



Planning Department

MEMORANDUM

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

FROM: Joanne Marques
Regulatory Planning & Zoning

DATE: May 15, 2025

RE: Planning Department Recommendations

Please find attached, for your information, Planning Department recommendations for the May 20, 2025 Board of Appeal's Hearing.

Also included are the Board Memos for:

10 Chandler ST Boston 02116
4 to 0 LIBERTY SQ BOSTON 02109
944 Saratoga ST East Boston 02128

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



Case	BOA1705409
ZBA Submitted Date	2025-04-02
ZBA Hearing Date	2025-05-15
Address	8 Concord ST Charlestown 02129
Parcel ID	0203070000
Zoning District & Subdistrict	Charlestown Neighborhood 3F-2000
Zoning Article	62
Project Description	Add a dormer to the front of the third floor of an existing building and replace windows.
Relief Type	Conditional Use
Violations	Roof Structure Restrictions

Planning Context:

The Proposed Project replaces existing windows on an existing three-story building and adds a dormer to the third story of the front elevation of the building. PLAN: Charlestown supports the addition of dormers to existing structures, provided they meet the following guidelines: where there are multiple dormers, align the dormers that are on the same story and size them consistently; gable dormers at front elevations are strongly preferred over other dormer types; existing (historic) dormers should be retained rather than replaced; hold dormer edges back from the sides of the roof and down from the roof ridge line; shed dormers should have a minimum roof slope of 3.5-to-12 wherever possible.

Zoning Analysis:

The Proposed Project contains a single citation with respect to roof structure restrictions in Charlestown. Given the planning context, approval of the proposal is recommended with the addition of Design Review to ensure that the dormer aligns with the design guidelines set forth by PLAN: Charlestown.

Recommendation:

In reference to BOA1705409, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review, for alignment with the regulations of the Neighborhood Design Overlay District (NDOD).



Planning Department

CITY of BOSTON

Reviewed,

Kathleen Onuf

Deputy Director of Zoning



Case	BOA1693892
ZBA Submitted Date	2025-02-24
ZBA Hearing Date	2025-05-15
Address	280A Shawmut AV Roxbury 02118
Parcel ID	0305997000
Zoning District & Subdistrict	South End Neighborhood MFR/LS
Zoning Article	64
Project Description	Change in use from a yoga studio to a restaurant use with associated internal renovations including the addition of kitchen and seating areas.
Relief Type	Conditional Use
Violations	Use: Conditional (Restaurant)

Planning Context:

This proponent seeks to change the use of a former yoga studio to a restaurant use in an existing four-story attached, mixed-use building in the South End. The proposed change of use includes interior renovations for kitchen and seating areas on the basement level and ground floor. There are no proposed use changes or interior renovations for the upper stories of this building.

The block of Shawmut Avenue where this property is located has several mixed-use buildings with ground floor commercial uses. This property directly abuts and is attached to a mixed-use property along its eastern side lot line that has a ground floor restaurant use. It is also across the street from a mixed-use property with the same ground floor restaurant use condition. These are both precedents of ground floor restaurant uses in the area, making this proposed restaurant use in keeping with the surrounding land use conditions.

Zoning Analysis:

This proposal has received one citation for use regulations (Art. 64, Sec. 8) specific to the proposed restaurant use being a conditional use within the South End Neighborhood District (Art. 64). As stated in the Planning Context, this proposed change of occupancy to a restaurant use is in keeping broadly with the presence of ground floor commercial uses on this block and



specifically with the abutting and nearby ground floor restaurant uses. As such, this proposed use meets the criteria of Art. 6, Sec. 6-3 (Conditions Required for Approval) and should be granted zoning relief due to its alignment with its surrounding land use conditions.

This violation indicates a need for zoning reform in this zoning subdistrict (the MFR/LS subdistrict) to make common commercial land uses such as restaurant uses fully allowed uses to reduce the need for zoning relief when one common commercial use is being replaced by another one.

Site plans completed by Olde Stone Plot Plan Service, LLC. on December 29, 2022. Project plans completed by Paul R. Lessard, Architect on October 16, 2024 and stamped by the Inspectional Services Department on February 18, 2025.

Recommendation:

In reference to BOA1693892, The Planning Department recommends APPROVAL.

Reviewed,

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Deputy Director of Zoning



Case	BOA1699132
ZBA Submitted Date	2025-03-14
ZBA Hearing Date	2025-05-15
Address	150 Huntington AV Boston 02115
Parcel ID	0400864000
Zoning District & Subdistrict	Huntington Avenue/Prudential Center Mixed-Use
Zoning Article	41
Project Description	The proponent is seeking to remove a takeout proviso limited to the previous petitioner.
Relief Type	Conditional Use
Violations	Use: conditional - remove takeout proviso 36A ("Other Protectional Provisions")

Planning Context:

150 Huntington Avenue is a mixed-use (commercial and residential) apartment building facing Huntington Avenue and extending between Cumberland Street and West Newton Street. There are several other small businesses located within the building, including a nail salon, a dry cleaning establishment, and a restaurant serving breakfast and lunch. The proponent is seeking to remove the proviso that grants the takeout restaurant use to the former petitioner only. No plans were provided with the application, and no work is being done.

Zoning Analysis:

Section 41-17 identifies takeout uses as conditional in this district. This project represents a case for zoning reform because the project would extend a preexisting takeout restaurant use. As described in the “Reforming the Boston Zoning Code” report, the City has an inherent interest in legalizing existing uses as it seeks to simplify and modernize the Code (Bronin, 2023). Future reform efforts could address this issue by allowing these provisos to be removed without ZBA intervention or by allowing takeout as a component of restaurant uses in this location (as they are in Squares + Streets districts). Either change would save time and money—critical resources for Boston’s small business owners.

Recommendation:



In reference to BOA1699132, The Planning Department recommends APPROVAL.

Reviewed,

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Deputy Director of Zoning



Case	BOA1704531
ZBA Submitted Date	2025-03-31
ZBA Hearing Date	2025-05-15
Address	76 to 84 Boylston ST Boston 02116
Parcel ID	0500001001
Zoning District & Subdistrict	Midtown Cultural Boston Common and Public Garden Protection Area
Zoning Article	8, 38
Project Description	The applicant proposes a tenant fit-out for a future restaurant, "Burg & Shaw," located within the Midtown Cultural District and the Boston Common and Public Garden Protection Area. The proposed use includes takeout service, which is designated as a conditional use under Midtown Cultural 38-18.
Relief Type	Conditional Use
Violations	Conditional Uses - Takeout

Planning Context:

The subject property is located on Boylston Street within the Midtown Cultural District, an area characterized by a mix of commercial, institutional, and entertainment uses. This stretch of Boylston is particularly active, with a high volume of pedestrian traffic and a concentration of restaurants, theaters, and retail establishments serving both residents and visitors. The proposed restaurant use is consistent with the prevailing character of the area, where food service establishments, including those offering takeout, are common. Under Article 38, Section 18 (Table D: Use Regulations) of the Boston Zoning Code, takeout restaurant service is classified as a conditional use in the Midtown Cultural District. This means the use is allowed only with Zoning Board of Appeal approval. It is worth noting that under the proposed zoning in PLAN: Downtown is currently out for public comment and takeout service would be considered an accessory to restaurant use and would not require separate conditional use approval. This change reflects a shift toward modernizing land use categories to support walkable, mixed-use districts like Midtown. The proposal represents a reasonable addition to the neighborhood's active ground-floor commercial environment.

Zoning Analysis:



The proposal to establish a new takeout restaurant use at 76–84 Boylston Street has been reviewed in detail against the requirements of Article 8, Section 7 (Table A) for properties located in the Midtown Cultural District, revealing the following zoning considerations:

Use Regulations (Takeout Use): Under Midtown Article 38, takeout restaurant service is classified as a conditional use in the Midtown Cultural District. This designation requires approval of a Conditional Use Permit from the Zoning Board of Appeal. While the Boston Zoning Code mandates this review, it is important to note that takeout establishments are commonly found throughout this area and contribute to the pedestrian-oriented nature of the district. The proposed use is consistent with the active ground-floor character of the surrounding commercial environment.

Design Overlay Considerations: The site lies within the Boston Common and Public Garden Protection Area, which may require separate review by the Boston Planning & Development Agency and/or Boston Landmarks Commission for any future signage or exterior changes. However, the current scope is limited to interior work and change of use.

The plans, titled “Tenant Buildout for Future Restaurant ‘Burg & Shaw’”, were prepared by BKA Architects Inc. and dated January 31, 2025. The proposal involves the interior renovation of a commercial space for restaurant use, including takeout service. As takeout is a conditional use under Article 8 in this zoning subdistrict, the project requires relief from the Zoning Board of Appeal. Given the compatibility of the proposed use with the existing commercial context and the minor nature of the zoning violation, zoning relief is appropriate. This is a routine instance where zoning mechanisms ensure review while reinforcing the mixed-use, walkable character of the downtown core.

Recommendation:

In reference to BOA1704531, The Planning Department recommends APPROVAL.

Reviewed,

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Deputy Director of Zoning



Case	BOA1695221
ZBA Submitted Date	2025-02-27
ZBA Hearing Date	2025-05-15
Address	43 Preble ST South Boston 02127
Parcel ID	0700742000
Zoning District & Subdistrict	South Boston L-0.5
Zoning Article	Underlying Zoning
Project Description	Request for outdoor display of new or used motor vehicles.
Relief Type	Variance
Violations	Use: Forbidden

Planning Context:

The subject property is located in a largely residential and mixed-use area with structures that are two and a half to four stories. It is located within walking distance to the Andrew MBTA Red Line Station, Veterans Park, and Moakley Park. The property is also within the PLAN: South Boston Dorchester Avenue plan area which promotes a new, urban, mixed-use district in Boston including a network of new streets, open spaces, and significant new housing at a variety of price points. It also seeks to create zoning that allows for new models of commercial and industrial development.

The City is currently reviewing a Article 80 Small Project for the property consisting of 31 new residential units and approximately 759 square feet of ground floor commercial space. It is unclear if the request for zoning relief has any relationship to the proposed Article 80 project, and may represent an interim use.

Zoning Analysis:

The subject property is located in an L-0.5 Business district in the Underlying Zoning where outdoor sale or display of new or used motor vehicles is forbidden. It is also within a Restricted Parking zoning overlay district where off-street parking facilities including parking accessory to non-residential uses are conditional uses. The applicant has not provided a plan showing the location, extent, or type of motor vehicle display proposed on the site. It is unlikely that the outdoor sale or display of new or used motor vehicles would be an appropriate use in this



zoning district because the surrounding area is largely residential. An application submitted for this request should include plans and a description of the proposed use. It should also demonstrate why the proposed use would be appropriate.

Recommendation:

In reference to BOA1695221, The Planning Department recommends DEFERRAL: adequate plans must be submitted for review.

Reviewed,

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Deputy Director of Zoning



Case	BOA1689389
ZBA Submitted Date	2025-02-04
ZBA Hearing Date	2025-05-15
Address	8 Greenley PL Jamaica Plain 02130
Parcel ID	1102270000
Zoning District & Subdistrict	Jamaica Plain Neighborhood 3F-4000
Zoning Article	55
Project Description	Demolish old deck, and construct a new deck with roof and screens, along with carport with rubber roof deck. Replace window with door on second floor, and additional work on basement entrance wall.
Relief Type	Variance
Violations	Side Yard Insufficient

Planning Context:

The lot contains an existing two-family dwelling in Jamaica Plain approximately two blocks east of the Green Street MBTA Orange Line stop. Greenley Place is a short dead-end side street off Green Street, and the lot is the southernmost residential property on that side of the street. The parcel is in a 3F-4000 subdistrict, and has multiple additional residential dwellings to the north in the same subdistrict. Directly to the south and west are multiple non-residential properties in a Local Industrial subdistrict, with a small motor repair shop directly to the south.

Proponent seeks to demolish an old deck, and replace and enclose a new one, alongside some small additional repairs to the property. The old deck is open and on the first floor only. The new deck would include an additional enclosed portion on the first floor as well as an additional open deck on the second floor, improving amenity space for both units on the property. The property sits within the existing PLAN: JP/Rox study area. The plan regularly notes the importance of rental housing and existing residential neighborhoods in and around this area, suggesting that maintenance of existing properties is a priority. This kind of small renovation is the type of upkeep envisioned by the ongoing Neighborhood Housing zoning initiative, initiated in November of 2024.

Zoning Analysis:



One zoning violation is cited in the refusal letter, for side yard violation. Per Article 55, Table F, the minimum side yard required in a 2F-4000 is 10 feet. On the north side of the parcel, the new side yard violation from the first floor deck would be 6.4 feet, which would extend that portion of the side yard violation further to the rear. Many neighboring properties have side yards even smaller than this, and so this zoning requirement does not even reflect existing conditions as a baseline, and relief is appropriate. Similarly, on the south side of the building, the second floor deck would extend further toward the abutting industrial parcel, creating a new potential violation as the side yard shrinks from a current 19.3' to 7.5'. Again, many side yards are even smaller, and the neighboring property's parking use on that side of the building will not be adversely affected by this proposed deck. Relief is appropriate. Future zoning reform, such as through Neighborhood Housing, should consider adjusting yard requirements to at a minimum better reflect existing conditions in residential areas.

Recommendation:

In reference to BOA1689389, The Planning Department recommends APPROVAL.

Reviewed,

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Deputy Director of Zoning



Case	BOA1564124
ZBA Submitted Date	2024-01-21
ZBA Hearing Date	2025-05-15
Address	21 Waterloo ST Hyde Park 02136
Parcel ID	1812686000
Zoning District & Subdistrict	Hyde Park Neighborhood 2F-5000
Zoning Article	69
Project Description	Change use from one unit to two units.
Relief Type	Variance
Violations	Usable Open Space Insufficient Additional Lot Area Insufficient Parking or Loading Insufficient

Planning Context:

The applicant proposes to change the use from one unit to two units. The building previously functioned as a two-unit residence and is currently equipped with separate utilities for each unit. The applicant resides in the first-floor unit. Scope of work includes interior renovations to reestablish a second kitchen, construct a new bathroom, remove an existing bathroom, install new entry doors, and upgrade the electrical system with new panels and meters. No exterior additions or changes to the footprint are proposed at this time.

The area is characterized by a suburban residential fabric, with detached and semi-detached structures, modest building heights, and generous setbacks that contribute to a relatively open neighborhood character. The property is also located within the Greenbelt Protection Overlay District, which seeks to preserve natural features, mitigate flood risks, and ensure development aligns with environmental stewardship goals.

Zoning Analysis:

A two-family dwelling is an allowed use in the 2F-5000 subdistrict according to Article 69, Table A. Proposed alterations to the building and the exterior site do not trigger Greenbelt Protection Overlay review, per Article 29-4. (However, any future exterior work would require further review per Article 29, including potential environmental and stormwater management plans.)



Zoning relief for insufficient parking is appropriate due to the configuration of the parcel and existing dwelling. In order to conform with the required four off-street parking spaces, the existing driveway would reduce usable open space, which is already cited as insufficient. Further, to comply with this ratio, the parking area would have to be expanded into the front yard in a manner that conflicts with the parking design guidelines of Section 69-29.a which note, "Off-street parking and loading spaces shall not be located in any part of a landscaped area required by this Article or in any part of a Front Yard.."

Zoning relief for usable open space and additional lot area are appropriate because both attributes are commonly found in this context. The lot contains approximately 3,060 square feet. Total usable open space is an existing typical condition on this block that would not be worsened by the proposal. While the addition of a unit reduces the lot area and open space per unit, these proposed metrics would still be consistent with the typical conditions found in this two-family district.

Recommendation:

In reference to BOA1564124, The Planning Department recommends APPROVAL.

Reviewed,

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Deputy Director of Zoning



Case	BOA1612451
ZBA Submitted Date	2024-06-06
ZBA Hearing Date	2025-05-15
Address	1251 to 1269 River ST Hyde Park 02136
Parcel ID	1809074000
Zoning District & Subdistrict	Hyde Park Neighborhood NS-2
Zoning Article	69
Project Description	Remove previous proviso limiting take out to this petitioner only for existing commercial building at 1251-1269 River Street.
Relief Type	Conditional Use
Violations	Other Protectional Conditions: Remove proviso "takeout to petitioner only"

Planning Context:

The proposed project seeks to remove the previous Proviso limiting takeout to petitioner only for the existing commercial building at 1251-1269 River Street in Hyde Park. 1251-1269 River Street is a one-story commercial building that currently has seven commercial spaces that include a mix of restaurants and retail stores. No changes to the structure are proposed with this change. This portion of River Street contains primarily one-story commercial buildings. River Street is also within the study area of the ongoing Cleary Square Squares and Streets Planning Initiative. While no plans have been submitted with this proposal, removing this Proviso would allow a new restaurant with takeout to open along a key commercial hub in Hyde Park.

Zoning Analysis:

The refusal letter states one violation: other protectional conditions. Within this subdistrict, restaurants with takeout are a conditional use. The proposed project was previously issued a Conditional Use Permit by the Zoning Board of Appeal in December 2017 with the Proviso "takeout use granted to this petitioner only for this use only". The Board granted a conditional use under Section 6-3 of the Zoning Code as a restaurant with takeout use as it met the following conditions: a) specific site is an appropriate location for such use, b) use will not adversely affect the neighborhood, c) there will be no serious hazard to vehicles or pedestrians from the use, d) no nuisances will be created and e) adequate and appropriate facilities will be



provided for the proper operation of the use. As this location has met these criteria and has had several restaurants with takeout open in the area, zoning relief should be granted for the previous Proviso to be removed.

While no plans have been submitted, the supporting documentation is titled ALT1581358 Z.R. decision letter with BOA hearing plan set attached 5.7.24.

Recommendation:

In reference to BOA1612451, The Planning Department recommends APPROVAL.

Reviewed,

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Deputy Director of Zoning



Case	BOA1669983
ZBA Submitted Date	2024-11-08
ZBA Hearing Date	2025-05-15
Address	109 Bateman ST Hyde Park 02131
Parcel ID	1808587000
Zoning District & Subdistrict	Hyde Park Neighborhood 1F-6000
Zoning Article	69
Project Description	Construct an addition of half second story by renovating attic living space
Relief Type	Variance
Violations	FAR Excessive Height Excessive (stories) Side Yard Insufficient Front Yard Insufficient Lot Width Insufficient Other Protectional Conditions

Planning Context:

109 Bateman Street is located in the Hyde Park neighborhood district in an area with predominantly single family homes. There are two single family homes immediately adjacent to the parcel. The proponent seeks to complete the second story, as well as add an attic to the existing 1.5 story dwelling unit. Many of the surrounding homes have limited sideyard allotments, as well as the majority of them are generally small single story buildings similar in size to the existing dwelling unit. The lot at 109 Bateman Street is pretty much identical in size to the lots surrounding it as well as the ones across the street.

Zoning Analysis:

The maximum FAR for the zoning district is 0.5, the existing FAR is 0.22- similar to buildings surrounding it, and the plans proposes a FAR of 0.49; or at the maximum . The north side yard setback is 6 feet and 5 inches; this is an existing non-conformity, as the zoning district requires side yards of 10 feet and will not be worsened by the proposed plans. The front yard setback is 50 feet and 1 inch while the district requires 60 feet; this is similarly an existing non-conformity that will not be worsened by the plans. The allowed number of stories in the subdistrict is 2.5 and the proponent is proposing 3 stories with the addition of the attic. The third story is not



dimensionally that much different than a 2.5 story dwelling with a dormer. The minimum lot width for the district is 60 ft which is not changing (existing lot width is 50 feet and 38 inches), making it another existing nonconformity. The project is largely contextual to its surroundings.

Recommendation:

In reference to BOA1669983, The Planning Department recommends APPROVAL.

Reviewed,

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Deputy Director of Zoning



Case	BOA1655919
ZBA Submitted Date	2024-09-26
ZBA Hearing Date	2025-05-15
Address	4014 Washington ST Roslindale 02131
Parcel ID	1903409000
Zoning District & Subdistrict	Roslindale Neighborhood LC
Zoning Article	67
Project Description	Front addition to existing restaurant. The addition would be ten feet deep and seventeen feet wide and contain take-out use.
Relief Type	Variance, Conditional Use
Violations	Front Yard Insufficient Other Conditions Necessary as Protection

Planning Context:

This project is just outside of the main study area for the Roslindale Square Small Area Plan, which was adopted by the BPDA Board February 13, 2025. This Plan is part of the Squares + Streets initiative, which 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. This area was included in the Squares + Streets initiative because of its rich transit resources and existing small businesses.

Although this project is outside of the main study area circle for the Roslindale Square Squares + Streets Small Area Plan, this area is discussed in the Land Use and Design Framework section of the adopted plan. In this area, the Plan identifies “An opportunity to affirm the existing pattern of multifamily housing while encouraging mixed-use activity that can enable a small commercial cluster to form closest to Archdale Road.” This project therefore aligns with the land use goals of strengthening the commercial activity in this area.

Zoning Analysis:

On April 10, 2025, the BPDA Board approved zoning updates for the Roslindale Square area. These zoning updates would implement the recommendation in the Roslindale Square Small Area Plan to map Squares + Streets districts “throughout mixed-use areas of the Square, at key



gateways to the Square, and to provide transitions to smaller-scale residential areas.” This new zoning map is scheduled to be heard at the Boston Zoning Commission on May 21, 2025. In the new proposed zoning map, 4014 Washington Street is mapped in the S2 Main Street Mixed Use district. This district is a small- to medium-scale mixed-use district that allows more active and many commercial uses, especially on the ground floor. Because the new proposed zoning has not yet been adopted by the Boston Zoning Commission, this project has been reviewed under the current Article 67 zoning.

This project includes take-out within the proposed addition, which is conditional in the current zoning. This conditional use is appropriate, as the Roslindale Square Small Area Plan supports commercial activity in this area.

The project does not comply with the current front yard zoning requirement. The zoning requires that the front yard aligns with Existing Building Alignment, which is approximately eight feet. The existing building has a bump-out with a zero foot front yard. The new proposed addition will also protrude into the required eight foot front yard, however the site plan does not show the exact dimensions of the front yard for the proposed addition.

In the S2 district (in which this parcel is proposed to be rezoned), the required front yard is two feet. This two foot set back is important for creating adequate space for ADA compliant sidewalks, and the project should therefore comply with this new front yard requirement. Because the site plan does not show the dimensions of the front yard for the proposed addition, it is not clear whether it complies with the two foot front yard requirement.

Plans reviewed: “GUIRA Y TAMBORA” prepared by “M&T Construction + Design” and dated “06/28/2024.”

Recommendation:

In reference to BOA1655919, The Planning Department recommends APPROVAL WITH PROVISIO/S: that the proposed addition be set back at least two feet from the front lot line and that plans be submitted to the Planning Department for design review.

Reviewed,

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Planning Department

CITY of BOSTON

Deputy Director of Zoning



Case	BOA1682527
ZBA Submitted Date	2025-01-08
ZBA Hearing Date	2025-05-15
Address	56 Willow ST West Roxbury 02132
Parcel ID	2006275000
Zoning District & Subdistrict	West Roxbury Neighborhood 1F-6000
Zoning Article	56
Project Description	Conduct interior renovations including renovating an attic to include two bedrooms, an office, full bathroom, and common living space by adding two new dormers to the existing roof.
Relief Type	Variance
Violations	FAR Excessive Side Yard Insufficient Extension of Non-Conforming Use Use Forbidden

Planning Context:

The proposed project is located at the meeting point of two distinct land use contexts, a low-scale primarily one- to two-unit residential fabric to the north and the neighborhood-serving commercial center along Centre Street less than one block to the south. Many services and amenities are located along Centre Street, including several cafes and restaurants, pharmacies and medical offices, and a full-service grocery store. The Highland Station on the MBTA Needham Commuter Rail is also located just south of Centre Street, approximately 0.3 miles from the project location.

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. West Roxbury is among several neighborhoods with large lots and low-density housing that will be part of phase 1 of this initiative.



This project exemplifies how home improvements in Boston's lower-density residential neighborhoods can be done in a way to maintain the existing residential scale and form.

