



# Planning Department

## MEMORANDUM

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

FROM: Joanne Marques  
Regulatory Planning & Zoning

DATE: July 02, 2025

RE: Planning Department Recommendations

Please find attached, for your information, Planning Department recommendations for the July 08, 2025 Board of Appeal's Hearing.

Also included are the Board Memos for:

1274 Massachusetts AV Dorchester 02125

83 Leo M Birmingham PW Brighton 02135

316 to 318 Northern AV Boston 02210 and 331 to 339 Northern AV Boston 02210

3458 Washington ST Jamaica Plain 02130

1 Waverly ST Roxbury 02119

142 to 146 Saint Mary's ST Boston 02215

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





<b>Case</b>	BOA1697206
<b>ZBA Submitted Date</b>	2025-03-06
<b>ZBA Hearing Date</b>	2025-07-08
<b>Address</b>	63 Rutherford AV Charlestown 02129
<b>Parcel ID</b>	0203766000
<b>Zoning District &amp; Subdistrict</b>	Charlestown Neighborhood 3F-2000
<b>Zoning Article</b>	62
<b>Project Description</b>	Restore a previously existing roof deck to an operable condition.
<b>Relief Type</b>	Conditional Use
<b>Violations</b>	Roof Structure Restrictions

#### **Planning Context:**

The proposed project would add a roof deck to an already existing two-family building. The proposed roof deck is an appropriate fit for the area. Many of the nearby buildings, including two of the proposed project's immediate neighbors, have roof decks on a higher elevation than the project site. The proposed roof deck is also a replacement for a previously existing roof deck. The former deck was taken down due to long-term maintenance issues. This project would restore the roof to its previous condition.

#### **Zoning Analysis:**

The proposed project requires a conditional use permit for the roof structure restrictions identified in the zoning refusal. This is triggered due to the roof deck extending past the maximum allowed height for the zoned area. The zoning allows for a building height of 35 feet. The proposed roof deck would reach a max elevation of 35 feet, 4 inches.

The proposed project is in the Plan Charlestown (2023) study area. This entails a series of design guidelines that impact roof decks in particular. These are:

- Roof decks are only permitted on flat roofs.
- Roof decks should be located in the rear of the rooftop footprint in such a way that they reduce visibility from the public right-of-way, and be offset a minimum of 5'-0" from all roof edges.



- Railing materials should be durable and of a high quality, and not visible from the public right-of-way. Black metal is preferred.

While the first and last point are satisfied by the design of the roof deck, the second point has not been fulfilled. There is a lack of a 5 foot setback on 3 of the 4 edges of the roof deck, even though there is ample space to do so.

The proposed project is also in the Charlestown Neighborhood Design Overlay District, which will require the project to undergo design review with the City planning department.

Plans reviewed are titled "63 Old Rutherford Ave Proposed Roof Deck", prepared by Neshamkin French Architects and dated November 11, 2024.

**Recommendation:**

In reference to BOA1697206, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review with attention to the PLAN: Charlestown guidelines for setting back roof decks from the roof edge.

Reviewed,

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Deputy Director of Zoning





<b>Case</b>	BOA1696180
<b>ZBA Submitted Date</b>	2025-03-04
<b>ZBA Hearing Date</b>	2025-07-08
<b>Address</b>	37 Merrimac ST Boston 02114
<b>Parcel ID</b>	0301632000
<b>Zoning District &amp; Subdistrict</b>	Bulfinch Triangle General Area
<b>Zoning Article</b>	6
<b>Project Description</b>	The proponent seeks to extend the two year sunset of its conditional use permit.
<b>Relief Type</b>	Variance
<b>Violations</b>	Additional Conditions in Restricted Parking District

**Planning Context:**

37 Merrimac Street is located in Bullfinch Triangle in the Downtown neighborhood area. The current use is a surface parking lot. The proponent seeks to extend the two year sunset of its conditional use permit. They are not making any further changes to the lot. They note that they will be applying for a conditional use for an open air parking lot. The lot is in a restricted parking overlay district. The 30 exempt spaces in the lot are primarily in service of the Courthouse and the Bay Cove Human Services.

**Zoning Analysis:**

37 Merrimac Street is located in the General Area Subdistrict of the Bullfinch Triangle Zoning District. Per Section 46-9.3.a of the Zoning Code, parking as a primary use is a conditional use. Staff recommend the renewal of this sunset proviso is for three years with the proviso that they close the curb cut entrance on Merrimac Street which interferes with a crosswalk, and that it undergoes design review with special attention is paid to screening and buffering on Friend Street.

**Recommendation:**

In reference to BOA1696180, The Planning Department recommends APPROVAL WITH PROVISIO/S: that the conditional use be in effect for three years, that the curb cut entrance on



Merrimac Street be closed, and that plans be submitted to the Planning Department for design review with attention to screening and buffering on Friend Street.

Reviewed,

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Deputy Director of Zoning



<b>Case</b>	BOA1704807
<b>ZBA Submitted Date</b>	2025-03-31
<b>ZBA Hearing Date</b>	2025-07-08
<b>Address</b>	6 Charles River SQ Boston 02114
<b>Parcel ID</b>	0502467000
<b>Zoning District &amp; Subdistrict</b>	Boston Proper H-2-65
<b>Zoning Article</b>	13
<b>Project Description</b>	Renovate the interior of a one-unit building, adding a bay window in the rear of the building.
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive

### **Planning Context:**

The proposed project is located in Beacon Hill on a residential private way between Charles Street and Memorial Drive. The proposed project includes an interior renovation of a one-unit building, including the bathrooms, kitchen, and other living spaces on the ground, first, and third floors. The proposal also adds a bay window off of the first-floor kitchen, located at the rear of the site. The building is a three-and-a-half-story rowhouse, within a consistent dead-end block of similar buildings. This interior renovation improves the quality of the existing building stock and quality of life for existing and future residents.

The project is located within the Historic Beacon Hill District, which requires any exterior work visible from a public way to be approved by the Beacon Hill Architectural Commission.

### **Zoning Analysis:**

The proposed project is cited for excessive FAR; the maximum allowed FAR in this H-2-65 subdistrict is 2.0, and the existing building has an FAR of 3.2. Each of the connected rowhouses on this block has an FAR ranging from 2.6 to 4.8. This project very nominally increases in FAR due to the proposed bay window, which constitutes roughly eight square feet of additional floor area. This presents a case for zoning reform, where the zoning regulations do not accurately reflect the consistent built form of the area.

Plans reviewed are titled "6 Charles River Sq.", prepared by Context, and dated June 24, 2024.



**Recommendation:**

In reference to BOA1704807, The Planning Department recommends APPROVAL.

Reviewed,

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

Deputy Director of Zoning



<b>Case</b>	BOA1701155
<b>ZBA Submitted Date</b>	2025-03-21
<b>ZBA Hearing Date</b>	2025-07-08
<b>Address</b>	362 to 366 Commonwealth AV Boston 02115
<b>Parcel ID</b>	0503015000
<b>Zoning District &amp; Subdistrict</b>	Boston Proper B-8-120b and H-3-65
<b>Zoning Article</b>	13
<b>Project Description</b>	Add three roof decks to the existing building.
<b>Relief Type</b>	Variance
<b>Violations</b>	Height Excessive Rear Yard Insufficient

**Planning Context:**

The proposed project would add 2 private roof decks and one public roof deck to the roof of an existing multifamily residential building. This project would allow for more activation of outdoor spaces. Nearby projects also contribute to the appropriate fit of the project. Many nearby buildings, including some of the townhouses immediately adjacent to the site, have roof decks. The height of the existing building will also prevent disruption to the pedestrian experience caused by excess noise or activity.

**Zoning Analysis:**

The proposed project triggers two zoning violations. Both of these violations are already present in the existing building, and the proposed project would not extend the violations in any dimension.

The first violation is in regards to height. The proposed roof deck is too tall for local zoning. However, the penthouse portion of the project already exists and sits higher than the proposed roof deck. The height will not be raised above the existing height, and the roof will be restored to its previous capacity.

The second violation is in regards to the rear yard. While the proposed roof deck extends into the required rear yard setback, it is on top of an already existing building. There will be no new extensions into the rear yard.



The proposed project sits within 100 feet of a parkway, so it will undergo review with the City of Boston Parks and Recreation department.

The proposed project also sits within the Back Bay Architectural District, so it will undergo review from the Back Bay Architectural Commission.

Plans reviewed are titled "Roof Deck Installation 362 Commonwealth Ave Condos", prepared by Building Recon Services and dated December 5, 2024.

**Recommendation:**

In reference to BOA1701155, The Planning Department recommends APPROVAL.

Reviewed,

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

Deputy Director of Zoning



<b>Case</b>	BOA1670349
<b>ZBA Submitted Date</b>	2024-11-11
<b>ZBA Hearing Date</b>	2025-07-08
<b>Address</b>	501 Boylston ST Boston 02116
<b>Parcel ID</b>	0501296000
<b>Zoning District &amp; Subdistrict</b>	Boston Proper B-6-90a
<b>Zoning Article</b>	Underlying Zoning
<b>Project Description</b>	The proponent is proposing a change of use to a restaurant with rooftop seating. They are also proposing a net addition of 53 parking spaces.
<b>Relief Type</b>	Conditional Use,Variance
<b>Violations</b>	FAR Excessive Additional Conditions in Restricted Parking District Use: conditional (parking garage) Use: conditional (restaurant)

#### **Planning Context:**

501 Boylston Street is a ten story building with businesses on the ground floor and several offices that comprises most of the block between Clarendon Street and Berkeley Street. The proponent is proposing a change of use to a restaurant with rooftop seating. In the plan, the proponent identifies the proposed addition of 53 new parking spaces. Thirty-eight of those new spaces would be in the garage, and 15 of them would be at the sub-garage level. The site is within a mile of two MBTA stations and there is an existing 114-space parking garage in the building.

#### **Zoning Analysis:**

Because the site sits in a Restricted Parking District, no additional parking spaces can be approved unless the applicant has already received approval from the Air Pollution Control Commission. While the proponent has submitted a renewal application for their existing spaces, they have not yet submitted an application for the additional proposed spaces as of 6/26/2025. According to Article 2, above grade parking is generally factored into maximum FAR calculation. Both the additional parking and the proposed restaurant use trigger the excessive FAR violation that requires a variance to overcome.



While no recommendation on the appropriateness of the parking can be made without an APCC determination, a variance for excessive FAR related to the rooftop restaurant would be warranted. Despite the building being larger than many other surrounding properties, its parking garage entrance at street level means that there is less space available for a ground-floor business, which would be the main alternative to its proposed rooftop location.

The project also received a conditional use citation for the proposed rooftop restaurant. Restaurants are conditional in this subdistrict, which represents an opportunity for zoning reform. 501 Boylston is located in one of the busiest mixed-use areas in the city and is surrounded by other restaurants. As such, this use is unlikely to create a nuisance or serious hazard and is not anticipated to adversely impact the neighborhood.

The plans are titled "501 Boylston Street," are dated 8/29/23, and were prepared by Arrowstreet Architecture & Design.

**Recommendation:**

In reference to BOA1670349, The Planning Department recommends DEFERRAL: that plans be resubmitted after receiving approval for the new parking spaces from the Air Pollution Control Commission to move forward.

