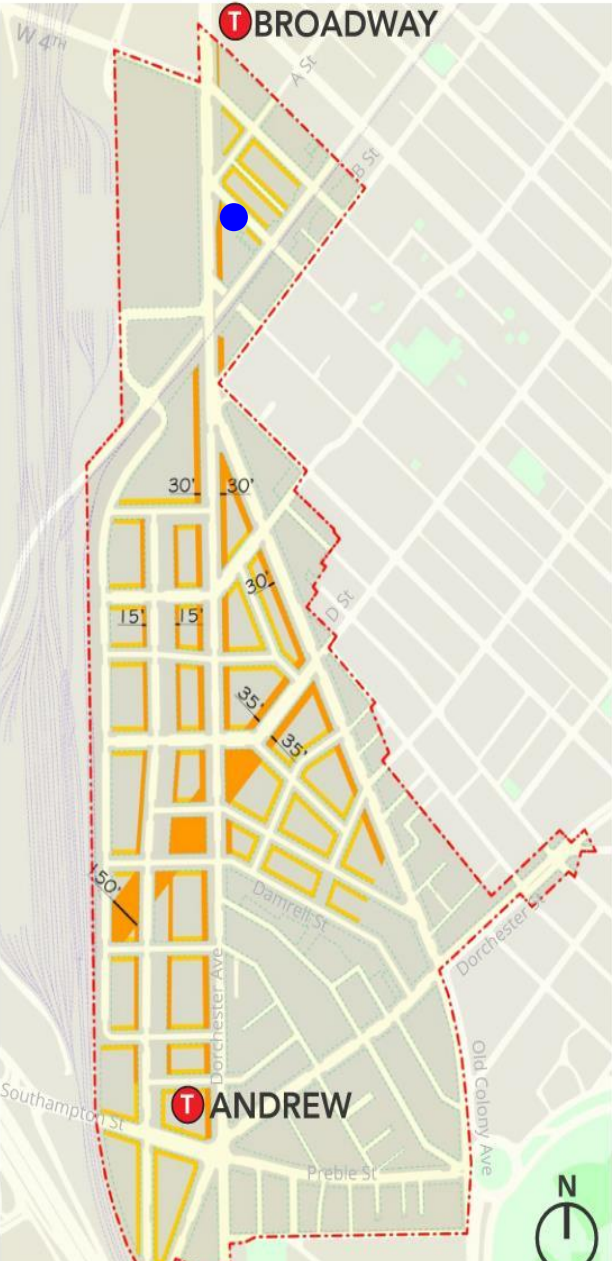


Figure 153. Building stepback requirements above podium

- Stepback for View Corridor
- 15' Stepback
- Build-to Lines

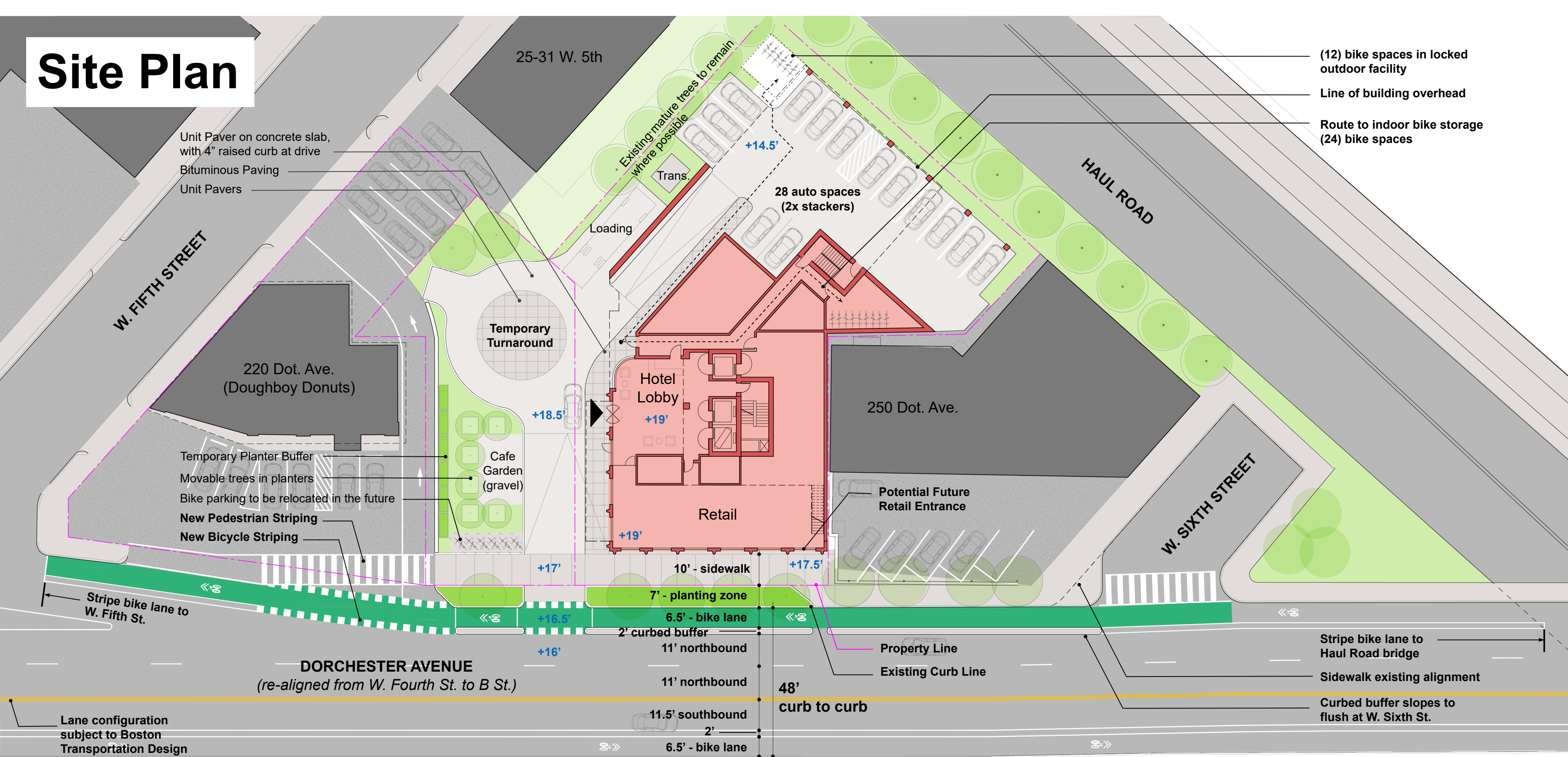


# Site Plan





# Site Plan



# Entry Court Sloped Drive Section (Interim)





# Massing





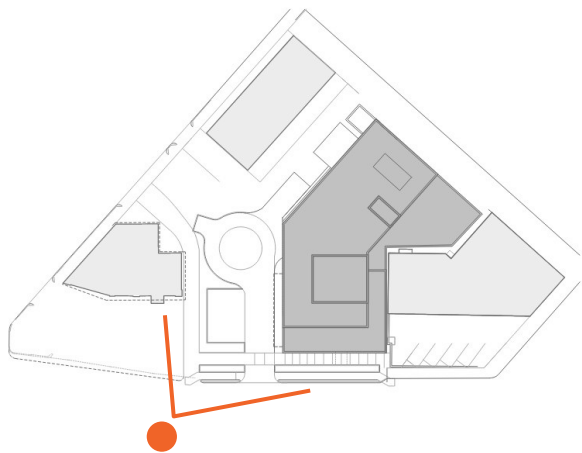
# Dot Ave

## North view

Existing Condition



220 Dot Ave. /  
Doughboy Donuts

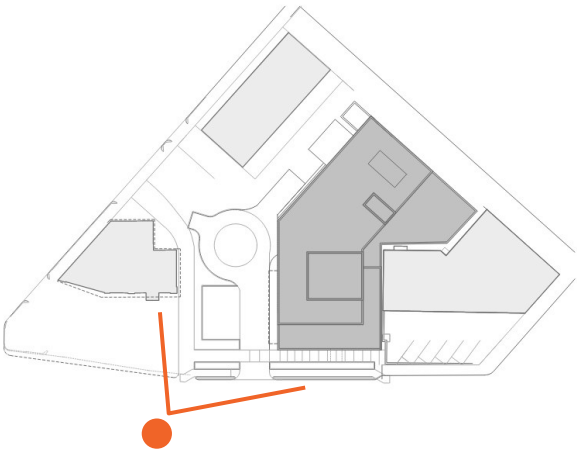




# Dot Ave

## North view

Proposed

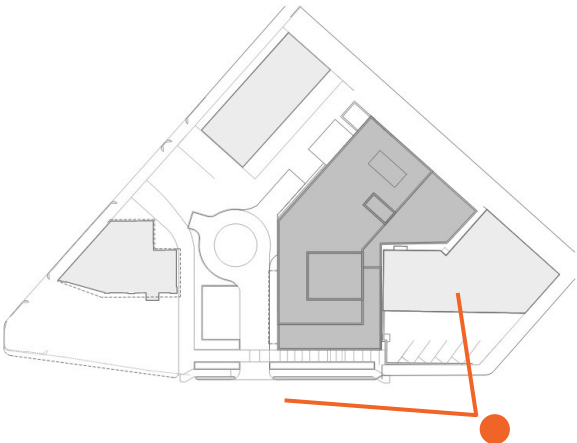




# Dot Ave

## South view

Existing Condition

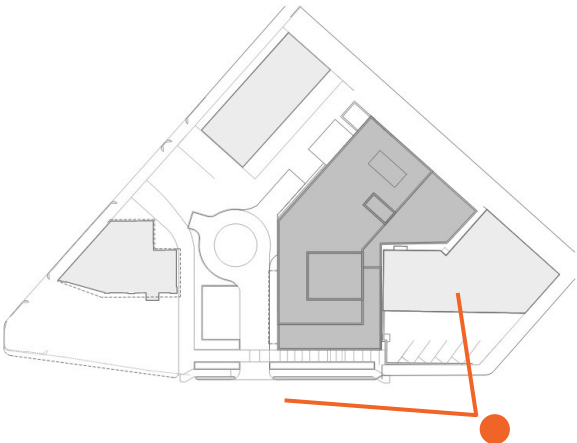




# Dot Ave

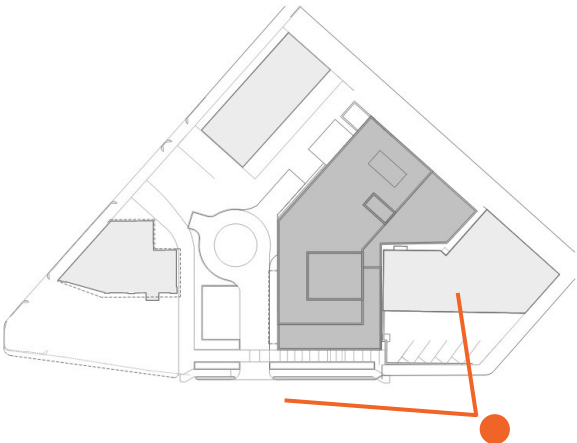
## South view

Proposed





# Exterior Materials





# Floor Plans



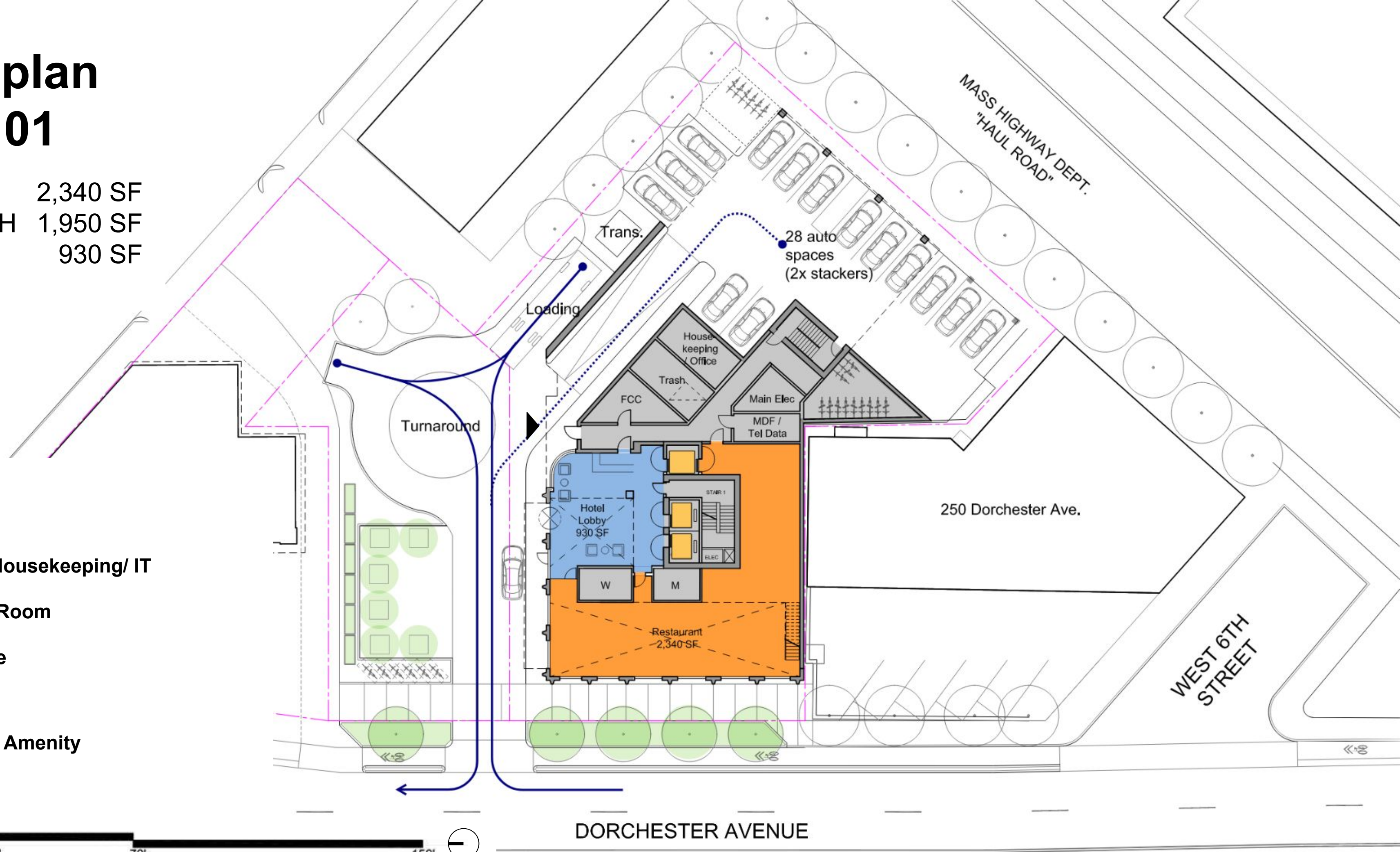


# Floor plan

## Level 01

Retail	2,340 SF
Trash/ BOH	1,950 SF
Lobby	930 SF

- BOH/ Housekeeping/ IT
- Guest Room
- Jr Suite
- Suite
- Lobby/ Amenity
- Retail





# Floor plan

## Level 02

(14) Guest Rooms	4,270 SF
(1) Jr Suite	450 SF