Zoning Analysis:

The violation for insufficient side yard is due to an existing side yard nonconformity, which at its narrowest is 2.9 feet. This condition is not being extended or otherwise altered in the proposed scope of work. Similarly narrow side yards are a common condition along this block, which provides adequate space between abutting residential structures. Relief is recommended.

The maximum FAR allowed in a 1F-6000 subdistrict is 0.4. This violation is due to the project's proposal to refurbish the unfinished attic to contain livable space, which increases the existing FAR from 0.56 (2,040 sf living area/3,599 sf lot) to 0.83 (2,040 sf living area plus 975 sf finished attic/3,599 sf lot). This is an existing non-conformity that is being increased by finishing the existing attic floorplate to create more living space, which will not affect building massing. Relief from the existing FAR requirements is recommended.

The violations for the extension of a non-conforming use and forbidden use are cited because the structure is an existing two-family that is being renovated/expanded within the interior of the structure. Given that this structure is an existing use that fits within the context of a largely low-density, one- to two-unit residential neighborhood, relief is recommended.

The plans reviewed are titled on the first page of the plan set as 'Existing Conditions Certified Plot Plan Located at 56 Willow Street West Roxbury, MA', prepared by Boston Survey Inc. and are dated July 31, 2024.

Recommendation:

In reference to BOA1682527, The Planning Department recommends APPROVAL.

Reviewed,

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Deputy Director of Zoning



Case	BOA1679628
ZBA Submitted Date	2024-12-20
ZBA Hearing Date	2025-05-20
Address	9 Johnny CT Boston 02111
Parcel ID	0305465000
Zoning District & Subdistrict	Chinatown Residential Chinatown
Zoning Article	43
Project Description	Renovate an existing two-unit residential to expand living space for each of the units. Renovations also include an improved headhouse and a roof deck.
Relief Type	Conditional Use
Violations	GCOD Applicability

Planning Context:

The proposed project seeks to renovate an existing two-unit residential building at 9 Johnny Court in Chinatown to expand the living space in each of the units to better suit the owners' needs. The renovations include changing the layout of each unit to create two-bedroom units with two bathrooms as well as a large kitchen and living/dining room. Additionally, the roof was modified to accommodate a new headhouse as well as a roof deck.

Johnny Court primarily contains residential two-unit row houses that are characterized by their brick facades and metal gates that frame the entrances along this narrow street.

This project would further the goals outlined in PLAN: Downtown (December 2023) as it would allow the property owners to enhance their spaces while still preserving the historic fabric of the neighborhood, especially in one of the historic row house blocks.

Zoning Analysis:

The refusal letter states one item that would need zoning relief: Groundwater Conservation Overlay District (GCOD) Applicability. Because this project is located in the GCOD, this project is also subject to review by the BWSC. Section 32-5 also notes that significant improvements to a structure would require a conditional use permit.

Section 6-3 notes that a conditional use permit may be issued if it meets the following criteria: a) specific site is an appropriate location for such use, b) use will not adversely affect the



neighborhood, c) there will be no serious hazard to vehicles or pedestrians from the use, d) no nuisances will be created and e) adequate and appropriate facilities will be provided for the proper operation of the use. As this location is continuing its residential use and the changes made will allow the property owners to continue to live in their spaces, a conditional use permit should be issued.

The plans reviewed are titled ALT1641598_ZONINGREFUSAL_ePlans_11292024 and are dated August 16, 2024. They were prepared by Timothy Burke Architecture.

Recommendation:

In reference to BOA1679628, 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,

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Deputy Director of Zoning



Case	BOA1706873
ZBA Submitted Date	2025-04-07
ZBA Hearing Date	2025-05-20
Address	75 Lubec ST East Boston 02128
Parcel ID	0104033000
Zoning District & Subdistrict	East Boston Neighborhood EBR-4
Zoning Article	32
Project Description	Interior and exterior renovation of six-unit building and construction of new private roof decks.
Relief Type	Conditional Use
Violations	GCOD Applicability

Planning Context:

This site is within the Jeffries Point neighborhood in East Boston, approximately equidistant from the Maverick and Airport MBTA Blue Line Stations. The proposed project fully renovates an existing six-unit, four-story building and constructs two new private roof decks. The renovation also includes new fire protection, which improves safety for building residents. Improving the existing housing stock through renovations was a recommendation of PLAN: East Boston for neighborhood residential areas such as this.

Zoning Analysis:

The project is cited only for GCOD applicability, pursuant to Section 32-4, due to substantial rehabilitation. Consequently, the project is subject to GCOD review by the Boston Water and Sewer Commission.

The violation letter incorrectly states that this parcel is within an MFR subdistrict, and should instead be listed as EBR-4. The application was processed on January 28, 2025 and is therefore subject to recently updated East Boston Zoning (May 2024). However, this corrected subdistrict designation does not change the citation for this project.

Plans reviewed are titled "Stage Design 75 Lubec Street Boston, MA 02128", dated January 6, 2025, and prepared by Joanna Reck Architect.



Recommendation:

In reference to BOA1706873, 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



Case	BOA1697121
ZBA Submitted Date	2025-03-06
ZBA Hearing Date	2025-05-20
Address	32 Chester ST Allston 02134
Parcel ID	2100808000
Zoning District & Subdistrict	Allston/Brighton Neighborhood 3F-4000
Zoning Article	51
Project Description	The applicant proposes to convert the existing unfinished basement of a detached three-story, three-family dwelling into a fourth residential unit. The project includes an expansion of the front common stairwell to provide access to the basement level. The new unit will be fully sprinklered in accordance with NFPA 13R standards. No changes to the building's footprint or exterior envelope are proposed as part of this application.
Relief Type	Variance
Violations	Parking or Loading Insufficient FAR Excessive Lot Area Insufficient Use: Forbidden - MFR Dwelling Forbidden Dwelling units forbidden in basement

Planning Context:

The subject property is located within the Allston-Brighton Neighborhood District. The immediate area is characterized by a mix of triple-decker residential buildings and larger multifamily structures, many of which incorporate below-grade dwelling units or garden-level apartments. While the building at 32 Chester Street is a detached three-story, three-family dwelling, it is in scale compared to several larger apartment-style structures on the street and in the surrounding blocks. The ADU Guidebook, approved in November 2024, provides a number of schemes to enable the addition of one unit of housing on various lot types across Boston. More specifically, the Guidebook describes the conversion of a basement into an additional unit as a particularly suitable renovation for smaller and medium-density lots. The Guidebook does note that building code and flooding concerns require consideration during basement renovations, as will be addressed below.



Zoning Analysis:

The proposal to convert the basement of an existing three-story, three-family dwelling into a fourth residential unit, with an expanded common stairwell to provide access to the basement, requires zoning relief for the following reasons:

Article 51, Sections 8 and 16 – Use: Forbidden

The proposed project introduces a fourth dwelling unit in a district where only three-family residences are permitted. Additionally, Table A, Footnote 5 explicitly forbids the creation of basement dwelling units in the 3F-4000 subdistrict. As such, the proposed unit represents a change of use that is not allowed by right or conditionally, and therefore requires a use variance.

Article 51, Section 9 – Additional Lot Area Insufficient

Zoning regulations require a minimum lot area of 4,000 square feet per dwelling unit in this subdistrict. For four units, a total of 16,000 square feet would be required. The subject parcel contains only 4,998 square feet, resulting in a significant deficiency of 11,002 square feet. Relief is required in the form of a dimensional variance for insufficient lot area.

Article 51, Section 9 – Floor Area Ratio (FAR) Excessive

The maximum permitted FAR in the 3F-4000 subdistrict is 0.8. The existing structure has an estimated gross floor area of approximately 4,100 square feet, which would increase to about 5,550 square feet with the inclusion of the finished basement. This results in a proposed FAR of approximately 1.11, exceeding the allowable limit and requiring a variance for excessive FAR.

Article 51, Section 56 – Off-Street Parking Insufficient

A minimum of two off-street parking spaces per dwelling unit is required. The proposed four-unit configuration would require a total of eight spaces. The site currently provides only an estimated two to three spaces, with no additional parking proposed. The project is therefore at least five to six spaces short and requires a parking variance.

The drawings propose the interior renovation of the basement into a code-compliant unit, including window wells for light and egress and sprinklering in accordance with NFPA 13R. No changes are proposed to the building envelope or footprint. The property is not located within a FEMA-designated flood zone. The project aligns with broader planning objectives and



illustrates the need for zoning updates that better reflect the evolving needs and built context of residential neighborhoods.

The plans, entitled 32 Chester Street – Zoning Set and prepared by Derek Rubinoff, Architect, were created on September 6, 2024.

Recommendation:

In reference to BOA1697121, The Planning Department recommends APPROVAL.

Reviewed,

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

Deputy Director of Zoning



Case	BOA1685123
ZBA Submitted Date	2025-01-21
ZBA Hearing Date	2025-05-20
Address	75 Maple ST Hyde Park 02136
Parcel ID	1809213000
Zoning District & Subdistrict	Hyde Park Neighborhood 2F-5000
Zoning Article	69
Project Description	Change of use from a two-unit to an eight-unit dwelling, preserving the existing structure and adding a rear/vertical extension with grade level parking.
Relief Type	Variance
Violations	Height Excessive (stories) Height Excessive Usable Open Space Insufficient Parking design and maneuverability Parking or Loading Insufficient Use: forbidden (multi-family)

Planning Context:

Site is an abnormally large 20,000 square foot lot in a 2F-5000 subdistrict in Hyde Park, one block east of the Fairmount MBTA Commuter Rail Station. Allowing for reasonable densification and upkeep of existing properties is one of (though not the primary) objectives of Squares and Streets planning and zoning, and this property is generally within the study area of the ongoing Cleary Square Squares + Streets planning initiative. This lot is approximately three to four times larger than many characteristically sized parcels on the same block. The proponent seeks to build an addition to the existing structure, which would add six units across four stories. Because the two existing units are included within the proposed change, this project will be subject to inclusionary zoning and will need to provide an affordable unit. While the absolute unit count is uncharacteristically high on this particular block, the placement of the addition to the rear of the property, the maintenance of the existing two-family structure at the front, and the large size of the lot all mitigate the potential impact of this structure on the surrounding neighborhood.

Zoning Analysis:



Per Article 69, Table C, in a 2F-5000 subdistrict, the maximum building height is 2.5 stories and 35 feet. The existing building appears to currently meet those limits, but this addition would create violations at approximately 45 feet and 4 stories. However, the absolute height of the building is only rising by approximately 7 feet from the existing roof line. The site slopes downward from the rear, so the majority of this additional height is actually below the ground level from the street. The perceived change is less than a half story, is set well back from the street, and may not be noticed from the sidewalk. Relief is appropriate.

Per Article 69, Table C, 1,750 square feet of open space are required for each dwelling unit. At 8 units, this would require 14,000 square feet of open space. At a proposed 13,012 square feet, this would create a new violation from the existing 17,344 square feet. This open space requirement, because it scales linearly with the number of units, represents an effective prohibition on larger multifamily uses in line with the use violation noted below. This site still provides ample open space and relief is appropriate.

Per Article 69, Table F, two parking spaces are required per dwelling unit in Hyde Park. At eight units, this would require 16 parking spaces. This proposal provides 10 parking spaces, which would be a violation. At one block from the Fairmount Station, two spaces per unit is wholly uncharacteristic of actual parking need. Indeed, a full 10 spaces already suggests paving 2400 square feet of parking area, plus additional area for the driveway. The refusal letter also cites this proposal for parking design and maneuverability, found in Section 69-29. To the degree this violation is present, design review is appropriate to consider how best to minimize design impacts of so much parking on this site, and to consider whether parking can be further reduced to improve maneuverability and open space.

Per Article 69, Table A, multi-family dwelling is a forbidden use in a 2F subdistrict. Given the uncharacteristically large size of this parcel, multifamily use is indeed a reasonable design outcome to encourage overall housing production while still maintaining overall levels of density in this portion of Hyde Park. Relief is appropriate.

Site is within a Neighborhood Design Overlay District and is over 750 square feet, so the Planning Department should conduct a design review. Additionally, with a proposed unit count of 8 units, Article 79's inclusionary zoning requirements are applicable.

Recommendation:



In reference to BOA1685123, The Planning Department recommends APPROVAL WITH PROVISIO/S: that a housing agreement be issued prior to issuing permits, that plans be submitted to the Planning Department for design review to consider the design impacts of so much parking on site, to consider whether parking can be further reduced, and to consider mitigation of changes that might be needed through building code review.

Reviewed,

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

Deputy Director of Zoning



Case	BOA1681741
ZBA Submitted Date	2025-01-06
ZBA Hearing Date	2025-05-20
Address	79 Wrentham ST Dorchester 02124
Parcel ID	1603163001
Zoning District & Subdistrict	Dorchester Neighborhood 1F-5000
Zoning Article	65
Project Description	Construct a new residential building containing 12 units and 10 on-site parking spaces.
Relief Type	Variance and Forbidden Use
Violations	Lot Area Insufficient FAR Excessive Height Excessive (stories) Usable Open Space Insufficient Front Yard Insufficient Side Yard Insufficient Rear Yard Insufficient Parking or Loading Insufficient Forbidden Use

Planning Context:

The project site at 79 Wrentham Street is located within a residential pocket of Dorchester where the prevailing built form consists of three-story residential buildings, many of which appear to be triple-deckers or converted multifamily homes. Although the zoning subdistrict is 1F-5000—intended for single-family detached housing—the neighborhood fabric includes several larger structures, suggesting a modest mix of housing typologies.

Not far from the site, the Adams House Condominiums on Msgr. Patrick J. Lydon Way represent a precedent for larger-scale residential development in the area, highlighting the presence of multi-unit housing beyond what is typically allowed by right. While the proposal at 79 Wrentham Street would require significant zoning relief, particularly for use and density, it reflects the ongoing pressure for additional housing in well-connected neighborhoods with an existing diversity of residential forms.



Importantly, the project is located just 0.4 miles from Ashmont Station, a major transit hub for the Red Line and buses. The proximity to frequent public transportation supports a reduced parking ratio and aligns with broader city goals for transit-oriented development and expanding housing access near transit nodes. In that context, the proposed density—while not allowed under the current zoning—reflects both the built character of the area and the kind of infill that may be appropriate in well-connected neighborhoods with varied housing types.

Zoning Analysis:

The applicant proposes to erect a new multi-family residential building with 12 units and 10 parking spaces. This use is forbidden under the existing zoning and therefore requires a variance. Additionally, the project is non-compliant with several dimensional requirements, including minimum lot area per dwelling unit, floor area ratio (FAR), building height, front and rear yard setbacks, and the amount of usable open space. Off-street parking is also insufficient both in terms of number and potentially design.

The proposed Floor Area Ratio (FAR) is 1.2, more than double the 0.5 maximum allowed in the 1F-5000 subdistrict. On a 14,117 square foot lot, the zoning permits a building of approximately 7,059 gross square feet, whereas the proposed building significantly exceeds that. However, the proposed FAR appears consistent with triple-deckers and multifamily buildings found throughout the surrounding blocks, many of which exceed the 0.5 FAR threshold as well. The physical character of the neighborhood suggests a mixed-density fabric, making the proposed FAR less out of step than the code might imply.

The proposed building height is 3 stories and 35 feet; zoning regulations permit a maximum height of 2.5 stories and 35 feet. The proposed height matches the maximum height allowed in feet under zoning in this subdistrict. While inconsistent with zoning regulations, three-story buildings are common in nearby streets throughout the immediate area and are consistent with the neighborhood's physical character.

The proposed front yard setback is 15 feet to the principal face of the building and 11 feet to the bay window projections. While slightly below the 20-foot minimum required under zoning, this condition is generally consistent with existing front setbacks of buildings along Wrentham Street, where many sit between 10 and 15 feet from the sidewalks.



The proposed side yard setbacks are 10 feet to the principal structure and 5 feet to decks. This proposed setbacks are more narrow than the zoning requirement of 10-foot minimum but typical for triple decker and multifamily buildings in this part of Dorchester, as many of the buildings were built with side yards of 5-7 feet. In that context, the proposed setbacks fit in with the surrounding pattern and don't feel out of place.

The proposed rear yard setback meets the 40-foot requirement at the principal wall and the only encroachment is from the rear decks, which extends 5 feet into the setbacks, resulting in 35 feet. While this technically requires relief, small deck projections like this are common in the neighborhood and generally do not impact the character of the site or neighboring properties.

The usable open space requirement is 750 square feet per dwelling unit in this subdistrict, or 9,000 square feet total for a 12-unit building. The project does not meet this requirement. However, many nearby triple-deckers and multifamily homes were built before the current zoning and do not provide this level of open space per unit. In that context, the proposal is generally consistent with the neighbourhood.

Ten parking spaces are provided, but with 12 units—presumably with multiple bedrooms—the underlying zoning would likely require at least 18–24 spaces, depending on unit composition.

Relief is therefore required for use, additional lot area per dwelling unit, FAR, height, open space, front and rear setbacks, and off-street parking.

While this level of zoning relief is significant, the project site is located in a residential section of Dorchester where the surrounding built context includes numerous three-story multifamily homes, many of which appear to be triple-deckers or conversions. These buildings demonstrate a pattern of residential density not captured by the underlying 1F-5000 zoning but nonetheless reflective of the neighborhood's physical reality. Just a short distance from the project site, the Adams House Condominiums on Msgr. Patrick J. Lydon Way provide precedent for larger residential development in this area. Because the proposal includes 12 residential units, it is subject to inclusionary zoning requirements and Per Article 79 will be required to provide affordable housing units. As such, any recommendation of approval should be conditioned upon the execution of a Housing Agreement with the Mayor's Office of Housing outlining the project's affordable unit commitments in compliance with Inclusionary Zoning requirements.



Recommendation:

In reference to BOA1681741, The Planning Department recommends APPROVAL WITH PROVISOS: Approval with Proviso: that plans be submitted to the Planning Department for Design Review; that a Housing Agreement be executed with the Mayor's Office of Housing outlining the project's affordable unit commitments in compliance with Inclusionary Zoning requirements.

Reviewed,

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

Deputy Director of Zoning



Case	BOA1690038
ZBA Submitted Date	2025-02-06
ZBA Hearing Date	2025-05-20
Address	20 Hamilton ST Dorchester 02125
Parcel ID	1501985000
Zoning District & Subdistrict	Dorchester Neighborhood 2F-6000
Zoning Article	65
Project Description	Accompanying ERT1657888, construct a two-family dwelling at the rear of the property.
Relief Type	Variance
Violations	Application of Dimensional Requirements: Two or More Dwellings on Same Lot

Planning Context:

Property is an existing three-family residence in a 2F-6000 subdistrict in Dorchester, one block east of Grove Hall and Columbia Road, and approximately one block south of the Hernandez school. The lot is 150' deep, which is characteristic of parcels on this block. The proponent seeks to build an additional two-unit residential structure to the rear of the existing structure. While this proposal in the associated permit would not be an actual accessory dwelling unit, but instead would be two dwelling units, the principle of incremental infill on existing properties is in line with the Neighborhood Housing zoning initiative, launched in November 2024.

Zoning Analysis:

Per Section 65-42.13, a dwelling shall not be built to the rear of another dwelling. The associated permit requests building a structure to the rear of this existing residence, which would be a new violation. Given the depth of the parcel, adequate room exists on this lot for two residential structures to exist without inherently necessitating a subdivision or other parcel layout. Relief is appropriate. Future zoning reform should consider allowing dwellings to the rear of existing buildings without requiring zoning relief.

Recommendation:

In reference to BOA1690038, The Planning Department recommends APPROVAL.



Planning Department

CITY of BOSTON

Reviewed,

Kathleen O'Neil

Deputy Director of Zoning



Case	BOA1681973
ZBA Submitted Date	2025-01-06
ZBA Hearing Date	2025-05-20
Address	20R Hamilton ST Dorchester 02125
Parcel ID	1501985000
Zoning District & Subdistrict	Dorchester Neighborhood 2F-6000
Zoning Article	65
Project Description	Demolish existing garage at the rear of the property and construct two adjacent 1.5-story dwelling units.
Relief Type	Variance
Violations	Parking or Loading Insufficient Parking design and maneuverability FAR Excessive Usable Open Space Insufficient Side Yard Insufficient Rear Yard Insufficient Application of Dimensional Requirements: Two or More Dwellings on Same Lot

Planning Context:

Property is an existing three-family residence in a 2F-6000 subdistrict in Dorchester, one block east of Grove Hall and Columbia Road, and approximately one block south of the Hernandez School. The lot is 150' deep, which is characteristic of lots on this block. The proponent seeks to build an additional two-unit residential structure to the rear of the existing structure. While this proposal in the associated permit would not be an actual accessory dwelling unit, but instead would be two dwelling units, the principle of incremental infill on existing properties is in line with the Neighborhood Housing zoning initiative, launched in November 2024. This proposed structure is larger than what might traditionally be considered an ADU, but the particular depth of the lot is large enough that a second dwelling structure would be a reasonable condition.

Zoning Analysis:

Parking: Per Article 65, Table F, 1.25 spaces per unit are required on properties with 4-9 units. At a total of five units, 7 spaces would be required. No parking is present on the plans, which would be a violation. The site is 0.6 miles walking distance from the Four Corners / Geneva



MBTA Commuter Rail Station. Given the approximately one block walking distance from the Columbia Rd corridor and the relative proximity to the Grove Hall commercial area, it should be reasonable to remove parking requirements with this proposed development. Relief is appropriate. Per Article 65, Section 41, off-street parking must be designed in a manner sufficient to provide reasonable maneuvering and access. No specific plans related to parking are provided on these plans. Design review is appropriate, so that any provided parking, to the degree it is present, can conform to these provisions.

Dimensional Requirements: Per Article 65, Table C, the maximum FAR for any use in a 2F-5000 is 0.5. The FAR on the site has an existing violation of 0.56. This proposal would worsen it to 0.87. Neighboring existing properties have existing FAR values at above 0.80, making this proposal contextually reasonable. Existing conditions are widely noncompliant with zoning FAR requirements. Future zoning reform should consider elimination of FAR as a zoning requirement, and relief is appropriate.

Per Article 65, Table C, 750 square feet of usable open space per unit must be present for any 2-family dwelling. While a total of five units are being proposed on this site, it is true that a 2-family dwelling is being proposed here as well, which could trigger this provision. For uses above two units, no open space is required, and 3 units are already present. To the degree this is a violation, its applicability here is tied to the fact that dwellings are not permitted in the rear, since open space is not currently required on site, and relief is appropriate.

Per Article 65, the minimum side yard in a 2F-5000 subdistrict is 10 feet. The minimum rear yard in a 2F-5000 subdistrict is 20 feet. While the northwestern side yard has an existing violation of 2.3' with the existing building, the proposed new structure would extend that violation in the rear with a lesser violation of 7.5' on that same side, and would create a new violation at 7.5' on the opposite southeastern side yard. It would also create a new rear yard violation at 6 feet distance from the rear of the proposed new dwelling to the rear lot line. In both of these cases, zoning is unreflective of existing conditions, and violations at the scale proposed exist on many abutting properties. Relief is appropriate.

Application of Dimensional Requirements: Per Section 65-42.13, a dwelling shall not be built to the rear of another dwelling. This proposes building a structure to the rear of this existing residence, which would be a new violation. Given the depth of the parcel, adequate room exists on this lot for two residential structures to exist without inherently necessitating a subdivision or



other parcel layout. Relief is appropriate. Future zoning reform should consider allowing dwellings to the rear of existing buildings without requiring zoning relief.

Recommendation:

In reference to BOA1681973, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review with particular attention to open space and design of any included parking.