Reviewed,

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

Deputy Director of Zoning





<b>Case</b>	BOA1693417
<b>ZBA Submitted Date</b>	2025-02-20
<b>ZBA Hearing Date</b>	2025-07-08
<b>Ad</b>	346 D ST South Boston 02127
<b>Parcel ID</b>	0602784000
<b>Zoning District &amp; Subdistrict</b>	South Boston Neighborhood First St LI
<b>Zoning Article</b>	68
<b>Project Description</b>	Renovate an existing 2-story structure into a dispatch office with a maintenance garage for use by a telecommunications company, and make improvements to surface parking and install of an 8' security fence around the property. Demolition of five other existing buildings on site under separate permit.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	Front Yard Insufficient Sec 13 Use; Sec 31 Screening and Buffering

**Planning Context:**

The site expands a full block defined by D Street to the east, West First Street to the south, C Street to the west, and Cypher Street to the north. composed of six consolidated lots occupied by surface parking, the building proposed for renovation, and five, 2.5-story warehouse buildings. There are currently four curb cuts, including one along D Street and three along West First Street. The proposed project will close the curb cuts along West First Street and open a new curb cut on C Street.

Abutting the project across D Street is a moving company with office and surface parking, across West First Street is a 4-story residential building that spans the block, across C Street are warehouses and a vacant 2-story office and light industrial buildings, and across Cypher Street is the surface parking and corporate offices of the Boston Convention and Exhibition Center. D Street has been recently improved with separated bike lanes in both directions and new sidewalks, and Cypher Street has a new separated cycle track and a new Complete Streets sidewalk with tree wells along the northern edge of the proposed project.

The proposed project is within the South Boston Seaport Strategic Transit Plan adopted by the BPDA Board in 2023. The Transit Plan identifies improvements for the N and D routes along D Street, as well as pedestrian network improvements along D Street.



**Zoning Analysis:**

The proposed project requires a conditional use permit for the proposed Truck Servicing or Storage use, Outdoor storage of new materials, Parking lot, and Garage with dispatch. None of these uses have particular criteria beyond those established in Article 6. The proposed uses are similar to the existing uses and will not cause any more objectionable nor more detrimental impacts to the neighborhood. The proposed ingress and egress from D and C Streets limits potential hazards to pedestrians and bicyclists on Cypher Street and to residents accessing their homes on West First Street.

There is no front yard requirement along Cypher Street or D Street, however, the proposed canopy over the front door projects 4 feet beyond the front lot line along D Street. The existing building footprint has a front zero lot line and is not changing. The proposed canopy will cover the public sidewalk but appears not to create new hazards for pedestrians or conflict with the existing streetlights located in the sidewalk furnishing zone along D Street. Zoning relief is recommended.

The proposed 8' high fence along the exterior of the property requires a conditional use permit. In addition, Section 68-31 requires certain materials and opacity for all screening. Given the abutting residential use to the south, as well as the pedestrian and bicycle infrastructure along the northern edge, these screening requirements are important to mitigate any impacts. The proponent should design the screening to the height, opacity, and materials specifications of Section 68-31, including a 5' planting strip on the inside edge of the fencing.

The proposed project is within the Coastal Flood Resilience Overlay District and a Restricted Parking District. Although the project does not meet the size threshold for Article 25A applicability, it is recommended the project incorporate best practices and standards to reduce or eliminate coastal flood risk with dry flood-proofing below the Design Flood Elevation.

**Recommendation:**

In reference to BOA1693417, the Planning Department recommends APPROVAL WITH PROVISOS: that plans be submitted to the Planning Department for design review, with particular attention to screening and buffering along adjacent to all public rights of way, that the conditional use permit expire after three years so that turning movement counts can be collected at West First Street/C Street and West First Street/D Street to monitor ongoing network impacts, and improvements be made to West First Street, D Street and C Street to



ensure consistency with Complete Streets Guidelines for sidewalk dimension, condition and street trees.

Reviewed,

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Deputy Director of Zoning



<b>Case</b>	BOA1720111
<b>ZBA Submitted Date</b>	2025-05-12
<b>ZBA Hearing Date</b>	2025-07-08
<b>Address</b>	45 Solaris RD Hyde Park 02136
<b>Parcel ID</b>	1812392000
<b>Zoning District &amp; Subdistrict</b>	Hyde Park Neighborhood 2F-5000
<b>Zoning Article</b>	69
<b>Project Description</b>	In conjunction with BOA1720105, combine and subdivide lots to accommodate a new two-family residential dwelling at 45 Solaris Road.
<b>Relief Type</b>	Variance
<b>Violations</b>	Side Yard Insufficient Rear Yard Insufficient Lot Width Insufficient

**Planning Context:**

The proposed project seeks to erect a new two-unit dwelling building at 45 Solaris Road. This is in conjunction with BOA1720105, where it sought to combine and subdivide lots. The proposed residential building will be a 2.5-story, two-unit residential building. Each residential unit will contain three bedrooms. The lot at 45 Solaris Road was originally 5,000 square feet, but with the combination and subdivision of lots under BOA1720111, it will now be an 11,126 square foot lot.

While Solaris Road is zoned as 2F-5000, it is primarily filled with single-unit and two-unit residential dwellings. This parcel also directly abuts Mother Brook and the Mill Pond Reservation to its rear. This project supports the goals outlined in both Housing a Changing City: Boston 2030 (September 2018) and the Hyde Park Strategic Neighborhood Plan (August 2011) where the goals included providing housing (both home ownership and rental units) for a full range of income groups and households types and encouraging diverse unit sizes to maintain and improve Hyde Park's family-friendly character. This project supports these goals as it will create two residential units that will each have three bedrooms that can accommodate larger families. This will also provide an opportunity to provide housing near local amenities such as Mother Brook, which abuts the rear of these lots, which the Hyde Park Strategic Neighborhood Plan encouraged greater access to.



**Zoning Analysis:**

The refusal letter states three violations: insufficient side yard, insufficient rear yard, and insufficient lot width. Under Article 69 for an area zoned as 2F-5000, the minimum side yard is 10 feet, the minimum rear yard is 40 feet, and the minimum lot width is 50 feet. Although a dimensioned site plan was not provided, it is clear that the proposed building would not meet the minimum required dimensions due to the size and shape of the lot. The new lot will be a trapezoid, with the proposed residential building positioned closer to the center to accommodate a driveway and rear parking.

In regard to the side yard, although the proposed east side yard does not meet the minimum required 10 feet, zoning relief is still warranted. Due to their smaller lot sizes, many properties on Solaris Road do not comply with the side yard requirement. For example, both 22 and 41 Solaris Road have reduced side yards to accommodate driveways and parking. This is a case for zoning reform to better align the built environment.

In regard to the rear yard, while the exact proposed rear yard is not specified, it is evident that it does not meet the minimum required 40 feet. However, zoning relief is warranted due to the unique configuration of the newly subdivided lot. Because the lot has a narrow entrance, the proposed building has been positioned more centrally to accommodate a driveway and provide rear parking. As a result, the rear yard is reduced. This design prioritizes functional site access and off-street parking, while still maintaining sufficient open space in the rear of the lot. Given the lot's shape, zoning relief is warranted.

In regard to the lot width, the proposed width of 26.40 feet does not meet the minimum required 50 feet. However, relief is still warranted due to the size and irregular shape of the lot. Before the new subdivision, the original lot was roughly 30 feet by 160 feet. However, under the subdivision, to accommodate the existing residential building at 51 Solaris Road, the new lot narrows to 26.40 feet at its frontage but widens toward the rear, near Mother Brook. Additionally, many properties, such as 6, 20, and 22 Solaris Road, do not meet the minimum required lot width. Given the lot's shape and size, zoning relief is warranted.

Because the rear yard of the proposed building is within 100 feet from Mother Brook at its rear, it will also undergo Parks Design Review as per Ordinance 7.4-11.



The plans reviewed are titled ERT1607914 Z.R. decision letter with BOA hearing plan set attached 9.9.24 update of expired letter 5.8.2025 and are dated April 2, 2024. They were prepared by AD Architect.

**Recommendation:**

In reference to BOA1720111, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Department of Parks and Recreation for review.

Reviewed,

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Deputy Director of Zoning



<b>Case</b>	BOA1720105
<b>ZBA Submitted Date</b>	2025-05-12
<b>ZBA Hearing Date</b>	2025-07-08
<b>Address</b>	51 Solaris RD Hyde Park 02136
<b>Parcel ID</b>	1812394000
<b>Zoning District &amp; Subdistrict</b>	Hyde Park Neighborhood 2F-5000
<b>Zoning Article</b>	69
<b>Project Description</b>	In conjunction with BOA1720111, combine and subdivide lots to accommodate a new residential dwelling at 45 Solaris Road. No changes to the existing structure at 51 Solaris Road will be made.
<b>Relief Type</b>	Variance
<b>Violations</b>	Nonconforming Use Change

#### **Planning Context:**

The proposed project seeks to combine two lots and then re-subdivide them in conjunction with BOA1720111, which plans on erecting a new two-unit residential dwelling at 45 Solaris Road. The subdivision will create a 13,874 square foot lot at 51 Solaris Road and an 11,126 square foot lot at 45 Solaris Road. 51 Solaris Road currently contains a three-story, three-unit residential dwelling with space for parking in its rear. No changes to the structure are proposed with this application.

This project supports the goals outlined in both Housing a Changing City: Boston 2030 (September 2018) and the Hyde Park Strategic Neighborhood Plan (August 2011) where allowing this nonconforming use change to retain the existing three units is an important anti-displacement measure to ensure that the existing residents can continue to live in their homes.

#### **Zoning Analysis:**

The refusal letter states one violation: Nonconforming Use Change. Within a 2F-5000 Subdistrict, a three-family residential dwelling is a forbidden use. While no changes to the structure will be made, as the lot size is being reduced from 20,000 square feet to 13,874 square feet, this is an extension of a nonconforming use. This lot size is well above the 5,000 square foot minimum lot size for the zoning district. Relief is recommended for this violation as



Article 9 Section 2 states that a structure or land that is being lawfully used for a use not conforming to this code, such structure or land may be used for another nonconforming use as long as a permit has been filed and the Board of Appeal grants permission for the substitute nonconforming use.

The plans reviewed are titled ALT1607906 Z.R. decision letter with BOA hearing plan set attached 8.19.24 updated expired letter 5.8.2025 and were prepared by DGT Associates. They are dated December 21, 2022.

**Recommendation:**

In reference to BOA1720105, The Planning Department recommends APPROVAL.

Reviewed,

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Deputy Director of Zoning





<b>Case</b>	BOA1692668
<b>ZBA Submitted Date</b>	2025-02-18
<b>ZBA Hearing Date</b>	2025-07-08
<b>Address</b>	14 Tarleton RD West Roxbury 02132
<b>Parcel ID</b>	2008762000
<b>Zoning District &amp; Subdistrict</b>	West Roxbury Neighborhood 1F-6000
<b>Zoning Article</b>	56
<b>Project Description</b>	The applicant seeks to modify the scope of work previously approved under Permit ALT1488783, which authorized the construction of a 4-foot-wide front stair connecting the house to the existing front deck. The proposed modification involves cantilevering the stair to a total width of 6 feet, or the maximum permissible width allowed, to better accommodate wheelchair accessibility and ensure adequate maneuverability onto the front porch. The application was assigned to Inspectional Services Department FD Division Head Paul Williams on May 27, 2025
<b>Relief Type</b>	Variance
<b>Violations</b>	Front Yard Insufficient

### Planning Context:

The property sits on a newly combined lot totaling 9,006 square feet and fronts Tarleton Road, a residential street with modest setbacks and consistent lot widths. The immediate context features detached one- and two-story homes with a mix of traditional porches and entry stairs oriented toward the street.