Retail	790 SF

BOH/ Housekeeping/ IT

Guest Room

Jr Suite

Suite

Lobby/ Amenity

Retail



# Floor plan

## Levels 03-07

(22) Guest Rooms  
(1) Jr Suites

---

7,770 SF

- BOH/ Housekeeping/ IT
- Guest Room
- Jr Suite
- Suite
- Lobby/ Amenity
- Retail





# Floor plan

## Level 08

(13) Guest Rooms	4,000 SF
Retail Amenity	1,800 SF
Deck	1,700 SF

BOH/ Housekeeping/ IT

Guest Room

Jr Suite

Suite

Lobby/ Amenity

Retail





# Floor plan

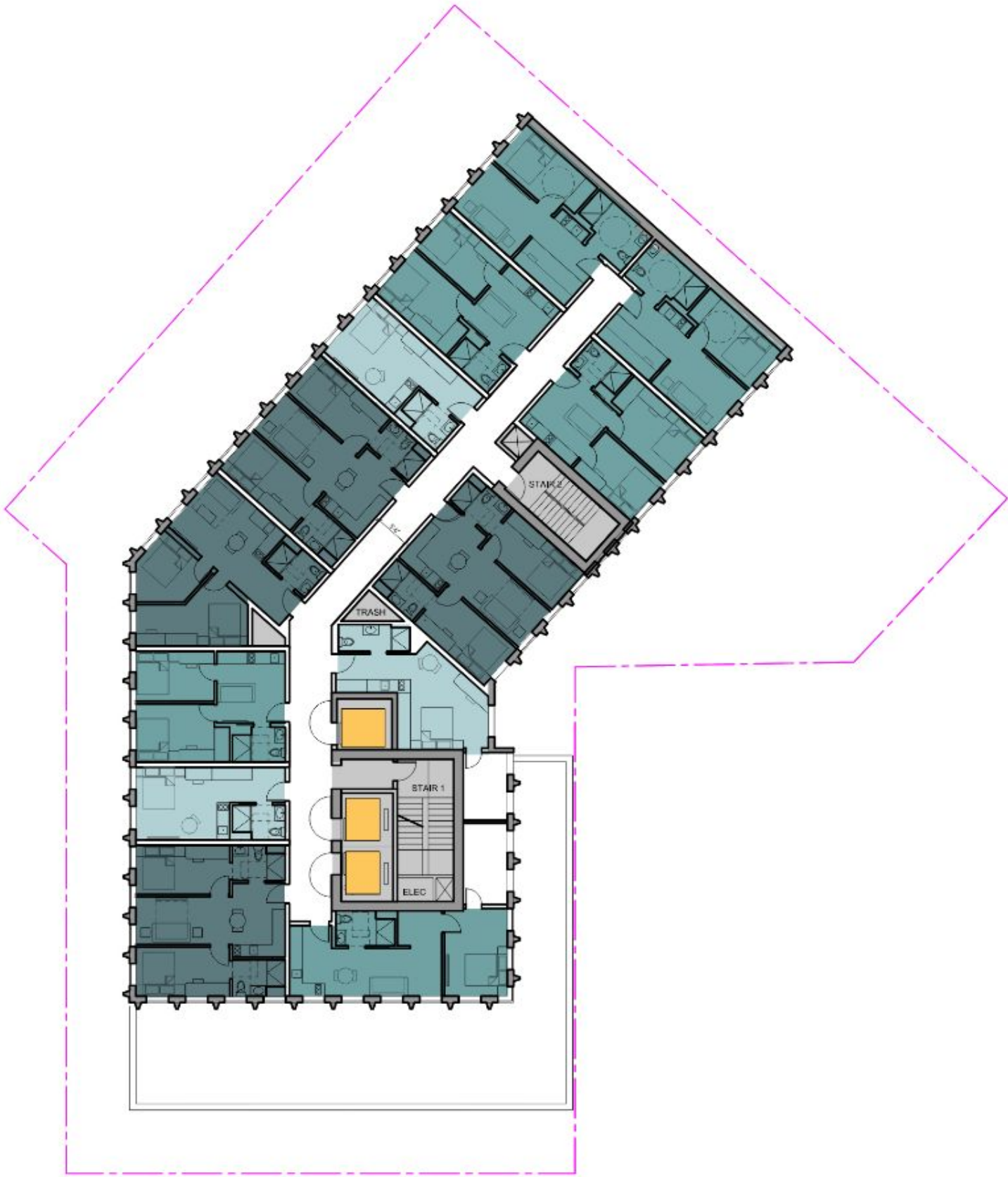
## Levels 09-10

(3) Guest Rooms  
(6) Jr Suites  
(4) Suites

---

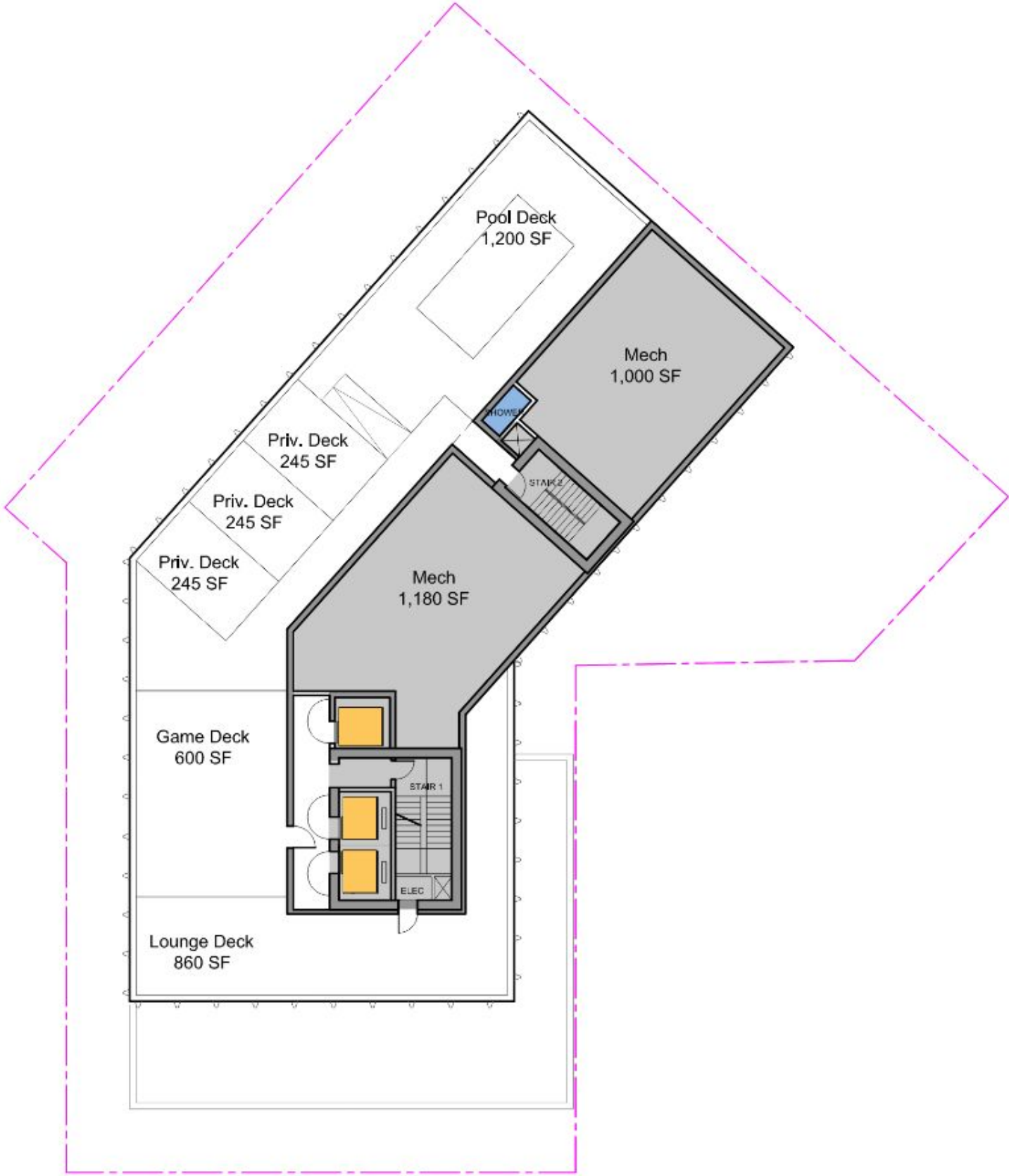
6,380 SF

- BOH/ Housekeeping/ IT
- Guest Room
- Jr Suite
- Suite
- Lobby/ Amenity
- Retail



# Roof plan

- BOH/ Housekeeping/ IT
- Guest Room
- Jr Suite
- Suite
- Lobby/ Amenity
- Retail





# Room Count



Looking South

Floor Level	Guest	Jr. Suite	Suite	(typical size)
	305 sf	450 sf	610 sf	
10	3	6	4	
9	3	6	4	
8	13			
7	22	1		
6	22	1		
5	22	1		
4	22	1		
3	22	1		
2	14	1		
1				
Total	143	18	8	169 Total Keys
Percentage	85%	10%	5%	