Reviewed,

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

Deputy Director of Zoning



Case	BOA1685754
ZBA Submitted Date	2025-04-04
ZBA Hearing Date	2025-05-20
Address	34 Plympton ST Roxbury 02118
Parcel ID	0801145000
Zoning District & Subdistrict	South End Neighborhood EDA SOUTH
Zoning Article	64
Project Description	The proponent seeks to extend the existing three-story multifamily dwelling to accommodate an additional bedroom and bathroom.
Relief Type	Variance
Violations	Roof Structure Restrictions Rear Yard Insufficient Reconstruction/Extension of Nonconforming Building

Planning Context:

34 Plympton Street is located in the South End Neighborhood as well as falls within the Harrison Albany Corridor planning area (and the “Back Streets” sub-area). “Back Streets” are designed to accommodate the needs of the businesses in the Back Streets sub-area while ensuring the safety and quality of the pedestrian environment. The surrounding area has a mix of building sizes, lot sizes, and uses. While the corridor consists mostly of commercial and light industrial uses of moderate scale, residential uses are starting to infiltrate. 34 Plympton Street is directly adjacent to two much larger multifamily residences, as well as some retail and industrial uses.

The proponent seeks to extend the existing three story multifamily dwelling to accommodate an additional bedroom and bathroom on the roof. This addition would put the building height at just over 100 feet keeping it relatively in alignment with the Harrison Albany Corridor plan which recommends that the maximum as-of-right height be increased to 100 feet.

The project is located in the South End Landmark District Protection Area, and so should receive review by the Landmarks Commission.

Zoning Analysis:



The proponent is currently undergoing three zoning violations. The first one, outlined in Article 9 section 1 refers to the reconstruction and extension of a nonconforming building which would be related to the minimum rear yard requirements. However, given the surrounding context of larger multifamily buildings that go up to five stories and the wide variety of lot sizes this would be an appropriate variance. The proposal is also in violation of roof structure regulations. The code states that: roof structures, headhouses, and mechanical equipment normally built above the roof and not designed or used for human occupancy shall be included in measuring the building height if the total area of such roof structures, headhouses, and mechanical equipment exceeds in the aggregate: (a) 330 square feet, if the total roof area of the building is 3,300 square feet or less; or (b) ten percent (10%) of the total roof area of the building, if such total roof area is greater than 3,300 square feet. Given that the site is located in the South End Protection Area Historic District the proposal must undergo landmarks review.

Finally, the project is in violation of minimum rear yard requirements which is 20 feet, but the property has an existing nonconforming rear yard of 4 feet. This is not be altered by the proposed project.

Recommendation:

In reference to BOA1685754, The Planning Department recommends APPROVAL WITH PROVISIO/S that plans be submitted to the Landmarks Commission for review.

Reviewed,

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

Deputy Director of Zoning



Case	BOA1575425
ZBA Submitted Date	2024-02-28
ZBA Hearing Date	2025-05-20
Address	62 L ST South Boston 02127
Parcel ID	0603571000
Zoning District & Subdistrict	South Boston Neighborhood MFR
Zoning Article	68
Project Description	Replace the existing exterior stair system and construct a new roof deck atop the main roof of the existing structure. The new roof deck will be accessed via a spiral staircase and will include guardrails in accordance with applicable building codes. No expansion of the building footprint or enclosed habitable space is proposed.
Relief Type	Variance, Conditional Use
Violations	Roof Structure Restrictions Side Yard Insufficient Rear Yard Insufficient

Planning Context:

The subject property is located in the South Boston Neighborhood District, within a multifamily residential (MFR) context characterized by medium-density residential uses, including triple-deckers and rowhouses. The surrounding neighborhood exhibits a range of rooftop improvements, including multiple examples of roof decks accessed via spiral staircases. These precedents indicate a pattern of evolving rooftop usage that is consistent with the proposal, which seeks to provide functional outdoor space without altering the overall building envelope. The proposed deck is in keeping with other approved structures in the area and does not introduce new massing inconsistent with the neighborhood character.

Zoning Analysis:

The proposed replacement of existing exterior stairs and construction of a new roof deck requires zoning relief for the following reasons:



Article 68, Section 29, Roof Structure Restrictions: Access to the roof deck is proposed via a spiral stair and platform assembly, rather than a roof hatch. Under zoning, access to roof decks must be provided by a hatch or a bulkhead no more than 30 inches tall. The proposed stair configuration exceeds this allowance and introduces new vertical structures on the roof, necessitating conditional use relief.

Article 68, Section 8 – Side Yard Insufficient: The MFR subdistrict requires a minimum side yard setback of 3 feet. According to the site plan, the proposed metal stair and platform encroach into this setback on both sides. The northern side setback (left on the plan) measures only 2.7 feet at its narrowest point, resulting in a deficiency. Therefore, the project requires dimensional relief for insufficient side yard on the southern lot line.

Article 68, Section 8 – Rear Yard Insufficient: The required rear yard setback is 20 feet. Based on the site plan, the proposed spiral staircase sits approximately 4 feet from the rear property line, resulting in a 16-foot shortfall and a violation of the rear yard dimensional standard.

The plans, entitled 62 L Street – Roof Deck Renovation Project and prepared by Tucker Architecture on November 12, 2022, propose the construction of a new roof deck with access via a spiral stair and exterior platform, replacing an existing stair and deck system. Given the scope of the project and its alignment with other roof deck approvals in the neighborhood, this project presents a reasonable case for zoning relief. It also illustrates the need for dimensional standards that better reflect the built conditions and lifestyle expectations in South Boston's dense multifamily districts.

Recommendation:

In reference to BOA1575425, The Planning Department recommends APPROVAL.

Reviewed,

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

Deputy Director of Zoning



Case	BOA1691822
ZBA Submitted Date	2025-02-13
ZBA Hearing Date	2025-05-20
Address	688 E Second ST South Boston 02127
Parcel ID	0603438000
Zoning District & Subdistrict	South Boston Neighborhood MFR
Zoning Article	68
Project Description	Change use to four units from two units by converting the basement into a residential unit, raising the roof to create a third story to create a fourth unit, and adding a roof deck and three rear decks.
Relief Type	Variance
Violations	Rear Yard Insufficient Roof Structure Restrictions Use: Forbidden (Basement Units)

Planning Context:

The proposed project seeks to renovate the existing two-unit residential building at 688 East Second Street and change the use to four units. The renovations will include converting the basement into a unit, raising the roof to add a third story for a fourth unit, and constructing rear decks and a roof deck. This project is in conjunction with ALT1633004 and ALT1633010 which combined and subdivided lots to create the current lot with the residential building and seven parking spaces and changed the use for the existing residential building from one unit to two units. This proposal will then change the use from two units to four units.

The existing structure is a two-story residential building with parking lots on both sides. While not directly on the corner, this site is also near the E Second Street, Summer Street, and L Street intersection. This portion of E Second Street transitions from primarily residential to the industrial, commercial, and mixed-use uses especially as it reaches Summer Street and L Street. The Greyhound Garage also abuts the west parking lots. The residential properties range from single-unit, two-unit, three-unit, and multi-unit buildings that are between two and three stories in height. The proposed project site is also not within the Coastal Flood Resilience Overlay District (CFROD).



This project would further the goals outlined in Housing a Changing City, Boston 2030 (September 2018) as it would increase the available housing stock but also allow property owners to enhance their living spaces to meet their needs while preserving the existing structure.

Zoning Analysis:

The violation letter states three violations: insufficient rear yard, roof structure restrictions, and a forbidden use.

Under Article 68, for an area zoned as MFR, the minimum required rear yard is 20 feet. The project proposes a rear yard of 11 feet 10.5 inches. However, due to its unique shape and location of the lot, relief is warranted. This project does not abut any residential properties to the east or west and only abuts 688 R East Second Street, a two-story single-unit residential building, at the rear. Given the lack of direct abutters, and the surrounding context, the reduced rear yard will not negatively impact neighboring properties. Additionally, while the rear decks reduce the yard depth, the design incorporates open space pavers and landscaped green space to enhance the rear yard usability and improve outdoor amenity space for future residents, especially with the addition of the rear decks.

Section 68-29 notes that the height of any building existing on a lot shall determine the allowed building height on that lot subsequent to total or partial demolition of such building. Because of this, the maximum allowed height is 27 feet which is the height of the existing building. However, the project is proposing a height of 35 feet. Relief should be granted because the maximum allowed height in this area is 40 feet and the proposed height still falls within this limit. Additionally, the proposed height would align better with the surrounding properties on this side of E Second Street and would be more consistent with the overall built environment.

Section 68-29 also notes that open roof decks may be erected on the main roof of a building with a flat roof provided that it is a) less than one foot above the highest point of the roof, b) total height of the building does not exceed the maximum building height, c) access is by roof hatch or bulkhead no more than 30 inches in height above the deck unless the Board of Appeal grants permission for a stairway headhouse, and d) an appurtenant hand rail is set back horizontally. The violation arises because the height of the proposed building already exceeds the maximum allowed height for this area and would need permission from the Board of Appeal for a stairway headhouse. Relief should be granted because, despite exceeding the maximum allowed height,



would provide additional usable open space for the residents. Additionally there are also roof decks nearby at 720 and 724 East Second Street.

In regards to the use, Section 68-7.2 notes that dwelling units in a basement are forbidden in the South Boston Neighborhood District. This would also not qualify as an Additional Dwelling Unit (ADU) as two units are being added to the proposed structure. However, relief is still warranted as the proposed project site is not located within a Coastal Flood Resilience Overlay District (CFROD). Additionally, the proposed basement unit would meet building code requirements including a proposed ceiling height of 9 feet, a code-compliant means of egress, and a full sprinkler and fire safety systems.

The plans reviewed are titled ALT1670411 Z.R. decision letter with BOA Hearing plan set attached 2.5.25_1 and are dated August 7, 2024. They were prepared by Design Resource Team, LLC.

Recommendation:

In reference to BOA1691822, The Planning Department recommends APPROVAL.

Reviewed,

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

Deputy Director of Zoning



Case	BOA1695168
ZBA Submitted Date	2025-02-27
ZBA Hearing Date	2025-05-20
Address	469 E Third ST South Boston 02127
Parcel ID	0603176000
Zoning District & Subdistrict	South Boston Neighborhood MFR/LS
Zoning Article	68
Project Description	Construct new one unit residential dwelling with two off street garage parking spots
Relief Type	Variance
Violations	FAR Excessive Side Yard Insufficient Rear Yard Insufficient

Planning Context:

The subject property is located on the north side of South Boston in a largely residential area. There is a mix of detached and attached dwellings in the surrounding area, most of which are three stories with flat roofs. The detached buildings in the surrounding area are generally on lots wider than the subject parcel. Structures are built up to the front sidewalk with narrow side yards that are usually wide enough for someone to pass through, however some are narrower. There are also several semi-detached or attached units in this neighborhood. Most buildings usually have a rear yard with grass, a patio, or a deck.

The subject parcel is currently vacant and used for parking. The parcel is similar in depth to nearby parcels but it is narrower than most parcels in the area. The abutting properties on both sides have built primary structures that fill most of the width of the lot. Both abutting properties at 471 E Third Street and 90 Emerson Street have multi-story decks in their rear yards; however decks that fill rear yards are uncommon in the area.

The proposal contributes to the City's goals for housing production by proposing to develop an existing vacant parcel used for parking into a new residential unit.

Zoning Analysis:



The maximum floor area ratio (FAR) in the MFR/LS zoning subdistrict is 1.5. The proposed FAR is 1.87. There are examples of properties in the surrounding area with a FAR that is higher than the proposed 1.87. The FAR proposed is not out of character for the area given how small the subject parcel is.

The minimum side yard requirement for the subject district is three feet. The structure is proposed to be built to the property line on both sides. Visual inspection of the site shows that the abutting property to the east at 467 E Third Street does not appear to have a party wall and has windows on the side of the structure facing the proposed project. To the west, the property at 471 E Third Street may have a party wall and does not have windows on the facade facing the project. The proposal should ensure that it requires adequate light and air to the neighboring property to the east.

The minimum rear yard requirement is fifteen feet pursuant to Section 68-34 (10). The stairwell for the rear deck is proposed to be built up to the rear property line. While a variance may be appropriate given that it is unlikely that the proposal can meet the fifteen foot minimum requirement, the request for variance cannot be supported to the extent proposed. The rear deck and stairwell should be adjusted to maintain a rear yard that provides adequate light and air to the neighboring property to the south while also maximizing the usable open space proposed.

Recommendation:

In reference to BOA1695168, The Planning Department recommends APPROVAL WITH PROVISIO/S that plans be submitted to the Planning Department for design review to adjust the depth of the proposed rear deck and east side yard as to provide adequate light and air to the neighboring properties.

Reviewed,

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

Deputy Director of Zoning



Case	BOA1688886
ZBA Submitted Date	2024-04-15
ZBA Hearing Date	2025-05-20
Address	19 Cheshire ST Jamaica Plain 02130
Parcel ID	1900521000
Zoning District & Subdistrict	Jamaica Plain Neighborhood 3F-5000
Zoning Article	55
Project Description	Convert attic into additional living area.
Relief Type	Variance
Violations	FAR Excessive

Planning Context:

The proposed project would be making an existing unoccupied attic in a two and a half story house into additional living space. Presently the attic serves for just storage and HVAC systems. This proposed additional living space would be an extension of one unit from the lower levels. The surrounding context is made of three-unit residential homes of similar or larger massing.

Zoning Analysis:

The proposal has only one violation of excessive floor area ratio. The zoning requires a maximum floor area ratio of 0.6, while the proposed would be 0.9. The current floor area ratio is already nonconforming at 0.82. The proposed renovations would not alter the mass of the existing building, nor change the unit count. Rather the FAR violation was triggered by the proposed conversion of existing unoccupied space into occupiable space. This will have no impact on the surrounding environment while still remaining contextual.

“Proposed Extension of Living Space Into the Attic” Drawn by Choo & Company Dated March 7th, 2024.

Recommendation:

In reference to BOA1688886, The Planning Department recommends APPROVAL.



Planning Department

CITY of BOSTON

Reviewed,

Kathleen O'Neil

Deputy Director of Zoning



Case	BOA1634773
ZBA Submitted Date	2024-08-01
ZBA Hearing Date	2025-05-20
Address	22 Evelyn ST Mattapan 02126
Parcel ID	1404163000
Zoning District & Subdistrict	Greater Mattapan Neighborhood 3F-6000
Zoning Article	60
Project Description	The proponent is seeking to erect a new building containing five residential units with five parking spaces.
Relief Type	Conditional Use, Variance
Violations	Lot Frontage Insufficient Screening and Buffering Off-Street Parking Design Use: Forbidden

Planning Context:

22 Evelyn Street is situated in Boston's Mattapan neighborhood, an area that has undergone recent zoning updates in order to implement PLAN: Mattapan. At the time of the refusal letter, the property was located within the 3F-6000 zoning subdistrict, which permitted up to three-family dwellings on lots with a minimum of 6,000 square feet. Subsequent zoning reforms have reclassified this area to the R2 zoning district, which maintains a similar maximum unit count. PLAN: Mattapan supports thoughtful development that aligns with community needs and planning objectives, suggesting that, with appropriate design and community engagement, such a project could be appropriate.

This lot is located within a ten-minute walk of the Morton Street MBTA Commuter Rail Station and less than a five-minute walk to Blue Hill Avenue, with access to several major bus routes, including the 28, 29, and 31. As a transit-oriented location, it aligns with the goals of PLAN: Mattapan, which encourages the development of multifamily residential buildings that promote housing affordability. The proposed three-story building is consistent with the height and style of nearby structures, helping it fit into the surrounding neighborhood context. The project includes five two-bedroom units, each approximately 1,000 square feet, offering much-needed affordable



housing options. One of these units is located on the ground floor and is accessible without stairs, making it visitable for individuals with limited mobility.

Zoning Analysis:

The proposed project requires zoning relief for four violations cited in the refusal letter. At the time the project was presented, the property was located in a 3F-6000 subdistrict, which has since been rezoned to R2. First, the front yard is insufficient: the proposal includes only 15 feet of front yard, while the zoning code requires a minimum of 20 feet under the old 3F-6000. However, now that zoning has been updated and that this lot is located in an R2 district, this project no longer has a zoning violation for the front yard because the front yard requirement was reduced to 10 feet.

The refusal letter mentions that the design lacks adequate screening and buffering around the parking area, which is a zoning requirement for protecting adjacent uses. Since the proposal includes a 7 foot side setback on the edge where the parking spots are located, the proponent can include a strip of densely shrubs no less than five (5) feet wide. These are not currently shown in the plans, but could be included as part of the design review process.

Additionally, the refusal letter states that the proposed off-street parking design is noncompliant, citing parking spaces that are only 9 feet in length—well below the required 18 to 20 feet. However, a closer review of the plans reveals that this appears to be a labeling error. While the plans label the spaces as 9' x 9', the actual dimensions shown indicate the spaces are 9 feet wide by at least 18 feet long, meeting the required standard.

Finally, the use is forbidden in the R2 zoning district, which permits a maximum of three dwelling units; the proposal includes five units, requiring use relief. However, there is a significant need for the production of additional housing units in this area, and future zoning reform could consider strategies like making small multifamily buildings like this conditional uses to allow case by case consideration and approval when the proposed buildings otherwise meet zoning requirements.

This recommendation was prepared based on the plans titled 22 Evelyn St, with date of 10/1/22, created by SDA.

Recommendation:



In reference to BOA1634773, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review with special attention to the design of the off-street parking.

Reviewed,

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

Deputy Director of Zoning



Case	BOA1704816
ZBA Submitted Date	2025-03-31
ZBA Hearing Date	2025-05-20
Address	226 Magnolia ST Dorchester 02121
Parcel ID	1400128000
Zoning District & Subdistrict	Roxbury Neighborhood 3F-4000
Zoning Article	50
Project Description	New construction of a four-story, five-unit residential dwelling with grade-level garages for five off-street parking spaces.
Relief Type	Variance
Violations	Additional Lot Area Insufficient FAR Excessive Height Excessive (stories) Height Excessive (ft) Usable Open Space Insufficient Front Yard Insufficient Side Yard Insufficient Use: Forbidden (Multifamily dwelling)

Planning Context:

This proponent seeks to construct a four-story, five-unit residential dwelling with grade-level garages for five off-street parking spaces. There will be one parking space for each unit. The proposed building design is in the form of attached townhouses. This property currently holds a one-story garage with multiple parking bays on the southwestern half of the lot while the northeastern half of the lot has a short paved driveway and a permeable green space providing access to the parking bays.

A previous project for this property was brought forth to the ZBA within the last year (see: BOA1526691). That previous project proposed a four-story, six-unit residential dwelling with grade-level garages for six off-street parking spaces, thus making it just one unit larger than the currently proposed project. The Planning Department first recommended Denial without Prejudice for that project for the July 16, 2024 ZBA hearing and recommended that the proponent reconfigure the massing, rear yard open space, and parking area design in a manner contextually consistent with the surrounding properties.



The project was deferred to the August 13, 2024 ZBA hearing and the proponent had submitted new project plans that were dated for July 30, 2024 that changed the proposed project by reducing the number of dwelling units to five, increasing the rear yard setback, removing windows from the building frontage facing Magnolia Street, and changing the roofline from flat heading from the front of the structure to the back to a step-ladder design in which each townhouse unit's roofline slightly descended in height to align with the natural downward sloping elevation of the site. The Planning Department again recommended Denial without Prejudice for the August 13, 2024 ZBA hearing and recommended that the proponent further reconfigure the massing to promote a more contextually appropriate rear yard condition, use a permeable pavement material to make up for the potential loss of existing permeable green space, and propose a frontage design that aligns in character with the surrounding buildings facing the public realm along Magnolia Street.

The project was deferred again to the October 8, 2024 ZBA hearing and there were no changes in the project plans at the time of that hearing. The Planning Department once again recommended Denial without Prejudice for this hearing and the ZBA voted to dismiss the proposal without prejudice.

This new application (BOA1704816) further develops the proposal from the previous application (BOA1526691). The proposed dwelling takes up a similar building footprint on the lot as the existing garage and a new paved driveway is proposed along the northeastern side yard where the current short driveway and permeable green space is located. The project retains the existing driveway curb cut on Magnolia Street.

A significant change compared to previous iterations of this project is an increase in the rear yard setback to 30 feet, which provides a large usable rear yard open space. It is not clear from the plan set provided if the rear will be a landscaped permeable green space or if it will be paved. While the plan set provides an image with permeable pavers on the driveway, it is also unclear from the plan set the exact materials and depth of the proposed driveway area, especially as it pertains to any surface difference between the side yard driveway and the rear yard open space. Since the proposed driveway along the northeastern side yard and the eastern rear yard make up the majority of the site's open space, it is important to note the potential loss of existing permeability on the overall lot that could be caused by potentially adding paved surface. The City does not support the removal of permeable open space to accommodate the development of off-street parking, as outlined in the planning goals of Climate Ready Boston in noting the impact this has on water permeability and increases of the heat island effect.



This portion of Magnolia Street contains a mix of one-unit, two-unit, and three-unit dwellings. The immediate area is characterized by several pairs of attached three-unit dwellings that present a six-unit multifamily dwellings. The parcel is slightly deeper and just as wide as other parcels in the surrounding area that hold buildings of these varying sizes and density, thus producing a rectangular shape that the proposed side yard-facing townhouses can fit within when accommodating space for a driveway. As a multifamily housing proposal, this project would help further the City's goals of increasing the housing stock by proposing small-scale residential infill development on land that was previously used solely for parking.

This property abuts Ceylon Park, a City-owned park, along its eastern rear lot line. The proposed rear yard is significantly larger than the rear yard of the existing garage, thus providing a contextually appropriate buffer between the new structure and this public green space.

The unit and garage entrances for each townhouse faces the side yard driveway and there is an entrance with an awning, a shallow landscaped front yard area, and a small set of stairs on the frontage along Magnolia Street. This entrance is a new addition compared to the series of plans submitted in the prior application for this property. The frontage also includes windows facing Magnolia Street on each floor. This frontage is more in line with the pedestrian oriented frontage of other properties on this street, though the unique townhouse typology on the parcel warrants further design review to improve how the frontage best aligns with the public realm of Magnolia Street.

The proposed driveway's right of way is directly aligned with the side yard lot line of the abutting northeastern property, which has close to a zero-foot side yard setback against this site.

Attention should be given to updating the driveway design to ensure a safe buffer between the right of way and the neighboring property. This may include interventions such as an additional landscaped buffer along the property lines where the abutting property with the shallow side yard meets this site's driveway.

There are second-story overhangs above each townhouse unit's first floor on the side facing the northeastern side yard and above those overhangs are terraces for each townhouse unit on the fourth floor which provide outdoor amenity space for residents. The roof includes a slight overhang above these terraces providing partial coverage. The structure also retains the aforementioned step-ladder design heading southeast to align with the downward sloping elevation of the site.

Zoning Analysis:



This proposal has been cited for eight violations specific to land use standards (multifamily dwelling residential use), lot standards (additional lot area per unit, usable open space, front yard setback, side yard setback), and building standards (floor area ratio, building height in stories, building height in feet).

Multifamily dwelling uses are forbidden in the 3F-4000 subdistrict (Art. 50, Sec. 28). However, as mentioned in the Planning Context, the proposed five dwelling units are consistent with the contextual density established by pairs of attached three-unit dwellings in the area. Accordingly, relief should be granted for this multifamily dwelling use, additional lot area per unit, height, and floor area ratio as these specific lot and building standards currently prevent the production of an infill multifamily housing condition that already exists in this context.

The required amount of additional lot area is 2,000 sq feet for each additional dwelling unit (Art. 50, Sec. 29). However, the size of the parcel would only allow for two units to be built even though this area is entitled to have up to three units allowed with a fourth unit as a conditional use within this subdistrict. While the proposed building sits at 42.5 feet or four stories and is greater than the maximum allowed heights of 35 feet or three stories (Art. 50, Sec. 29), it would align with the abutting properties at 228-230 Magnolia Street that are currently four stories tall due to the slope of Magnolia Street. This also aligns with the height of the three-unit residential dwelling at 232 Magnolia Street and the one-unit residential dwelling at 239 Magnolia Street.

The exact FAR is not specified within the plan set, but is higher than the maximum allowed FAR due to the amount of livable space that this project is creating. This indicates that the proposed project is at a contextually appropriate scale for providing multifamily housing and that these existing zoning regulations require reform as they do not affirm or allow for housing construction that aligns with the present context or opportunity for small-scale infill development.