### Zoning Analysis:

The proposed project involves cantilevering a previously approved 4-foot-wide front stair and extending the adjacent front deck area by one additional foot, resulting in a new projection of 5 feet. This modest extension reduces the front yard setback from 5 feet 7 inches to 4 feet 7 inches. The purpose of this dimensional adjustment is to provide maneuvering space and improve accessible entry to the front porch. While the proposal introduces a minor new encroachment into the front yard setback, it remains consistent with the character of neighborhood entry features and advances accessibility goals.



The revised plans were prepared by New England Window Systems, Inc., titled "ALT1488783 Approved Permit Plan Set", and dated May 6, 2024.

**Recommendation:**

In reference to BOA1692668, The Planning Department recommends APPROVAL.

Reviewed,

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Deputy Director of Zoning



<b>Case</b>	BOA1701440
<b>ZBA Submitted Date</b>	2025-03-22
<b>ZBA Hearing Date</b>	2025-07-08
<b>Address</b>	15 Rickerhill RD West Roxbury 02132
<b>Parcel ID</b>	2004160000
<b>Zoning District &amp; Subdistrict</b>	West Roxbury Neighborhood 1F-6000
<b>Zoning Article</b>	56
<b>Project Description</b>	Converting a rear-yard shed to a chicken coop for five chickens.
<b>Relief Type</b>	Conditional Use
<b>Violations</b>	Use: Forbidden (Accessory Keeping of Animals)

**Planning Context:**

The proposed project is located within a residential neighborhood of West Roxbury; the triangular parcel abuts Hynes Field to the north, and three residential properties to the southwest. The proposal converts an existing rear-yard shed into a chicken coop for five chickens; the location of the proposed coop is at the very rear of the site, where the parcel abuts the adjacent residential properties. The portions of these properties that the coop is adjacent to are rear-yard open space, and the nearest structure is 100 feet away. A chicken coop may be appropriate at this location due to the distance from neighboring buildings.

**Zoning Analysis:**

Pursuant to Table A of Article 56, Accessory Keeping of Animals is a forbidden use. However, Article 89 - Urban Agriculture describes specific conditions for the accessory keeping of hens. In addition to the provisions described in Article 6 for granting a conditional use, the provisions of Section 89-9 must be met in order to grant conditional use.

The provided drawings do not accurately describe whether the proposed coop would satisfy all of these provisions. Resubmitted drawings must include and accurately describe the proposed height for the enclosed coop and runs; confirm a solid, opaque barrier along the property line where the proposed coop is within five feet of the property line; describe the proposed materials



for the coop; confirm screening of the coop or run from any part that is visible from the street; and confirm that the proposed five chickens are hens, not roosters.

The project is also located within 100 feet of a public park, Hynes Field, and is subject to Parks Review.

Plans reviewed are titled "Certified Plot Plan Located at 15 Rickerhill Road West Roxbury, MA", prepared by Boston Survey, Inc." and dated August 3, 2021.

**Recommendation:**

In reference to BOA1701440, The Planning Department recommends DENIAL WITHOUT PREJUDICE. Future plans should clearly indicate compliance with Article 89, particularly for proposed dimensions, materiality, and screening/buffering.

Reviewed,

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Deputy Director of Zoning



<b>Case</b>	BOA1703881
<b>ZBA Submitted Date</b>	2025-03-27
<b>ZBA Hearing Date</b>	2025-07-08
<b>Address</b>	29 Vermont ST West Roxbury 02132
<b>Parcel ID</b>	2007168000
<b>Zoning District &amp; Subdistrict</b>	West Roxbury Neighborhood 1F-8000
<b>Zoning Article</b>	56
<b>Project Description</b>	Construct a second story primary suite addition over an existing attached garage. Project scope also includes a rear mudroom on first floor as part of a renovation. No basement work proposed.
<b>Relief Type</b>	Variance
<b>Violations</b>	Side Yard Insufficient

**Planning Context:**

The proponent seeks to build an addition over an attached garage to increase living space in an one-unit dwelling. This kind of change is an excellent example of a small-scale renovation to an existing home which the Neighborhood Housing zoning initiative, kicked off in November of 2024, seeks to allow.

**Zoning Analysis:**

Per Article 56, Table D, a 12 foot side yard is required in a 1F-8000 subdistrict. The existing garage establishes a side yard of 7.4 feet. This addition would retain this violation of 7.4 feet, though it would extend it 1 foot further toward the front yard. This change is minimal, and serves only to provide a small overhang for the garage. This is an appropriate design solution to create better usage of the garage and accommodate the addition, and relief is appropriate.

The site is within the Corey St NDOD. Given that this addition meets the criteria from Article 80E-2 of "Any exterior alteration changing the roof shape, cornice line, Street Wall height, or building height of an existing building," design review is appropriate.

**Recommendation:**



In reference to BOA1703881, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review.

Reviewed,

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

Deputy Director of Zoning



<b>Case</b>	BOA1698765
<b>ZBA Submitted Date</b>	2025-03-13
<b>ZBA Hearing Date</b>	2025-07-08
<b>Address</b>	44 Cass ST West Roxbury 02132
<b>Parcel ID</b>	2009377000
<b>Zoning District &amp; Subdistrict</b>	West Roxbury Neighborhood 1F-6000
<b>Zoning Article</b>	56
<b>Project Description</b>	Build a second story addition to an existing 1.5-story residential structure, to include a second story rear deck.
<b>Relief Type</b>	Variance
<b>Violations</b>	Side Yard Insufficient

**Planning Context:**

The subject property is located in a small scale residential neighborhood. Many of the structures fill most of the width of their lot and have grassy rear yards with decks or patios.

**Zoning Analysis:**

The project proposes a second story rear deck that violates the requirement for a ten foot side yard along the northwest property line. The existing structure has a side yard of approximately six feet, making it an existing non-conformity. The proposed deck is eight feet deep along the northwest property line and will maintain a minimum side yard of 5.8 feet.

The proposed addition is a minor expansion of an existing non-conformity with respect to the side yard requirement. The addition and deck will maintain adequate light and air between the subject property and neighboring property to the north. This is a case for zoning reform given that visual inspection shows that surrounding properties may have a primary structure built within the required ten foot side yard. A smaller side yard requirement may be appropriate in this area. The proposed addition is consistent with the owner's right to improve their property and should not require a variance given the narrow side yards throughout the surrounding neighborhood.

**Recommendation:**

In reference to BOA1698765, The Planning Department recommends APPROVAL.



Planning Department

**CITY of BOSTON**

Reviewed,

*Kathleen Onuf*

Deputy Director of Zoning





<b>Case</b>	BOA1723975
<b>ZBA Submitted Date</b>	2025-05-22
<b>ZBA Hearing Date</b>	2025-07-08
<b>Address</b>	131 Nonantum ST Brighton 02135
<b>Parcel ID</b>	2203799000
<b>Zoning District &amp; Subdistrict</b>	Allston/Brighton Neighborhood 2F-5000
<b>Zoning Article</b>	51
<b>Project Description</b>	Change the use of an existing structure from two (2) to three (3) dwelling units through renovations to include five (5) off-street parking spaces, a rear addition, and new dormers.
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive Height Excessive (stories) Forbidden Use (3F)

**Planning Context:**

The proposed project sits in an established residential area on the western edge of the Allston/Brighton neighborhood (near Newton Corner). Its surrounding context consists mostly of 2- to 3-story, lower density residential structures, with one to three dwelling units. Several mixed-use structures and larger 4- and 5-story apartment buildings can be found on Tremont Street, one block from the project site. Stops for the MBTA's 57, 64, and 501 bus routes can be found within a quarter-mile walk of the property.

Currently, the project site is occupied by an existing 2.5-story structure with two residential dwelling units. An existing curb cut on the western side of the property provides front yard parking for a single vehicle. The remainder of the lot's side and rear yards are occupied by existing landscape and mature trees.

The proposed project seeks to expand the existing structure's use from two (2) to three (3) dwelling units through the erection of a rear addition and new shed dormers. A new driveway and five (5) new rear yard off-street parking spaces are also proposed to be created by the project. Much of the site's existing mature trees will need to be removed to accommodate the proposed parking condition.



The project's proposed change of use helps fulfill the area's need for high-quality housing and additional housing units (Allston-Brighton Needs Assessment, 2024). It also aligns with the City's stated housing goals, which recommend infill development as a means of promoting housing diversity and increasing the availability of more flexible, family-sized housing options (Housing a Changing City, Imagine Boston 2030 - September 2018).

Despite this, the Planning Department does not support the project's proposed parking plan, as it is currently shown. This is because the removal of open space and healthy, mature plantings to accommodate paving for off-street parking directly contradicts with the planning goals of Climate Ready Boston (addressing permeability, heat island effect, and increased tree canopy, 2016) and Boston's Urban Forest Plan (preserving healthy and mature trees/plantings, 2022). To remedy this condition, it is recommended that the proponent, through Planning Department design review, cut the number of proposed off-street parking spaces from five (5) to three (3); as a way to reduce impervious surface on the lot, retain existing plantings, and align the project with the Boston Transportation Departments recommended one-to-one parking ratio for the area.

### **Zoning Analysis:**

The project's building height violation is triggered by the proposed addition of shed dormers to the existing structure's roofline. This move changes the structure's height from 2.5-stories (existing) to 3-stories (proposed). While in violation of the area's zoning (maximum 2.5-story height permitted), the proposed additions: (1) do not increase the net height (in feet) of the existing structure, which is zoning compliant; and (2) create a building typology that is already existing upon the project's block and is generally common to the surrounding area. Accordingly, the additional full story is viewed as minimally invasive to the surrounding area.

Similarly, the project's proposed change of occupancy from two (2) to three (3) dwelling units is flagged as requiring a variance. Despite zoning only permitting a maximum of two (2) dwelling units per parcel in the project's 2F-5000 subdistrict, several properties surrounding the project (both in this two-unit residential subdistrict and the abutting single-unit residential subdistrict) are home to existing three (3), four (4), and more unit uses. Given this existing context, the appropriateness of the project's proposed building form, and the area's general need for



additional housing units, the Planning Department deems the site an appropriate location for the proposed use.

The project's FAR violation appears to be incorrectly cited on its refusal letter, as the proposed 0.4 figure falls below the area's maximum allowed FAR of 0.6.

A proviso for Planning Department design review has been added to this recommendation to address concerns regarding the project's proposed parking condition. As discussed in this recommendation's "Planning Context" section, such review should reduce the number of off-street parking spaces from five (5) to three (3) to retain permeability and existing trees upon the site.

Plans reviewed titled, "Residences of Nonantum Street," prepared by "Donahue Architects Inc.," on January 7, 2025.

**Recommendation:**

In reference to BOA1723975, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review to reduce the number of off-street parking from five (5) spaces to no more than three (3) spaces, as a means of retaining existing trees on the lot, reducing proposed hardscape, and aligning the project's proposed parking condition with the City's recommended maximums for the area.