# Public Realm





# Dot Ave Frontage: Porous Raised Retail



24" curb



# Dot Ave Frontage: Porous Raised Retail



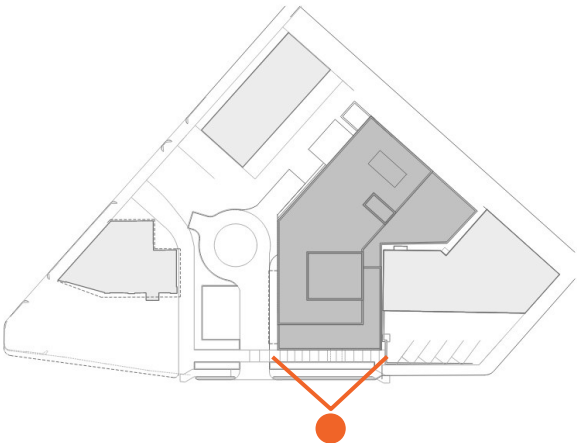


# Level 8: Deck View





# Level 8: Deck View





# Stormwater Management Plan

248 Dorchester Avenue  
Boston, MA 02127

## PROJECT

OWNER ADDRESS  
P 617 542.6500

## ARCHITECTURE + URBAN DESIGN

115 KINGSTON ST  
BOSTON, MA 02111  
P 617 423.7200  
utiledesign.com

## ARCHITECT

20 A STREET  
FRAMINGHAM, MA 01701  
P 508 877.6688 F 508 877.8349

**CIVIL**

285 WASHINGTON STREET, SUITE 204  
SOMERVILLE, MA 02143  
P 617 718.0889

## LANDSCAPE

41 SEON STREET  
BUILDING 1, SUITE 500  
WALTHAM, MA 02453  
P 617.926.9300 F 781.907.9009

## STRUCTURAL

311 GREAT ROAD  
LITTLETON, MA 01460  
P 617 486.4301

## PROTECTION

17 BRIAN ROAD  
LANCASTER, MA 01523-3239  
P 978 870.5674

CODE

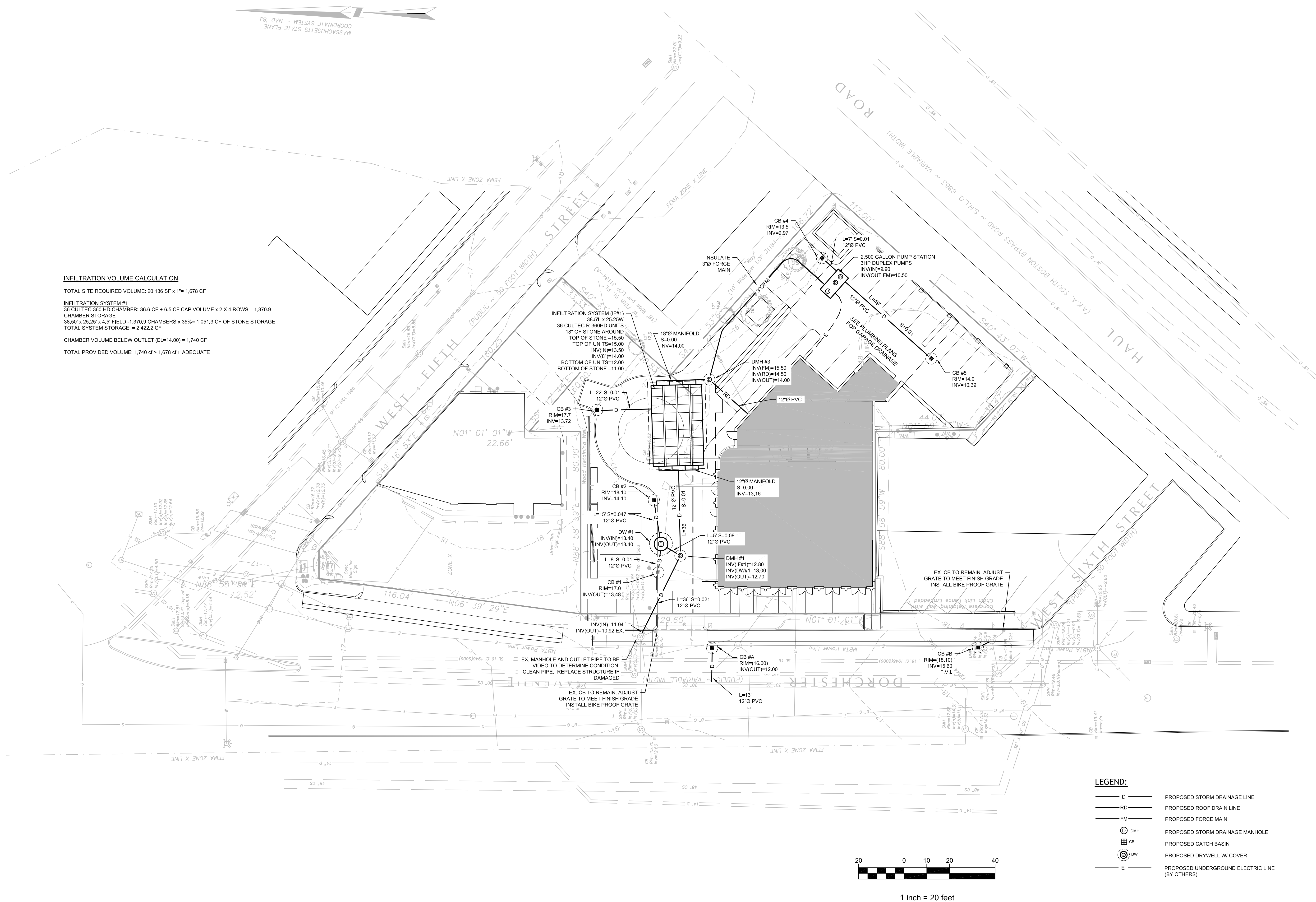
STAMP

ISSUE DATE      REVISIONS ON SHEET

NOTE: LEGIBILITY OF PERFORMANCE CRITERIA AND  
DETAILING SCOPE REQUIRES THAT DRAWINGS BE  
VIEWED OR PRINTED IN COLOR - COORDINATE AS  
REQUIRED TO DETERMINE FULL PROJECT SCOPE

## SCI NO: 14062.04

## C1.01





NOTES:

- (1.) 5'-0" DIAMETER FOR ALL MANHOLE DEPTHS GREATER THAN 20 FEET OR WHEN ORDERED BY THE ENGINEER.
- (2.) 6" MIN. WALL THICKNESS AND 7 INCH MIN. BASE THICKNESS WITH 5'-0" DIAMETER MANHOLES.
- (3.) 6 INCH LIP OPTIONAL UNLESS OTHERWISE NOTED.
- (4.) CONCRETE INVERT AND SHELF MAY BE SUBSTITUTED IN STRAIN DRAIN MANHOLES AS DIRECTED BY THE ENGINEER.

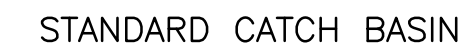


Diagram illustrating a Saddle Connection with Wye. The diagram shows an existing sewer or drain pipe (labeled "EXISTING SEWER OR DRAIN PIPE") being connected to a new pipe using stainless steel strapping and a saddle connection with wye. The connection is shown with a minimum slope of  $1/8"$  PER FOOT (DRAIN) and  $1/4"$  PER FOOT (SEWER).

### 3 CONNECTION TO SEWER/DRAIN



## 8 PIPE CONNECTION TO MANHOLE



PROJECT

OWNER ADDRESS  
P 617 542.6500

115 KINGSTON ST  
BOSTON, MA 02111  
P 617 423.7200  
utiledesign.com

## ARCHITECT

**Samiotes Consultants Inc.**

20 A STREET  
FRAMINGHAM, MA 01701  
P 508 877.6688 F 508 877.8349

**Ground Inc.**

285 WASHINGTON STREET, SUITE 204  
SOMERVILLE, MA 02143  
P 617 718.0889

Simpson Gumpertz &amp; Heger

41 SEON STREET  
BUILDING 1, SUITE 500  
WALTHAM, MA 02453  
F 617 926.9300 F 781 907.9009 **STRUCTURAL**

MEPFP

311 GREAT ROAD  
LITTLETON, MA 01460  
P 617 486.4301

**Building, Fire & Access, Inc.**

17 BRIAN ROAD  
LANCASTER, MA 01523-3239  
P 978 870.5674

CODE

**STAMP**

ISSUE DATE	DOCUMENT SUBMISSION
2024 06 XX	ISD REVIEW SET

ISSUE DATE      REVISIONS ON SHEET

NOTE: LEGIBILITY OF PERFORMANCE CRITERIA AND  
DETAILING SCOPE REQUIRES THAT DRAWINGS BE  
VIEWED OR PRINTED IN COLOR - COORDINATE AS  
REQUIRED TO DETERMINE FULL PROJECT SCOPE

SCALE	UTILE PROJECT NUMBER
NTS	2267

## CIVIL DETAILS

SCI NO: 14062.04

# C2.01



# Certified Plot Plan



FEMA ZONE X  
(AREAS OUTSIDE  
0.2% ANNUAL  
CHANCE FLOOD)

FEMA ZONE X  
(AREAS OF  
0.2% ANNUAL  
CHANCE FLOOD)



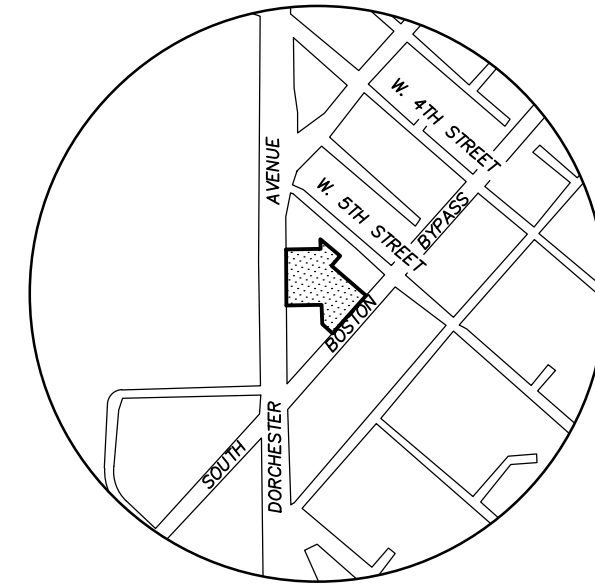
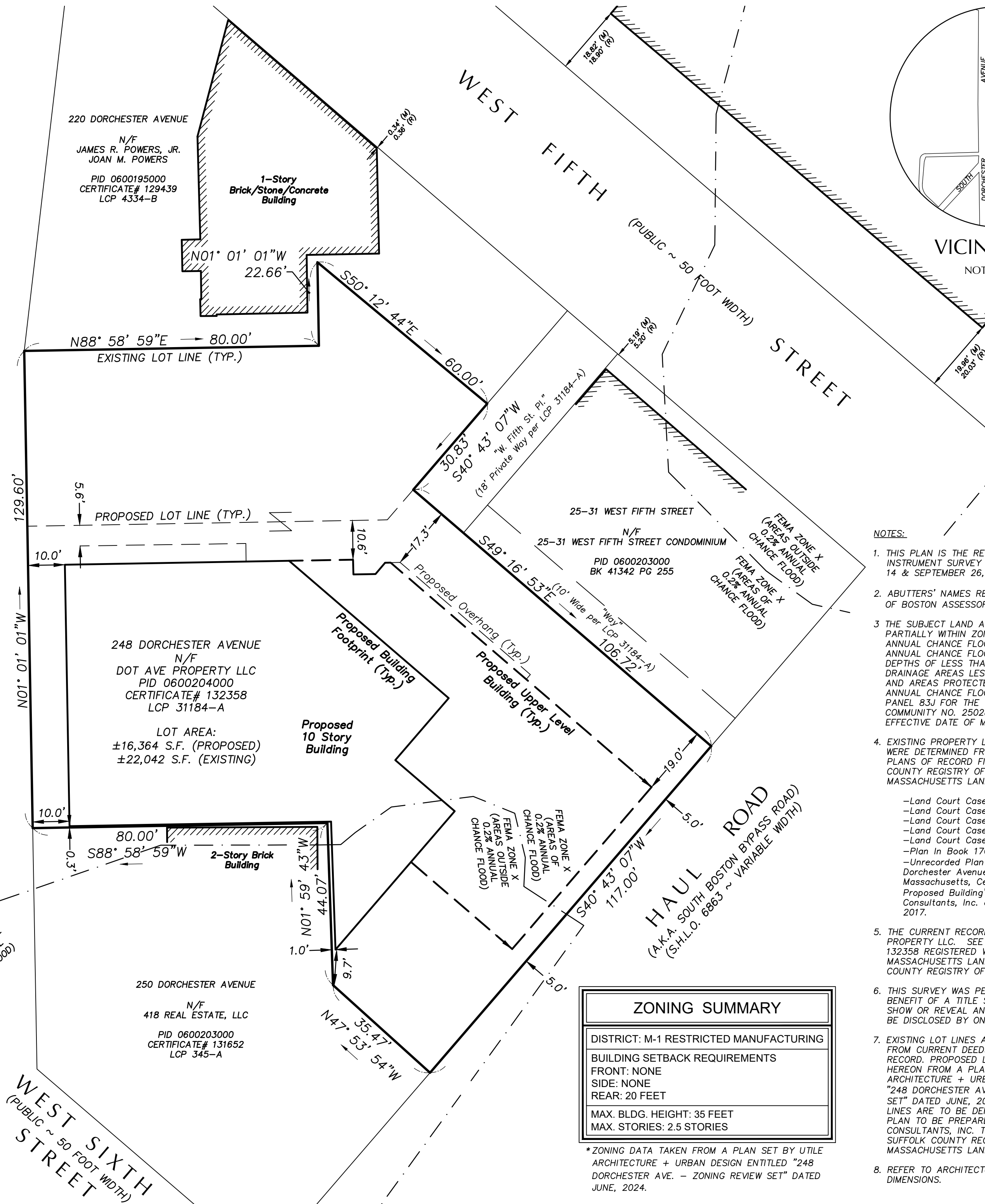
DORCHESTER AVENUE  
(PUBLIC ~ VARIABLE WIDTH)