Based on the existing context, relief should also be granted for the front yard and side yard setbacks. While the proposed variable front yard depth of 2.2 to three feet would not meet the minimum requirement of 20 feet, it does align with the modal front yard of the abutting properties. Section 50-44.2 states that if at any time in the same Block or Lot required by Article 50 to have a minimum Front Yard, there exist two or more buildings fronting on the same side of the Street as such Lot, instead of the minimum Front Yard depth specified in the Article, the minimum Front Yard depth shall be in conformity with the Existing Building Alignment with the Block. The proposed front yard aligns with the properties at 228, 230, and 232 Magnolia Street.

In regards to the side yard, the Zoning Code requires a minimum of five feet from the side lot

BOA1704816

2025-05-20

4 Planning Department



line, a minimum of ten feet from an abutting property, and a minimum aggregate side yard width of 15 feet. The plans show a proposed side yard of five feet on the southwest side and a side yard of 16.3 feet on the northeast side. Based on these measurements, the plan set indicates a proposed side yard condition that meets these requirements. However, as mentioned in the Planning Context, the proposed driveway right of way is directly aligned with the side yard lot line of the abutting northeastern property, which has close to a zero-foot side yard setback against this site. Attention should be given to updating the driveway design to ensure a safe buffer between the right of way and the neighboring property.

The project has an insufficient amount of usable open space per dwelling unit, though the exact amount of usable open space is not indicated on the plan set (Art. 50, Sec. 29). The proposed, compliant 30-foot rear yard allows for a contextually appropriate amount of usable open space, but the project plans are not clear if that area will be paved or permeable space. Additionally, the front yard and side yard conditions align with the surrounding context. This project complies with the area's existing minimum off-street parking requirements, which is why a significant portion of the lot is committed to a driveway area for the grade-level garages. This is all to say that the proposed project is providing as much feasible usable open space as possible that a multifamily project with compliant off-street parking spaces and contextually appropriate front yard and rear yard setback depths can offer. It should therefore receive relief for this violation. This also indicates a case for zoning reform in which the removal of off-street parking minimum requirements should be considered to increase the likelihood of surface area being committed to usable open space rather than parking and driving areas.

Due to its close proximity to Ceylon Park, this project will need to undergo a Park Design Review as per Ordinance 7.4-11.

Site plans completed by Greater Boston Surveying and Engineering on February 17, 2025.
Project plans completed by McDougal Architects on March 24, 2025 – per ISD plans examiner comments.

Recommendation:

In reference to BOA1704816, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review with attention to frontage design to improve alignment with the character of the surrounding buildings



on Magnolia Street, and surface and driveway area design to improve buffering from the abutting property as well as increase the amount of both permeable and usable open space.

Reviewed,

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Deputy Director of Zoning



Case	BOA1704660
ZBA Submitted Date	2025-03-31
ZBA Hearing Date	2025-05-20
Address	75 Marcella ST Roxbury 02119
Parcel ID	00559000 and 1100558000
Zoning District & Subdistrict	Roxbury Neighborhood 3F-5000
Zoning Article	50
Project Description	Erect new 8-unit income-restricted dwelling as part of the Mayor's Office of Housing's Highland/Marcella disposition.
Relief Type	Variance and Forbidden Use
Violations	Height Excessive (ft) FAR Excessive Additional Lot Area Insufficient Height Excessive (stories) Side Yard Insufficient Use (forbidden)

Planning Context:

The proposed project is part of the Mayors Office of Housing (MOH) as part of the "Highland/Marcella Package 3 & 5" Plan. MOH worked closely with the Planning Department in land use planning and establishing development and design requirements for the Marcella/Highland project area. MOH has also collaborated extensively with its valued community partner, the Highland Park Project Review Committee (HPPRC), to identify and assess best uses for public land in the Highland Park area. In 2018, MOH and HPPRC co-sponsored several community meetings to provide a forum for discussion and input on development and design guidelines for the Highland/Marcella project area.

In January 2018, MOH issued an RFP for five Development Packages comprising 33 parcels on Marcella and Highland Streets. The two parcels being combined are part of that larger RFP as Highland/Marcella Package 5. The guidelines established in the 2018 RFP reflected community preferences regarding preferred and acceptable uses.

The proposed project would combine two parcels into one parcel and construct a new 8-unit income-restricted residential building. The two combined parcels are irregularly shaped and too small to construct any viable building. By combining these two parcels into one, the lot becomes



slightly bigger than the surrounding lots, which allows for construction even with the irregular lot shape.

While multifamily housing is forbidden under the zoning code, the physical context for the area supports the increase in density that this project proposes. While the area is zoned 3F-4000, the built environment does not reflect the zoning code. There are many multifamily residential buildings located within a one-block radius, including on the corner lot, directly across Marcella St.

In addition, the rear edge of the property is a hill that rises over 10 feet and extends to a retaining wall at the top. This change in grade puts major restrictions on the rear edge of the property and prevents the building from extending into the rear. Instead, the project proposes excessive height according to the zoning code, but allows for full use of the parcel even with the present hardships.

Zoning Analysis:

The proposed project would trigger 6 zoning violations. The first set of violations is in regards to height. It exceeds the height limits of 3 stories and 35 feet. The proposed project is 42 feet from the ground floor to the roof and a total of 4 stories. However, as stated in the planning context, this is in response to the rear yard restrictions that a steep hill creates. The increase in height reads as only 32 feet from where it meets the hill in the rear of the yard. This increase in height helps offset the hardship that the hill creates for the parcel.

The next violation is "Side Yard Insufficient". The zoning code requires a minimum 15-foot side yard setback. The proposed project would have a side yard of 10 feet and 12 feet on either side, so this is an improper citation and should be disregarded. This again creates a hardship as construction to the allowed limits of the setback would be unfeasible for proponents and create an undesirable design outcome.

The last three violations are in regard to proposed density. The first is the Multifamily forbidden use. While this proposed project would construct eight units in an area that allows a maximum of three units per lot, this project is combining two parcels into one new parcel. The 8 proposed units are only two units above the maximum that both lots would allow to be built as-is.

Additionally, as noted in the previous section, the proposed use is consistent with existing multifamily dwellings that contribute to the surrounding context.



The next violation pertains to the excessive FAR. The area is zoned for a max FAR of 0.8. The proposed project would have an FAR of 0.88. The final violation in regards to density is that the Additional lot area per unit is excessive. The zoning code requires 2,500 square feet per unit on the parcel. The proposed project is for eight units on 8,600 square Feet of land, or about 1,000 square feet per unit.

The zoning code does not reflect the built reality of the neighborhood, as evident by these last three violations. As stated in the planning context, many of the nearby and even adjacent buildings are multifamily and point to a need for potential zoning reform in the area. The density violations are being triggered for building to the scale of the existing neighborhood. In addition, the shape of the parcel in combination with the rear yard hill creates a real hardship for the proponent.

The project is located in the Roxbury Neighborhood Design Overlay District, and should undergo design review with the City Planning Department due to the completely new construction on the parcel. This project is also within the Highland park Architectural Conservation District and will undergo design review with The Highland Park Architectural Conservation District Commission.

Recommendation:

In reference to BOA1704660, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review.

Reviewed,

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Deputy Director of Zoning



Case	BOA1704664
ZBA Submitted Date	2025-03-31
ZBA Hearing Date	2025-05-20
Address	86 Marcella ST Roxbury 02119
Parcel ID	1100829000
Zoning District & Subdistrict	Roxbury Neighborhood District, 3F-4000
Zoning Article	50
Project Description	Erect a new 12-unit income-restricted dwelling as part of the Mayor's Office of Housing's Highland/Marcella land disposition.
Relief Type	Variance
Violations	Height Excessive (ft) Height Excessive (stories) FAR Excessive Additional Lot Area Insufficient Usable Open Space Insufficient Front Yard Insufficient Parking design and maneuverability Use (Forbidden)

Planning Context:

The proposed project is part of the Mayors Office of Housing (MOH) "Highland/Marcella Package 3 & 5" land disposition program. MOH collaborated extensively with its community partner, the Highland Park Project Review Committee (HPPRC), to identify and assess best uses for public land in the Highland Park area. In January 2018, MOH issued an RFP for five Development Packages comprising 33 parcels on Marcella and Highland Streets. The guidelines established in the 2018 RFP reflected community preferences regarding preferred and acceptable uses, including small multifamily residential, as this project proposes to build.

The proposed project would combine seven parcels into one and construct a new twelve unit income-restricted residential building. The seven combined parcels are irregularly shaped or too small to construct any viable building. By combining these parcels into one, the lot becomes slightly bigger than the surrounding lots, which allows for construction even with the irregular lot shape.



While multifamily housing is forbidden under the zoning code, the proposed typology is compatible with the context of the surrounding built environment and the community vision from the disposition process. There are many multifamily residential buildings located within a one-block radius, including on the corner lot, directly across Marcella St.

Zoning Analysis:

The first set of violations is in regard to height. The proposed project is 42 feet from the ground floor to the roof and includes 4 stories, exceeding zoning height limits of 3 stories and 41 feet.

The next three violations relate to the proposed use and density. The first is the multifamily forbidden use. While this proposed project would construct twelve units in an area zoned for 3-family residential, this project is combining seven parcels into one new parcel. The next violation pertains to the excessive FAR. The area is zoned for a max FAR of 0.8. The proposed project would have an FAR of 2.1. The final violation regarding density is that the additional lot area per unit is excessive. The zoning code requires 4,000 square feet for the first unit and 2,000 square feet per additional unit on the parcel in the subject 3F subdistrict. The proposed project is for twelve units on 7,100 square feet of land, or about 600 square feet per unit. This value represents an adequate provision of open space in light of proposed multifamily typology and the design of the proposed site plan.

The project is also flagged for an insufficient front-yard setback. The zoning code requires a setback of 20 feet from the property line, while the project has a 5.4-foot setback on Marcella St. and a 3.4-foot setback on Highland Street. This does not reflect the built reality of the area. Many of the buildings in the area are built well within the 10-foot setback requirements, including both adjacent neighbors to the proposed project. This disparity reflects the potential need for zoning reform in the area.

The zoning code does not reflect the built reality of the neighborhood, as evident by these last four violations. As stated in the planning context, many of the nearby and even adjacent buildings are multifamily and point to a need for potential zoning reform in the area. The density violations are being triggered for building to the scale of the existing neighborhood.

The proposal is also cited for off-street parking requirements. This is triggered for maneuverability for the space, and for having parking in the front yard. The proposed tandem driveway design is a commonly found, and contextual condition in this immediate area.



The project is located in the Roxbury Neighborhood Design Overlay District, and should undergo design review with the City Planning Department due to the completely new construction on the parcel. This project is also within the Highland park Architectural Conservation District and will undergo design review with The Highland Park Architectural Conservation District Commission.

Recommendation:

In reference to BOA1704664, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review.

Reviewed,

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Deputy Director of Zoning



Case	BOA1564330
ZBA Submitted Date	2024-01-22
ZBA Hearing Date	2025-05-20
Address	296 Summit AV Brighton 02135
Parcel ID	2101720000
Zoning District & Subdistrict	Allston/Brighton Neighborhood 3F-4000
Zoning Article	51
Project Description	Add basement dwelling unit and surface parking to an existing three-unit building.
Relief Type	Variance, Conditional Use
Violations	Limitation of Area for accessory use (parking) Rear Yard Insufficient Usable Open Space Insufficient Additional Lot Area Insufficient FAR Excessive Parking design and maneuverability Use: Forbidden (MFR) Use: Forbidden (Accessory Parking) Number of Habitable Stories Exceeded

Planning Context:

The proposed project is located in a residential neighborhood in Brighton. The proposed project is located on a block with a mix of single-unit and three-unit dwellings. This project intends to make no changes to the exterior dimensions of the structure. Exterior alterations are limited to changes to window openings and egress/ingress to improve the habitability of the proposed basement unit. The Allston-Brighton Needs Assessment recognizes the need for improved housing stock in the Allston-Brighton Neighborhood, including units with multiple bedrooms to meet the needs of families. The proposed project updates existing housing stock to meet the needs identified in this Assessment.

Zoning Analysis:

The dimensional violations for the proposed project, FAR Excessive and Rear Yard Insufficient, persist from the existing condition, given that no exterior changes are being made that affect the massing of the structure. The proposed project adds a new unit to the basement of the building, converting the existing structure from a three-unit dwelling to a four-unit (multifamily) dwelling.



While the number of habitable stories is increasing, the height and character of the building remain unchanged and contextual with the surroundings.

The proposed project contains three violations with respect to the parking area: Limitation of Area for accessory use (parking), Parking design and maneuverability, and Use: Forbidden (Accessory Parking). Ten spaces are proposed on site. The proposed project is located near several public transit options, approximately 1/4 mile from the Washington MBTA Green Line Stop. While the Zoning Code sets minimums for parking, BTB has established parking maximums that are used as guidelines. The intent of using parking maximums in lieu of minimums is to reduce reliance on single occupancy vehicles in an area with rich transit options and walkable neighborhoods. Per Article 51, Table J, the minimum number of parking spaces for a project of this type is 1.75 spaces/dwelling unit, totaling seven spaces. The BTB guidelines recommend only 1.0 spaces/dwelling unit. It is recommended that the proponent reduce the number of spaces to align with the parking maximums as opposed to the parking minimums. Such change would also improve the parking maneuverability from the proposed condition.

Recommendation:

In reference to BOA1564330, The Planning Department recommends DENIAL WITHOUT PREJUDICE. Plans should be resubmitted with a redesign of the proposed parking layout with fewer parking spaces in order to improve maneuverability and increase usable open space.

Reviewed,

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

Deputy Director of Zoning



Case	BOA1630352
ZBA Submitted Date	2024-07-23
ZBA Hearing Date	2025-05-20
Address	77 Bailey ST Dorchester 02124
Parcel ID	1704525000
Zoning District & Subdistrict	Dorchester Neighborhood 2F-5000
Zoning Article	65
Project Description	Erect a three-story multifamily building with six dwelling units. The building will have front and rear decks and six rear parking spaces. This is Building 1 of 2 buildings that will be built on the same lot. See ERT1609270 for the second building at 79 Bailey Street. Demolition of the existing building will be filed under a separate permit.
Relief Type	Variance
Violations	Parking or Loading Insufficient Parking design and maneuverability Existing Building Alignment Lot Area Insufficient Lot Width Insufficient Lot Frontage Insufficient FAR Excessive Side Yard Insufficient Height Excessive (stories) Two or More Dwellings on Same Lot Use: Forbidden (Multi-family dwelling)

Planning Context:

The proponent seeks to build two separate three-story, six-unit residential dwellings on the same lot with a total of six rear parking spaces shared between the buildings. The two buildings are identical in scale, unit type, and unit size. This application is for the building that will have 77 Bailey Street as its address and is proposed for the western side of the lot. It is associated with application ERT1609270 which is the second building that will have 79 Bailey Street as its address and is proposed for the eastern side of the lot.

The proponent has submitted revised plans for both 77 Bailey Street and 79 Bailey Street since the last hearing date on February 25, 2025 in which this application was deferred. The revised



site and project plans are dated March 6, 2025 and were stamped by ISD on April 26, 2025. The revised plans make the following changes to the previous set of project plans which were created on February 4, 2025: removal of a half-story penthouse, decrease in the floor area ratio from 1.42 to 1.24, and change in the unit bedroom types while retaining a total unit count of six units per building and 12 units total across the two buildings. These changes do not change the Planning Department's recommendation that was previously submitted based on the previous plan set. The following recommendation reflects the Planning Department's assessment of the proposed project keeping in mind these recent revisions.

The existing property is a 9,225 sq ft lot and currently holds a two-story, three-unit residential dwelling. The front lot line of this parcel is in alignment with the front lot line of 87 Bailey Street to the east, but the abutting 75 Bailey Street property to the west is angled towards the northwest due to a turn in the street that places that property's front lot line out of alignment with 77 Bailey Street.

The proponent seeks to demolish this existing structure to erect the two proposed dwellings. This property is listed as having a "Pending Landmark" status by the Boston Landmarks Commission. As such, this project would have to adhere to the provisions of Article 85 (Demolition Delay) as the landmark status of this property is reviewed.

The property's lot size is larger than that of abutting and adjacent residential dwellings that hold three or more units. The current building form also differs in design compared to other three-unit residential dwellings in the area because it is only two stories and has a wider building width than those adjacent dwellings.

The properties surrounding this lot are predominantly three-story, three-unit residential dwellings while properties further down Bailey Street to the west include one-unit, two-unit, and multifamily residential dwellings at various heights. This property also abuts a five-story mixed-use building along its southern rear lot line that has 64 dwelling units and 24 parking spaces. The variety of building scales in this area indicates a diverse building pattern that this project would fit well into, especially considering that the project is proposed with a style similar to three-decker buildings.

This property is located on a predominantly residential street but it is the third lot west of the intersection of Dorchester Avenue and Bailey Street. This places it within a five-minute walk of a



major commercial corridor, the Ashmont MBTA Red Line Station, and bus stops along Dorchester Avenue and Talbot Avenue. The proposed multifamily residential use for this property aligns with the surrounding land use patterns and aligns with the City's goal of encouraging transit-oriented development by placing more housing units closer to MBTA T stations and bus routes.

The existing property has a driveway along the western side lot that leads to the southern rear yard where there is a small garage and a large amount of paved rear yard space. The property is listed as having five parking spaces according to its report by the Assessing Department. There is an existing curb cut for this driveway. The proponent seeks to demolish the rear garage to place six total exterior parking spaces in the southern rear yard behind the two buildings. To access these parking spaces, the plans indicate a new 10 ft driveway entry from the center of the front lot line that leads to the rear yard parking spaces. The plans do not clearly indicate if the curb cut for the existing side yard driveway will be closed and it also does not indicate if a new curb cut is proposed for this central driveway.

Additionally, while the project seeks to provide front decks and rear decks, the ground-level usable open space is largely diminished due to the amount of paved space that will be committed to the driveway and rear parking spaces. The Planning Department Transportation team recommends that the proponent consider alterations to the project that could allow for an expansion of usable open space, the retention of the existing curb cut, and an improvement of the existing driveway or the proposed driveway and parking area design. Alterations could include driveway and parking redesign, adjustment to the two buildings' footprint, or merging the projects into a single building.

The proposal of 12 total dwelling units on this lot triggers the provisions of the Inclusionary Development Policy, which is effective for projects proposing 10 or more dwelling units and that sought out zoning relief prior to October 1, 2024. As such, the proponent will need to include 13% affordable unit(s) and must be issued a housing agreement prior to issuing permits if the proposed number of dwelling units remain above ten total.

Zoning Analysis:

This proposal has received 11 violations specific to land use standards (multifamily dwelling residential use, off-street parking use), design standards (parking size and maneuverability), lot



standards (lot area, lot width, lot frontage, side yard, two or more dwellings on the same lot, and conformity with existing building alignment), and building standards (floor area ratio, building height in stories).

Multifamily dwelling uses are forbidden in the 2F-5000 subdistrict (Art. 65, Sec. 8). However, as mentioned in the Planning Context, multifamily dwellings exist within this surrounding area and the architectural design of this proposed set of buildings is similar to the form of existing adjacent three-decker buildings. Relatedly, the 2F-5000 subdistrict requires a maximum floor area ratio (FAR) of 0.5 and a maximum height in stories of 2.5 stories (Art. 65, Sec. 9). The project has an excessive FAR of 1.24 and an excessive height in stories of 3 stories but a conforming height in feet of 35 ft. There are precedents in this area for three-story buildings and larger multifamily dwellings that exceed these regulations, indicating a more common trend of buildings at that scale that accommodate a variety of housing densities. This offers a reason for this proposed building to receive relief because it is situated in the middle of the three-unit building typologies and the larger multifamily building typologies found nearby. It also signals a need for zoning reform in this area to affirm and better accommodate multifamily residential uses and the variety of building scales that are needed to provide those uses, especially in transit-rich areas close to mixed-use areas like this site.

Article 65 requires 1.5 parking spaces per dwelling unit for properties with 10 or more units (Art. 65, Sec. 41). Since this project has two six-unit buildings on the same lot, the total of 12 units triggers this parking requirement as it provides a ratio of 0.5 parking spaces per unit. However, as mentioned this project is within close proximity of several public transit resources and thus does not provide an excessively high number of parking spaces which would otherwise limit the possibility for multifamily housing to be built at this site and further diminish the amount of remaining usable open space. Additionally, this number of parking spaces proposed per unit is reasonably below the maximum recommended by the Boston Transportation Department for residential properties in this part of Boston. Specifically, BTB recommends a maximum ratio of 0.75 parking spaces per unit for rentals and 1.0 parking space per unit for condos. This indicates a need for zoning reform again related to multifamily residential uses as the existing parking ratio minimum in this zoning district penalizes multifamily development by setting a high ratio for housing despite proximity to other mobility options.

The 2F-5000 subdistrict requires that projects of “Any Other Dwelling or Use” be built on lots that have a minimum lot area of 5,000 sq ft, a minimum lot width of 50 ft, and a minimum lot



frontage of 50 ft (Art. 65, Sec. 9). The lot for this proposed project does meet each of these requirements with a lot area of 9,225 sq ft as well as a lot width and lot frontage of 94.4 ft. To that end, this project adheres to the lot standards of the area. This project also triggered a violation for Conformity with Existing Building Alignment, though as indicated in the Planning Context this property is only in alignment with one abutting property to the east. Additionally, the proposed front yard depth is similar to the front yard depth of the three-decker building abutting this lot to the east and thus would be similar in perception from the public realm. This further indicates a need for zoning reform that is more responsive to diverse surrounding lot conditions and that better enables the appropriate lot standards for a contextually appropriate multifamily use like this without triggering zoning violations.

The remaining violations indicate a need for the proponent to consider an alternative building design to improve the off-street parking use and open space availability. The proposed parking design has triggered a violation for parking size and maneuverability (Art. 65, Sec. 65-41.5). While the Planning Department Transportation team has indicated no significant concern with the parking space sizes and maneuverability, there are concerns for the lack of clarity on the curb cut changes for the existing and new driveway. Retention of the existing curb cut would prevent further disruption to the pedestrian infrastructure on this side of Bailey Street.

The 2F-5000 subdistrict requires a minimum side yard depth of 10 ft, which the proposed building is insufficient of with a side yard depth of 2 ft 10 in from the western side lot line (Art. 65, Sec. 9). The side yard is small due to the amount of space committed on the eastern side lot to the other building and the center of the lot to the central driveway. Additionally, these two buildings trigger a dimensional violation for Two or More Dwellings on Same Lot which requires that the distance between both buildings should be at least twice the minimum side yard depth of this subdistrict, which equates to a minimum distance between buildings of 20 ft (Art. 65, Sec. 42.13). The proposed distance between the two buildings is 13 ft and the proposed driveway is within that middle space.

Altogether these violations present a case to consider an alteration to the project to better reuse the existing curb cut and driveway, produce more ground-level usable open space, allow for a larger side yard on this western side of the lot, and prevent the triggering of this two or more dwellings requirement. While the proposed land use and architectural style are contextually appropriate, adjustments to the building massing could produce a simpler ground-level condition.



Original site plan completed by Daniel Macisaac, Professional Land Surveyor on May 19, 2024 and original project plans completed by Hue Architecture on May 24, 2024. First set of revised project plans completed by Hue Architecture on February 4, 2025 and first set of revised site plans completed by Daniel Macisaac, Professional Land Surveyor on February 10, 2025. Current set of revised project plans completed by Hue Architecture and revised site plans completed by Daniel Macisaac, Professional Land Surveyor on March 6, 2025.

Recommendation:

In reference to BOA1630352, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review with attention to an expansion of ground-level usable open space and an improvement on the parking design, which may include changing the size of the proposed buildings or merging them into one building; and that a housing agreement be executed with the Mayor's Office of Housing.