Reviewed,

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

Deputy Director of Zoning



<b>Case</b>	BOA1708560
<b>ZBA Submitted Date</b>	2025-04-11
<b>ZBA Hearing Date</b>	2025-07-08
<b>Address</b>	123 Newbury ST Boston 02116
<b>Parcel ID</b>	0501333000
<b>Zoning District &amp; Subdistrict</b>	Boston Proper B-3-65
<b>Zoning Article</b>	Underlying Zoning
<b>Project Description</b>	The proponent seeks to open a gelato shop on Newbury Street.
<b>Relief Type</b>	Conditional Use
<b>Violations</b>	Use: Conditional (takeout)

**Planning Context:**

The proponent seeks to open a gelato shop on Newbury Street. The site is located on the first floor of a three-story building on Newbury Street between Clarendon Street and Dartmouth Street. Minor updates will be made to the interior and finishes are proposed to accommodate this change.

**Zoning Analysis:**

The proposed site is in a B-3-65 subdistrict, a business district. Takeout is a conditional use in business subdistricts in underlying zoning. Future reform efforts could address this issue by allowing takeout as a component of restaurant uses in this location (as they are in Squares + Streets districts and in mixed-use districts in East Boston). This change would save time and money—critical resources for Boston’s small business owners.

**Recommendation:**

In reference to BOA1708560, The Planning Department recommends APPROVAL.

Reviewed,

Deputy Director of Zoning



<b>Case</b>	BOA1721184
<b>ZBA Submitted Date</b>	2025-05-14
<b>ZBA Hearing Date</b>	2025-07-08
<b>Address</b>	7 Westminster TE Roxbury 02119
<b>Parcel ID</b>	1101641000
<b>Zoning District &amp; Subdistrict</b>	Roxbury Neighborhood MFR
<b>Zoning Article</b>	50
<b>Project Description</b>	Erect a new, three-story, 9,200 square foot, wood-framed building which will include 13 residential dwelling units with shared common space to function as a mix of emergency shelter housing and affordable housing.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	FAR Excessive Rear Yard Insufficient Side Yard Insufficient Front Yard Insufficient Usable Open Space Insufficient Additional Lot Area Insufficient Conditional Use (Homeless Shelter)

**Planning Context:**

The proposed project sits in an established multifamily residential area in the Egleston Square area of Roxbury. It abuts the Elizabeth Stone House to the north, along with active apartments on the east and west, and an active parking lot to the south. Additionally, it is located in direct proximity (less than a quarter-mile) to multiple transit options (including the stops for the MBTA's 22, 29, 42, and 44 bus routes) and publicly accessible open spaces (including the Crawford Street Playground, Egleston Community Garden, Malcolm X Park, and Franklin Park). The site also sits within walking distance of several grocery stores as well as the Egleston Square Boston Public Library Branch.

The project is sited on two (2) contiguous BPDA-owned parcels (5,761 square feet of vacant land) in Roxbury's Washington Park Urban Renewal Area (Mass R-24). The land was identified by the BPDA as a site that could provide great opportunity for affordable or supportive housing development, and was awarded tentative designation status for sale and redevelopment by the



BPDA Board in October 2023. Since, two extensions to this tentative designation status have been granted by the BPDA Board, in October 2024 and April 2025.

The proposed project seeks to erect a new, three-story residential structure upon the site's vacant lots, to include thirteen (13) dwelling units reserved for a mix of income-restricted housing and emergency shelter housing. The unit mix consists of eleven (11) studios and two (2) 2-bedroom units. The project's development team is led by the Planning Office for Urban Affairs (POUA) and the Roxbury Stone House (RSH). POUA is a non-profit housing developer affiliated with the Archdiocese of Boston. RSH is a non-profit organization that cares for and protects parents and child survivors of domestic abuse, and helps them rebuild safe, secure, and independent lives. The project's close proximity to RSH's headquarters (the Elizabeth Stone House) allows the developer to expand its existing shelter services (including case management, group services, and other community activities), which are currently located on the main campus, to the residents of the new development.

This proposed project scope adds needed affordable housing units, secures a vital resource for individuals experiencing homelessness in Boston, and addresses the need for long-term supportive housing across the City.

### **Zoning Analysis:**

The proposed project's lot area (5,760 square feet existing, 14,000 square feet required) and usable open space (~2,500 square feet proposed, 2,600 square feet required) violations are triggered by the project's proposed thirteen (13) unit residential occupancy. This is because the required figures of those dimensions are scaled to the number of units proposed. Despite being cited as excessive by the zoning's standards (in relation to that unit count), the project's existing lot size and total amount of proposed usable open space, for the use, are actually similar to what already exists in the surrounding area. In fact, several other multifamily residential properties nearby have even larger disparities (both in scaled and net figures) between their existing lot conditions and the zoning requirements for them. This signals a need for zoning reform in the area to more effectively calibrate lot standards.

The project's FAR violation is similar in nature. While roughly 50% higher than the maximum allowed figure (1.57 proposed, 1.0 allowed), the project's proposed FAR actually falls on the

BOA1721184

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lower end of the range of what's already existing on similarly sized lots surrounding the property (typical FAR range between 1.4 and 2.7). This fact, in addition to the project's generally appropriate building scale, render the project contextual to the surrounding area. Given the level of nonconformity related to building scale across this portion of the neighborhood, future zoning reform here should look to reassess the value and effectiveness of FAR (as opposed to more flexible form-based requirements, such as building lot coverage) as a regulator of density.

The proposed project was also cited with violations for each of its yard setbacks (front, side, and rear). The extent of the proposed project's rear yard violation (4.5' proposed, 20' required) can be attributed largely to its site's shallow depth, which is roughly 50' - 75' less deep than the area's typical lot. In addition, the site abuts a 20,000+ square foot surface parking lot to the rear, thus minimizing the impacts of its smaller rear yard dimension. While in violation of the area's zoning, the project's proposed front and side yards are also deemed contextual to the area. The project's side yard dimensions (8' + 9' proposed, 10' required) are less severe than several of its neighboring properties. Meanwhile, its front setback aligns with the block's existing building alignment.

In Roxbury's MFR subdistricts, homeless shelters are categorized as conditional uses. Given the site's location within a cluster of existing multifamily residential and supportive housing uses, the Planning Department deems the proposed change of use appropriate for the site and contextual to the surrounding area. A proviso for a housing agreement has been added to this recommendation to confirm the project's thirteen (13) proposed affordable dwelling units as income-restricted.

Plans reviewed are titled "7-9 Westminster Terrace, Boston, MA," prepared by "The Architectural Team" on February 19, 2025.

**Recommendation:**

In reference to BOA1721184, The Planning Department recommends APPROVAL WITH PROVISIO/S: that a housing agreement be issued prior to issuing permits.

Reviewed,



Planning Department

**CITY of BOSTON**

*Kathleen O'Neil*

Deputy Director of Zoning





<b>Case</b>	BOA1677952
<b>ZBA Submitted Date</b>	2024-12-12
<b>ZBA Hearing Date</b>	2025-07-08
<b>Address</b>	95 Business ST Hyde Park 02136
<b>Parcel ID</b>	1811870000
<b>Zoning District &amp; Subdistrict</b>	Hyde Park Neighborhood 2F-5000
<b>Zoning Article</b>	69
<b>Project Description</b>	Convert existing one-unit building to two-unit by adding a rear/side addition, shed dormers, and a two-story deck. This application is in conjunction ERT1657614.
<b>Relief Type</b>	Variance
<b>Violations</b>	Parking or Loading Insufficient Additional Lot Area Insufficient FAR Excessive Height Excessive (stories) Usable Open Space Insufficient Side Yard Insufficient Rear Yard Insufficient

**Planning Context:**

This project is just outside the study area for the Cleary Square Small Area Plan, which is an ongoing planning and zoning process designed to activate Boston's neighborhood centers and produce needed housing. This project specifically is at the edge of a residential area with mostly detached one and two unit houses. It is across the street from a light industrial zone which contains large industrial/commercial buildings and outdoor storage areas.

Cleary Square has two MBTA commuter rail stations, the Hyde Park Commuter Rail Station and the Fairmont Hyde Park Commuter Rail Station. This project is less than half a mile from Hyde Park Commuter Rail Station as well as five bus routes. It is also 0.7 miles from the Fairmount Commuter Rail Station. This access to transit makes this location ideal for increasing housing density, as the project proposes. In addition, since the Cleary Square Small Area Planning process began in February 2024, staff have solicited community feedback and heard many community members express a desire for the development of more “family sized” units in the



area. One of the two units included in this project is four bedrooms, which could easily accommodate larger households and families.

### **Zoning Analysis:**

This project does not meet the parking requirement of 2.0 spaces per dwelling unit (or 4.0 total spaces). Although parking is not shown on the existing site plan, it appears that the lot currently has a two car driveway (this driveway can be seen on Google Maps and the zoning compliance table on the plans notes the existing parking as two spaces per dwelling unit). The proposal includes a two car garage (on companion case ERT1657614). Although the amount of parking appears to remain the same, the project would increase the number of units from one to two and therefore the parking ratio would be reduced from two spaces per unit to one space per unit. However, as noted in the planning context, less parking is appropriate in this location due to the rich transit resources in this area.

This project does not comply with the maximum allowed FAR of 0.5. The existing FAR is about 0.3 and the proposed FAR is about 0.53. Because this property abuts larger buildings in the historically industrial area, the proposed building is not out of scale with its surroundings. In addition, this area is zoned for two units, which is what is proposed. Although the units are on the larger side, they are not excessive in size, indicating that this slightly larger FAR is needed to accommodate the two units. In addition, the larger four bedroom unit aligns with community desires for “family sized” units.

This project does not comply with the maximum allowed height of 2.5 stories. The existing building is 2.5 stories and the proposed project would add a shed dormer to create additional living space on the top story and make the building three stories. However, the top story still has a sloped roof design, with the dormers set back from the front of the building, which gives the appearance of a 2.5-story building.

This project does not comply with the minimum required Usable Open Space of 1,750 sq ft per unit, or 3,500 sq ft total. Although the proposed Usable Open Space is not clear from the site plans (as the dimensions of the driveway are not shown), according to the zoning compliance table, the Usable Open Space is 3,133 sq ft total. The project also proposes adding a two-story deck and balcony, which, although it does not count towards the Usable Open Space zoning requirement, is additional outdoor space usable for residents. This would make the total amount of outdoor space sufficient.



This project does not comply with the minimum required Side Yard of 10 ft. The existing Side Yard is 6 inches due to a small bump-out on the side, which the proposed project would remove. The rest of the building has a Side Yard of 2.10 at the smallest, which the proposed rear addition would shrink to 2.4 (because the building is not parallel on the lot and gets closer to the side lot line towards the rear of the lot). The project has a Side Yard on the other side over around 50 ft. Therefore, there is over 20 feet of Side Yard space cumulatively. The Side Yard violation is therefore primarily due to the location of the building on the lot, which is existing and cannot be changed because the proposed project maintains the existing building foundation.