LEGEND

LCP LAND COURT PLAN  
(M) MEASURED DISTANCE  
(R) RECORD DISTANCE  
S.H.L.O STATE HIGHWAY LAYOUT



1 inch = 20 feet



VICINITY MAP  
NOT TO SCALE

NOTES:

1. THIS PLAN IS THE RESULT OF AN INSTRUMENT SURVEY PERFORMED ON AUGUST 14 & SEPTEMBER 26, 2017.
2. ABUTTERS' NAMES REFER TO CURRENT CITY OF BOSTON ASSESSOR'S RECORDS.
3. THE SUBJECT LAND AS SHOWN LIES PARTIALLY WITHIN ZONE X, AREAS OF 0.2% ANNUAL CHANCE FLOOD, AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD AS INDICATED ON PANEL 83J FOR THE CITY OF BOSTON, COMMUNITY NO. 250286, HAVING AN EFFECTIVE DATE OF MARCH 16, 2016.
4. EXISTING PROPERTY LINES SHOWN HEREON WERE DETERMINED FROM THE FOLLOWING PLANS OF RECORD FILED AT THE SUFFOLK COUNTY REGISTRY OF DEEDS AND MASSACHUSETTS LAND COURT.
  - Land Court Case 37279-A
  - Land Court Case 36810-A
  - Land Court Case 31184-A
  - Land Court Case 4334-B
  - Land Court Case 345-A
  - Plan In Book 17091, Page 304 (2 of 8)
  - Unrecorded Plan Entitled "248 Dorchester Avenue, South Boston, Massachusetts, Certified Plot Plan Showing Proposed Building" Prepared by Samiotes Consultants, Inc. and Dated December 12, 2017.
5. THE CURRENT RECORD OWNER IS DOT AVE PROPERTY LLC. SEE CERTIFICATE OF TITLE 132358 REGISTERED WITH THE MASSACHUSETTS LAND COURT AND SUFFOLK COUNTY REGISTRY OF DEEDS.
6. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE SEARCH AND MAY NOT SHOW OR REVEAL ANY FACTS THAT WOULD BE DISCLOSED BY ONE.
7. EXISTING LOT LINES ARE SHOWN HEREON FROM CURRENT DEEDS AND PLANS OF RECORD. PROPOSED LOT LINES ARE SHOWN HEREON FROM A PLAN SET BY UTILE ARCHITECTURE + URBAN DESIGN ENTITLED "248 DORCHESTER AVE. - ZONING REVIEW SET" DATED JUNE, 2024. SAID PROPOSED LOT LINES ARE TO BE DEFINED ON A SUBDIVISION PLAN TO BE PREPARED BY SAMIOTES CONSULTANTS, INC. TO BE FILED WITH THE SUFFOLK COUNTY REGISTRY OF DEEDS AND MASSACHUSETTS LAND COURT.
8. REFER TO ARCHITECTURAL PLANS FOR EXACT DIMENSIONS.

ZONING SUMMARY

DISTRICT: M-1 RESTRICTED MANUFACTURING

BUILDING SETBACK REQUIREMENTS

FRONT: NONE

SIDE: NONE

REAR: 20 FEET

MAX. BLDG. HEIGHT: 35 FEET

MAX. STORIES: 2.5 STORIES

\*ZONING DATA TAKEN FROM A PLAN SET BY UTILE ARCHITECTURE + URBAN DESIGN ENTITLED "248 DORCHESTER AVE. - ZONING REVIEW SET" DATED JUNE, 2024.



Samiotes Consultants Inc.  
Civil Engineers + Land Surveyors

20 A Street  
Framingham, MA 01701

T 508.877.6688  
F 508.877.8349

www.samiotes.com

248 Dorchester Avenue  
South Boston, Massachusetts



D.F.

DANIEL F. FLEMING - P.L.S. No. 55476  
REGISTERED PROFESSIONAL  
LAND SURVEYOR FOR  
SAMIOTES CONSULTANTS, INC.

REVISION


CERTIFIED  
PLOT PLAN

JOB # 14062.00  
DATE: 7.24.24  
SCALE: 1"=20'  
DRAWN BY: JPH/DF  
REVIEWED BY: TMC/DF

FILE: 14062 248 DORCHESTER AVE 2024 CPP.DWG

CPP-2










An architectural rendering of a modern, multi-story building with a grid-like facade of windows and balconies. The building features a rooftop garden with trees and plants. In the foreground, a man is walking a small dog on a leash. The street is wet, reflecting the building and the sky. There are other pedestrians, a car, and streetlights in the scene. The overall atmosphere is urban and modern.

# Article 37 Sustainability Narrative

## 248 Dorchester Avenue Hotel

### Sustainability Narrative

The project is committed to implementing measures aimed at reducing energy and water consumption, enhancing the efficiency and longevity of building systems and infrastructure, and lessening the impact of buildings on city services, the environment, and public health. In line with these goals, LEED Certification has been selected as a tool to monitor the project's sustainability approach. The project is targeting 62 points for LEED v4 BD+C: Hospitality. A LEED summary is provided below to outline the specific credits being pursued for this project, with further highlights detailed in subsequent sections

LEED Category	Targeted Points	Maybe Points
 Integrative Process	1	
 Location and Transportation	13	
 Sustainable Sites	4	1
 Water Efficiency	6	1
 Energy and Atmosphere	14	3
 Materials and Resources	6	2
 Indoor Environmental Quality	10	
Innovation and Regional Priority	8	2
<b>Total</b>	<b>62</b>	<b>9</b>

### Integrative Process

The project team includes several LEED Accredited Professionals who will lead the sustainability efforts and initiatives throughout the design and construction process. Sustainable design and energy efficiency goals were established early, and strategies associated with the building envelope attributes, lighting design, thermal comfort ranges, plug and process loads, and operational parameters and their impact on the building energy performance will be explored and discussed throughout the design process. An early design energy model was developed and used as an interactive and dynamic platform to evaluate systems synergies and the various pathways for



achieving the targeted energy use intensity (EUI) and carbon emissions intensity (CEI) and required performance improvements in the most cost-effective manner.

### ***Location and Transportation***

The 248 DOT will be a new construction project on a previously developed site and its location allows site users to take advantage of nearby amenities, services and transportation options. The site is in an area with a Walk Score of 92, Transit Score of 78, and Bike Score of 77 and is within a one-half mile walking distance of at least eight basic services.

The site location is proximate to quality transit and the building users will have access to several nearby MBTA services, including Broadway Station (Red Line) and bus routes 9, 11, and 47, which give them the opportunity to travel through the Boston metro area.

The project will provide a limited number of parking spaces for the entire development; at least 25% of those parking spaces will be equipped with EV charging stations, which exceeds LEED requirements.

### ***Sustainable Site***

Project will use LEED v4 and v4.1 Guidelines as a baseline for implementing strategies to eliminate the negative environmental impacts associated with new constructions. A management plan will enforce Erosion and Sedimentation measures to protect adjacent areas from pollution from wind and water-borne soil and sedimentation. The project team will conduct a comprehensive site assessment and will study topography, hydrology, climate, vegetation, soils, human use, and human health effects specific to the project. The roof is anticipated to be light-color TPO which will help with reducing the Heat Island Effect. The project will implement effective stormwater management techniques, such as green infrastructure, permeable pavement, and retention and detention basins to reduce runoff, control erosion, and prevent water pollution. Subsurface infiltration systems are anticipated to further promote stormwater infiltration to the extent feasible. The project is anticipated to be treating a volume equivalent to 1 inch of rainfall on the site impervious area.

### ***Water Efficiency***

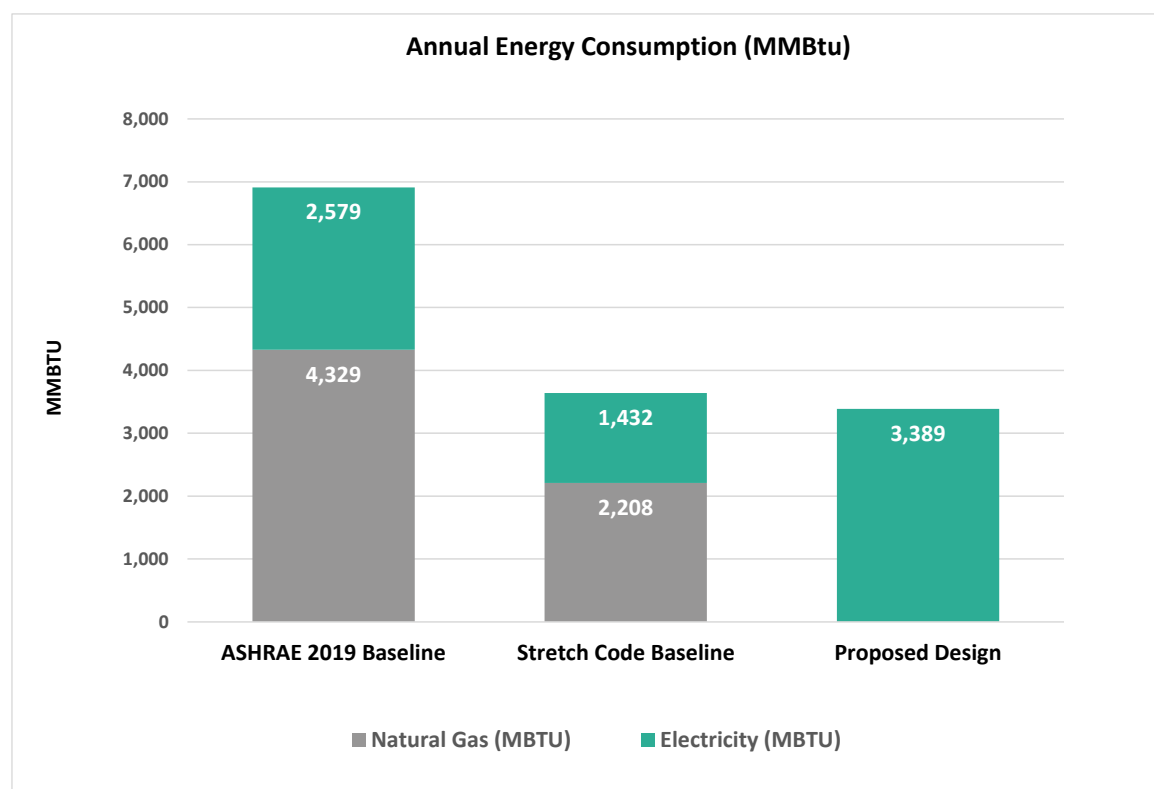
Buildings are major users of potable water supplies and conservation of water preserves a natural resource while reducing the amount of energy and chemicals used for sewage treatment. The goal of the Water Efficiency credit category is to encourage smarter use of water, both inside and outside.

The project team anticipates reducing the use of potable water inside the building by at least 35% by installing low-flow and low-flush plumbing fixtures. The Project will be equipped with a main water meter and additional meters for two water subsystems. The landscaping will be mostly native and adopted plants and the irrigation system will be designed to target at least a 50% reduction in potable water use.