Reviewed,

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

Deputy Director of Zoning



Case	BOA1632750
ZBA Submitted Date	2024-07-29
ZBA Hearing Date	2025-05-20
Address	79 Bailey ST Dorchester 02124
Parcel ID	1704525000
Zoning District & Subdistrict	Dorchester Neighborhood 2F-5000
Zoning Article	65
Project Description	Erect a three-story multifamily building with six dwelling units. The building will have front and rear decks and six rear parking spaces. This is Building 2 of two buildings that will be built on the same lot. See ERT1605980 for the other building at 77 Bailey Street. Demolition of the existing building will be filed under a separate permit.
Relief Type	Variance
Violations	Parking or Loading Insufficient Parking design and maneuverability Existing Building Alignment Lot Area Insufficient Lot Width Insufficient Lot Frontage Insufficient FAR Excessive Height Excessive (stories) Side Yard Insufficient Two or More Dwellings on Same Lot Use: Forbidden (Multi-family dwelling)

Planning Context:

The proponent seeks to build two separate three-story, six-unit residential dwellings on the same lot with a total of six rear parking spaces shared between the buildings. The two buildings are identical in scale, unit type, and unit size. This application is for the building that will have 79 Bailey Street as its address and is proposed for the western side of the lot. It is associated with application ERT1605980 which is the other building that will have 77 Bailey Street as its address and is proposed for the western side of the lot.

The proponent has submitted revised plans for both 77 Bailey Street and 79 Bailey Street since the last hearing date on February 25, 2025 in which this application was deferred. The revised



site and project plans are dated March 6, 2025 and were stamped by ISD on April 26, 2025. The revised plans make the following changes to the previous set of project plans which were created on February 4, 2025: removal of a half-story penthouse, decrease in the floor area ratio from 1.42 to 1.24, and change in the unit bedroom types while retaining a total unit count of six units per building and 12 units total across the two buildings. These changes do not change the Planning Department's recommendation that was previously submitted based on the previous plan set. The following recommendation reflects the Planning Department's assessment of the proposed project keeping in mind these recent revisions.

The existing property is a 9,225 sq ft lot and currently holds a two-story, three-unit residential dwelling. The front lot line of this parcel is in alignment with the front lot line of 87 Bailey Street to the east, but the abutting 75 Bailey Street property to the west is angled towards the northwest due to a turn in the street that places that property's front lot line out of alignment with 79 Bailey Street.

The proponent seeks to demolish this existing structure to erect the two proposed dwellings. This property is listed as having a "Pending Landmark" status by the Boston Landmarks Commission. As such, this project would have to adhere to the provisions of Article 85 (Demolition Delay) as the landmark status of this property is reviewed.

The property's lot size is larger than that of abutting and adjacent residential dwellings that hold three or more units. The current building form also differs in design compared to other three-unit residential dwellings in the area because it is only two stories and has a wider building width than those adjacent dwellings.

The properties surrounding this lot are predominantly three-story, three-unit residential dwellings while properties further down Bailey Street to the west include one-unit, two-unit, and multifamily residential dwellings at various heights. This property also abuts a five-story mixed-use building along its southern rear lot line that has 64 dwelling units and 24 parking spaces. The variety of building scales in this area indicates a diverse building pattern that this project would fit well into, especially considering that the project is proposed with a style similar to three-decker buildings.

This property is located on a predominantly residential street but it is the third lot west of the intersection of Dorchester Avenue and Bailey Street. This places it within a five-minute walk of a major commercial corridor, the Ashmont MBTA Red Line Station, and bus stops along Dorchester Avenue and Talbot Avenue. The proposed multifamily residential use for this property aligns with the surrounding land use patterns and aligns with the City's goal of



encouraging transit-oriented development by placing more housing units closer to MBTA T stations and bus routes.

The existing property has a driveway along the western side lot that leads to the southern rear yard where there is a small garage and a large amount of paved rear yard space. The property is listed as having five parking spaces according to its report by the Assessing Department.

There is an existing curb cut for this driveway. The proponent seeks to demolish the rear garage to place six total exterior parking spaces in the southern rear yard behind the two buildings. To access these parking spaces, the plans indicate a new 10 ft driveway entry from the center of the front lot line that leads to the rear yard parking spaces. The plans do not clearly indicate if the curb cut for the existing side yard driveway will be closed and it also does not indicate if a new curb cut is proposed for this central driveway.

Additionally, while the project seeks to provide front decks and rear decks, the ground-level usable open space is largely diminished due to the amount of paved space that will be committed to the driveway and rear parking spaces. The Planning Department Transportation team recommends that the proponent consider alterations to the project that could allow for an expansion of usable open space, the retention of the existing curb cut, and an improvement of the existing driveway or the proposed driveway and parking area design. Alterations could include driveway and parking redesign, adjustment to the two buildings' footprint, or merging the projects into a single building.

The proposal of 12 total dwelling units on this lot triggers the provisions of the Inclusionary Development Policy, which is effective for projects proposing 10 or more dwelling units and that sought out zoning relief prior to October 1, 2024. As such, the proponent will need to include 13% affordable unit(s) and must be issued a housing agreement prior to issuing permits if the proposed number of dwelling units remain above ten total.

Zoning Analysis:

This proposal has received 11 violations specific to land use standards (multifamily dwelling residential use, off-street parking use), design standards (parking size and maneuverability), lot standards (lot area, lot width, lot frontage, side yard, two or more dwellings on the same lot, and conformity with existing building alignment), and building standards (floor area ratio, building height in stories).

Multifamily dwelling uses are forbidden in the 2F-5000 subdistrict (Art. 65, Sec. 8). However, as mentioned in the Planning Context, multifamily dwellings exist within this surrounding area and



the architectural design of this proposed set of buildings is similar to the form of existing adjacent three-decker buildings. Relatedly, the 2F-5000 subdistrict requires a maximum floor area ratio (FAR) of 0.5 and a maximum height in stories of 2.5 stories (Art. 65, Sec. 9). The project has an excessive FAR of 1.24 and an excessive height in stories of 3 stories but a conforming height in feet of 35 ft. There are precedents in this area for three-story buildings and larger multifamily dwellings that exceed these regulations, indicating a more common trend of buildings at that scale that accommodate a variety of housing densities. This offers a reason for this proposed building to receive relief because it is situated in the middle of the three-unit building typologies and the larger multifamily building typologies found nearby. It also signals a need for zoning reform in this area to affirm and better accommodate multifamily residential uses and the variety of building scales that are needed to provide those uses, especially in transit-rich areas close to mixed-use areas like this site.

Article 65 requires 1.5 parking spaces per dwelling unit for properties with 10 or more units (Art. 65, Sec. 41). Since this project has two six-unit buildings on the same lot, the total of 12 units triggers this parking requirement as it provides a ratio of 0.5 parking spaces per unit. However, as mentioned this project is within close proximity of several public transit resources and thus does not provide an excessively high number of parking spaces which would otherwise limit the possibility for multifamily housing to be built at this site and further diminish the amount of remaining usable open space. Additionally, this number of parking spaces proposed per unit is reasonably below the maximum recommended by the Boston Transportation Department for residential properties in this part of Boston. Specifically, BTM recommends a maximum ratio of 0.75 parking spaces per unit for rentals and 1.0 parking space per unit for condos. This indicates a need for zoning reform again related to multifamily residential uses as the existing parking ratio minimum in this zoning district penalizes multifamily development by setting a high ratio for housing despite proximity to other mobility options.

The 2F-5000 subdistrict requires that projects of “Any Other Dwelling or Use” be built on lots that have a minimum lot area of 5,000 sq ft, a minimum lot width of 50 ft, and a minimum lot frontage of 50 ft (Art. 65, Sec. 9). The lot for this proposed project does meet each of these requirements with a lot area of 9,225 sq ft as well as a lot width and lot frontage of 94.4 ft. To that end, this project adheres to the lot standards of the area. This project also triggered a violation for Conformity with Existing Building Alignment, though as indicated in the Planning Context this property is only in alignment with one abutting property to the east. Additionally, the proposed front yard depth is similar to the front yard depth of the three-decker building abutting

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this lot to the east and thus would be similar in perception from the public realm. This further indicates a need for zoning reform that is more responsive to diverse surrounding lot conditions and that better enables the appropriate lot standards for a contextually appropriate multifamily use like this without triggering zoning violations.

The remaining violations indicate a need for the proponent to consider an alternative building design to improve the off-street parking use and open space availability. The proposed parking design has triggered a violation for parking size and maneuverability (Art. 65, Sec. 65-41.5). While the Planning Department Transportation team has indicated no significant concern with the parking space sizes and maneuverability, there are concerns for the lack of clarity on the curb cut changes for the existing and new driveway. Retention of the existing curb cut would prevent further disruption to the pedestrian infrastructure on this side of Bailey Street.

The 2F-5000 subdistrict requires a minimum side yard depth of 10 ft, which the proposed building is insufficient of with a side yard depth of 7 ft from the eastern side lot line (Art. 65, Sec. 9). The side yard is small due to the amount of space committed on the eastern side lot to the other building and the center of the lot to the central driveway. Additionally, these two buildings trigger a dimensional violation for Two or More Dwellings on Same Lot which requires that the distance between both buildings should be at least twice the minimum side yard depth of this subdistrict, which equates to a minimum distance between buildings of 20 ft (Art. 65, Sec. 42.13). The proposed distance between the two buildings is 13 ft and the proposed driveway is within that middle space.

Altogether these violations present a case to consider an alteration to the project to better reuse the existing curb cut and driveway, produce more ground-level usable open space, allow for a larger side yard on this western side of the lot, and prevent the triggering of this two or more dwellings requirement. While the proposed land use and architectural style are contextually appropriate, adjustments to the building massing could produce a simpler ground-level condition.

Original site plan completed by Daniel Macisaac, Professional Land Surveyor on May 19, 2024 and original project plans completed by Hue Architecture on May 24, 2024. First set of revised project plans completed by Hue Architecture on February 4, 2025 and first set of revised site plans completed by Daniel Macisaac, Professional Land Surveyor on February 10, 2025.

Current set of revised project plans completed by Hue Architecture and revised site plans completed by Daniel Macisaac, Professional Land Surveyor on March 6, 2025.

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Recommendation:

In reference to BOA1632750, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review with attention to an expansion of ground-level usable open space and an improvement on the parking design, which may include changing the size of the proposed buildings or merging them into one building; and that a housing agreement be executed with the Mayor's Office of Housing.

Reviewed,

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

Deputy Director of Zoning



Case	BOA1658677
ZBA Submitted Date	2024-10-02
ZBA Hearing Date	2025-05-20
Address	55 to 57 River ST Mattapan 02126
Parcel ID	1703779000
Zoning District & Subdistrict	Dorchester Neighborhood 2F-6000
Zoning Article	65
Project Description	Change of use from a two unit dwelling to a fourteen unit dwelling with garage parking, as per plans. Scope includes partial demolition of existing dwelling and the erection of a three-story addition at the rear to accommodate twelve additional units with balconies. The existing building will also receive an addition of new front facing dormers. Life safety upgrades included.
Relief Type	Variance
Violations	Parking design and maneuverability Parking or Loading Insufficient FAR Excessive Height Excessive (stories) Front Yard Insufficient Side Yard Insufficient Rear Yard Insufficient Use: forbidden (multi-family dwelling)

Planning Context:

This proponent seeks to demolish the rear of their existing three-story, two-unit dwelling to build a three-story rear addition of 12 additional dwelling units. This will increase the occupancy of this property to 14 units. The rear additional units will include balconies. The front of the existing structure will be altered to add new front-facing dormers. The rear addition will also include an internal garage on the ground floor that will hold 15 parking spaces, while the upper two floors will hold the additional dwelling units.

This property is located on a large parcel of 10,129 sq ft. It abuts two properties along its western and eastern side lots that are about the same size or larger. The western abutting property holds a single family home while the eastern abutting property holds five structures that are each four-story condominiums. This property is on the northern side of River Street and is



across the street from several properties on large parcels of similar size, including an apartment building and a gas station. This segment and nearby blocks of River Street has a mix of predominantly multifamily residential and commercial uses, which includes a large grocery store and several smaller active uses within close proximity.

The proposal of multifamily housing within this area and the use of the large parcel on this property for that scale of land use aligns with how other nearby properties accommodate multifamily housing in scale. The proposed height is also fitting within the diverse range of two-, three-, and four-story residential buildings that can be found throughout River Street.

Additionally, the proposed strategy of redeveloping an addition to the existing structure rather than fully demolishing the existing structure is an adaptive reuse approach that helps to maintain the existing design of the frontage in the public realm while accommodating housing growth. River Street was also identified in PLAN: Mattapan (adopted May 2023) as a prominent corridor well-suited for multifamily residential development and that multifamily residential land use regulations should be expanded along the corridor to promote this. This site is within the study area of PLAN: Mattapan on River Street, thus making the proposed use and scale in keeping with that recommendation.

This property holds the existing three-story, two-unit structure and has a small rear garage with a paved driveway area leading to that garage. The rear garage will be demolished in addition to the rear section of the existing main structure. The property is also surrounded by taller, mature trees that further establishes a barrier between it and abutting properties. Due to the scale of the proposed addition, attention should be paid by way of design review to how to mitigate or prevent the potential loss of mature trees in this area, especially considering the reduction in usable open space.

The rear addition will also decrease the existing side and rear yard depths significantly to accommodate the scale of the proposed dwelling unit and parking uses. The abutting property along the eastern side yard has a small fence between the properties while the abutting property along the western side yard has a barrier of a couple mature trees. Design review should include consideration of reducing the massing of this rear addition to provide more side yard and rear yard space for near these abutting properties, which could also provide more usable open space for future tenants. This adjustment may require adjustments to the scale of land use, including reduction in number of total units as well as reduction in number of parking spaces in the ground floor garage.



The proposal to maintain the front portion of the existing structure and to add a rear addition of housing at the same height as the existing structure both preserves the public realm condition of the existing home while accommodating housing opportunity at a height that keeps with local form. Further design review will be needed due to part of the rear addition being slightly taller than the existing structure and thus visible from the public realm. Further design review would also help make the addition appear more cohesive in design with the existing structure. As a property within the Neighborhood Design Overlay District, this property would also need design review because it is changing the overall roof shape of the structure with parts of the rear addition and creating an addition to the building that is over 300 sq ft.

River Street has multiple bus stops within less than a 10 minute walk that offers access to different bus routes. This property is also within a five minute walking distance of the Central Ave station which provides access to the MBTA Mattapan Trolley. As such, this proximity to public transit resources diminishes the need for parking spaces in the broader area. The proponent includes 15 parking spaces in service of the 14 dwelling units, which would accommodate a vehicle per household without further committing space to parking infrastructure. Additionally, this number of parking spaces proposed per unit is slightly above the maximum recommended by the Boston Transportation Department for residential properties in this part of Boston, which is 1.0 parking spaces per unit. Therefore, the proposed number meets parking need while not creating excessive space committed to parking.

Further review of the parking garage design is needed to ensure safe maneuverability of vehicles in that ground level parking area. In particular, the Planning Department's Transportation team identified the need to provide at least a six foot clearance of space to access the stairwells from the garage that is currently obstructed in the proposed parking design. Design review for this parking garage area may include reducing the number of parking spaces or rearranging the proposed number of spaces to better accommodate access to those stairwells and overall maneuverability for vehicles to enter and exit the parking spaces.

The proposal of 14 total dwelling units on this lot triggers the provisions of the Inclusionary Development Policy, which is effective for projects proposing 10 or more dwelling units and that sought out zoning relief prior to October 1, 2024. As such, the proponent will need to be issued a housing agreement prior to issuing permits if the proposed number of dwelling units remains.

Zoning Analysis:



This proposal has received eight violations specific to land use standards (multi-family dwelling use, off-street parking use), design standards (parking design), lot standards (front yard, side yard, and rear yard), and building standards (floor area ratio and building height in stories).

A multi-family dwelling use is forbidden within the 2F-6000 subdistrict, but as noted within the Planning Context this proposed use is appropriate and common within this surrounding area (Art. 65, Sec. 8). Additionally, this zoning district requires a ratio of 1.5 parking spaces per dwelling unit (Art. 65, Sec. 41). However, the proposed number of parking spaces is appropriate when taking into consideration the close proximity of this property to public transit options and the guidance on maximum parking ratio set by the Boston Transportation Department.

The proposed project has an excessive floor area ratio and an insufficient side yard and rear yard depth that are a result of the scale of the rear addition (Art. 65, Sec. 9). The proposed scale balances the density necessary to accommodate a multifamily use like similar properties within the area while also remaining at a similar height as the existing three-story structure and below the height of some nearby structures. This scale is mostly appropriate and indicates a need for zoning reform to include an alternative to measuring building massing that takes into account multifamily uses. As mentioned in the Planning Context, it is recommended that design review is performed to take into account ways the rear and side yards can be reduced to better provide space between abutting properties and protect or increase existing usable open space which includes some mature trees.

The proposed height of the rear addition is slightly taller than that of the existing structure but retains a three-story condition. The three-story height of the existing structure and the proposed height of the rear structure both exceed the height maximum of two and half stories in this subdistrict (Art. 65, Sec. 9). As mentioned in the Planning Context, there are similarly tall and taller properties within the surrounding area on River Street that further affirms this as a common height condition. Additionally, the front yard depth is not changing with the rear addition and thus the insufficient front yard depth is an existing non-conformity (Art. 65, Sec. 9). These violations indicate a need for zoning reform that can both affirm existing heights and setbacks like that of the existing structure and affirm the heights of other nearby properties that are taller and accommodate a similar multifamily use.

Lastly, the proposed ground floor parking garage and overall parking design does not offer a suitable maneuverability for vehicles or access to internal stairwells (Art. 65, Sec. 41.5). As mentioned in the Planning Context, reductions in the number of parking spaces or a

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rearrangement of the proposed spaces would potentially improve the design and maneuverability of this ground floor garage space.

Site plan completed by Otte & Dwyer, Inc. Land Surveyors on June 26, 2024. Project plans completed by Mark Schryer on August 22, 2024.

Recommendation:

In reference to BOA1658677, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review with attention to reductions in the rear and side yard to accommodate more usable open space, clarity on a plan to protect or mitigate the loss of surrounding mature trees, and redesign of the ground floor parking garage to improve maneuverability -- all of which may require a reduction in number of units and/or number of parking spaces. Also, a housing agreement must be issued prior to issuing permits.

Reviewed,

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

Deputy Director of Zoning



Case	BOA1591933
ZBA Submitted Date	2024-04-19
ZBA Hearing Date	2025-05-20
Address	36 Akron ST 12 Roxbury MA 02119
Parcel ID	1201332000, 1201331000
Zoning District & Subdistrict	Roxbury Neighborhood 3F-4000
Zoning Article	Article 50
Project Description	Combine two lots, demolish an abandoned 1-unit building, and construct a 4-story, 9-unit residential building.
Relief Type	Conditional Use, Variance
Violations	Additional Lot Area Insufficient FAR Excessive Height Excessive (stories) Height Excessive (ft) Usable Open Space Insufficient Front Yard Insufficient Parking or Loading Insufficient 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 remains the same.

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



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

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

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

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

Zoning Analysis:

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

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



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

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

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

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



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

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



Case	BOA1575584
ZBA Submitted Date	2024-02-28
ZBA Hearing Date	2025-05-20
Address	81 Lexington ST East Boston 02128
Parcel ID	0102918000
Zoning District & Subdistrict	East Boston Neighborhood 2F-2000
Zoning Article	53
Project Description	Erect a 3.5-story multifamily dwelling with 7 residential units on a newly created 3,706 square foot lot. The project scope includes bike storage and rear decks. The project's proposed subdivision of the existing parcel and demolition of the existing building are tied to separate permits.
Relief Type	Variance
Violations	Parking or Loading Insufficient Height Excessive (ft) Height Excessive (stories) Side Yard Insufficient Existing Building Alignment Forbidden Use (7 Units); Traffic Visibility Across Corner

Planning Context:

The proposed project has its ZBA hearing deferred six times: on September 24, 2024; October 29, 2024; December 3, 2024; February 4, 2025; March 25, 2025, and April 8, 2025. The Planning Department provided recommendations for denial without prejudice for each project iteration, citing design concerns relating to the project's proposed scale, setbacks, and excessive unit count as grounds for the denials. The two most recent iterations of this recommendation (for the April 8, 2025 and May 20, 2025 hearings) related to the project's updated project plans. The proponent submitted these updated project plans to ISD and received an updated zoning refusal letter and set of refused project plans on March 4, 2025. These plans make amendments to the building's design, addressing some of the aforementioned concerns of the project's initial proposal, particularly building setbacks. Despite this, the updated proposal falls short of meeting the standards for approval previously set forth by the Planning Department in past iterations of this recommendation. These standards relate to



the project's proposed unit count (seven units still in excess of zoning maximum) and overall building scale (excessive height increased, building width remains excessive). The contents of this recommendation have been updated from its original form to reflect the details of this amended project design, though remain largely unchanged from its most recent April 8, 2025 iteration (as no new materials have been submitted since).

The proposed project sits in an established residential area in the Eagle Hill area of East Boston. Its surroundings consist of 2.5-story to 4-story structures with single-family to multi-family residential uses and limited retail, restaurant, and commercial uses on the ground floors of several nearby corner lots. The site sits within a quarter-mile of several bus stops - including those for the MBTA's 114, 116, 117, 120, and 121 routes - and is a half-mile from the MBTA's Airport Blue Line Station. It is also close (within a quarter-mile walk) to two community child care centers, Hugh R. O'Donnell Elementary, Mario Umana Academy K-8, Central Square Park, Eastie Farms, and East Boston's Shaw's grocery store.

The proposed project is sited on a corner parcel currently occupied by a 2.5-story three-family residential structure and a 38' x 50' surface parking lot. It seeks to demolish the site's existing structure and surface parking to erect a new 3.5-story multifamily residential building, consisting of seven dwelling units (including private decks and bike parking). This scope of work removes the project's previously proposed ground floor commercial space, reduces its proposed unit count by one, and increases its proposed height by one story.

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

The recommendations of PLAN: East Boston (adopted January 2024) also outline a need to improve access to neighborhood-serving retail and service amenities in residential areas, and support the development of small-scale commercial spaces on corner parcels within East

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2025-05-20

2 Planning Department



Boston's neighborhood fabric (to support uses such as coffee shops, laundromats, etc.). The project's updated designs, which remove its previously proposed ground floor corner commercial space, backtrack from this goal. While ground floor commercial uses are not required for residential corner lots, the scale of infill proposed by this project aligns with the type of development where such uses were contemplated as appropriate by the PLAN, thus representing a missed opportunity by the project to further this planning goal.

Zoning Analysis:

The proposed project has been cited with seven zoning violations relating to use, scale, and parking regulations. These citations are listed upon the project's most recent refusal letter, dated March 4, 2025. While the project's cited zoning subdistrict (2F-2000) relates to East Boston's zoning at the initial date of project filing (December 12, 2023), the listed violations for the project's updated plans relate to East Boston's updated neighborhood zoning, which was adopted by the Zoning Commission on April 24, 2024.

East Boston's updated zoning places the proposed project within an EBR-3 subdistrict. EBR-3 subdistricts allow a maximum building height of three stories/35' and permit residential uses up to six dwelling units on lots with a frontage greater than 55' (of which 81 Lexington Street complies). The proposed project, with a height of 3.5 stories/40' and seven dwelling units, exceeds these permitted maximums. It also proposes building width in excess of the area's zoning (50' permitted, 68' proposed). These violations, together, result in an excessive building scale, out of context with both zoning and the built character of the surrounding neighborhood (which consists predominately of three-story structures with two to six residential units).

The site's insufficient parking violation relates to the project's proposed zero-parking condition. While in violation of the area's zoning requirements (1:1 dwelling/space parking ratio required, totaling seven required off-street spaces for the project), this condition is one commonly found throughout the Eagle Hill area, including on ~85% of the lots on the proposed project's immediately surrounding blocks. Similarly, the project's violation for insufficient traffic visibility across corner is not met by any of the area's corner parcels. While the project's 3 foot front yard setback varies from the block's predominant existing building alignment (zero foot front setback), the additional space provided by the proposed dimension actually represents a preferable design outcome that conforms with the front yard requirements of the area's zoning as well as its broader planning goals to create additional street-facing open space (especially upon corner lots).

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The project's insufficient side yard violation is incorrectly cited on its refusal letter, as each of the proposed structure's side yards meet the minimum three foot setback requirement by zoning.