This project does not comply with the minimum required Rear Yard of 40 ft. The exact dimensions of the proposed Rear Yard are not clear, as there appears to be an inconsistency between the site plan, which shows Rear Yard as 8 ft 1 inch, and plot plan, which shows a Rear Yard as 7.6 feet. However, the proposed Rear Yard is the same or nearly the same as the existing Rear Yard (as the proposed deck is in the same location as the existing deck). This lot is an unusual shape and is therefore particularly shallow here (about 60 feet). Most other lots in this area have a depth of around 100 ft or more. Article 7. Therefore, a variance should be granted under the conditions of Section 7-3, which states that the Board of Appeal shall grant variances if there are special circumstances including exceptional shallowness.

This project is cited for insufficient additional lot area. The zoning requires 5,000 sq ft for one or two units in this subdistrict. Because this proposed project contains two units and the lot is 5,608 sq ft, it complies with the minimum lot area requirement.

Plans reviewed: "95 BUSINESS ST TWO-FAMILY CONVERSION AND GARAGE ADDITION" prepared by "HUE ARCHITECTURE" and dated "JUNE 19, 2024." This plan set includes the Plot Plan, Site Plan, Proposed Floor Plans, Proposed Garage Plan & Elevations, Proposed Elevations, Existing Floor Plans, Existing Elevations, and Renders. These plans were not stamped prior to Planning Department review, and so the Planning Department requests that the Board confirm the acceptance and accuracy of the plans during the hearing at the Board of Appeal. If these plans are not accepted, the Planning Department recommends deferral.

**Recommendation:**

In reference to BOA1677952, The Planning Department recommends APPROVAL.

BOA1677952

2025-07-08

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Planning Department

**CITY of BOSTON**

Reviewed,

*Kathleen O'Neil*

Deputy Director of Zoning



<b>Case</b>	BOA1677948
<b>ZBA Submitted Date</b>	2024-12-12
<b>ZBA Hearing Date</b>	2025-07-08
<b>Address</b>	95A Business ST Hyde Park 02136
<b>Parcel ID</b>	1811870000
<b>Zoning District &amp; Subdistrict</b>	Hyde Park Neighborhood 2F-5000
<b>Zoning Article</b>	69
<b>Project Description</b>	New two-story garage with attic storage. This application is in conjunction ALT1616737.
<b>Relief Type</b>	Variance
<b>Violations</b>	Front Yard Insufficient Side Yard Insufficient Rear Yard Insufficient Height Excessive (ft)

#### **Planning Context:**

This project is just outside the study area for the Cleary Square Small Area Plan, which is an ongoing planning and zoning process designed to activate Boston's neighborhood centers and produce needed housing. This project specifically is at the edge of a residential area with mostly detached one and two unit houses. The proposed project is a garage accessory to an existing detached residential building (which is proposed to be converted from one unit to two units on application ALT1616737). The lot is across the street from a light industrial zone which contains large industrial/commercial buildings and outdoor storage areas.

#### **Zoning Analysis:**

Section 69-30.7 of the Zoning Code states that "Accessory Buildings may be erected in a Side or Rear Yard; provided that no such Accessory Building is more than fifteen (15) feet in height, or nearer than four (4) feet to any side or rear Lot line, or closer than sixty-five (65) feet to the front Lot line."

The proposed garage does not comply with zoning because it is 2.7 feet from the rear lot line and 21.2 feet from the front lot line. However, the lot is only about 44 feet deep in this area, and it is therefore not possible to meet the requirement for accessory buildings to be four feet from the rear lot line and 65 feet from the front lot line. Therefore, a variance should be granted under



the conditions of Section 7-3, which states that the Board of Appeal shall grant variances if there are special circumstances including exceptional shallowness.

The proposed garage is also three feet from the side lot line and not the required four feet. However, this location is appropriate because it aligns with the existing curb cut.

The proposed garage is also 20 feet tall and therefore does not comply with the 15 feet height limit for accessory buildings in Yards. However, this additional height allows reasonable use of the garage for both parking and storage.

Plans reviewed: "95 BUSINESS ST TWO-FAMILY CONVERSION AND GARAGE ADDITION" prepared by "HUE ARCHITECTURE" and dated "JUNE 19, 2024."

**Recommendation:**

In reference to BOA1677948, The Planning Department recommends APPROVAL.

Reviewed,

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

Deputy Director of Zoning



<b>Case</b>	BOA1694601
<b>ZBA Submitted Date</b>	2025-02-26
<b>ZBA Hearing Date</b>	2025-07-08
<b>Address</b>	51 Walnut ST Hyde Park 02136
<b>Parcel ID</b>	1809178000
<b>Zoning District &amp; Subdistrict</b>	Hyde Park Neighborhood 2F-5000
<b>Zoning Article</b>	69
<b>Project Description</b>	Demolish the existing 1-story garage on 35 Walnut St, and erect new 4-door garage spanning across the lots of both 35 and 51 Walnut St. Both properties are owned by the applicant.
<b>Relief Type</b>	Variance
<b>Violations</b>	Lot Area Insufficient FAR Excessive Front Yard Excessive Side Yard Insufficient Rear Yard Insufficient Use: forbidden (garage)

**Planning Context:**

51 Walnut St is a mostly square parcel on Walnut Street, a few blocks southeast of Cleary Square in Hyde Park, with a one story garage on it and no other structure. 35 Walnut Street is a vacant parcel currently being used for storage. There is no sidewalk along Walnut Street, which links several residential and storage uses. As part of the Cleary Square Squares + Streets Plan currently underway, this area is being considered for connectivity improvements and infill residential development to improve the short walk to the Fairmount MBTA Commuter Rail Station. The proponent seeks to demolish the existing one-story garage and replace it with a larger four-bay garage spanning the two lots. Given that 35 Walnut is currently used for storage, having such storage be within a garage is an improvement over the open storage on an empty lot, provided that pedestrian accommodations can be provided and existing utility poles at the site accommodated. While garage uses are not allowed in Hyde Park's 2F subdistricts, this is an existing use, and would be an improvement over the open lot. This garage is simple enough that allowing this improvement would not preclude longer-term redevelopment of the site into uses more compatible with residential zoning near a transit station.



**Zoning Analysis:**

Per Article 69, Table B, all non-accessory garage uses are forbidden in 2F districts. While that this use is existing, extending it as a primary use onto the vacant parcel is a new violation. That parcel is already being used for storage, and covering that storage with a garage is an improvement. Relief is appropriate.

**Dimensional Regulations**

This proposal violates most of the dimensional regulations in a 2F-5000 subdistrict, per Article 69, Table B. Zoning requires a front yard of 20', a side yard of 10', a rear yard of 40', an FAR of 0.5 or less, and a minimum lot size of 5000 square feet. This proposal would have a rear yard of 9', a side yard of 1.7', and a front yard of 0'. The existing front yard is already 0'; as previously discussed, there is no sidewalk or pedestrian area currently along Walnut St in this area.

The current side yard is also 0', extending onto the property abutting to the other direction from 35 Walnut, so this is an improvement on that violation. However, there would be a new violation on the 35/51 boundary of Walnut of 0' at the parcel line, and on the far end of 35 Walnut of 3', though this is contextually similar to the current placement of open storage materials across the site. With a proposed 3200 square foot garage over two parcels of 2782 and 1600 square feet, the FAR across both sites would be approximately 0.73, which is a violation on each parcel, and neither parcel meets minimum lot size.

Finally, this site is in the Riverfront Protection Overlay District. Per Section 69-22, given that this garage would add more than 2,000 square feet of building lot coverage, design review is appropriate to address the need to include sidewalk access and improve pedestrian conditions, and to ensure that the proposed construction does not interfere with any utility poles.

**Recommendation:**

In reference to BOA1694601, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review to ensure that pedestrian accommodation is provided by providing a front yard of at least 5 feet free from parking or storage and that any conflict with existing utilities be eliminated.





Planning Department

**CITY of BOSTON**

Reviewed,

*Kathleen O'Neil*

Deputy Director of Zoning



<b>Case</b>	BOA1703539
<b>ZBA Submitted Date</b>	2025-03-26
<b>ZBA Hearing Date</b>	2025-07-08
<b>Address</b>	20 Clare AV Roslindale 02131
<b>Parcel ID</b>	2F-5000
<b>Zoning District &amp; Subdistrict</b>	Roslindale Neighborhood 2F-5000
<b>Zoning Article</b>	67
<b>Project Description</b>	Divide an existing lot into two separate lots, one containing an existing building and one to become a vacant lot for construction.
<b>Relief Type</b>	Variance
<b>Violations</b>	Lot Area Insufficient Lot Width Insufficient FAR Excessive

**Planning Context:**

The proposed project intends to subdivide an existing 9,352 SF lot into one 5,005 SF lot on which a new two-unit residential building will be constructed, and one 4,347 SF lot on which an existing two-unit structure will remain in the Roslindale Neighborhood. Each lot will have a similar lot frontage; the lot with the existing building will have a lot width of 48.50 feet, and the lot to be prepared for construction will have a width of 51.50 feet. The location of the existing driveway to remain on the new lot is such that equally dividing the lots into two with fifty feet of width would render a narrower building space on the new lot. The width of the existing building lot is The new construction is addressed in a separate recommendation, BOA1703489, in which approval with design review is recommended. The proposed project matches the surrounding context, and provides an additional two units of housing where there is presently none. No changes are proposed to the existing structure beyond the lot division. Given the current housing crisis in Boston, approval is recommended for this project, in alignment with the City's planning goals.

**Zoning Analysis:**

The proposed project intends to subdivide an existing lot, measuring 9,352 SF lot into one 5,005 SF lot and one 4,347 SF lot. The smaller of the two lots contains the existing structure, to which



no modifications are proposed. Both parcels are contextual with the surrounding neighborhood, with other similar-style lots on the block ranging from 3,027 SF to 6,360 SF.

**Recommendation:**

In reference to BOA1703539, The Planning Department recommends APPROVAL .

Reviewed,

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

Deputy Director of Zoning



<b>Case</b>	BOA1703489
<b>ZBA Submitted Date</b>	2025-03-26
<b>ZBA Hearing Date</b>	2025-07-08
<b>Address</b>	22 Clare AV Roslindale 02131
<b>Parcel ID</b>	1806704000
<b>Zoning District &amp; Subdistrict</b>	Roslindale Neighborhood 2F-5000
<b>Zoning Article</b>	67
<b>Project Description</b>	Build new two-unit residential structure on a newly-created lot.
<b>Relief Type</b>	Variance
<b>Violations</b>	Parking or Loading Insufficient Additional Lot Area Insufficient FAR Excessive Height Excessive (stories) Usable Open Space Insufficient Rear Yard Insufficient

**Planning Context:**

The proposed project would construct a new two-unit residential building on a newly-created 5,005 SF lot. The new structure will be located on a lot created by the subdivision of an existing 9,352 SF lot into two similar-sized parcels. This subdivision is addressed in a separate recommendation, BOA1703539, in which approval is recommended. The proposed project matches the surrounding context, and provides an additional two units of housing where there is presently none. The proposed project creates two lots of similar size to those in the surrounding neighborhood, with similar yard conditions and building height. Given the current housing crisis in Boston, approval is recommended for this project, in alignment with the City's planning goals. The proposed project is located one block from Hyde Park Avenue, a major bus corridor.

**Zoning Analysis:**

The proposed project contains five dimensional violations: Additional Lot Area Insufficient, FAR Excessive, Height Excessive (Stories), Usable Open Space Insufficient, and Rear Yard Insufficient. Despite these violations, the proposed project aligns contextually with the surrounding neighborhood. The excessive FAR is due, in part, to the usable living space



provided in the basement of the structure. This space allows for the creation of residential units suited to larger family sizes, in line with the City's housing goals.