## Energy and Atmosphere

In alignment with the City of Boston carbon neutrality goals and Opt-In Specialized Energy Code, the building will be designed and constructed with high-performance envelope and MEP systems to reduce space heating and cooling demands. A building energy model was developed and used to preliminarily evaluate various pathways for achieving the targeted energy savings and required performance improvements. The EApc161: Electrification ACP was chosen as a substitute for the LEED prerequisite and credit for Minimum and Optimize Energy Performance. This alternative compliance path requires projects to comply with all the prerequisite and credit conditions, except that all references to the “cost” metric are to be replaced with the “Demand Adjusted Energy Metric.”

The current prediction for savings is at least a 14% reduction in Demand Adjusted Energy and 45% reduction in Annual Green House Gas Emissions (based on 30-year average emissions), compared to the ASHRAE 90.1-2019 Baseline.



Energy conservation measures are anticipated to include a high-performance building envelope system, reduced lighting power density, high-efficiency all-electric HVAC system, and low-flow hot water fixtures to reduce hot water demand.

The mechanical system for the project will be designed to meet and exceed the IECC 2021 efficiency requirements. The equipment installed will be high-performance, energy-efficient, and will not include any CFC (chlorofluorocarbon) refrigerants that deplete the ozone layer. The MEP systems will be commissioned by a third-party commissioning agent to ensure correct installation and

operation. Commissioning activities include verification of system and equipment installation in accordance with the construction documents and manufacturer’s instructions, and confirmation that equipment start, test, and check also meet manufacturer’s requirements. The project will evaluate the feasibility of integrating Solar Photovoltaic array on site, to the degree feasible, to offset a portion of the annual energy consumption of the building. As design progresses, the project team will investigate the financial and environmental feasibility of on-site renewable energy systems.

### ***Materials & Resources***

During both construction and operation, buildings generate tremendous waste and use many materials and resources. The project will pursue the LEED v4.1, Building Product Disclosure and Optimization credits with a focus on selecting materials that are responsibly sourced, have recycled content and a low-carbon footprint, and promote material transparency through EPDs, HPDs, and Cradle to Cradle certification programs.

The materials selected for the project will be evaluated using a variety of criteria including a preference for materials extracted, processed and manufactured locally. This reduces the energy consumption and emissions associated with transportation and helps local economies.

The project team, including the construction manager and their sub-contractors, will target the specification and use of at least 20 different permanently installed products and materials that have lower environmental impacts, and comply with Environmental Product Declaration (“EDP”), conforming to ISO 14025, 14040, 14044, and EN 15804 or ISO 21930. The project team is also targeting the Material Ingredients credit and will specify materials and products with known chemical make-up. Documentation for at least 20 different permanently installed products will be provided, confirming the applicable certification which may be the Health Product Declaration (“HPD”), Cradle-to-Cradle or Declare. In the design of this development, careful consideration will be given to selecting sustainable and health-conscious materials, fostering a community that prioritizes both ecological responsibility and occupants’ wellbeing. Through a comprehensive research and Life Cycle Assessment, the project team will explore opportunities, including the feasibility of mass-timber construction, for reducing the embodied carbon associated with this development

A central area for sorting and collection of recyclables before removal from the site will be provided. Recyclable materials collected are expected to include mixed paper, corrugated cardboard, glass, plastics, and metals, and the disposal of batteries and electronic waste. The waste generated by the construction and demolition process is proposed to be recycled to the extent feasible, rather than land-filled, and the ultimate goal is for more than 50% (by weight) of the construction waste, including five waste streams, to be recycled.

### ***Indoor Environmental Quality***

Healthy indoor environments have vital role in improving the health and wellbeing of occupants by reducing respiratory issues associated with poor ventilation and presence of allergens and

pollutants, by preventing Sick Building Syndrome, by minimizing chemical exposure, especially VOCs, and by improving sleep quality. In alignment with the project's health and wellbeing goals, the project team will employ strategies to identify and eliminate potential sources of indoor air pollutants, to provide adequate ventilation, and to maintain a healthy indoor environment.

The mechanical systems will be designed to comply with the ASHRAE 55, the indoor temperature, and humidity conditions standard, and to provide superior ventilation throughout the building, following the requirements of ASHRAE 62.1-2019 sections 4 through 7.

The building will have a no-smoking policy and smoking will be prohibited outside within 25 feet of doors, operable windows and outside air intakes. The building will be constructed in accordance with the Sheet Metal and Air Conditioning Contractors' National Association ("SMACNA") Indoor Air Quality for Buildings under Construction Guideline. This guideline defines procedures for maintaining good indoor air quality inside the building during construction and addresses construction practices to allow the best possible indoor environment after occupancy. These practices include cleaning during construction, interrupting paths of odor and dust travel within the building, segregating odor and dust producing activities from absorbent materials, and scheduling similar odor or dust producing activities to occur at the same time.

Adhesives, sealants, and paints used inside the building will be selected to be low Volatile Organic Compound ("VOC") products, and specified wood products will have no added urea-formaldehyde. All spaces where hazardous gases or chemicals may be present or used, i.e., housekeeping closets, will be designed with full height walls, exhaust ventilation and a door closer. Building entrances will be provided with walk-off mats to remove dirt and debris from the shoes of people entering the building and will be cleaned and maintained by house-keeping weekly while the space is vacant. High-efficiency MERV 13 filters will be provided in the main outside air handling unit for superior air particulate filtration.

### ***Innovation and Design LEED Strategy***

The project team will evaluate and implement measures and strategies in the design and construction of the project to exceed the performance criteria of some of the base credits and may introduce innovative building features, technologies, and policies that are not addressed by existing prerequisites and credits in the BD+C rating system. The innovative strategies may include development and implementation of Operation and Maintenance ("O+M") Starter Kit, including Green Cleaning policies, Green Building Education, Exemplary Performance credits, and Purchasing Lamps policy.

### ***Regional Priority***

Regional Priority credits were established with a focus on environmental issues and priorities at a local level. There are six possibilities specific to the project location and the project team has targeted the following strategies: at least an 18% savings in Optimize Energy Performance and Indoor Water Use Reduction.





## LEED v4 for BD+C: Hospitality Project Checklist

Y ?+ ?- N

1				Credit	Integrative Process	1
---	--	--	--	--------	---------------------	---

### 13 0 0 3 Location and Transportation 16

				Credit	LEED for Neighborhood Development Location	16
1				Credit	Sensitive Land Protection	1
1				Credit	High Priority Site	2
4			1	Credit	Surrounding Density and Diverse Uses	5
5				Credit	Access to Quality Transit (v4.1)	5
			1	Credit	Bicycle Facilities (v4.1)	1
1				Credit	Reduced Parking Footprint	1
1				Credit	Electric Vehicles (v4.1)	1

### 4 1 0 5 Sustainable Sites 10

Y				Prereq	Construction Activity Pollution Prevention	Required
1				Credit	Site Assessment	1
			2	Credit	Site Development - Protect or Restore Habitat (v4.1)	2
			1	Credit	Open Space (v4.1)	1
1	1		1	Credit	Rainwater Management (v4.1)	3
2				Credit	Heat Island Reduction	2
			1	Credit	Light Pollution Reduction	1

### 6 0 1 4 Water Efficiency 11

Y				Prereq	Outdoor Water Use Reduction	Required
Y				Prereq	Indoor Water Use Reduction	Required
Y				Prereq	Building-Level Water Metering	Required
1			1	Credit	Outdoor Water Use Reduction	2
4			2	Credit	Indoor Water Use Reduction	6
			2	Credit	Cooling Tower Water Use	2
1				Credit	Water Metering	1

### 14 1 2 16 Energy and Atmosphere 33

Y				Prereq	Fundamental Commissioning and Verification	Required
Y				Prereq	Minimum Energy Performance	Required
Y				Prereq	Building-Level Energy Metering	Required
Y				Prereq	Fundamental Refrigerant Management	Required
4			2	Credit	Enhanced Commissioning	6
9	1	2	6	Credit	Optimize Energy Performance	18
			1	Credit	Advanced Energy Metering	1
			2	Credit	Demand Response	2
			5	Credit	Renewable Energy Production (v4.1)	5
1				Credit	Enhanced Refrigerant Management	1
				Credit	Green Power and Carbon Offsets	

Project Name: 248 Dorchester Avenue  
Date: 9/30/2024  
248 Dorchester Ave, South Boston, MA 02127

Y ?+ ?- N

### 6 2 0 5 Materials and Resources 13

Y				Prereq	Storage and Collection of Recyclables	Required
Y				Prereq	Construction and Demolition Waste Management Planning	Required
1	1		3	Credit	Building Life-Cycle Impact Reduction (v4.1)	5
2				Credit	Environmental Product Declarations (v4.1)	2
			2	Credit	Sourcing of Raw Materials (v4.1)	2
2				Credit	Material Ingredients (v4.1)	2
1	1			Credit	Construction and Demolition Waste Management	2

### 10 0 0 6 Indoor Environmental Quality 16

Y				Prereq	Minimum Indoor Air Quality Performance	Required
Y				Prereq	Environmental Tobacco Smoke Control	Required
2				Credit	Enhanced Indoor Air Quality Strategies	2
3				Credit	Low-Emitting Materials	3
1				Credit	Construction Indoor Air Quality Management Plan	1
			2	Credit	Indoor Air Quality Assessment	2
1				Credit	Thermal Comfort	1
1			1	Credit	Interior Lighting (LEED v4.1)	2
			3	Credit	Daylight	3
1				Credit	Quality Views	1
1				Credit	Acoustic Performance	1

### 6 0 0 0 Innovation 6

1				Credit	Innovation: Purchasing Lamp	1
1				Credit	Innovation: Green Building Education or Pilot Credit	1
1				Credit	Exemplary Performance: EPDs	1
1				Credit	Exemplary Performance: Heat Island Reduction	1
1				Credit	Innovation: O+M Starter Kit	1
1				Credit	LEED Accredited Professional	1

### 2 2 0 0 Regional Priority 4

1				Credit	High priority Site (2)/ Indoor Water Use Reduction (4)	1
	1			Credit	Rainwater Management (2)	1
1				Credit	Optimize Energy Performance (8)/ Renewable Energy (2)	1
	1			Credit	Building Life-cycle Impact Reduction (2)	1

### 62 6 3 39 TOTALS Possible Points: 110

Certified: 40 to 49 points, Silver: 50 to 59 points, Gold: 60 to 79 points, Platinum: 80 to 110

An architectural rendering of a modern, multi-story building with a grid-like facade of windows and balconies. The building features a rooftop garden with trees and plants. In the foreground, a wet street reflects the building and sky, with several people walking, a person walking a dog, and a car parked. Streetlights and trees are also visible.

# Article 37 Energy Performance Report

# ENERGY PERFORMANCE REPORT

## Notice of Project Change

**248 Dorchester Avenue**

Boston, MA

Prepared by:	enviENERGY Studio
Date:	October 8, 2024

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## EXECUTIVE SUMMARY

enviENERGY Studio is providing energy modeling services for the 248 Dorchester Ave (248 DOT) project and is investigating the project's compliance with the Massachusetts Stretch Energy Code and Opt-In Specialized Code. The project is a ten-story hotel with a retail on the first floor. The energy models were developed utilizing the provided conceptual design drawings, and ASHRAE 90.1-2019, Appendix G, for the Stretch Energy Code baseline.

This energy analysis shows that the proposed design meets and exceeds the requirements of the Massachusetts Stretch Energy Code.