While the project's proposed setbacks and parking are common neighborhood conditions contextual to the site, its dimensional violations point to a proposed building scale that exceeds the site's surrounding built context. Because of this, the proposed structure is deemed an inappropriate addition to East Boston's Eagle Hill area.

Plans reviewed titled, "81 Lexington Street, Boston, MA 02128," prepared by 686 Architects on May 15, 2024.

Recommendation:

In reference to BOA1575584, The Planning Department recommends DENIAL WITHOUT PREJUDICE. The proponent should consider a project that reduces its residential occupancy to no more than six dwelling units (and, preferably, retains the project's initially proposed ground floor corner commercial space). Such a project should also amend the proposed structure's height and footprint to better align with the dimensional regulations of East Boston's updated zoning.

Reviewed,

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

Deputy Director of Zoning



Case	BOA1677881
ZBA Submitted Date	2024-07-02
ZBA Hearing Date	2025-05-20
Address	155R Princeton ST East Boston 02128
Parcel ID	0106656000
Zoning District & Subdistrict	East Boston Neighborhood EBR-3
Zoning Article	53
Project Description	Build a new three story addition containing three units on top of an existing garage.
Relief Type	Conditional Use,Variance
Violations	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 project was deferred from the ZBA hearing on March 25, 2025. No new plans have been submitted and so the Planning Department recommendation has remained the same.

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 BOA1677881, The Planning Department recommends DENIAL. A project which adds housing to this lot while complying with new East Boston zoning and supporting PLAN: East Boston recommendations may be possible, but would be significantly different from the proposed project. Any future proposed project here should affirm the existing physical characteristics of the neighborhood fabric and allow space for light and air by complying with the maximum front yard of 5 feet and not being built at the rear of the existing dwelling.

Reviewed,

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

Deputy Director of Zoning



Case	BOA1677882
ZBA Submitted Date	2024-12-12
ZBA Hearing Date	2025-05-20
Address	157 Princeton ST 1 East Boston 02128
Parcel ID	0106656000
Zoning District & Subdistrict	East Boston Neighborhood EBR-3
Zoning Article	53
Project Description	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.
Relief Type	Variance
Violations	Building Lot Coverage Excessive Permeable Area of Lot Insufficient Side Yard Insufficient Rear Yard Insufficient

Planning Context:

This project was deferred from the ZBA hearing on March 25, 2025. No new plans have been submitted and so the Planning Department recommendation has remained the same.

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 (BOA1677881) 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. A project which subdivides this lot while complying with new East Boston zoning and supporting PLAN: East Boston recommendations may be possible, but would be significantly different from the proposed project. Any future proposed subdivision here should affirm the existing physical characteristics of the neighborhood fabric and allow space for light, air, and permeable area by complying with Building Lot Coverage, Permeable Area of Lot, and Rear Yard requirements.

Reviewed,

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

Deputy Director of Zoning

MEMORANDUM**February 13th, 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
DYLAN NORRIS, PROJECT ASSISTANT
ALEXA PINARD, ASSISTANT DEPUTY DIRECTOR FOR DESIGN REVIEW
Jill ZICK, ASSISTANT DEPUTY DIRECTOR FOR PUBLIC REALM DESIGN
AMBER GALKO, RESILIENCY REVIEWER

SUBJECT: 4 LIBERTY SQUARE, DOWNTOWN

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority d/b/a Boston Planning & Development Agency ("BPDA") authorize the Director to: (1) issue a Certification of Approval for the proposed development located at 4 Liberty Square (as defined below, the "Proposed Project"), in accordance with Article 80E, Small Project Review of the Boston Zoning Code (the "Code"); (2) execute and deliver an Affordable Rental Housing Agreement and Restriction ("ARHAR") in connection with the Proposed Project; (3) accept a Quitclaim Deed conveying a temporary, limited interest in 4 Liberty Square; and (4) enter into a PILOT Agreement for the Proposed Project, and to take any other actions, and to execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

BACKGROUND ON PILOT PROGRAM

On November 24th 2024, 4 Liberty Square LLC (the "Proponent") applied to Mayor Wu's and the Planning Departments' Downtown Residential Conversion Incentive PILOT Program (the "PILOT Program"). The PILOT Program was authorized by the BPDA Board on October 12th, 2023 ("October Board Vote") and offers to approved applicants a tax abatement in exchange for converting their underutilized office building into multi-family residential rental units. The October Board Vote

authorized the creation of a Demonstration Project Plan Area in Downtown Boston (the “Plan Area”) and the Plan Area establishes an area where the BPDA is able to act pursuant to Massachusetts General Law Chapter 121B (“Chapter 121B”) and provide a contract for payment in lieu of taxes (“PILOT Agreement”) pursuant to Chapter 121B.

In order to qualify for the PILOT program, the proponent must meet the 2024 IZ standards, which require that Seventeen Percent (17%) of all newly created units must be deed restricted affordable restricted for households making up to Sixty Percent (60%) of the Area Median Income (“AMI”), and an additional 3% of units must be available at HUD Small Area Fair Market Rent and reserved for voucher holders. Applicants must also comply with current Green Energy Stretch Goals, where applicable.

PROJECT SITE

The Proposed Project is located on an approximately 3,800 square foot parcel of land in the Liberty Square pocket of Government Center/Markets District on the Corner of Water St & Batterymarch Street. The project site is currently occupied by an existing underutilized 7 Story mixed use retail and office building.

DEVELOPMENT TEAM

The development team includes:

Proponent: 4 Liberty Square LLC
Greg McCarthy
gregmccarthyfr@gmail.com

Architect: Studio 47 Architects INC
Bryan T Mulligan
tbryanm@s47a.com

PROPOSED PROJECT

The Proposed Project at 4 Liberty Square is part of the Planning Department's Office to Residential Conversion Program.

4 Liberty Square LCC ("The Proponent") is proposing the renovation of the existing +-25,000 Square foot seven (7) story office building with restaurant space on the ground level which sits prominently on Liberty Square at the corner of Batterymarch & Water Street. The proposed plans call for the existing office space on floors 2-7 to be converted to apartments, restaurant or retail use would remain on the ground level. The conversion will result in a new net residential total of approximately 22,086 gross floor area ("the Proposed project"). The Proposed project will Include thirty-six residential rental units including: thirty (30) studios, one (1) 1-bedroom, five (5) 2-bedrooms. The Proposed Project will include approximately 17% of the units income-restricted as IZ units and 3% of the units will be income-restricted for households with mobile housing vouchers as per the Inclusionary Zoning (Article 79 of the Code) and Office to Residential Conversion Program standards. The Proposed Project will also include an interior subsurface bicycle storage room with thirty-six (36) resident bike parking spaces.

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

<u>Estimated Project Metrics</u>	Proposed Plan
Gross Square Footage	30,028
Gross Floor Area	24,986
<i>Residential</i>	22,086
<i>Retail</i>	2,900
<i>Mechanical/storage</i>	5,042
Development Cost Estimate	\$4,920,000
Residential Units	
<i>Rental Units</i>	36
<i>Ownership Units</i>	0
<i>IZ/Affordable Units</i>	7
Parking spaces	0

PLANNING CONTEXT

Launched in October 2023, the Downtown Residential Conversion Incentive PILOT Program “Downtown Conversion Program” aims to support owners and developers of older commercial office building space in converting to residential units. The PILOT Program was informed by both 1) the City of Boston’s October 2022

Downtown

Revitalization Report which analyzed and made recommendations for downtown economic revitalization, as well as 2) the PLAN: Downtown planning process which recommended a downtown office conversion program as a key strategy for achieving the PLAN goals. In order to encourage new use of underutilized office space, the Downtown Conversion Program offers a tax abatement and a streamlined approval process to applicants who meet affordability and sustainability requirements. Accordingly, the Proposed Project would advance key recommendations of both the 2022 Downtown Revitalization Report and PLAN: Downtown.

ARTICLE 80 REVIEW PROCESS

On December 9th, 2024 the Proponent filed an Application for Small Project Review with the BPDA for the Proposed Project, pursuant to Article 80E of the Boston Zoning Code (the “Code”). The Planning Department sponsored and held a virtual public meeting on January 7th, 2025 via Zoom for the Proposed Project. The meeting was advertised in the Boston Guardian, posted on the Planning Department website and a notification was emailed to all subscribers of the Planning Department’s Downtown neighborhood update list. The public comment period ended on January 13th, 2025.

ZONING

The Project Site is located in the Government Center/Market district governed by Article 45 of the Code

The Project Site is also located in the Coastal Flood Resilience Overlay District (CFROD), Groundwater Conservation Overlay District (GCOD), and the Restricted Parking District.

PEDESTRIAN EASEMENT:

The proposed project has agreed to grant a pedestrian easement to the City for the portion of the parcel that is currently acting as the public sidewalk at the corner of Water and Batterymarch Streets. This would require an action through the Public Improvement Commission to create the pedestrian easement. The current sidewalk condition does not accommodate an accessible ramp at this corner, because the sidewalk falls outside of the public right-of-way. Granting this pedestrian easement will allow the City to construct a corner accessible ramp to receive the existing crosswalks that land at this location.

MITIGATION AND COMMUNITY BENEFITS

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

- Revitalizing the downtown neighborhood by converting underutilized office space to on-site housing, bringing foot traffic back to the neighborhood, generating a new customer base for restaurants and shops, and creating a more vibrant urban core.
- Creating seven (7) on-site income-restricted units, including six (6) IZ units at 60% AMI and one (1) unit reserved for households with housing vouchers.
- Meeting, where applicable, C.O.B Green Energy “Stretch Goals”; as required by the BPDA office to residential conversion program
- The re-use of a vast majority of existing building components in order to minimize demolition waste and promote construction sustainability

The Proposed Project and any proposed improvements to the public realm are subject to continued Public Improvement Commission (PIC) and Planning Department Design Review and approval.

INCLUSIONARY ZONING

The Proposed Project is subject to Zoning Code Article 79 Inclusionary Zoning, dated October 1, 2024 (“IZ”) and is located within Zone A, as defined by the IZ. IZ requires that 17% of the total number of units or residential leasable square footage within Article 80E Small Project developments are designated as IZ units. The project is further subject to the affordability requirements of the BPDA’s Downtown Residential Conversion Incentive PILOT Program dated July 10, 2023, which requires that Article 80E Small Projects applying under the PILOT program, in

addition to complying with the 2024 IZ requirements, also include 3% of units to be made available to households with mobile housing vouchers. In this case, seven (7) units or 19.4% of the total number of units within the conversion project must be designated as income restricted units, consisting of 17% of units (the “IZ Units”) made available to the general public at no more than 60% of the Area Median Income (“AMI”), and 3% of units reserved for households who qualify with mobile housing vouchers with incomes up to 110% of AMI (the “Voucher Units”). Six (6) of the income-restricted units will be made affordable to households earning not more than 60% of AMI, as based upon data from the United States Department of Housing and Urban Development (“HUD”) and published by the BPDA as annual income and rent limits, and the one (1) Voucher Unit will be made available to households with mobile housing vouchers qualifying at or below 110% of the AMI, and rented at no higher than the Small Area Fair Market Rent (SAFMR) for Zip Code 02109 as published and adjusted annually by the Mayor’s Office of Housing (“MOH”).

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

Unit Number	Location	Number of Bedrooms	Unit Size (Sq Ff)	Percentage of AMI	Maximum Rent	Group-2
1	Second Floor	Studio	450	60%	\$1,130.00	
3	Second Floor	One-Bedroom	650	60%	\$1,325.00	
10	Third Floor	Studio	370	Voucher or 110% AMI	\$3,250.00	
17	Fourth Floor	Studio	450	60%	\$1,130.00	Group 2A
19	Fifth Floor	Studio	450	60%	\$1,130.00	
20	Fifth Floor	Studio	450	60%	\$1,130.00	
29	Sixth Floor	Studio	450	60%	\$1,130.00	

The location of the IZ Units and Voucher Unit will be finalized in conjunction with BPDA and Mayor’s Office of Housing (“MOH”) staff and outlined in the Affordable Rental Housing Agreement and Restriction (“ARHAR”), and rents and income limits

will be adjusted according to BPDA published maximum rents and income limits, as based on HUD AMIs, available at the time of the initial rental of the IZ Units, and the maximum rent for the Voucher Unit will be adjusted according to MOH published Small Area Fair Market Rent ("SAFMR") prices. IZ and Voucher Units must be comparable in size, design, and quality to the market-rate units in the Proposed Project, cannot be stacked or concentrated on the same floors, and must be consistent in bedroom count with the entire Proposed Project.

The ARHAR must be executed along with, or prior to, the issuance of the Certification of Approval for the Proposed Project. The Proponent must also register the Proposed Project with the Boston Fair Housing Commission ("BFHC") upon issuance of the building permit. The IZ Units and Voucher Unit will not be marketed prior to the submission and approval of an Affirmative Marketing Plan to the BFHC and the BPDA. Preference will be given to applicants who meet the following criteria, weighted in the order below:

- Boston resident;
- Household size (a minimum of one (1) person per bedroom); and
- Households who are directly displaced or severely rent-burdened (to be marketed for one (1) income-restricted unit).

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

An affordability covenant will be placed on the IZ Units and Voucher Unit to maintain affordability for a total period of fifty (50) years (this includes thirty (30) years with a BPDA option to extend for an additional period of twenty (20) years). The household income of the renter and rent of any subsequent rental of the IZ Units and Voucher Unit during this fifty (50) year period must fall within the applicable income and rent limits for each IZ Unit and Voucher Unit. IZ Units and Voucher Units may not be rented out by the developer prior to rental to an income eligible household, and the BPDA or its assigns or successors will monitor the ongoing affordability of the IZ Units and Voucher Unit.

TERMS OF PILOT AGREEMENT

Based on BPDA staff review under Article 80 and review under the PILOT Program, the Proponent has been selected to receive a PILOT Agreement, based on the

PILOT Program criteria. The Proponent will, upon approval by the BPDA Board, enter into a PILOT Agreement among the City of Boston (the “City”) and the BPDA. If approved today, the City and the BPDA will provide the Proposed Project an average tax abatement of up-to seventy-five percent (75%) of the assessed residential value for a term of twenty-nine (29) years, terms which are consistent with the October Board Vote.

DEED CONVEYNCE

In order to comply with the rules and regulations of Massachusetts General Law Chapter 121B, Section 16, the BPDA must take an interest in the Project Site. To effectuate that, the BPDA and the Owner of the 4 Liberty Square will execute a Quitclaim Deed to convey a temporary, limited rights in the 4 Liberty Square property. Additionally, the Owner and the BPDA will enter into to an indemnification agreement to ensure the BPDA does not have liability on the property.

RECOMMENDATIONS

The Proposed Project complies with the requirements set forth in Section 80E of the Code for Small Project Review. Therefore, BPDA staff recommends that the Director be authorized to: (1) issue a Certification of Approval for the Proposed Project; (2) execute and deliver an Affordable Rental Housing Agreement and Restriction (“ARHAR”) in connection with the Proposed Project; (3) accept a Quitclaim Deed conveying a temporary, limited interest in 4 Liberty Square; and (4) enter into a PILOT Agreement for the Proposed Project, and to take any other actions, and to execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

VOTED: That the Director be, and hereby is, authorized to issue a Certification of Approval pursuant to Section 80E-6 of the Boston Zoning Code (the "Code"), approving the development at 4 Liberty Square, proposed by 4 Liberty Square LLC (the “Proponent”), for the conversion of the existing five (7 story, approximately 25,000 square foot underutilized office space to residential use. Creating a seven (7) story approximately 30,000 square foot mixed use residential/commercial

building with 36 rental units (the “Proposed Project”), in accordance with the requirements of Small Project Review, Article 80E, of the Code, subject to continuing design review by the BPDA; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to execute and deliver an Affordable Rental Housing Agreement and Restriction for the creation of six (6) on-site IZ Units and one (1) on-site Voucher Unit in connection with the Proposed Project; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to accept a Quitclaim Deed conveying a temporary, limited interest in the property at 4 Liberty Square in order to effectuate the PILOT Agreement; and

FURTHER

VOTED: That the Director Be, and hereby is, authorized to enter into a PILOT Agreement in connection with the 4 Liberty Square Project subject to the terms and continues consistent with this Board Memorandum and as the Director deems to be appropriate and necessary; and

FURTHER

VOTED:

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

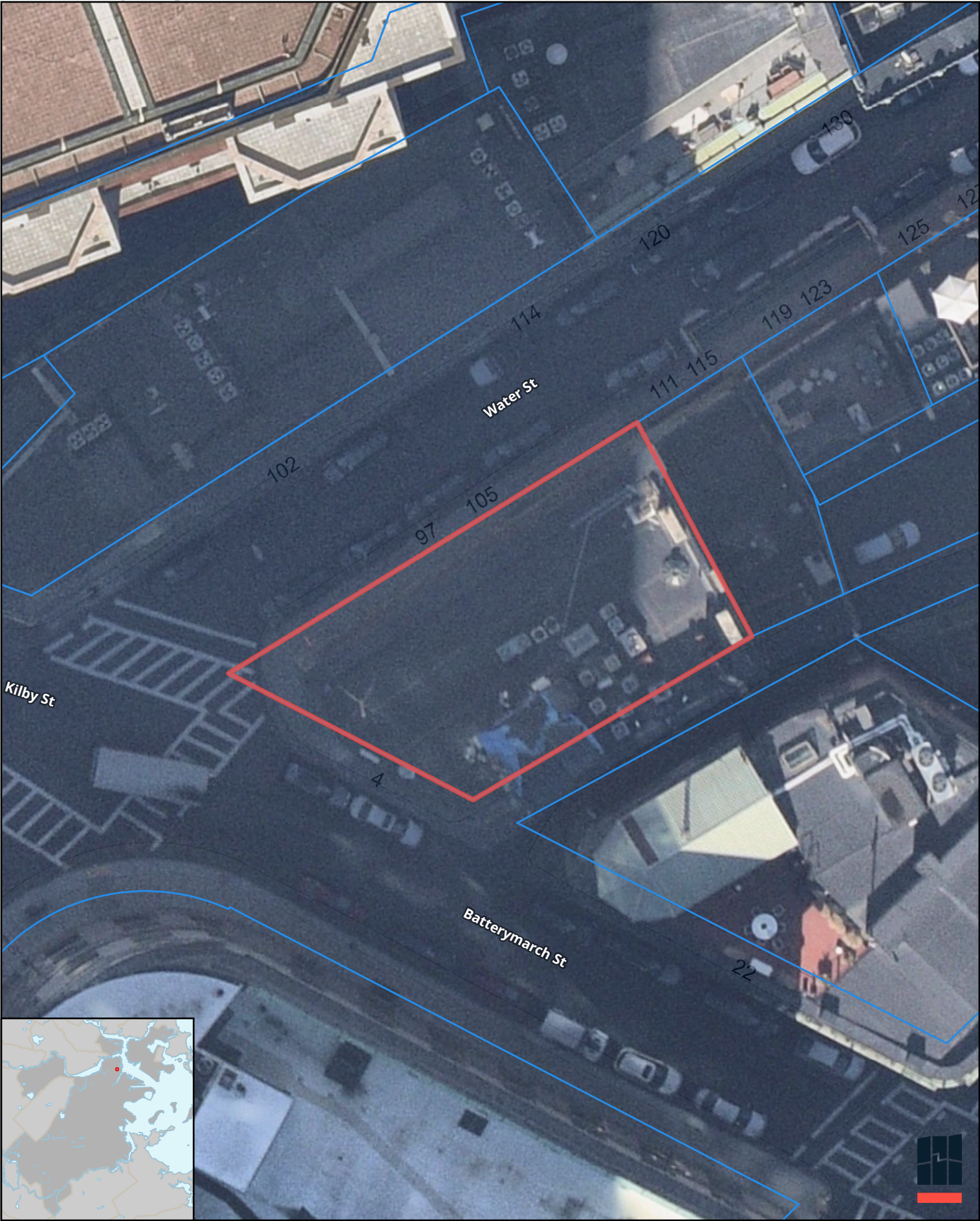
4 Liberty Square



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4 Liberty Square



To: Dylan Norris
Project Manager

Boston Planning and Development Agency

Re: 4 Liberty Square

Date: January 2nd, 2025

Dear Mr. Norris,

The City of Boston's Age Strong Commission is submitting the following comments on the Small Project Review Application (SPRA) for the 4 Liberty Square project proposal. We welcome this conversion of vacant office space to residential as it will bring additional market rate residential housing to downtown.

Commenting from the perspective of the Age Strong Commission, and knowing that the older adult population is the fastest growing population in Boston, we encourage the proponent to think of designing these spaces with an older adult in mind.

We support the mix of one and two bedroom apartments, with the majority of studio apartments. These can be optimal for seniors. We commend the proponent for the intention to do robust community outreach to the neighborhood to hear concerns and suggestions from neighbors.

In designing the residential quarters, please consider referring to this [universal design](#) guideline created by Age Strong. Universal Design is an accessible and equitable framework to create environments to benefit people of all ages. It is usually more affordable to design utilizing these guidelines rather than retrofitting later.

Please find our specific recommendations for this project, below.

Pickup/Drop-off

In terms of public transportation, the site's proximity to various bus routes is advantageous. Since there is no parking proposed in this conversion project, we suggest a clear plan for resident pickup and drop off. Perhaps a 15 minute parking allowance in front of the building. Some older adults require the use of mobility devices, and it is best to be as close to the entrance as possible. A similar suggestion would be a designated parking space near the site. This type of parking space is beneficial for older adults who use the services of

visiting home health aides or personal care attendants. These services are essential and are in line with our anti-displacement goal for older adults.

Bicycle Storage

We are pleased your proposal creates ample bicycle storage. We suggest the proposed storage space also includes bicycle placement that does not require overhead lifting of bicycles, which some older adults might find too difficult. Alternatively, you could designate some ground level bicycle spaces, “age-friendly.”

Outdoor Space/Trees/Benches

We recommend the consideration of an awning or overhang to provide protection from precipitation and sun/heat, which can have adverse effects on older adults. Awnings are beneficial for residents as they enter and exit the building, and wait for transportation pick-up. Protection should be provided to individual units including awnings and overhangs over windows, especially on the south facing side.

The addition of street trees may not be possible, but are always a welcome addition to a residential area. We also suggest age-friendly seating in the form of benches with armrests and backrests. Benches help promote comfort, respite and can allow for social interaction. Community connection increases the health and well-being of older adults.

Indoor Space

Age Strong understands that the design is in early stages. With retail/restaurant on the ground floor, it may not be possible to include a small community space for the building. If space does allow, we recommend carving out a small space for residents to do things like collect mail and congregate inside.

Thank you for your consideration of these comments and recommendations.

Best,

Andrea Burns, Age-Friendly Boston

Age Strong Commission

**Boston Water and
Sewer Commission**



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

January 14, 2025

Mr. Dylan Norris
Project Assistant
Planning Department
One City Hall Square
Boston, MA 02201

Re: 4 Liberty Square, Boston Proper
Project Notification Form

Dear Mr. Norris:

The Boston Water and Sewer Commission (Commission, BWSC) has reviewed the Project Notification Form (PNF) for the proposed residential conversion project located at 4 Liberty Square in Boston.

The proposed project is located on an approximately 3,800 square foot (sf) site currently occupied by a 7-story commercial building. The project proponent, 4 Liberty Square LLC, proposes to convert the building to residential use with a total of 36 units occupying 29,587 sf of gross floor area.

Water, sewer, and storm drain service for the project site is provided by the Boston Water and Sewer Commission. Water demand estimates were not provided in the PNF. For water service, the project site is served by an 8-inch ductile iron cement lined (DICL) pipe in installed in 2013 in Batterymarch Street and an 8-inch DICL installed in 1986 in Water Street, both a part of the Commission's southern low service network. A 12-inch cast iron pipe installed in 1914 in Batterymarch Street is connected to the High Pressure Fire Service network.

Estimated sewage flow was not stated in the PNF. For sanitary sewage service, the site is served by a 24-inch combined sewer pipe in Batterymarch St. and a 24 inch RCP sanitary pipe in Water Street. The site is also serviced by a 42-inch drain pipe located in Water Street.