The proposed project exceeds the maximum number of stories (2.5) for the zoning subdistrict, but not the total height (35 feet) allowed. The addition of the half story is based on the median height of the roof gable, not the absolute height of the building. Thus, the appearance of the structure remains contextual with the surroundings. The rear yard of the proposed structure is in line with the rear of the existing building on the adjacent subdivided parcel. Furthermore, the project parcel is only 93 feet deep. Were the proposed building to follow both the front and rear yard setback dimensional requirements, twenty feet, and forty feet respectively, limited room would remain for substantial housing, well below the depth of most surrounding structures. The proposed project contains usable open space similar to other properties in the neighborhood.

Two parking spots are provided on the proposed project site by an existing driveway to remain. The zoning requirements for parking are two spaces per dwelling unit. Such parking provisions align with the recommended parking maximums by the Boston Transportation Department

**Recommendation:**

In reference to BOA1703489, The Planning Department recommends APPROVAL.

Reviewed,

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

Deputy Director of Zoning



<b>Case</b>	BOA1703702
<b>ZBA Submitted Date</b>	2025-03-26
<b>ZBA Hearing Date</b>	2025-07-08
<b>Address</b>	14 Varney ST Jamaica Plain 02130
<b>Parcel ID</b>	1904712000
<b>Zoning District &amp; Subdistrict</b>	Jamaica Plain Neighborhood 3F-5000
<b>Zoning Article</b>	55
<b>Project Description</b>	Convert attic to finished space to include one bedroom and one full bathroom in the existing one-unit building.
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive

**Planning Context:**

The subject parcel is smaller than average for the surrounding area. The existing building fills most of the lot width, consistent with other properties in the area. The existing building is two and a half stories tall with a pitched roof. This is also consistent with the surrounding area as most structures are two and a half to three stories tall with either pitched or flat roofs.

**Zoning Analysis:**

The project has been flagged for violating Floor Area Ratio (FAR) in the 3F-5000 district. The maximum FAR in the district is 0.6. The existing FAR is 0.87 and is therefore an existing nonconformity. The proposed project will add an additional 400 square feet of living space, increasing the proposed FAR to 1.05 without making any changes to the exterior of the structure. There are several examples of properties within the 3F-5000 district in the surrounding area with FAR greater than 1.05.

This is a case for zoning reform to prevent the need for variance given that no exterior changes are proposed, the proposed FAR is consistent with the surrounding area, and the improvements are well within the right of the owners to invest and improve the property. Plans reviewed "Andrus Residence Attic Renovations" prepared by Philip Russo, dated 1/8/2025.

**Recommendation:**

In reference to BOA1703702, The Planning Department recommends APPROVAL.



Planning Department

**CITY of BOSTON**

Reviewed,

*Kathleen Onuf*

Deputy Director of Zoning



<b>Case</b>	BOA1719658
<b>ZBA Submitted Date</b>	2025-05-09
<b>ZBA Hearing Date</b>	2025-07-08
<b>Address</b>	19 Sherbrook ST West Roxbury 02132
<b>Parcel ID</b>	2008173000
<b>Zoning District &amp; Subdistrict</b>	West Roxbury Neighborhood 1F-6000
<b>Zoning Article</b>	56
<b>Project Description</b>	The proponent seeks to remove the existing simple shed dormer and build a new larger Nantucket style gabled shed dormer on the front side of the house.
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive Front Yard Insufficient Side Yard Insufficient

**Planning Context:**

19 Sherbrook Street is located in the West Roxbury neighborhood district. Most of the surrounding homes are 1.5- to 2.5-story homes on compact, small lots with limited front and side yards. The proponent seeks to remove the existing simple shed dormer and build a new larger Nantucket style gabled shed dormer on the front side of the house, while enclosing a three-season porch.

**Zoning Analysis:**

The proposal currently triggers three zoning violations, two pertaining to setbacks (front yard and side yard) which are existing non-conformities and will not be worsened by the proposal. The 1F-6000 subdistrict requires 20 feet in the front yard, and 10 feet on the side yard. The existing front yard is 9.8 feet, and 6 feet. The third violation is regarding FAR. FAR in this subdistrict is 0.4. The increase in FAR from the existing building is negligible, as it is limited to the dormer. Given that the new dormer will be facing the front of the house, it would be necessary for the project to undergo design review with attention to the size and scale of the new dormer.

**Recommendation:**





In reference to BOA1719658, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review.

Reviewed,

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

Deputy Director of Zoning



<b>Case</b>	BOA1708487
<b>ZBA Submitted Date</b>	2025-04-11
<b>ZBA Hearing Date</b>	2025-07-08
<b>Address</b>	45 Oriole ST West Roxbury 02132
<b>Parcel ID</b>	2002217000
<b>Zoning District &amp; Subdistrict</b>	West Roxbury Neighborhood 1F-6000
<b>Zoning Article</b>	56
<b>Project Description</b>	The proponent is seeking to add a detached garage with a parking spot on the first floor and an in-law suite on the second floor with a bathroom and sitting room.
<b>Relief Type</b>	Variance
<b>Violations</b>	Usable Open Space Insufficient Lot Area Insufficient Lot Width Insufficient Lot Frontage Insufficient Side Yard Insufficient Two or More Dwelling Same Lot

### Planning Context:

The homeowner at 45 Oriole Street is proposing a detached garage at the rear of the property, with a parking space on the ground floor and an in-law suite above that includes a sitting area and bathroom. The goal is to create a flexible space for extended family use, without converting the property into a multi-family home or altering the primary structure.

The property is located in a residential section of West Roxbury. The surrounding area is made up primarily of single-family homes on generously sized lots, many of which include accessory structures. Several nearby properties—such as 103, 113, and 131 Wren Street—have detached garages located at the side or rear of their lots, establishing a clear precedent for this kind of addition in the neighborhood.

This is a clear case for zoning reform. The current code lacks a path for homeowners to adapt homes for family needs. Modest, well-designed additions like this support multigenerational living without disrupting neighborhood character—and align with the City’s goals for more flexible, incremental housing options.



### **Zoning Analysis:**

While this addition has triggered several zoning violations, many some reflect outdated regulations that do not accommodate the needs of today's households.

Regarding the side yard, the existing building has setbacks of 10.8 feet on the north side and 34.2 feet on the south side, where the proponent is proposing to add the new garage. The south side currently functions as a driveway and contains no trees that would be impacted by the new construction. The proposed garage would maintain a reasonable distance from the adjacent neighbor, whose house is set back approximately 11 feet from their own north side yard. The proposed 6 foot side setback is consistent with the surrounding context, where several nearby properties have side yards of similar width. These dimensions reflect the neighborhood's historic development pattern and should not be grounds for denial.

The violations for insufficient lot width and insufficient lot frontage are incorrectly flagged in this case, as the lot measures 77.25 feet in both width and frontage—well above the 60 foot minimum requirement. The proposed detached building is located to the side of the existing structure, with its front wall and main entrance set just a few feet behind those of the primary building. Additionally, the front portion of the new structure will be situated directly over the existing driveway. Together, these conditions ensure that access to the proposed detached building will be straightforward. Similarly, the citation for two or more dwellings on the same lot is less relevant as the in-law suite does not function as a second dwelling unit; it lacks a kitchen and is clearly intended as a temporary accessory living space, such as for extended family or guests.

In the 1F-6000 subdistrict, zoning requires 1,800 square feet of usable open space per dwelling unit. Since the proposal maintains a single dwelling unit, the in-law suite does not constitute a separate unit, and only 1,800 square feet are required. The lot provides well over that amount, and the proposed addition does not meaningfully reduce the usable open space already available.

The property is approximately 9,000 square feet, which is well above the 6,000 square-foot minimum required in the 1F-6000 subdistrict. This is a clear case where the existing lot exceeds zoning requirements, and the proposed addition does not alter the lot area in any way.

### **Recommendation:**

BOA1708487  
2025-07-08  
2 Planning Department



In reference to BOA1708487, The Planning Department recommends APPROVAL.

Reviewed,

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

Deputy Director of Zoning



<b>Case</b>	BOA1695772
<b>ZBA Submitted Date</b>	2025-03-03
<b>ZBA Hearing Date</b>	2025-07-08
<b>Address</b>	7 Tip Top ST Brighton 02135
<b>Parcel ID</b>	2203697000
<b>Zoning District &amp; Subdistrict</b>	Allston/Brighton Neighborhood 2F-5000
<b>Zoning Article</b>	51
<b>Project Description</b>	Renovate an existing 2-story, 2-unit residential building into 3-story, 4-unit building with a new unit in the basement.
<b>Relief Type</b>	Variance
<b>Violations</b>	Parking or Loading Insufficient Lot Area Insufficient Lot Width Insufficient Lot Frontage Insufficient FAR Excessive Height Excessive (stories) Height Excessive (ft) Front Yard Excessive Side Yard Insufficient Rear Yard Insufficient Use: Forbidden

**Planning Context:**

Tip Top Street is a short, one-block residential street connecting Tremont Street to the north and Washington Street to the south. The topography of the area affects the pedestrian experience and the impacts of the buildings on the street - the street slopes down from Tremont to Washington Street, and the parcels on the west side of the street slope downward from the rear lot line to the front lot line. The site is located on the western side of the street and is currently occupied by a 2-story, 2-family building. Due to the topography of the site, there is a significant grade change between the public sidewalk and the front entrance. In result, 12 steps lead up directly from the sidewalk to the front deck, traversing about 8 feet in height and 8 feet in length. The existing building has a front yard of 10 feet 5 inches, side yards of 5 feet 11 inches on the southern side (left) and 4 feet 2 inches on the northern side (right), and 19 feet 8 inches rear yard.



The proposed project would renovate the existing building, add a basement unit, and increase the height to add a fourth unit on a new third floor. The front and side yards would remain the same, but the rear yard would reduce to 14 feet, 4 inches due to rear addition.

Adjacent to the north of the site is a 2.5-story, 2-unit residential building on the corner lot and a 2.5-story, 2-unit residential building to the south. There is great variety in the heights of the 14 buildings that line the street ranging from 1-story to 3.5 stories at the corner of Tip Top and Tremont Streets though most are 2.5 stories. The experience of the building height based on the topography of the street and the parcels themselves. The front yards are relatively consistent with a modal setback of approximately 7 to 10 feet, however the grade change between the public sidewalk and the front entrances creates a variable pedestrian experience as some properties have retaining walls and others do not. The rear yards along the same side of the street as the proposed project are also relatively consistent around 18 to 20 feet.

However, the condition of the parcels abutting these rear yards is varied with some landlocked parcels and others that face Tremont and Washington Streets. The rear yard of the proposed project abuts the rear yard of a property that faces Washington Street.

The side yards along the street vary - some parcels have driveways and others do not. The abutting parcels on either side of the proposed project do not have off-street parking or a driveway. The abutting parcel to the south has similar side yards to the proposed project.

Along Tremont Street within 200 feet of the corner of Tip Top Street and Tremont are two new residential projects, including the recently approved 75 Tremont Street, a 5-story building with 75 residential units.