<i>Building Type</i>	<b>Hotel</b>	
<i>Building GSF</i>	87,000	
<b>Baseline Case</b>	<b>ASHRAE 90.1-2019 App. G</b>	<b>2023 Stretch Code <sup>(1)</sup></b>
<i>Annual Electricity (kWh)</i>	755,753	419,640
<i>Annual Gas (Therms)</i>	43,293	22,079
<i>Annual Site Energy (MMBTU)</i>	6,900	4,040
<i>Site pEUI (kBtu/Sf.yr)</i>	79.4	46.4
<i>Site CEI (kg CO<sub>2e</sub>/Sf) – 2023/2035</i>	4.8/4.2	2.5/2.21
<i>PEI<sub>t</sub>**</i>	0.58	
<b>Proposed Design</b>		
<i>Annual Electricity (kWh)</i>		992,933
<i>Annual Gas (Therms)</i>		0
<i>Annual Site Energy (MMBTU)</i>		3,390
<i>Performance Energy Index (PEI)**</i>		0.49
<i>pEUI (kBtu/Sf.yr)</i>		39
<i>Site CEI (kg CO<sub>2e</sub>/Sf) – 2023/2035</i>		2.8/ 2.03
<i>Vertical Envelope AU***</i>		0.1280
		< 0.1285 UA Threshold
<i>Percentage Reduction from PEI<sub>t</sub></i>		16.1%
<i>GHG Emissions Savings (current)</i>		-11.0%
<i>GHG Emissions Savings (2035)</i>		8.0%

### Notes:

\* pEUI (predicted energy use intensity) and pCEI (predicted carbon emissions intensity) are calculated based on the building GFA and the following emissions rates:

Grid Electricity: 72.3 kg CO<sub>2e</sub>/MMBTU and 52.1 kg CO<sub>2e</sub>/MMBTU (2035); Natural gas: 53.11 kg CO<sub>2e</sub>/MMBTU

\*\*PEI<sub>t</sub> is the Performance Energy Index for the ASHRAE 90.1-2019 baseline case and PEI= Proposed Building Performance/ Baseline Building Performance

\*\*\* Vertical Average U-value (AU) is the average area-weighted U value for all vertical exterior envelope elements

## ENERGY MODELING APPROACH

Using the guidelines outlined in Appendix G of ASHRAE 90.1-2019 plus Massachusetts Amendments, baseline and proposed building designs were modeled in accordance with Table G3.1 in terms of the design model, space use classification, schedules, building envelope, lighting, thermal blocks, HVAC systems, service hot water system, and receptacle and other loads.

Building parameters for the Baseline and Proposed cases are itemized in the Energy Modeling Assumptions section and are summarized as follows:

Climate Zone 5A	Stretch Energy Code Baseline (ASHRAE90.1-2019) + MA Amendments	Proposed Design
HVAC System Type	System 1 – Packaged Terminal Air Conditioner (PTAC) and System 9 – Heating and Ventilation for Electrical/Mechanical rooms and Vestibule.	Central Energy Recovery Unit for ventilation Air Source Heat Pump for heating and cooling
Space Heating Type	Hot Water Loop with Gas Boilers	Air Source Heat Pumps
Space Cooling Type	DX Cooling	Air Source Heat Pumps
Window-to-Wall Ratio	34%	34%
Energy Recovery	N/A	Enthalpy Wheel; 70% Effectiveness

### Building Envelope

The building was designed to create a high performance and airtight envelope. The vertical elements of the envelope primarily consist of insulated steel-framed walls and punched windows plus curtainwall system at ground level. The proposed window to wall ratio is 34%. The tables on page 6 summarize the thermal performance of the building envelope in accordance with the maximum allowable U-value specified in section C402.1.5.1 of the Stretch Energy Code. This report includes results from the proposed base envelope as well as an upgraded envelope option. Please note that the areas, estimated window-to-wall ratio, and proposed U-values are based on the Schematic Design and massing plans. As the design progresses, the project team will evaluate new technologies and design approaches to potentially make more improvements to the building design and optimize the overall envelope performance.

Per the new Stretch Energy Code, section C402.1.5.1 Low glazed wall system buildings, the vision glass used in the glazed wall system shall have a maximum whole assembly U factor of U-0.25 and the area-weighted UA should be less than 0.1285.

Envelope Element	Area (SF)	U-Value
<i>Curtain wall Spandrel</i>	844	0.090
<i>Opaque Wall</i>	34,247	0.055
<i>Window 1 (Punched)</i>	15,400	0.270
<i>Window 2 (Curtainwall)</i>	2,810	0.250
<i>Roof</i>	9,248	0.025
Total Vertical Area (SF)	53,301	
WWR (%)	34.16%	
UA Vertical	0.1280	<0.1285
UA Total	0.1127	

## Occupancy

The occupancy schedule for the hotel reflects the building's use year-round. The occupancy schedule is based off a 24/7 operation. The occupancy reflects the design team's understanding of the typical number of people that will be in the building and is identical in the baseline and proposed models.

## Setpoints

Setpoints were entered identically in both the baseline and proposed models. See below for the temperature setpoints used.

Heating set point: 72° F

Heating setback: 68° F

Cooling set point: 75° F

Cooling setback: 78° F

## Internal Gains

For interior lighting calculations, the building area method was used. The lighting power densities in the baseline model are consistent with ASHRAE 90.1, Appendix G, Table G3.7. The proposed case design lighting power densities are 10% better than the IECC 2021 thresholds. As design progresses, the LPDs in the proposed case model will be updated to reflect the actual design.

End uses such as small appliances in the hotel rooms and miscellaneous equipment are included as equipment gains and are modeled as 0.3 W/Sf. These are inputs to reflect the design team's understanding of the anticipated equipment usage. Since a high efficiency equipment load density was assumed for the proposed case, the equipment gains were modeled identically in the baseline and proposed design models.

## C406 – Additional Energy Conservation Measures

The project team will select from the following list of Energy Conservation Measures (ECMs) to achieve at least 15 points.

### Hotel (Group R-1)

- C406.2.2 or 2.4 – 5% or 10% cooling efficiency improvements (1 point)
- C406.2.3 – Renewable Space Heating (15 points)
- C406.3 – Reduced lighting power (2 points)
- C406.6 – Dedicated outdoor air system (8 points)
- C406.7.4 – Heat pump water heater (5 maybe)
- C406.8 – Enhanced envelope performance (4 maybe)
- C406.9 – Reduced air infiltration (9 maybe)
- C406.10 – Energy Monitoring (1 point)
- C406.11 – Fault detection and diagnostics systems (1 point)

## Municipal Opt-In Specialized Energy Code

The City of Boston has adopted the Opt-In Specialized Code, which went into effect on January 1, 2024. Therefore, this project would be subject to comply with these requirements.

- The project utilizes all electric space cooling, heating and service water heating systems and therefore, it will follow the All-Electric Pathway, and it is expected to comply with Sections CC101.4 – Minimum building energy efficiency, CC101.5 – Minimum electric vehicle ready parking requirements, C401.2.1 – Performance Compliance, and Section C401.4.3- Full space and water heating electrification.

## Building Energy Modeling Assumptions and Inputs

### Envelope

	Stretch Energy Code Baseline	Proposed Design
Roof	Appendix G, Table G3.4-5 Roofs - Insulation entirely above deck U-0.063	Insulation entirely above deck: R-40 continuous insulation U-0.025
Exterior Walls	Walls, Above-Grade - Steel-framed U-0.084 (all)	Walls, Above-Grade - Steel-framed U-0.055
Window Properties	Vertical Glazing (all): U-0.57	Curtainwall: U-0.25 Punched Windows: U-0.27
WWR	34%	34%
SHGC	SHGC-0.39	SHGC-0.30
Slab on Grade	F-0.730	R-10
Glazed Doors	U-0.57	U-0.57
Opaque Doors	Swinging: U-0.700	HM Door: U-0.357
Infiltration	1.0 CFM/sf @75 pa	0.35 CFM/sf @75 pa

### Interior Loads

	Stretch Energy Code Baseline	Proposed Design
Occupancy	Lobby: 500 GSF/Person Hotel rooms: 300 GSF/Person Office: 250 GSF/Person Transition: 1,000 GSF/ Person	Identical to Baseline
Interior Lighting	ASHRAE Appendix G, Table G3.7 Building-Area Method Hotel: 1.09 W/ft <sup>2</sup> Retail: 1.5 W/ft <sup>2</sup>	Hotel: 0.84W/ft <sup>2</sup> Retail: 0.56W/ft <sup>2</sup>
Plug Loads	Hotel: 0.3 W/ft <sup>2</sup> Retail: 1 W/ft <sup>2</sup> Mechanical Room: 0.25W/ft <sup>2</sup>	Identical to Baseline
Elevators Power	Typical Hotel Schedule 11 kW/car	Identical to Baseline

### HVAC Systems

	Stretch Energy Code Baseline	Proposed Design
Primary System Type	Packaged terminal air conditioner (System 1) & Heating and Ventilation (System 9)	Air-Source heat pump
Heating Type	Hot Water Loop with Fossil Fuel Boilers	Air-Source heat pump
Efficiency	80%	1.75-2.2 COP
Cooling Type	DX Cooling	Air-to-water heat pumps
Efficiency (FL)	3.2 COP	3.3-4 COP
Fan Control	Constant Volume	Constant Volume
Ventilation	ASHRAE 62.1 Min. Rates	Proposed Design
Hotel OA Rate	5 CFM/person; 0.06 CFM/sf	5 CFM/person; 0.06 CFM/sf
Retail OA Rate	7.5 CFM/person; 0.06 CFM/sf	7.5 CFM/person; 0.06 CFM/sf
Corridors OA Rate	0.06 CFM/sf	0.06 CFM/sf
Plant - Supply Temperatures	HW 180°F; CHW: N/A	N/A
HW;CHW Return Temperatures	HW: 130°F; CHW:N/A	N/A

### Domestic Hot Water

	Stretch Energy Code Baseline	Proposed Design
Calculation Strategy	LEED v4 Baseline	>40% Reduction from Baseline
Water Heater Type	Gas Storage Water Heater	Electric Resistance
Modeled Flow	6.9 gpm	3.8 gpm



## ENERGY PERFORMANCE RESULTS

It is estimated that 248 DOT will meet and exceed the requirements of the Stretch Energy Code, following the Relative Performance Compliance pathway as modified by C407.2.2.1 and C407.2.2.2. Improvement beyond code is shown as a percentage below. There is no performance improvement required beyond the level mandated by the Performance Energy Index Target. Improvement beyond code is calculated as:  $(PEIt - PEI)/PEIt$ , where  $PEIt$  = *Performance Energy Index Target* calculated per C407.2.2.1 and  $PEI$  = *Performance Energy Index* calculated per Section C407.2.2.2. The result of this calculation demonstrates that the Proposed cases perform better than the Energy Code Baseline, which represents a 43% (1-0.57) reduction in regulated energy consumption from the ASHRAE 90.1-2019 Baseline. The proposed design performs 16.1% better than the Energy Code Baseline.

	<b>ASHRAE 90.1-2019</b>	<b>Stretch Code Baseline</b>	<b>Proposed Design</b>
<b>Site Energy Consumption</b>			
<i>Annual Electricity (kWh)</i>	755,753	419,640	992,933
<i>Annual Gas (Therms)</i>	43,293	22,079	0
<i>BBUE (unregulated site energy)</i>	238	238	238
<i>BBRE (regulated site energy)</i>	6,670	3,802	3,151
<i>BPF</i>	0.57		
<i>BBSE (building site energy)</i>	6,909	4,040	3,389
<i>PEIt ( [BBUE + (BPF x BBRE)]/BBSE)</i>	0.58		
<i>PEI (proposed site energy / baseline site energy)</i>			<b>0.49</b>
<b>Improvement Beyond Code</b>			<b>16.1%</b>
<b>Site GHG Emissions (2023)</b>			
<i>Annual Electricity (kg CO2e/yr)</i>	186,494	103,553	245,022
<i>Annual Gas (kg CO2e/yr)</i>	229,928	117,263	0
<i>Total (kg CO2e/yr)</i>	416,422	220,816	245,022
<i>Percent Savings</i>			<b>-11.0%</b>
<b>Site GHG Emissions (2035)</b>			
<i>Annual Electricity (kg CO2e/yr)</i>	134,352	74,600	176,516
<i>Annual Gas (kg CO2e/yr)</i>	229,928	117,263	0
<i>Total (kg CO2e/yr)</i>	364,280	191,864	176,516
<i>Percent Savings</i>			<b>8.0%</b>

\* GHG Emissions Factors

Grid Electricity GHG Emission Rate (EPA 2023):

72.32 kg CO2e per MMBtu

Natural Gas GHG Emission Rate (EPA 2023):

53.11 kg CO2e per MMBtu

2035 Grid Electricity GHG Emission Rate (BERDO 2.0):

52.1 kg CO2e per MMBtu

**\*\*2023 Stretch Code case includes a 43% reduction in regulated energy use (gas and electricity) from the ASHRAE 2019 baseline.**

Please note that the proposed estimated energy performance and cost are not predictions of actual energy consumptions or costs for the proposed design after construction. The actual energy use will differ from these estimates due to the variations in occupancy patterns and schedules.