The Commission has the following comments regarding the PNF:

General

1. Prior to the initial phase of the site plan development, 4 Liberty Square LLC should meet with the Commission's Design and Engineering Customer Services Department



to review water main, sewer and storm drainage system availability and potential upgrades that could impact the development.

2. Prior to demolition of any buildings, all water, sewer and storm drain connections to the buildings must be cut and capped at the main pipe in accordance with the Commission's requirements. The proponent must complete a Cut and Cap General Services Application, available from the Commission.
3. All new or relocated water mains, sewers and storm drains must be designed and constructed at 4 Liberty Square LLC's expense. They must be designed and constructed in conformance with the Commission's design standards, Water Distribution System and Sewer Use regulations, and Requirements for Site Plans. The site plan should include the locations of new, relocated and existing water mains, sewers and drains which serve the site, proposed service connections, water meter locations, as well as backflow prevention devices in the facilities that will require inspection. A General Service Application must also be submitted to the Commission with the site plan.
4. The Department of Environmental Protection (DEP), in cooperation with the Massachusetts Water Resources Authority (MWRA) and its member communities, has implemented a coordinated approach to flow control in the MWRA regional wastewater system, particularly the removal of extraneous clean water (e.g., infiltration/inflow (I/I)) in the system. The Commission has a National Pollutant Discharge Elimination System (NPDES) Permit for its combined sewer overflows and is subject to these regulations [314 CMR 12.00, section 12.04(2)(d)]. This section requires all new sewer connections with design flows exceeding 15,000 gpd to mitigate the impacts of the development by removing four gallons of I/I for each new gallon of wastewater flow. In this regard, any new connection or expansion of an existing connection that exceeds 15,000 gallons per day of wastewater shall assist in the I/I reduction effort to ensure that the additional wastewater flows are offset by the removal of I/I. Currently, a minimum ratio of 4:1 for I/I removal to new wastewater flow added is used. The Commission will require proponent to develop a consistent inflow reduction plan. The 4:1 requirement should be addressed at least 90 days prior to activation of water service and will be based on the estimated sewage generation provided on the project site plan.
5. The design of the project should comply with the City of Boston's Complete Streets Initiative, which requires incorporation of "green infrastructure" into street designs. Green infrastructure includes greenscapes, such as trees, shrubs, grasses and other landscape plantings, as well as rain gardens and vegetative swales, infiltration basins, and paving materials and permeable surfaces. The proponent must develop a maintenance plan for the proposed green infrastructure. For more information on the



Complete Streets Initiative see the City's website at <http://bostoncompletestreets.org/>

6. The water use and sewage generation estimates were not stated in the SPRA. The Commission requires that these values be calculated and submitted with the Site Plan. 4 Liberty Square LLC should provide separate estimates of peak and continuous maximum water demand for residential, irrigation and air-conditioning make-up water for the project. Estimates should be based on full-site build-out of the proposed project. 4 Liberty Square LLC should also provide the methodology used to estimate water demand for the proposed project.
7. The Commission will require 4 Liberty Square LLC to undertake all necessary precautions to prevent damage or disruption of the existing active water and sewer lines on, or adjacent to, the project site during construction. As a condition of the site plan approval, the Commission will require 4 Liberty Square LLC to inspect the existing sewer lines by CCTV after site construction is complete, to confirm that the lines were not damaged from construction activity.
8. It is 4 Liberty Square LLC's responsibility to evaluate the capacity of the water, sewer and storm drain systems serving the project site to determine if the systems are adequate to meet future project demands. With the site plan, 4 Liberty Square LLC must include a detailed capacity analysis for the water, sewer and storm drain systems serving the project site, as well as an analysis of the impacts the proposed project will have on the Commission's water, sewer and storm drainage systems.

Water

1. 4 Liberty Square LLC must provide separate estimates of peak and continuous maximum water demand for residential, commercial, industrial, irrigation of landscaped areas, and air-conditioning make-up water for the project with the site plan. Estimates should be based on full-site build-out of the proposed project. 4 Liberty Square LLC should also provide the methodology used to estimate water demand for the proposed project.
2. 4 Liberty Square LLC should explore opportunities for implementing water conservation measures in addition to those required by the State Plumbing Code. In particular, 4 Liberty Square LLC should consider outdoor landscaping which requires minimal use of water to maintain. If 4 Liberty Square LLC plans to install in-ground sprinkler systems, the Commission recommends that timers, soil moisture indicators and rainfall sensors be installed. The use of sensor-operated faucets and toilets in common areas of buildings should be considered.



3. 4 Liberty Square LLC is required to obtain a Hydrant Permit for use of any hydrant during the construction phase of this project. The water used from the hydrant must be metered. 4 Liberty Square LLC should contact the Commission's Meter Department for information on and to obtain a Hydrant Permit.
4. 4 Liberty Square LLC will be required to install approved backflow prevention devices on the water services for fire protection, mechanical and any irrigation systems. 4 Liberty Square LLC is advised to consult with Mr. Larry Healy, Manager of Engineering Code Enforcement, with regards to backflow prevention.
5. The Commission is utilizing a Fixed Radio Meter Reading System to obtain water meter readings. For new water meters, the Commission will provide a Meter Transmitter Unit (MTU) and connect the device to the meter. For information regarding the installation of MTUs, 4 Liberty Square LLC should contact the Commission's Meter Department.

Sewage / Drainage

1. In conjunction with the Site Plan and the General Service Application 4 Liberty Square LLC will be required to submit a Stormwater Pollution Prevention Plan. The plan must:
 - Identify specific best management measures for controlling erosion and preventing the discharge of sediment, contaminated stormwater or construction debris to the Commission's drainage system when construction is underway.
 - Include a site map which shows, at a minimum, existing drainage patterns and areas used for storage or treatment of contaminated soils, groundwater or stormwater, and the location of major control structures or treatment structures to be utilized during the construction.
 - Specifically identify how the project will comply with the Department of Environmental Protection's Performance Standards for Stormwater Management both during construction and after construction is complete.
2. The Commission encourages 4 Liberty Square LLC to explore additional opportunities for protecting stormwater quality on site by minimizing sanding and the use of deicing chemicals, pesticides, and fertilizers.
3. 4 Liberty Square LLC must fully investigate methods for retaining stormwater on-site before the Commission will consider a request to discharge stormwater to the Commission's system. The site plan should indicate how storm drainage from roof



drains will be handled and the feasibility of retaining their stormwater discharge on-site. Under no circumstances will stormwater be allowed to discharge to a sanitary sewer.

4. The Massachusetts Department of Environmental Protection (MassDEP) established Stormwater Management Standards. The standards address water quality, water quantity and recharge. In addition to Commission standards, 4 Liberty Square LLC will be required to meet MassDEP Stormwater Management Standards.
5. Sanitary sewage must be kept separate from stormwater and separate sanitary sewer and storm drain service connections must be provided. The Commission requires that existing stormwater and sanitary sewer service connections, which are to be re-used by the proposed project, be dye tested to confirm they are connected to the appropriate system.
6. The Commission requests that 4 Liberty Square LLC install a permanent casting stating "Don't Dump: Drains to Charles River" next to any catch basin created or modified as part of this project. 4 Liberty Square LLC should contact the Commission's Operations Division for information regarding the purchase of the castings.
7. If a cafeteria or food service facility is built as part of this project, grease traps will be required in accordance with the Commission's Sewer Use Regulations. 4 Liberty Square LLC is advised to consult with the Commission's Operations Department with regards to grease traps.

Thank you for the opportunity to comment on this project.

Yours truly,

John P. Sullivan, P.E.
Chief Engineer

JPS/apm

cc: K. Ronan, MWRA
S. McFee, BWSC

MEMORANDUM**DECEMBER 12, 2024**

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

FROM: CASEY HINES, SENIOR DEPUTY DIRECTOR OF DEVELOPMENT REVIEW
ZOE SCHUTTE, PROJECT ASSISTANT
JASON MCDONALD, PLANNING REVIEW: ZONING COMPLIANCE AND
TRANSPORTATION
JAMES FITZGERALD, TRANSPORTATION PLANNER
JOHN STUART FISHBACK, SENIOR LANDSCAPE ARCHITECT II, SITE
DESIGN
ANDREW NAHMIAS, URBAN DESIGNER

SUBJECT: 10 CHANDLER STREET – SOUTH END

SUMMARY: This Memorandum requests the Boston Redevelopment Authority d/b/a Boston Planning & Development Agency ("BPDA") authorize the Director to: (1) issue a Certification of Approval for the proposed development located at 10 Chandler Street in the South End (as defined below, the "Proposed Project"), in accordance with Article 80E, Small Project Review of the City of Boston Zoning Code (the "Code"); and (2) enter into a Community Benefits Agreement in connection with the Proposed Project, and to take any and all other actions and to execute any and all other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

PROJECT SITE

The Proposed Project is located at 10 Chandler Street and is comprised of approximately 41,505 SF of land area situated between Chandler, Berkeley, Appleton and Tremont Streets in the South End neighborhood subdistrict of Boston. As such, the Proposed Project is subject to the design review and approval of the South End Landmark District Commission. The Project Site contains an existing two (2) story animal care and adoption facility operated by the Animal Rescue League of Boston at this location since 1957. The existing structure is to be

razed and replaced with a new, modernized animal shelter and veterinary clinic, and improved surrounding infrastructure, sidewalks, plants, and greenery.

DEVELOPMENT TEAM

The development team includes:

Proponent: Animal Rescue League of Boston
Dr. Edward Schettino, President
10 Anna's Place
Dedham, MA 02026

Project Manager: QPD
Robert Baldwin
Emma Blackney
4 Hearthstone Rd
Westford, MA 01886

Architects: Animal Arts
Jesse Keith
4520 Broadway St
Suite E
Boulder, Colorado, 80304

JGE Architecture + Design
Jonathan Garland
40 Court St. Ste. 200
Boston MA 02108

Civil Engineer: Nitsch Engineering
John Schmid
2 Center Plaza, Suite 430
Boston, MA 02108

PROPOSED PROJECT:

The Proposed Project consists of a new three (3) story animal adoption center and veterinary clinic. The Proposed Project includes twenty-five (25) off-street, on-site surface parking spaces, twenty (20) of which will be accessed from Chandler Street along the north edge of the Project Site, and five (5) will be accessed from Tremont

Street along the southeastern edge of the Project Site. A shared private alleyway adjacent to the south edge of the Project Site will provide access to the loading garage and for garbage pickup. Employee bike storage will be located on the ground floor of the building with direct access to the public realm, and several visitor bike racks will be located along the sidewalk at the building entry. The Project Site is directly accessed by multiple surrounding MBTA Public Transit Stations.

The table below summarizes the Proposed Project's key statistics:

Project Metrics Proposed Plan	Proposed Plan
Gross Square Footage	31,000
Gross Floor Area	30,000
<i>Medical Clinical</i>	30,000
<i>Mechanical</i>	1,000
Development Cost Estimate	\$40,000,000
Parking spaces	25

ARTICLE 80 REVIEW PROCESS

On October 10, 2024, the Proponent filed an Application for Small Project Review with the BPDA for the Proposed Project, pursuant to Article 80E of the Code (the "Code"). The Planning Department sponsored and held a virtual public meeting on November 13, 2024, via Zoom. The meeting was advertised in the local newspapers, posted on the Planning Department website and a notification was emailed to all subscribers of the Planning Department's South End neighborhood update list. The public comment period ended on December 2, 2024.

The development team discussed the Proposed Project with staff members prior to filing its application to identify issues, address concerns, and make preliminary design changes. Additionally, as part of the Article 80 Review process, the development team has met with neighbors and local elected officials, and community organizations to obtain feedback and answer questions from community members. The proponent agrees to further develop and enrich ground level materiality, texture and detailing in on-going design review components with the SELDC and Planning Department post-board. The team will continue to work with the Planning Department and other city agencies in accordance with Article 80 and the Inspectional Services Department requirements.

PLANNING AND ZONING CONTEXT

The Proposed Project is located in the South End Neighborhood Zoning District's Community Commercial subdistrict, governed by Zoning Article 64. Zoning overlays for this site include the Coastal Flood Resilience Overlay District (CFROD), the Groundwater Conservation Overlay District (GCOD), and Restricted Parking Overlay District. As submitted, the Proposed Project is consistent with all use and dimensional zoning regulations, except for a conditional use triggered by GCOD regulations. The proposed site plan reconfiguration will maintain the existing total of twenty-five (25) off-street parking spaces. Being located in GCOD, the Proposed Project must be reviewed and approved by Boston Water and Sewer Commission (BWSC) as part of its conditional use permit application to the City of Boston Zoning Board of Appeals. Based on improvements to open space, building, and site plan design made through the review process, staff recommend BPDA Board approval with further review the BWSC and BPRC.

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:

- Uninterrupted continuance and enhancement of multiple animal welfare services provided to City of Boston residents.
- Expected employment of approximately 200 new full-time construction jobs over the length construction of the Proposed Project.
- Enhanced sustainability measures achieved through the modernization of Animal Rescue League of Boston's facilities.
- Streetscape improvements in adherence to the "Boston Complete Streets" design principles including:
 - New accessible sidewalks. Replacement of the existing Chandler Street brick Pedestrian Zone with a 5'-0" wide cast-in-place concrete sidewalk. Repair of the existing Chandler Street brick Furnishing Zone as required. Replacement of a portion of the existing Tremont Street cast-in-place concrete Pedestrian Zone and brick Furnishing Zone following installation of a new street tree.
 - Ground floor employee bike storage.
 - Visitor bike racks located along the sidewalk at the building entry on Tremont Street; and
 - Maintenance of existing street trees.

- A one-time contribution of \$10,432 to the Boston Transportation Department (BTD) for the Bikeshare program per the City of Boston Bike Parking Guidelines.

RECOMMENDATIONS

The Proposed Project complies with the requirements set forth in Section 80E of the Code for Small Project Review. Therefore, BPDA staff recommends that the Director be authorized to: (1) issue a Certification of Approval for the Proposed Project; and (2) enter into a Community Benefits Agreement in connection with the Proposed Project, and to take any and all other actions and to execute any and all other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

Appropriate votes follow:

VOTED: That the Director be, and hereby is, authorized to issue a Certification of Approval for the proposed development located at 10 Chandler Street in the South End of Boston (the “Proposed Project”), in accordance with Article 80E, Small Project Review of the City of Boston Zoning Code (the “Code”); and

FURTHER

VOTED: That the Director be, and hereby is, authorized to execute a Community Benefits Agreement, and to deliver 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.

MEMORANDUM**November 14, 2024**

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

FROM: CASEY HINES, SENIOR DEPUTY DIRECTOR OF DEVELOPMENT REVIEW
NUPOOR MONANI, SENIOR DEPUTY DIRECTOR OF DEVELOPMENT REVIEW
ELLA WISE, SENIOR PLANNER
ADAM JOHNSON, URBAN DESIGNER
NICK SCHMIDT, SENIOR TRANSPORTATION PLANNER
EBONY DAROSA, SENIOR PROJECT MANAGER

SUBJECT: 944 SARATOGA STREET, EAST BOSTON

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority ("BRA") d/b/a Boston Planning & Development Agency ("BPDA") to authorize the Director to: (1) issue a Certification of Approval for the proposed development located at 944 Saratoga Street in East Boston (as defined below, the "Proposed Project"), in accordance with Article 80E, Small Project Review of the Boston Zoning Code (the "Code"); and (2) enter into a Community Benefits Agreement in connection with the Proposed Project, and take any and all other actions and execute any and all other agreements and documents that the Director deems necessary and appropriate.

PROJECT SITE

The Project Site is comprised of an approximately 8,609 square foot parcel of land within the Orient Heights neighborhood located in the East Boston neighborhood of Boston (the "Project Site"). The Project Site is currently vacant but was previously occupied by an auto repair shop. The Project Site is bounded by Noyes Playground and a multifamily residential building, which was completed by the Proponent in

2021. The Project Site is approximately 0.2 miles to the MBTA's Orient Heights train station, and other nearby public transit options.

DEVELOPMENT TEAM

The Development Team consists of:

Proponent: CBE 944 Saratoga, LLC
John Conley, Manager

Legal Counsel: Law Office of Richard C. Lynds
Richard C. Lynds, Esq.

Architect: Embarc
Bill Mensinger

Civil Engineer: Engineering Alliance, Inc.
Richard A. Salvo, P.E.

DESCRIPTION AND PROGRAM

The Proposed Project would replace a vacant lot with a new Coastal Flood Resilience Overlay District "CRFOD" compliant four (4) story, 49' foot, 10' inch tall residential building totaling approximately 26,565 gross square feet. The building would contain twenty-one (21) rental residential units, (9) garage parking spaces, and twenty-eight (28) bicycle parking spaces. The Proposed Project includes four (4) studio units, nine (9) one-bedroom units, and eight (8) two-bedroom units.

The Proposed Project includes a maximum of nine (9) on-site motor vehicle parking spaces for residents located at ground level. All motor vehicle parking spaces would be accessed via a single curb cut via Saratoga Street shared with 946 Saratoga Street. The curb cut size shall be limited to no wider than ten (10) feet.

The Proposed Project includes a minimum total of twenty-four (24) interior covered and secured resident bike parking spaces located within the ground floor and directly accessible via Saratoga Street. The Proposed Project also includes a

minimum total of four (4) exterior visitor bike parking spaces using a minimum of two (2) post-and-ring racks in compliance with the City of Boston's Bike Parking Guidelines.

The Proposed Project includes streetscape improvements to Saratoga Street consistent with the Boston Complete Streets Design Guidelines. The Proposed Project would be set back from the property line on Saratoga Street to create an accessible sidewalk at least eight (8) feet in width, inclusive of a minimum five (5) foot clear pedestrian path of travel and three (3) foot furnishing zone with permeable pavers and at least two (2) street trees, along the Project Site. The Proposed Project would provide curb extensions for the existing Saratoga Street crosswalk immediately west of the Project Site that connects to the Noyes Playground pathway.

The table below summarizes the Proposed Project's key data statistics.

<u>Estimated Project Metrics</u>	Proposed Plan
Gross Square Footage	26,565
Gross Floor Area	23,740
<i>Residential</i>	16,935
<i>Office</i>	0
<i>Retail</i>	0
<i>Lab</i>	0
<i>Medical Clinical</i>	0
<i>Education</i>	0
<i>Hotel</i>	0
<i>Industrial</i>	0
<i>Recreational</i>	0
<i>Cultural</i>	0
<i>Parking</i>	2,585
Development Cost Estimate	\$8,000,000
Residential Units	
<i>Rental Units</i>	21

<i>Ownership Units</i>	
<i>IDP/Affordable Units</i>	0
Parking spaces	9

ARTICLE 80 REVIEW PROCESS

On May 13, 2024, the Proponent filed a Small Project Review Application (the “SPRA”), which initiated a public comment period that concluded on June 12, 2024. The SPRA was sent to the City’s public agencies/departments and elected officials pursuant to Section 80A-2 of the Code.

On June 4, 2024, a Virtual Public Meeting was held. The Virtual Public Meeting was advertised in the local East Boston paper and listed on the BPDA website.

PLANNING CONTEXT

PLAN: East Boston (the “PLAN”), a neighborhood-wide planning initiative to guide growth in East Boston, was adopted by the BPDA Board January 18, 2024. The PLAN includes analysis and recommendations related to zoning, public realm and transportation improvements, and broader policy and program considerations for inter-departmental coordination. The recommendations are organized by geographies: Neighborhood Residential Areas, Squares and Corridors, and Evolving Waterfront and Industrial Areas.

Orient Heights Square is one of the Squares and Corridors identified in the PLAN, characterized as “an important place of gathering, located near the Blue Line.” The PLAN seeks to “improve the legibility of the square and connect it to nearby assets.” Specific to land use and design, the PLAN recommends replacing the Neighborhood Shopping zoning district with a new MU-4 district in Orient Heights Square, including the parcel of the Proposed Project. The PLAN envisions improvements to the existing Saratoga Street crosswalk to improve safety and access to Noyes Playground and align with a proposed mid-block pedestrian connection between Saratoga Street and Bennington Street. As the location immediately abuts Noyes

Playground, staff review carefully considered the relation between the Proposed Project and the public park that surrounds it on two sides.

ZONING

Article 53 - East Boston Neighborhood District and Zoning Map 3-C were amended in April 2024 to codify recommendations from PLAN: East Boston. Accordingly, the proposed project is within the Article 53 East Boston Neighborhood, Mixed-Use 4 (MU-4) subdistrict.

The proposed use is multifamily residential, which is allowed in the subdistrict. The MU-4 subdistrict allows maximum building height of four stories and 50 feet, as measured from grade as defined by Article 2 and Article 25A of the Zoning Code; minimum rear setback of 10 feet when abutting a non-residential use; minimum front setback of 6 feet or modal front setback; minimum side setback of 10 feet total, with 3 feet minimum per side when abutting a non-residential use; maximum lot coverage of 70%; minimum permeable area of lot of 15%; maximum floor plate of 8,000 square feet; and maximum building width of 120 feet.

The proposed rear setback from Noyes Playground is between 9 feet 6 inches and 10 feet 7 inches with an average of 10 feet 2 inches. According to Section 53-29.8, given that the rear wall of the Proposed Project is not parallel to the rear lot line and the average distance between the Proposed Project and the rear lot line is greater than the minimum rear yard requirement and at no point less than 3/4ths of the rear yard requirement (i.e. 7.5 feet), the rear yard requirements are met.

MITIGATION & COMMUNITY BENEFITS

The Proposed Project has committed to providing community benefits for the East Boston neighborhood and the City of Boston. The Proposed Project would result in an improved pedestrian experience along Saratoga Street with the installation of improved sidewalks and new curb extensions, street trees, landscaping, and visitor bike parking consistent with the City of Boston's Complete Streets Design Guidelines. In addition, the Proponent has agreed to an in-kind and/or financial commitment totaling up to forty thousand (\$40,000.00) dollars, to be managed by the BPDA, which may be allocated to:

- An in-kind commitment for the design and installation of curb extensions at the existing Saratoga Street crosswalk immediately west of the Project Site and connecting to the Noyes Playground path. This mitigation measure is

subject to review by the BPDA, Boston Transportation Department (“BTD”), Boston Public Works Department (“PWD”), and other City departments, as needed. Sidewalk setbacks and improvements to the public way, including curb extensions, are subject to design review and will require approval for Pedestrian Easement and Specific Repairs actions with the Public Improvement Commission (“PIC”). PIC approvals for proposed improvements shall be completed before building permit issuance for the Proposed Project. The physical mitigation improvements must be completed upon Certificate of Occupancy. This mitigation measure is subject to BPDA design review and Planning Department discretion. In the event that circumstances change regarding this mitigation, the Planning Department and other City departments will work with the Proponent to identify an alternative solution with comparable impact and estimated value.

- Within 30 days of issuance of Building Permit, a one-time “bikeshare” contribution of Five Thousand Seven Hundred Seventy Five dollars (\$5,775) to BTD per the City’s Bike Parking Guidelines.

The community benefits described above will be set forth in the Community Benefits Agreement for the Proposed Project. Any required community benefit contribution payments shall be made to the BPDA or respective City of Boston department before issuance of the initial building permit by ISD and will be distributed as outlined above. The Proposed Project and public realm improvements are subject to design review.

INCLUSIONARY DEVELOPMENT POLICY

The Inclusionary Development Policy, dated December 10, 2015 (“IDP”), requires that any Proposed Project requiring zoning relief and creating ten (10) or more units which is (a) financed by the City, (b) on City-owned land, or (c) is not financed as one entity and restricting or preserving 40% or more of units as affordable, or otherwise exempt as a dormitory or other non-residential use, must provide at least 13% of residential units as income-restricted IDP units. The Proposed Project has been designed to be in full compliance with the provisions of the Zoning Code and as no zoning relief is required, the Project is therefore exempt from the IDP.