In terms of plans, the Allston-Brighton Community Plan is in progress and will provide recommendations related to zoning and capital investments. The existing conditions analysis for Oak Square identifies the many community amenities in Oak Square and Tip Top Street as a transitional area between the commercial core and low scale residential. Residential infill such as the proposed project would help ease the transition between the commercial core and lower density residential areas, as well as provide new housing units for new families.

The Allston-Brighton Mobility Plan was adopted in 2021 with the main recommendation of using a pilot project to transform Washington Street and Cambridge Street between Oak Square and Union Square into a transit corridor with bus priority lanes and multimodal improvements.

In addition, the BPDA Allston-Brighton Needs Assessment adopted in 2024, meant to inform the forthcoming Community plan, found housing access and affordability remains a top priority.



The Boston Transportation Department's (BTD) Maximum Parking Ratio Guidelines recommends 0 to 1.0 spaces per unit for rental buildings and 0 to 1.25 spaces for condominium buildings at the location of the proposed project.

The basement unit is partially above grade at the front of the structure as a result of the slope, yet access from the sidewalk requires ascending a set of steps. Based on the materials provided, it is unclear whether accessibility requirements will apply per 521 CMR. Regardless of Building Code requirements, we recommend providing a ramp and accessible route to the basement unit.

Materials reviewed for this recommendation were prepared by SDI Architecture on December 4, 2024 and reviewed by ISD on January 21, 2025.

### **Zoning Analysis:**

Zoning relief is recommended for insufficient lot area, insufficient lot width, insufficient lot frontage, insufficient front yard, and insufficient side yard, as these violations are existing non-conformities that will not be worsened by the project.

The zoning requires 1.75 parking spaces per unit. Currently, the proposed project is non-conforming without any off-street parking spaces. Adding two units will exacerbate this condition. However, given that the proposed project is consistent with BTD's Parking Guidelines, the grade change of the street complicates access, and the need to demolish some of the existing structure to provide off-street parking, zoning relief is recommended.

Similarly, the current FAR of 0.96 is non-conforming and will be worsened by the proposed project, increasing the FAR to 1.76 compared to the zoning maximum of 0.6. The height, yards, and usable open space are more effective tools at shaping the building and its impacts. Given that the FAR is non-conforming and there are other dimensional regulations that more closely regulate massing, zoning relief from FAR is recommended.

The rear yard is also currently non-conforming with the required length of 30 feet and will be worsened by the proposed project reducing from 19 feet, 8 inches to 14 feet, 4 inches.

However, the reduction in the rear yard does not introduce any significant impacts to abutters and allows for the new units to provide family-sized housing with 3 bedrooms and an office.

Given the recent planning focus on housing and creating conditions for new families to locate in the neighborhood, zoning relief is recommended.



The proposed 4-unit residential use exceeds the 1- or 2-unit allowable uses. Given the findings of the Allston-Brighton Needs Assessment, greater housing options is a top priority. Any potential impacts of the higher density use can be mediated by appropriate massing. Each room in the new basement unit has a window - the two bedrooms have full windows enabled by window wells, and the kitchen and office have half-sized windows. Based on further review for consistency with the Building Code, zoning relief is recommended.

Although the basement of the proposed project is almost fully above the grade of the sidewalk, given the slope of the parcel, more than 65% of the basement is below grade. Therefore, based on the Article 2 definition of "ground floor," the basement is below grade, and the proposed project has a height of 3 stories. The proposed height of 3 stories and 36 feet, 9 inches exceeds the maximum zoning height of 2.5 stories and 35 feet. Given the steep grade change of the site, as well as the varied heights in the neighborhood context, zoning relief is recommended.

**Recommendation:**

In reference to BOA1695772, The Planning Department recommends APPROVAL.

Reviewed,

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

Deputy Director of Zoning





<b>Case</b>	BOA1704660
<b>ZBA Submitted Date</b>	2025-03-31
<b>ZBA Hearing Date</b>	2025-07-08
<b>Address</b>	75 Marcella ST Roxbury 02119
<b>Parcel ID</b>	00559000 and 1100558000
<b>Zoning District &amp; Subdistrict</b>	Roxbury Neighborhood 3F-5000
<b>Zoning Article</b>	50
<b>Project Description</b>	Build a new 12 unit residential building in partnership with MOH
<b>Relief Type</b>	Variance
<b>Violations</b>	Height Excessive (ft) FAR Excessive Additional Lot Area Insufficient Height Excessive (stories) Side Yard Insufficient Use (forbidden)

**Planning Context:**

This project was previously reviewed by the Boston Planning Department for the ZBA hearing on June 3, 2025. At that time, the project was deferred. Because no new plans have been submitted, the BPDA's recommendation has remained the same.

The proposed project would combine two parcels into one parcel and construct a new 8-unit 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 planning 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. 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 10-foot side yard setback. The proposed project would have a setback of 10 feet and 12 feet on either side, so this is an improper citation and should be disregarded. This is possibly being triggered since these parcels would be combined as a part of this case, yet the violations treat the previous shared boundary as still existing.

The last three violations are in regards to the density this project proposes. The first is the Multifamily forbidden use. While this proposed project would construct eight units in an area for 3-family residential, 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.

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 will have to undergo design review with the City Planning Department.

Plans reviewed are titled "Residential Development Site #3", prepared by Alan and Major, Associates LLC and dated August 20, 2024.

**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,

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

Deputy Director of Zoning



<b>Case</b>	BOA1704664
<b>ZBA Submitted Date</b>	2025-03-31
<b>ZBA Hearing Date</b>	2025-07-08
<b>Address</b>	86 Marcella ST Roxbury 02119
<b>Parcel ID</b>	1100829000
<b>Zoning District &amp; Subdistrict</b>	Roxbury Neighborhood 3F-5000
<b>Zoning Article</b>	50
<b>Project Description</b>	Build a new 12 unit residential building in partnership with MOH
<b>Relief Type</b>	Variance
<b>Violations</b>	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:**

This project was previously reviewed by the Boston Planning Department for the ZBA hearing on June 3, 2025. At that time, the project was deferred. Because no new plans have been submitted, the BPDA's recommendation has remained the same.

The proposed project is part of the Mayors office of housing as part of the "Highland/Marcella Package 3 & 5" Plan. MOH worked closely with the Boston 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 comprised of 33 parcels on Marcella and Highland Streets. The guidelines established in the 2018 RFP reflected community preferences regarding preferred and acceptable uses.

The proposed project would combine seven parcels into one parcel and construct a new 12-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 planning 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.. This is further supported by the community input.

### **Zoning Analysis:**

The first set of violations is in regards to height. It exceeds the height limits of 3 stories and 41 feet. The proposed project is 42 feet from the ground floor to the roof and includes 4 stories.

The next three violations are in regards to the density this project proposes. The first is the Multifamily forbidden use. While this proposed project would construct twelve units in an area for 3-family residential, this project is combining seven parcels into one new parcel. The 12 proposed units are 9 units below the maximum that both lots would allow to be built as-is.

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. The proposed project is for twelve units on 7,100 square feet of land, or about 600 square feet per unit.

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 next violation flagged for this project is regarding “off-street parking requirements. This is triggered twice, once for the designed maneuverability for the space, and again for having parking in the front yard. However, the project is proposing tandem parking on both sides of the property. This is a common form of parking in the area, and the zoning code is not reflective of the actual neighborhood in question

The project is located in the Roxbury Neighborhood Design Overlay District, and will have to undergo design review with the City Planning Department..

Plans reviewed are titled "255 Highland Avenue Boston, MA (Roxbury)", prepared by Alan and Major, Associates LLC and dated December 12, 2024.

**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,

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

Deputy Director of Zoning

**MEMORANDUM****SEPTEMBER 12, 2024**

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

**FROM:** CASEY HINES, SENIOR DEPUTY DIRECTOR OF DEVELOPMENT REVIEW  
ZOE SCHUTTE, PROJECT ASSISTANT  
ILANA HAIMES, ZONING COMPLIANCE PLANNER II  
DANIELA ESPONOSA, TRANSPORTATION PLANNER  
JILL ZICK, ASSISTANT DEPUTY DIRECTOR OF PUBLIC REALM DESIGN  
ADAM JOHNSON, URBAN DESIGNER

**SUBJECT:** 1274 MASSACHUSETTS AVENUE, DORCHESTER

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**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 1274 Massachusetts Avenue in Dorchester (as defined below, the "Proposed Project"), in accordance with Article 80E, Small Project Review of the City of Boston Zoning Code (the "Code"); (2) execute and deliver an Affordable Rental Housing Agreement and Restriction ("ARHAR"), if necessary, or require the same be executed by and between the Proponent and Mayor's Office of Housing ("MOH"), in connection with the Proposed Project; (3) enter into a Community Benefits Agreement in connection with 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.

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**PROJECT SITE**

The project site consists of an approximately 17,120 square-foot parcel, which will be created by subdividing the applicant's land at 1258-1272 Massachusetts Avenue and consolidating a portion of it with four other parcels owned by the applicant to create the development site (the "Project Site" or "Site"). The existing conditions are composed of multiple empty parcels and one parcel that contains an existing triple-decker.

**DEVELOPMENT TEAM**

The development team includes:

Developer and Applicant:	Doug George Alvan-Mora LLC
Legal Counsel:	George Morancy Adams & Morancy, P.C.
Architecture: RODE Architects Inc.	Michael Dellefave
Landscape:	Marc Mazzarelli Marc Mazzarelli Associates LLC

**PROPOSED PROJECT**

The Proposed Project consists of the redevelopment of a 17,120 square-foot lot at 1274 Massachusetts Avenue in the McCormack neighborhood of Dorchester. The Proposed Project is a mixed-use development consisting of a 6-story building containing 45 residential rental units, approximately 1,756 square feet of ground floor commercial space, a landscaped plaza open to public use, 46 bike storage spaces, and 24 accessory off-street parking spaces located in the building's basement level enclosed parking garage (the "Proposed Project"). The garage will be entered and exited through the existing ramp at 1258 Massachusetts Avenue. The Proposed Project is adjacent to multiple MBTA bus routes. The residential rental units include twenty-one (21) one-bedroom units, twenty-one (21) two-bedroom units, and three (3) duplex-style three-bedroom units.

In designing the building, great care was given to respecting the character and scale of the residential area along Boston Street. As a result, the Proposed Project has been designed to scale down and knit into the existing neighborhood fabric. Using a similar language and palette, the building will offer a larger, glassier massing at the Massachusetts Avenue frontage as a response to the industrial character of the area.

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

<b>Project Metrics Proposed Plan</b>	<b>Proposed Plan</b>
Gross Square Footage	47,705



Gross Floor Area	43,705
<i>Residential</i>	41,949
<i>Commercial</i>	1,756
Development Cost Estimate	\$18,500,000
Residential Units	45
IDP Units	8
Parking spaces	24

### **ARTICLE 80 REVIEW PROCESS**

On July 29, 2024, the Proponent filed a Small Project Review Application (“SPRA”) with the Planning Department for the Proposed Project, pursuant to Article 80E of the Code. The Planning Department sponsored and held a virtual public meeting on August 22, 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 Dorchester neighborhood update list. The public comment period ended on August 28, 2024.

Prior to submission of the SPRA, the project team had conducted significant outreach to local community groups including the McCormack Zoning and the McCormack Civic Association to collect neighborhood feedback and to inform the community of the status of the development proposal.