## LEED ANALYSIS

### Electrification Alternative Compliance Path (ACP) Methodology

LEED Interpretation #10500 states that projects using ASHRAE 90.1-2019 Appendix G for code compliance may use this version instead of ASHRAE 90.1-2016 for the LEED v4.1 energy model. However, the baseline vs. proposed case analysis must use the Building Performance Factors from Section 4.2.1.1 of ASHRAE 90.1-2016 in calculations.

Typically, the LEED v4.1 credit for Optimize Energy Performance requires projects to demonstrate a Performance Cost Index (PCI) below the Performance Cost Index Target (PCI<sub>t</sub>). This process is like that of the upcoming Stretch Energy Code requiring projects to present a Performance Energy Index (PEI) below the Performance Energy Index Target (PEI<sub>t</sub>).

The LEED v4.1 credit awards a potential of 18 points separated into 9 points for percent cost reduction and another 9 points for GHG emissions reduction when compared to the baseline. Because electricity in Massachusetts is so much more expensive than natural gas, this cost metric does not benefit projects pursuing heating electrification even if it is using high efficiency systems.

Therefore, the Electrification ACP: Energy Simulation Performance Path (LEED v4.1 EApc161) was chosen as a substitute for the LEED prerequisite and credit for Minimum and Optimize Energy Performance. This alternative compliance path requires projects to comply with all the prerequisite and credit conditions, except that all references to the “cost” metric are to be replaced with the “Demand Adjusted Energy Metric.”

Demand Adjusted Energy is a globally applicable metric intended to incentivize electrification of buildings paired with peak loads reductions. This metric is intended to provide consistent, predictable results that will not be subject to unpredictable fluctuations such as are likely when applying the cost, source energy, or GHG emissions metrics.

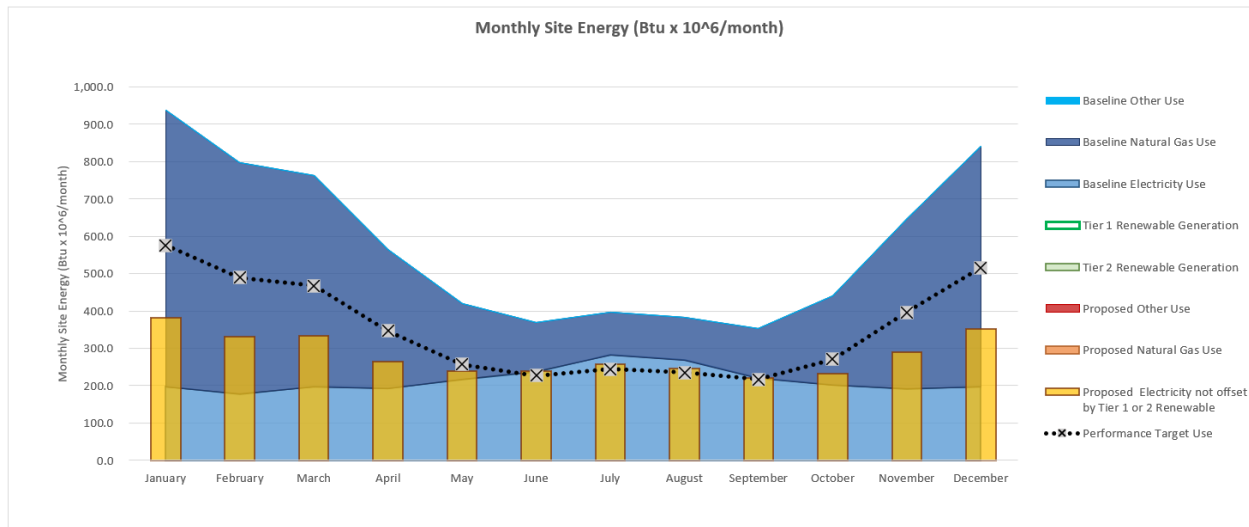
The “Demand Adjusted Energy” metric is intended to reward the following:

1. **Building energy efficiency:** Projects with very low site energy use intensity perform well using this metric.
2. **Efficient electrification:** Projects electrifying space heating and/or service water heating to minimally efficient electric DX heat pumps or better can document significant savings when pairing this electrification with building efficiency and peak loads reductions measures.
3. **Peak loads reductions:** Projects that significantly reduce peak loads achieve more savings applying this metric than projects with similar annual site energy use that do not reduce peak loads. The electric “demand adjustment” places the greatest value on electric demand during times when current and future electric load on the grid is anticipated to be highest.
4. **Grid Harmonization:** Greater “value” is attached to measures that harmonize with regulatory decarbonization mandates and grid resilience. In colder climates, grid peaks are likely to shift to mid-winter after wide-scale building electrification. The “Demand Adjusted Energy” metric incentivizes demand reduction during the periods that are likely to align with peak bus-load on the grid after wide-scale adoption of building electrification.

By using the demand adjusted energy and carbon emissions metrics, we can more accurately showcase the beneficial environmental impact that is being made by this building.

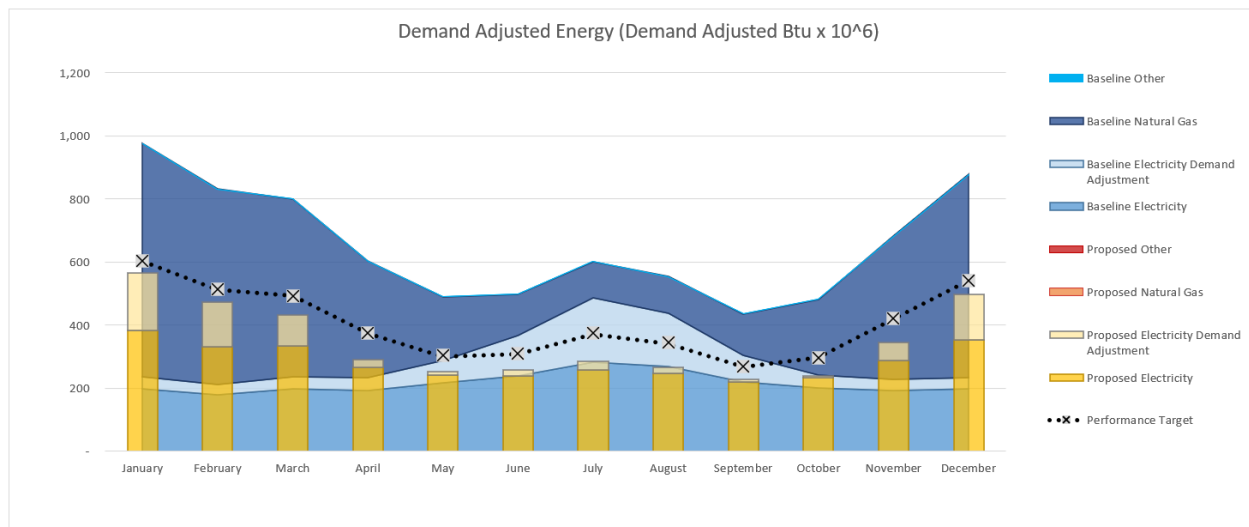
### Project Performance

The project’s hourly total electricity and miscellaneous electricity consumption were loaded into the calculation sheet along with monthly natural gas usage for both baseline and proposed cases. The table outlining monthly site energy usage below is not a metric used for LEED points. It does, however, provide information on how the baseline and proposed case site energy usage differs, especially during the heating dominated seasons.



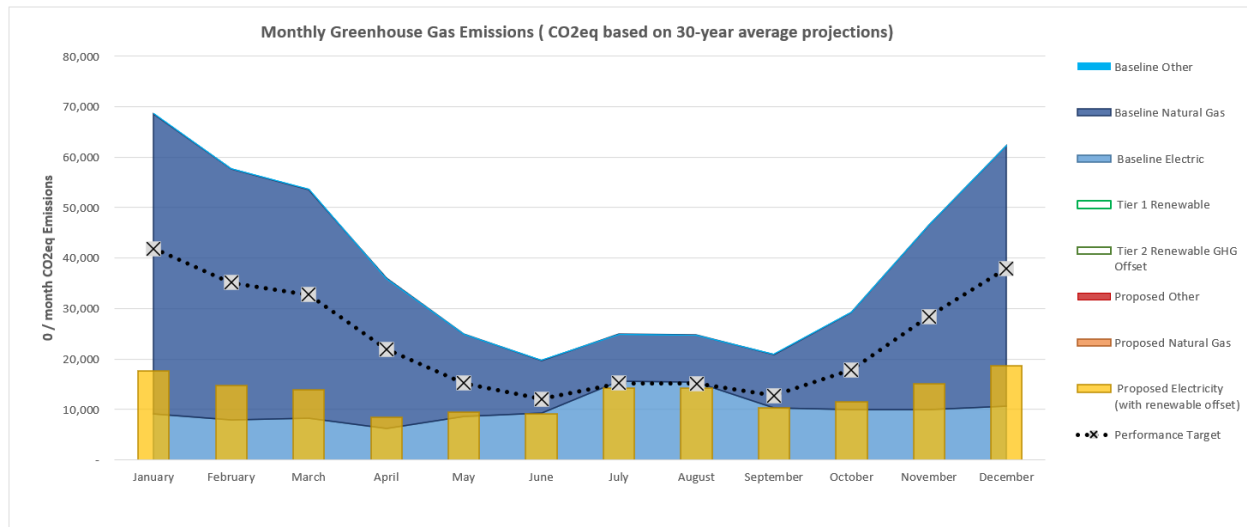
Per LEED Hourly Cambium, Demand Adjusted Energy Metrics Calculator (90.1-2019 Appendix G)

The following table outlines the Demand Adjusted Energy when compared to the baseline building. The demand adjustment that is applied to the electricity usage is calculated based on the number of hours where the building electric load exceeds the average hourly electrical demand. A Demand Adjustment Factor (DAF) will be applied to the electrical load for that hour resulting in a penalty in this category for increased strain places on the electrical grid, as shown below.



Per LEED Hourly Cambium, Demand Adjusted Energy Metrics Calculator (90.1-2019 Appendix G)

The final metric evaluated was the monthly GHG emissions, which for the Electrification ACP must be observed using a 30-year average projection. This allows for a forward-looking projection to be evaluated under the assumption that the electrical grid will become significantly less carbon intensive by 2050. These projections are localized by region as well, so the current and projected emissions are based on that of New England. This evaluation category also allows projects to take credit for onsite renewables and tier 2 GHG offsets for their reduction percentages.



Per LEED Hourly Cambium, Demand Adjusted Energy Metrics Calculator (90.1-2019 Appendix G)<sup>1</sup>

## Findings & Results

The Demand Adjusted Energy reduction from baseline to proposed case for the laboratory building is 14.3%, which qualifies this project for 2 points under this section.

### Demand Adjusted Energy

Operational Profile:

24x7

Operational Multiplier:

1.3

Energy Source	Demand Adjusted - Units	Baseline	Proposed
Electricity	Btu x 10 <sup>6</sup>	2,578.6	3,387.9
Electricity Demand Adjustment	Btu x 10 <sup>6</sup>	918.0	747.0
Natural Gas	Btu x 10 <sup>6</sup>	4,329.3	0.0
<b>Total - Demand Adjusted</b>	<b>Btu x 10<sup>6</sup></b>	<b>7,825.9</b>	<b>4,134.9</b>

1 - Proposed Building Performance / Baseline Building Performance 47.16%

Performance Index:	0.528
Performance Index Target:	0.616
Performance Index Percent Savings:	14.29%

<sup>1</sup> <https://data.nrel.gov/submissions/206>



The GHG emissions reduction from baseline to the proposed case over the 30-year average is 45%, resulting in an additional 7 points.

## Greenhouse Gas Emissions Factors

Emissions Factor per Energy Source ( (kg/(Btu x 10 <sup>6</sup> ) CO <sub>2</sub> eq)	ESG Reporting Emissions Factor	LEED-Referenced GHG Emissions Factor		FUTURE: Estimated 2050
		Current GHG Emissions Factor (based on data source above)	FUTURE: Estimated Average 30-year	
Electricity	106.57	106.57	45.90	0.00
Natural Gas	80.33	80.33	80.33	80.33

\* Include Combined combustion + pre-combustion (Direct + Indirect) per fuel source when electric GHG emissions factor is calculated based on combined combustion + precombustion factors for each fuel source.