RECOMMENDATIONS

The Proposed Project complies with the requirements set forth in Section 80E of the Code for Small Project Review. Therefore, staff recommends that the Director

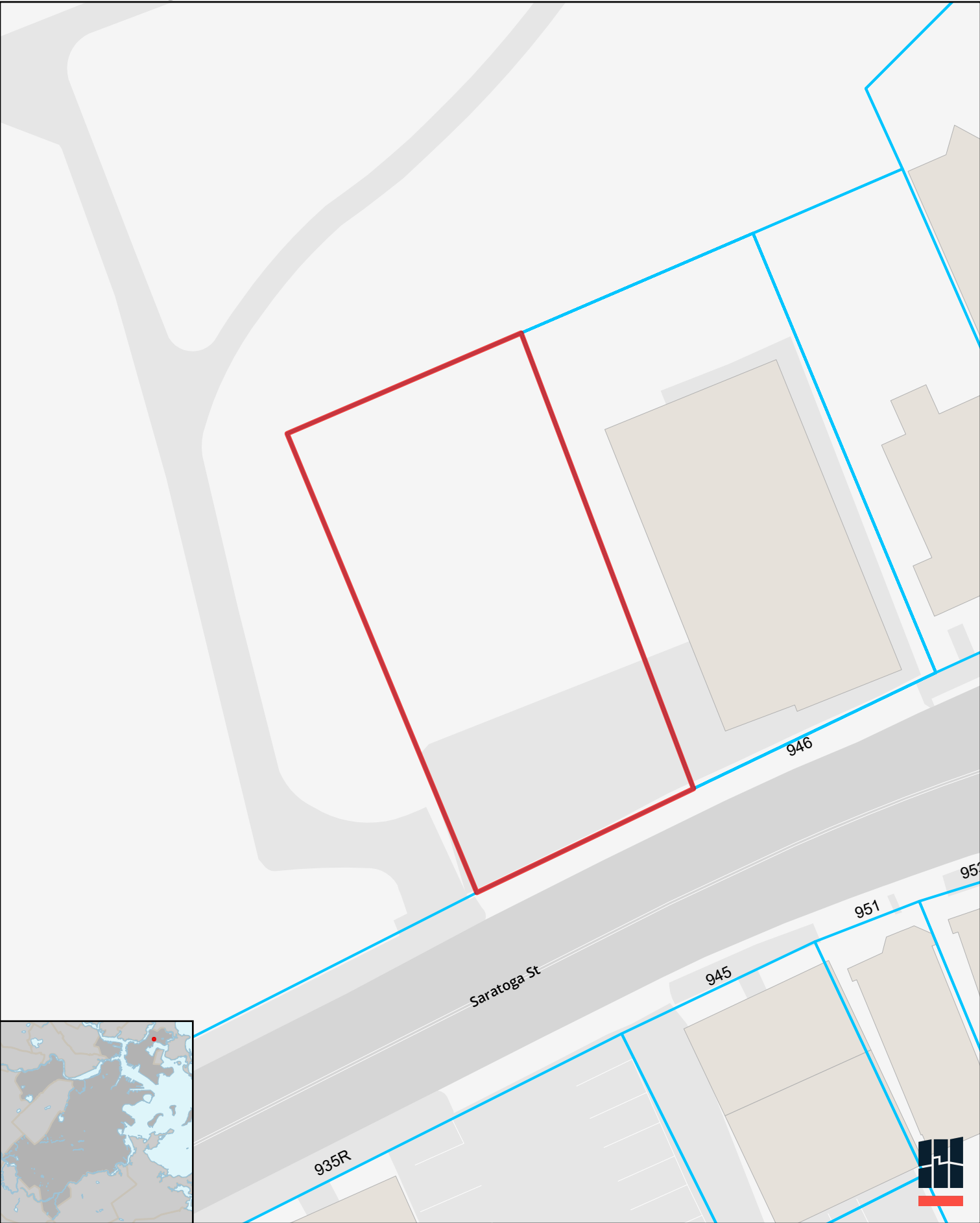
be authorized to: (1) issue a Certification of Approval for the Proposed Project; and (2) enter into a Community Benefits Agreement in connection with the Proposed Project, and take any and all other actions and execute any and all other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

Appropriate votes follow:

VOTED: That the Director be, and hereby is, authorized to issue a Certification of Approval pursuant to Section 80E-6 of the Boston Zoning Code (the "Code"), approving the Proposed Project consisting of 19,520 square feet at 944 Saratoga Street in East Boston (the "Proposed Project") in accordance with the requirements of Small Project Review, Article 80E, of the Code, subject to continuing design review by the BPDA; and

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

944 Saratoga Street



944 Saratoga Street



1:400



To: Ebony Darosa
From: BPDA Planning and Urban Design
Date: June 7, 2024
Subject: 944 Saratoga Small Project Review Application
BPDA Planning and Urban Design Comments

The following comments are provided in response to the “944 Saratoga Street, East Boston, Small Project Review Application” submitted to the Boston Planning and Development Agency (BPDA) by CBE 944 Saratoga LLC on May 14, 2024.¹

Planning and Zoning

At this time, the proposed project at 944 Saratoga Street, East Boston does not align with the standards set forth by the Boston Zoning Code and PLAN: East Boston.

Site Context

The site is currently a vacant lot. It was recently occupied by an auto repair shop that was razed in the past several years. The site abuts the Noyes Playground to the left and rear and a 3-story multifamily building constructed in 2021 on the right.

The site was subject to a previous Article 80 application for a proposal referred to as 944-946 Saratoga that encompassed this parcel and the one next to it. The previous proposal was abandoned, and instead a 3-story development project on 946 Saratoga was approved and constructed.

The proposed site is located in Orient Heights Square within a block of the intersection of Saratoga and Boardman Streets. Saratoga Street is two-lane with on-street parking on both sides lined with a mixed of 1- to 3- story residential and commercial uses. Orient Heights T station is less than a 10-minute and Constitution Beach is less than a 5-minute walk.

Planning Context

¹ <https://bpda.app.box.com/s/rbdi6ha8u8zhs3vg3g1svyyy5h1yhk21>

PLAN: East Boston and accompanying zoning amendments were adopted by the BPDA Board in January 2024. Zoning text and map amendments that codify the PLAN recommendations were adopted by the Boston Zoning Commission in April 2024.

Orient Heights Square is one of the squares and streets identified in the PLAN, identified as “an important place of gathering, located near the Blue Line.” Generally, the PLAN seeks to “improve the legibility of the square and connect it to nearby assets.” OBJ

Regulatory and Policy Context


The Inclusionary Development Policy (IDP) is required of all projects with 10 or more units that require zoning relief, City funding, or are located on City-owned land to reserve at least 13% of all units as income-restricted. The proposed project includes 20% income-restricted units and complies with IDP.

The project is also subject to the Boston Air Pollution Control Commission’s East Boston Parking Freeze Zone, as well as City of Boston Parks review per Boston Municipal Code Ordinance 7.4-11.

Zoning Context

The proposed project is within the Article 53 East Boston Neighborhood, Mixed-Use 4 subdistrict. The site of the proposed project had been within the East Boston Neighborhood District, Neighborhood Shopping subdistrict until zoning amendments to Article 53 were adopted by the Boston Zoning Commission in April 2024. The zoning requirements are compared to the proposed project below. Zoning relief is recommended where the zoning requirements are inconsistent with citywide goals for resiliency, affordability, and equity.

The proposed project is also within the Coastal Flood Resilience Overlay District (CFROD) meaning that it is anticipated to be flooded with a 1% chance storm event in 2070 with 40 inches of sea level rise and is subject to Article 25A. Please see the resilience comments below for further detail. Article 25A relates to the proposed use and dimensions of the site. Residential uses below the Sea Level Rise - Design Flood Elevation (DFE) are prohibited. For residential uses, the DFE is defined as two feet above the Base Flood Elevation. In addition, per Article 25A, the building height of the proposed project “shall be measured from the higher of: (a) Grade, or (b) two (2) feet above the Sea Level Rise - Base Flood Elevation (SLR-BFE).”

Table 1. Consistency with East Boston Neighborhood, MU-4 subdistrict				
Dimensions / Uses	Zoning Requirements	Proposed Project per SPRA	Consistent?	Relief recommended?
Setback (front)	6 ft or modal	2'7" - 8'2" and modal	Consistent with modal setback	N/A
Setback (side)	Abutting non-residential: 10 ft total, 3 ft min per side	Abutting non-residential: 5.8 ft	Consistent	N/A
Setback (rear)	Abutting non-residential: 10 ft	3 ft	Not consistent	No relief recommended
Height	4 stories 50 feet	4 stories 52 ft, 5in	Consistent (stories)  Not consistent (feet)	No relief recommended

Max building lot coverage	70%	65%	Consistent	N/A
Max building width	120 ft	49.5 ft, per SPRA	Consistent	N/A
Max floor plate	8,000 sq ft	5,595 sq ft	Consistent	N/A
Min outdoor amenity space	none	2,400 sq ft total including decks and bal	N/A	N/A
Min permeable area of lot	15%	15%	Consistent	N/A
Uses	Multifamily allowed	Multifamily	Consistent	N/A

As noted above, the proposed rear setback and height is non-compliant with the recently amended Article 53 zoning regulations. The Article 53 amendments codified the recent recommendations of PLAN: East Boston reflecting City and community goals. Given the site of the proposed project adjacent to a City of Boston public park, the side and rear setback adjacent to the park are critical to ensure harmonious private use of the proposed project and public use of the park.² In regards to the proposed height measured in feet, BPDA staff acknowledge that the proposed floor-to-floor measurements are not irregular; however, the height does exceed the zoning maximum measured in feet and it is requested that the project design be revisited to reduce the proposed height by two feet, five inches.

- *In consultation with BPDA Urban Design staff, increase the rear yard setback from three to 10 and reduce the height to 50 feet in order to gain consistency with the recently adopted Zoning Amendments to Article 53 and Zoning Map 3*

Urban Design

Architecture

Note: Urban Design/architectural comments will refer to architectural stories as a shorthand to simplify discussion of architectural features; nothing in these comments is meant to contradict

² This is consistent with the City of Boston Parks Department feedback given in a November 2023 comment letter in response to pre-file conceptual plans for 944 Saratoga which requests a greater rear yard in order to reduce impact on the park.

BPDA staff team's understanding that proposed building height equals 4 stories above DFE and 1 story below DFE.

- *This building has three architectural fronts: one facing the street and two facing the park. Facing the street, the 1 story below DFE and first 2 stories above DFE are very elegant, due to the horizontal detailing in the expression. This expression gets lost toward the rear of the building, contributing to a feeling of bulk. Consider how the horizontal detailing and lines of the front can be extended to the sides facing the park.*
- *The current massing proportion of 3 + 2 architectural stories (4 stories above DFE) is causing the building to read as much more massive than it actually is. Given that 4 stories are allowed under zoning, consider extending the architectural expression of the bottom portion of the building up one more story, so that this reads as a 4 + 1 building. The protruding "bay" on the front elevation could be extended up a further story to continue that logic and to help regain some of the square footage lost by meeting the rear setback requirement.*
- *How could the penthouse be detailed so that it reads as more secondary from the side in the view below? Total building height should be no greater than 50'.*



- *Please draw the canopy of the adjacent Park tree on all architectural plans, so that we can understand how the carving of the massing relates to the canopy extent.*

Public Realm and Open Space

- *The proponent should provide a zoning compliant footprint that honors the rear yard setback and gives as much dimension as possible to the parkside side yard to preserve the root zone of the existing tree on parkland. This could help the proponent significantly in their Parks Commission review process.*
- *The footprint should be closer to 946 Saratoga and provide the largest side yard setback and buffer to the parkside (western edge of the parcel). This will reduce the dimension of*

the shared drive aisle to 20', while still maintaining a 3-foot side yard setback along the east edge of the parcel.

- *We are concerned that the existing van accessible space is not working, so that should be explored as a part of the new footprint.*
- *construction access cannot be allowed from park land.*



City of Boston
Parks and Recreation
Mayor Michelle Wu

May 22, 2024

Teresa Polhemus
Boston Planning and Development Agency
One City Hall Square
Boston, MA 02201

RE: Small Project Review, 944 Saratoga Street, adjacent to Noyes Playground in East Boston

Dear Ms. Polhemus:

The Boston Parks and Recreation Department (BPRD) has reviewed the *Small Project Review Application for 944 Saratoga Street* in East Boston. The site of the proposed project is immediately adjacent to Noyes Playground on two sides.

Previous Reviews BPRD previously reviewed the plans for 944-946 Saratoga Street before the project was bifurcated, and provided comments in a letter dated September 25, 2017. BPRD also reviewed the pre-file conceptual plans for 944 Saratoga Street and provided comments in a letter dated November 10, 2023. Those letters were intended to inform the conceptual design so that impacts to Noyes Playground would be eliminated prior to submittal to the BPDA, BOA and the Parks Commission. *The previous letters are attached because the issues were not resolved.*

Municipal Code Section 7-4.11 The project will require the approval of the Boston Parks and Recreation Commission prior to the issuance of building permits. Issues that will be reviewed for impacts to the playground will include but not be limited to height; massing; rear and side yard setbacks; shadows; onsite open space; landscaping; balconies and roof deck; construction management; accommodation of pets; protection of public trees; and interface between uses. *The Parks Commission's review is not listed in Table 2-2 Anticipated Permits and Approvals.*

Sincerely,

Carrie M. Dixon

Carrie Marsh Dixon, Executive Secretary
Boston Parks and Recreation Commission

cc: Ryan Woods, Commissioner, Boston Parks and Recreation Department
Liza Meyer, Chief Landscape Architect, Boston Parks and Recreation Department
Seth Riseman, Boston Planning and Development Agency
Jill Zick, Boston Planning and Development Agency
Ebony DaRosa, Boston Planning and Development Agency



City of Boston
Parks and Recreation
Mayor Michelle Wu

November 10, 2023

Michael Christopher
Boston Planning and Development Agency
One City Hall Square
Boston, MA 02201

RE: Pre-file conceptual plans; 944 Saratoga Street, adjacent to Noyes Playground in East Boston

Dear Michael:

The Boston Parks and Recreation Department (BPRD) received conceptual plans from the proposed project at 944 Saratoga Street, which is immediately adjacent to Noyes Playground. This project is currently in the pre-file phase and has not yet been submitted to the Boston Planning and Development Agency (BPDA) for Article 80 Small Project review.

BPRD reviewed the *Concept Plans for 944 Saratoga Street* dated September 18, 2023. The comments below are intended to inform the conceptual design so that impacts to Noyes Playground are eliminated prior to Article 80 and Parks Commission review. BPRD may submit additional comments to the BPDA and the Board of Appeals once a submittal is made.

Municipal Code Section 7-4.11 This project is subject to *Municipal Code Section 7-4.11* and requires the approval of the Boston Parks and Recreation Commission prior to the issuance of building permits. Issues that will be reviewed for impacts to the playground will include but not be limited to height, massing, setbacks, shadows, onsite open space, landscaping, balconies and roof deck, construction management, accommodation of pets, and interface between uses.

Conceptual Design The proposed height of the building is 5 stories (55'). There are no measurements provided but the proponent stated that the rear setback is about 2-3 feet from the park and the side yard setback is six feet from the park. There is a large tree in the park near the shared property line with a canopy that overhangs the project site. There are balconies, a roof deck and outdoor seating adjacent to the property line, with minimal side and rear yard setbacks.

Previous Review BPRD previously provided the attached comment letter during Article 80 review for 944-946 Saratoga Street dated September 25, 2017. The issues in that letter remain relevant to the conceptual plans for 944 Saratoga Street – particularly regarding impacts to the adjacent playground from setbacks, height and shadows, roof decks and balconies, etc.

The original project that was proposed at 944-946 Saratoga Street in 2017 was later bifurcated into two buildings along a shared driveway. The building at 946 Saratoga Street is set back 20' from the park, and is three stories (35') tall – alleviating concerns about impacts to the park. The Boston Parks and Recreation Commission approved the project at 946 Saratoga Street in 2018.

The project at 944 Saratoga Street should match the height and setbacks that were previously approved on the tandem site at 946 Saratoga Street in order to eliminate park impacts.

Zoning The site is zoned *Article 53 East Boston Neighborhood Shopping Subdistrict* (NS). The maximum allowed height is 35 feet. The maximum FAR is 1.0. The minimum rear yard setback is 20 feet. The side yard setback is zero feet. The onsite open space is 50 sf per unit.

In an email to the BPRD, the proponent stated the opinion that “the zoning setbacks for the lot located in the NS District are 0 on the side yard and 20’ on the rear. As this may be a corner lot condition, the rear yard could be treated as a side yard under Article 53.”

However, the Zoning Code defines a corner lot as “a lot with boundaries abutting on, and meeting at the intersection of two streets...” The location of the subject site does not appear to fit this corner lot definition as its boundaries abut a park, not the intersection of two streets.

BPRD will seek a determination from the BPDA on the interpretation of whether the lot at 944 Saratoga Street is a corner lot condition, with a rear yard setback of zero feet.

Zoning Relief The *Concept Plan* does not include an analysis of zoning. However, the building is designed in a manner that assumes relief of zoning for height, massing, rear yard setback, onsite open space, etc. Such relief would create a significant impact on the adjacent public park.

The conceptual plans should be redesigned so that zoning relief is not required that will create impacts on the adjacent publicly owned open space. The zoning dimensional requirements of 35’ maximum height, FAR of 1.0, and 20’ minimum rear yard setback should be met in order to eliminate impacts to the immediately adjacent playground. A side yard setback of 10’ is desired.

Height and Shadows The proposed height of five stories and 55’ exceeds that which is allowed under zoning and would require relief from zoning which would create impacts on the publicly owned park. The additional height and minimal rear yard setbacks would create a building that is physically imposing on the park. The building would likely cast shadows on the playground throughout the day and the year given its siting to the south of the public open space.

The conceptual plans should be redesigned so that zoning relief is not required that will create shadow impacts on the adjacent publicly owned open space.

A shadow impact analysis should be provided from dawn until dusk year round.

Setbacks Relief from zoning would create minimal setbacks which would have shadow, aesthetic and user impacts on the park. The rear setback is 2-3 feet from the park - it appears that it will be impossible to build the structure without access from the playground. The balconies and roof decks immediately overhanging the park would privatize the space. There is a large tree in the park along the side yard that would be impacted by zoning relief, design and construction.

The conceptual plans should be redesigned so that zoning relief is not required that will create impacts on the adjacent publicly owned open space.

Onsite Open Space An analysis has not been provided of the onsite open space that is required under zoning. The open space that is shown on the conceptual plan is passive use space. Residents of the households will therefore rely on the adjacent public park for their active recreation needs. *The impact of additional users to the park should be fully mitigated.*

Noise and Exhaust *The proponent should provide details of the building mechanicals in relation to the public open space - including garage ventilation; building ventilation, condensing units, etc. Mechanicals should be sited so as not to impact open space with noise. Ventilation fans should not impact or be oriented to public open space, and noise should be mitigated.*

Demolition and Construction Management *A demolition and construction management plan should be provided specific to impacts to Noyes Playground, in addition to anything submitted to BTD. As applicable, this plan should include: specifics of demolition and waste removal given that the proposed building sits nearly at the property line of the park; construction staging (including cranes, heavy equipment, deliveries, truck routes, contractor parking, storage, etc.); management of dust and noise; excavation and grading; driving of piles; foundation support; foundation footings and construction; groundwater management during construction and after; erosion and sediment control; stormwater management; impact to trees; and noise and dust.*

Pets *A pet relief space should be provided on site to eliminate impacts to public open space.*

Interface Between Uses The proposed project sets up a potentially incompatible interface between an existing publicly owned playground and a private residential building.

The proponent enters into this project aware that the adjacent property is fully utilized as a public park. The onus is on the proponent to mitigate any impacts within its own property.

Conclusion *The conceptual plans should be redesigned so that the building meets required zoning; is in alignment with the previously approved building at 946 Saratoga Street, and does not create negative impacts on or interface with the adjacent publicly owned open space.*

Sincerely,

Carrie M. Dixon

Carrie Marsh Dixon, Executive Secretary
Boston Parks and Recreation Commission

cc: Ryan Woods, Commissioner, Boston Parks and Recreation Department
Liza Meyer, Chief Landscape Architect, Boston Parks and Recreation Department
Seth Riseman, Boston Planning and Development Agency
Jill Zick, Boston Planning and Development Agency
Casey Hines, Boston Planning and Development Agency
Ebony DaRosa, Boston Planning and Development Agency

BOSTON

September 25, 2017
Martin J. Walsh, Mayor

Ms. Teresa Polhemus
Boston Redevelopment Authority
One City Hall Square
Boston, MA 02201

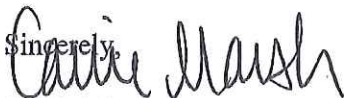
RE: 944 - 946 Saratoga Street, adjacent to Noyes Playground in East Boston

Dear Ms. Polhemus:

BPRD has reviewed the Article 80 application for the proposed development at 944 Saratoga Street. This project is immediately adjacent to Noyes Playground and shares its west side and rear property lines with the park. The park will provide significant amenity to the development.

The project is subject to approval of the Boston Parks and Recreation Commission prior to the issuance of building permits, under Municipal Code Section 7-4.11. It would be difficult for BPRD's review staff to recommend the project to the Commission for approval, given its current design. It is therefore desired that the issues below be resolved during the Article 80 review:

- Siting – the setbacks of 9' along the side and rear property lines would have a detrimental impact on the park. The rear zoning setback requirement of 20' should be honored, and a minimum side setback of 5' (10' preferred) should be provided along the park property.
- Zoning - relief for height and massing would further impose the building on the park.
- Shadows – the building will create shadows on the playground, including the playing field.
- Construction Impacts - Construction impacts (noise, dust, traffic, etc.) should be detailed. All construction shall be accommodated onsite - no access will be allowed through the park. No parking associated with the construction will be allowed on park property.
- Balconies and a first floor roof deck immediately abut the park and could create usage issues.
- The fenestration of the parking level opens immediately onto the park.
- The building should be screened from the park with screening located on the project site.
- The impact of 42 households (likely up to 100 residents) using the park as an active recreational amenity should be appropriately mitigated during Article 80 review.
- A dog recreation space should be provided onsite, if pets will be allowed.
- Any public shade trees in the vicinity of the site will need to be protected from impacts.

Sincerely,


Carrie Marsh

Executive Secretary, Boston Parks and Recreation Commission

cc: Christopher Cook, Commissioner, Boston Parks and Recreation Department
Liza Meyer, Chief Landscape Architect, Boston Parks and Recreation Department
Jon Greeley, Director of Development Review, Boston Planning and Development Agency
Michael Cannizzo, Senior Architect, Boston Planning and Development Agency
Raul Duverge, Project Manager, Boston Planning and Development Agency



Boston Parks and Recreation Department

1010 Massachusetts Ave., Boston, MA 02118 / Tel.: 617-635-4505 / Fax: 617-635-3173



To: [Ebony DaRosa]
From: [Hayden Budofsky], PWD
Date: [06/04/2024]
Subject: [944 Saratoga Street] - Boston Public Works Department Comments

Included here are Boston Public Works (PWD) comments for the 944 Saratoga Street SPRA.

Project Specific Scope Considerations:

The developer should coordinate with BTM and PWD to develop safety and accessibility improvements for pedestrians and cyclists in the area. The developer should coordinate with the Parks & Recreation department in regards to the planting of two new street trees along Saratoga Street. A proposed pedestrian ramp should follow PWD standards & guidelines, and will need to meet AAB/ADA standards. Proposing a mid-block crossing at the park entrance along Saratoga Street will require an opposite ramp on the south side of the street. This would conflict with an existing driveway that would require coordination with the parcel owner and PIC. The developer shall coordinate with PWD and BTM to identify the best location for this crossing. The developer shall consider installing an RRFB.

Pedestrian Access:

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

Site Plan:

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

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

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

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

Sidewalks:

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

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



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(617) 635-4900

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

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

Green Infrastructure:

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

Driveway Curb Cuts

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

Discontinuances

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

Easements

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

Landscaping

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

Street Lighting

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

Roadway

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

Additional Project Coordination

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



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Resiliency:

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

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

Sincerely,

Jeffrey Alexis
Principal Civil Engineer
Boston Public Works Department
Engineering Division

CC: Para Jayasinghe, PWD
Todd Liming, PIC



PUBLIC WORKS DEPARTMENT

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