## Annual Greenhouse Gas Emissions for LEED Credit (based on 30-year average emissions)

Energy Source	GHG Emission Factor (kg/(Btu x 10 <sup>6</sup> ) CO <sub>2</sub> eq)	Baseline ( CO <sub>2</sub> eq Emissions)	Proposed ( CO <sub>2</sub> eq Emissions)
Electricity	45.9	121,293	157,064
Natural Gas	80.3	347,771	0
Tier 2 Renewable Generation	45.9		0
Subtotal without Tier 2 renewable		469,064	157,064
<b>Total</b>		<b>469,064</b>	<b>157,064</b>
(Tier 2 renewable energy GHG emissions counted towards total does not exceed Proposed Electricity Emissions)			
1 - Proposed Building Performance without Tier 2 / Baseline Building Performance			66.52%
1 - Proposed Building Performance / Baseline Building Performance			66.52%

Performance Index without Tier 2:	0.335
<b>Performance Index:</b>	<b>0.335</b>
<b>Performance Index Target:</b>	<b>0.610</b>
Performance Index Percent Savings Without Tier 2:	45.10%
<b>Performance Index Percent Savings:</b>	<b>45.10%</b>

Unregulated Baseline ( CO <sub>2</sub> eq Emissions)
11,572
0
<b>11,572</b>
<b>11,572</b>
<b>11,572</b>

Combining these two metrics, the project could achieve 9 out of 18 points under LEED v4.1 Optimize Energy Performance, with a potential for achieving additional 2 LEED points, utilizing ASHRAE 90.1-2010 baseline for LEED v4.



**Air Pollution Control Commission** <apcc@boston.gov>

Mon, Nov 4, 1:45 PM



to Jason, nzozula, Alice, me ▾

Hello Jason and Nicholas,

We're reaching out because the Air Pollution Control Commission (APCC) received notification of the NPC filed for the 246-248 Dorchester Ave project. As you may know, the City of Boston's APCC administers the [Parking Freeze Program](#), which regulates off-street parking in Downtown Boston, South Boston, and East Boston.

We've flagged that there appear to be approximately 20-25 parking spaces on parcel 0600204000 that are not currently permitted by the APCC, which is a violation of the parking freeze. We'd like to discuss with you the process for permitting these spaces through APCC, so that this location is not in active violation when the project comes before the Commission to request the parking spaces associated with the redevelopment. Or, please let us know if the parking is closed off for use and will remain closed until construction begins, and we can conduct a site visit to ensure that there is no active parking that should be permitted.

Regarding the redevelopment, please note that the project team must receive APCC approval prior to commencing construction or modification of any parking facility. As you move through the Article 80 process, we recommend that you consider the APCC's criteria for the issuance of a parking freeze permit. We further recommend that you receive APCC approval prior to seeking board approval.

To consult our regulations and learn more about the Parking Freeze Program, please visit <https://www.boston.gov/departments/environment/air-pollution-control-commission/parking-freezes>. You may also consult our [online filing guide](#) and view our 2024 [hearing dates and application deadlines](#) (2025 dates will be posted soon).

We'd be happy to set up a meeting to discuss all of this in more detail. Please let us know if you have any questions.

Best,

Alyssa, APCC



**Air Pollution Control Commission**

**City of Boston Environment Department**

<https://www.boston.gov/departments/environment/air-pollution-control-commission>



**Boston City Council**  
**ED FLYNN**  
Councilor - District 2

December 12, 2024

Boston Planning Department  
One City Hall Square, Room 900  
Boston, MA 02201

**RE: Letter of support for 246-248 Dorchester Avenue**

Dear Members of the BPDA Board,

I'm writing in support of the boutique hotel proposed at 246-248 Dorchester Avenue in the neighborhood of South Boston. I hope that the Board will take the action necessary to approve this project.

246-248 Dorchester Avenue was approved in January 2018 as an 8-story boutique hotel with 159 rooms. The revised project would consist of 10 stories and include 10 additional hotel rooms on a smaller subdivided lot of 16,363 square feet, reduced from the previously approved lot size of 22,042 square feet.

However, the building height and the hotel use will remain the same while accounting for changes in the hospitality industry, as well as challenges related to interest rates and construction cost and post-pandemic inflation.

Please note I have discussed at length with both the Planning Department and development team my concerns regarding public safety and the height of the walls and railings on the outdoor space and balcony. It is my understanding they will be placed a foot above the normal requirement; however, I will continue to advocate that they be placed higher during the Planning Department Design Review process.

Moreover, I have made known my opposition to the presence of the bike lane placed out front on Dorchester Ave. These transportation and infrastructure changes should not be done through the Article 80 process with no connection to one another, as well as a "bike lane to nowhere" in close proximity to very difficult intersections on high traffic corridors. There should be a thorough community process and feedback from neighbors on a master plan, where options for alternative routes are also discussed alongside these proposals on main streets, commercial roads, and high traffic corridors.



**Boston City Council**  
**ED FLYNN**  
Councilor - District 2

This project on Dorchester Avenue is located within the PLAN: South Boston Dorchester Avenue area. It is also a short walk away from Broadway Station and the commercial area of West Broadway and will support the local South Boston economy, as well as adding to the economic vitality of the city.

I respectfully ask that the Board provide every consideration for this project. If you have any questions, please feel free to contact me at [Ed.Flynn@Boston.gov](mailto:Ed.Flynn@Boston.gov), or at 617-635-3203.

Sincerely,

A handwritten signature in black ink that reads "Ed Flynn".

Ed Flynn  
Boston City Councilor, District 2



**MEMORANDUM****March 13, 2025**

**TO:** **BOSTON REDEVELOPMENT AUTHORITY**  
**D/B/A BOSTON PLANNING & DEVELOPMENT AGENCY (BPDA)**  
AND KAIROS SHEN, DIRECTOR

**FROM:** CASEY HINES, CO-DIRECTOR FOR DEVELOPMENT REVIEW  
NUPOOR MONANI, CO-DIRECTOR FOR DEVELOPMENT REVIEW  
ZOE SCHUTTE, PROJECT ASSISTANT

**SUBJECT:** 279 MAVERICK STREET, EAST BOSTON

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**SUMMARY:** This Memorandum requests that the Boston Redevelopment Authority d/b/a Boston Planning & Development Agency ("BPDA") authorize the Director to execute and deliver an Affordable Housing Agreement ("AHA") and any and all other agreements and documents and to take any and all other actions that the Director deems appropriate and necessary in connection with the Project at 279 Maverick Street in East Boston.

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**PROJECT SITE**

The Project is located at 279 Maverick Street in East Boston. The site is located on two (2) parcels of land located at 279 Maverick Street and 273 Maverick Street totaling 12,400 square feet of land area (the "Project Site"). The Project Site is currently a parking lot. The Project Site is transit oriented as it is located less than half a mile from the MBTA Blue Line Maverick Station, is along MBTA bus route #120, and is within half a mile of bus routes 114, 116, 117, 121 and SL3.

**DEVELOPMENT TEAM**

**Owner/Developer:** 279 Maverick LLC  
c/o MG2 Group, LLC  
Joseph Donovan, Manager  
50 Franklin Street, Suite 400  
Boston, MA 02110

**Architect:** Embarc Studio, LLC  
Dartagnan Brown, LLC  
60 K Street  
Boston, MA 02127

**Legal Counsel:** Law Office of Richard C. Lynds  
Richard C. Lynds, Esq.  
245 Sumner Street, Suite 110  
East Boston, MA 02128

**Surveyor:** Greater Boston Survey and Engineering  
19 Fredith Road  
Weymouth, MA 02189

**NOTICE OF PROJECT ALTERATION AND PROJECT BACKGROUND**

279 Maverick, LLC (the “Proponent”) proposes to construct a five (5) story mixed-use building containing thirty-two (32) residential ownership units and one (1) commercial space totaling 34,000 square feet of gross floor area on the project site (the “Proposed Project” or “Project”). Five (5) of the thirty-two (32) residential units would be income restricted under the City of Boston Inclusionary Development Policy (“IDP”). The building will also contain twenty-two (22) parking spaces, thirty (30) indoor bicycle parking spaces for residents, and ten (10) outdoor bicycle parking spaces for visitors.

On May 12, 2022, BPDA Board approved the Project pursuant to Article 80E Small Project Review of the Zoning Code. On February 27, 2025, the Proponent submitted a Notice of Project Alteration to the BPDA to change the residential portion of the Project from rental to home ownership. The Notice of Project Alteration does not contemplate any other changes to the Project. The Planning Department subsequently notified elected officials that a public meeting would be held only at their request within 14 days of the filing of the Notice of Project Alteration. In addition to the Planning Department filing notification, the Proponent conducted outreach with local elected officials to discuss the updates to the Project and solicit feedback. No public meeting was requested.

The Proposed Project residential unit mix will include three (3) studio units, seventeen (17) one-bedroom units, nine (9) two-bedroom units, and three (3) three-bedroom units. The Proposed Project will include five (5) Inclusionary Development Policy home-ownership units ("IDP Units").

<b><u>Estimated Project Metrics</u></b>	<b>May 2022 Approval</b>	<b>Revised Plan</b>	<b>Net Change</b>
<b>Gross Square Footage</b>	36,715	36,715	0
<b>Gross Floor Area</b>	34,000	34,000	0
<i>Residential</i>	30,361	30,361	0
<i>Retail</i>	1,774	1,774	0
<i>Parking</i>	4580	4580	0
<b>Development Cost Est.</b>	\$9,000,000	\$9,000,000	\$0
<b>Residential Units</b>	32	32	0
<i>Rental</i>	32	0	-32
<i>Ownership Units</i>	0	32	+32
<i>IDP/Affordable Units</i>	5	5	0
<b>Parking spaces</b>	22	22	0

### **INCLUSIONARY DEVELOPMENT POLICY**

The Project is subject to the Inclusionary Development Policy, dated December 10, 2015 ("IDP"), and is located within Zone B, as defined by the IDP. The IDP requires that 13% of the total number of units within the development be designated as IDP units. In this case, five (5) units within the Proposed Project will be created as IDP Units, of which three (3) units will be made available to households with incomes not more than 80% of the Area Median Income ("AMI") as published annually by the BPDA and based upon data from the United States Department of Housing and Urban Development ("HUD"), and two (2) units will be made available to households with incomes not less than 80% of AMI but not more than 100% of AMI.

The proposed sizes, location, income restriction, and sales prices for the IDP Units are as follows:

<b>Unit Number</b>	<b>Number of Bedrooms</b>	<b>Unit Size (Sq Ft)</b>	<b>Percent of AMI</b>	<b>Sales Price</b>
203	Three-Bedroom	1,090	100%	\$393,120
304	Two-Bedroom	860	100%	\$348,088
307	One-Bedroom	650	80%	\$228,280
402	One-Bedroom	645	80%	\$228,280
409	Studio	455	80%	\$188,032

The location of the IDP Units will be finalized in conjunction with BPDA and Mayor's Office of Housing staff and outlined in the Affordable Housing Agreement ("AHA"), and sales prices 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 sale 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 AHA must be executed along with, or prior to, the issuance of the Certification of Approval for the Proposed Project. The Proponent must also submit an Affirmative Marketing Plan (the "Plan") to the Boston Fair Housing Commission and the BPDA. The IDP Units will not be marketed prior to the submission and approval of the Plan. Preference will be given to applicants who meet the following criteria, weighted in the order below:

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

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 in determining eligibility for such a preference.

An affordability covenant will be placed on the IDP Units to maintain affordability for a total period of fifty (50) years (this includes thirty (30) years with an option to extend for an additional period of twenty (20) years). The household income of the purchaser and purchase price of any subsequent sale of the IDP Units during this fifty (50) year period must fall within the applicable income and resale limits for each IDP Unit. IDP Units may not be rented out by the developer prior to sale to an



income eligible household, and the BPDA or its assigns or successors will monitor the ongoing affordability of the IDP Units.

In its May 12, 2022, approval, the BPDA Board authorized the Director to enter into an Affordable Rental Housing Agreement and Restriction in connection with the Project. Because the residential portion of the Project now calls for home ownership units, the Project will require an AHA for the set aside of the IDP units, in addition to the Certification of Approval and Community Benefits Agreement already authorized by the BPDA Board.

**RECOMMENDATIONS**

Based on the foregoing, staff recommend that the Board authorize the Director to enter into and deliver an AHA and any and all other agreements and documents and to take any and all other actions 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 execute and deliver an Affordable Housing Agreement for the creation of five (5) homeownership on-site IDP Units and to enter into any and all other agreements and documents and to take any and all other actions that the Director deems appropriate and necessary in connection with the Proposed Project.

# 279 Maverick Street, East Boston

1:500