### **PLANNING AND ZONING CONTEXT**

The Proposed Project encompasses five total parcels across two zoning subdistricts. The site is located within the Dorchester Neighborhood district, pursuant to Article 65 of the Zoning Code. Parcels 0703566000 (247 Boston Street) and 0703567000 (249 Boston Street), both with frontage along Boston Street are located in a Three-Family Residential (3F-5000) subdistrict. Parcel 0703574000, which contains vacant land, is located in a Local Convenience (LC) subdistrict. Additionally, within the Local Convenience subdistrict are two mid-block parcels included within the project scope, 0703570000 and 0703569000.

There are no neighborhood-scale planning initiatives that apply to the location of the Proposed Project. However, citywide planning initiatives provide context for this Proposed Project.

Imagine Boston 2030 and Housing a Changing City: Boston 2030 recommend targeting higher density development to areas *where market rents and housing prices are affordable to the middle class*, such as Dorchester, and to additionally target

increasing density on presently vacant land as is the case with the majority of the proposed development site.

The proposed development adds street trees along the property frontage, in line with cooling needs of the neighborhood. Heat Resilience Solutions for Boston recognizes the Dorchester neighborhood as being at high risk for extreme urban heat and the associated risks. The addition of street trees will aid in cooling the sidewalks, increasing comfort for pedestrians and area residents. Site plans also demonstrate the addition of several trees to the project site within the through block connections, north and south of the building.

Imagine Boston 2030 identifies the area of the Proposed Project as an area where neighborhoods can be enhanced through the creation of contextually responsive development. The massing of the proposed development and the use of stepbacks respond to the call for contextual development by mimicking existing building heights along the respective street frontages, as outlined in Imagine Boston. While the addition of general retail in this area is a forbidden use, the enhanced neighborhoods proposed in Imagine Boston 2030 recommend that neighborhoods have a *mix of uses that meet Bostonians' daily needs*. The use of additional height in the proposed development is contextual with other developments along this area of Massachusetts Avenue. Relief is recommended for the building height, as efforts have been made to limit the caverning effect on the narrower Boston Street through the use of stepbacks.

### **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 an improved pedestrian experience along Boston Street and Massachusetts Avenue 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. 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. These proposed improvements are subject to design review and approval by the Boston Transportation Department (BTD), Public Works Department (PWD), Public Improvement Commission (PIC), and the Planning Department. In addition, the Proponent has agreed to the following:

- A one-time contribution of \$10,000 to Project DEEP, a 501(c)(3) nonprofit educational program, which operates through collaborations with Boston

Centers for Youth & Families, and charitable institutions like The Martin Richard Foundation. The mission of the program is to foster the educational, athletic and social growth and development of middle school children of all races, creeds and ethnic backgrounds throughout the Dorchester community.

- A one-time contribution of \$7,500 to Catie's Closet, a 501(c)(3) non-profit organization that provides clothes, toiletries, and other basic essentials to students living in poverty right within their schools.
- A one-time contribution of \$7,500 to The BASE, an urban academy that uses the power of sports to engage youth in a positive, success-driven culture, providing high-quality sports training and competition, paired with programs for college access, career development, and health & wellness.
- A one-time "bikeshare" contribution of \$12,727 to the Boston Transportation Department ("BTD") per the City of Boston Bike Parking Guideline. (to be made before issuance of the Certificate of Approval).
- The accommodation of 10 visitor bike parking spaces.
- Adding revenue in the form of property taxes to the City of Boston.

The community benefits described above will be set forth in the Community Benefit 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 the City of Boston Inspectional Services Department ("ISD") and will be distributed as outlined above. The Proposed Project and public realm improvements are subject to Planning Department Design Review.

### **INCLUSIONARY DEVELOPMENT POLICY**

The Proposed Project is subject to the Inclusionary Development Policy, dated December 10, 2015 (the "IDP") and is located within Zone B, as defined by the IDP. The IDP requires that 13% of the total number of units within the development be designated as IDP units. In this case, the Proposed Project has committed to providing eight (8) units, or approximately 17.8% of the total number of units within the Proposed Project, to be created as IDP rental units (the "IDP Units"). All eight (8) IDP Units will be made affordable to households earning not more than 70% of AMI, as published annually by the BPDA and based upon data from the United States Department of Housing and Urban Development ("HUD").

The proposed locations, sizes, income restrictions, and rental prices for the IDP

Units are as follows:

Unit Number	Number of Bedrooms	Square Footage	Percentage of AMI	Rent	Group 2 Designation (if any)
103	One-Bedroom	751	70%	\$1,559	
105	One-Bedroom	707	70%	\$1,559	
208	One-Bedroom	630	70%	\$1,559	Group 2
210 *	Two-Bedroom	881	70%	\$1,766	
304	Two-Bedroom	904	70%	\$1,766	
408	One-Bedroom	630	70%	\$1,559	Group 2
410	Two-Bedroom	881	70%	\$1,766	
501	Two-Bedroom	906	70%	\$1,766	

\* The Affirmative Marketing Plan shall consider feasibility for Unit 210 to be marketed with a preference to households with a housing voucher, made affordable to households earning not more than 70% of AMI (albeit households qualifying for such preference may have incomes any amount lower than 70% AMI) and rented up to the rent limit for a 70% AMI IDP Unit notwithstanding use of the marketing preference.

The location of the IDP Units will be finalized in conjunction with BPDA and Mayor's Office of Housing ("MOH") staff and outlined in the ARHAR, and rental prices and income limits will be adjusted according to BPDA published maximum rental prices and income limits, as based on HUD AMIs, available at the time of the initial rental of the IDP Units. IDP Units must be comparable in size, design, and quality to the market-rate units in the Proposed Project, cannot be stacked or concentrated on the same floors, and must be consistent in bedroom count with the entire Proposed Project.

The ARHAR must be executed along with, or prior to, the issuance of the Certification of Approval for the Proposed Project. The Proponent must also

register the Proposed Project with the Boston Fair Housing Commission ("BFHC") upon issuance of the building permit. The IDP Units will not be marketed prior to the submission and approval of an Affirmative Marketing Plan to the BFHC and the BPDA. Preference will be given to applicants who meet the following criteria, weighted in the order below:

1. Boston resident;
2. Household size (a minimum of one (1) person per bedroom); and
3. Voucher holder household (where applicable under the Affirmative Marketing Plan)

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

### **RECOMMENDATIONS**

The Proposed Project complies with the requirements set forth in Section 80E of the Code for Small Project Review. Therefore, staff recommends that the Director be authorized to: (1) issue a Certification of Approval for the Proposed Project; (2) execute and deliver an Affordable Rental Housing Agreement and Restriction ("ARHAR"), if necessary, or require the same be executed by and between the Proponent and Mayor's Office of Housing, in connection with the Proposed Project; (3) enter into a Community Benefits Agreement in connection with 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 1274 Massachusetts Avenue in the Dorchester neighborhood, proposed by Alvan-Mora LLC (the "Proponent"), for the construction of a new six (6) story, 45 unit residential rental building of approximately 6-story building containing 45 residential units, approximately 1,756 square feet of ground floor commercial space, a public landscaped plaza space, 46 bike storage spaces, and 24 accessory off-street parking spaces and improvements in landscaping, pedestrian connectivity, and related public realm improvements in and around the Project Site, consistent with the character and housing needs of the surrounding community (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 eight (8) on-site IDP Units, if necessary, of require the same be executed by and between the Proponent and Mayor's Office of Housing, in connection with the Proposed Project; and

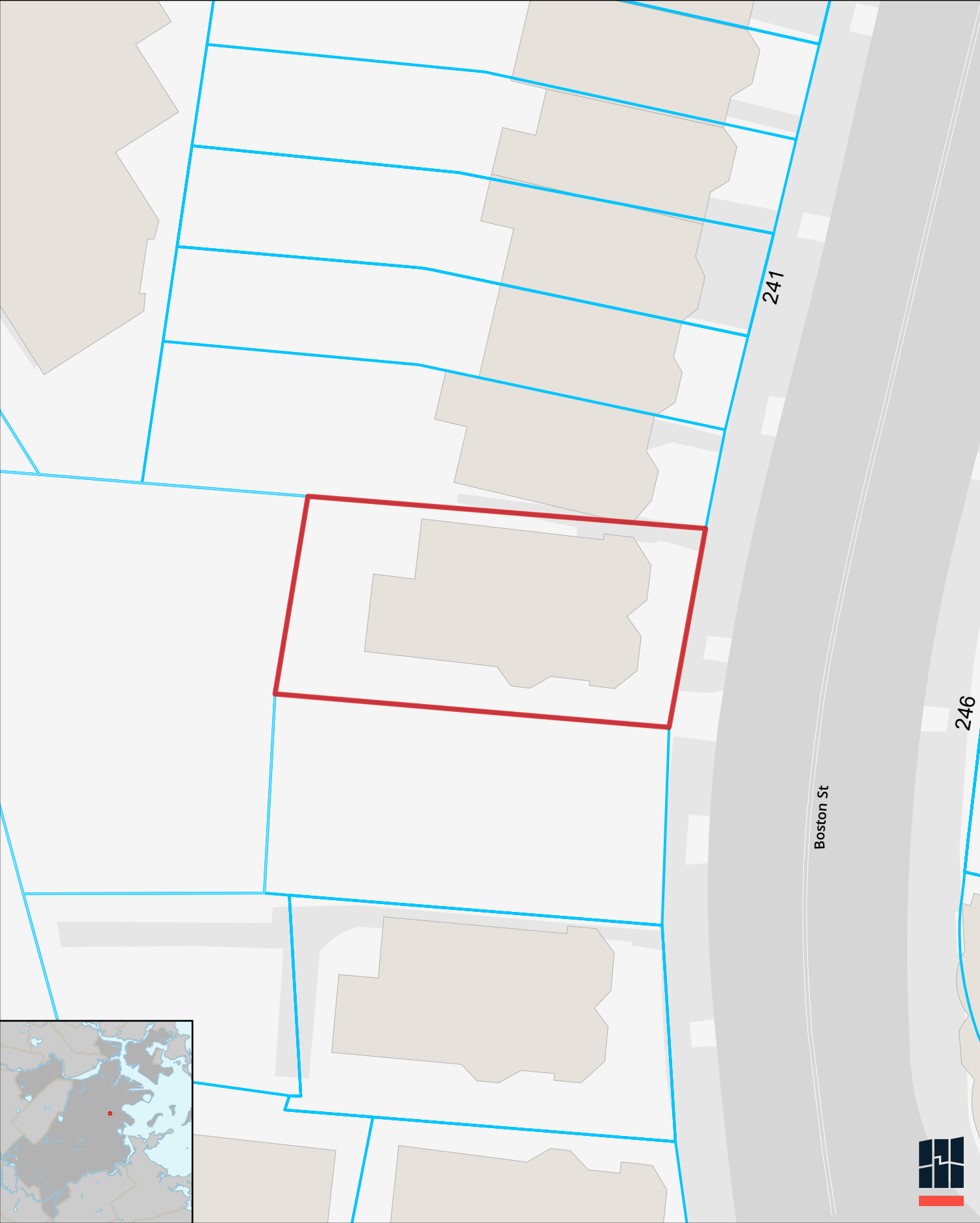
**FURHTER**

**VOTED:** That the Director be, and hereby is, authorized to enter into a Community Benefits Agreement, 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.

# 1274 Massachusetts Avenue

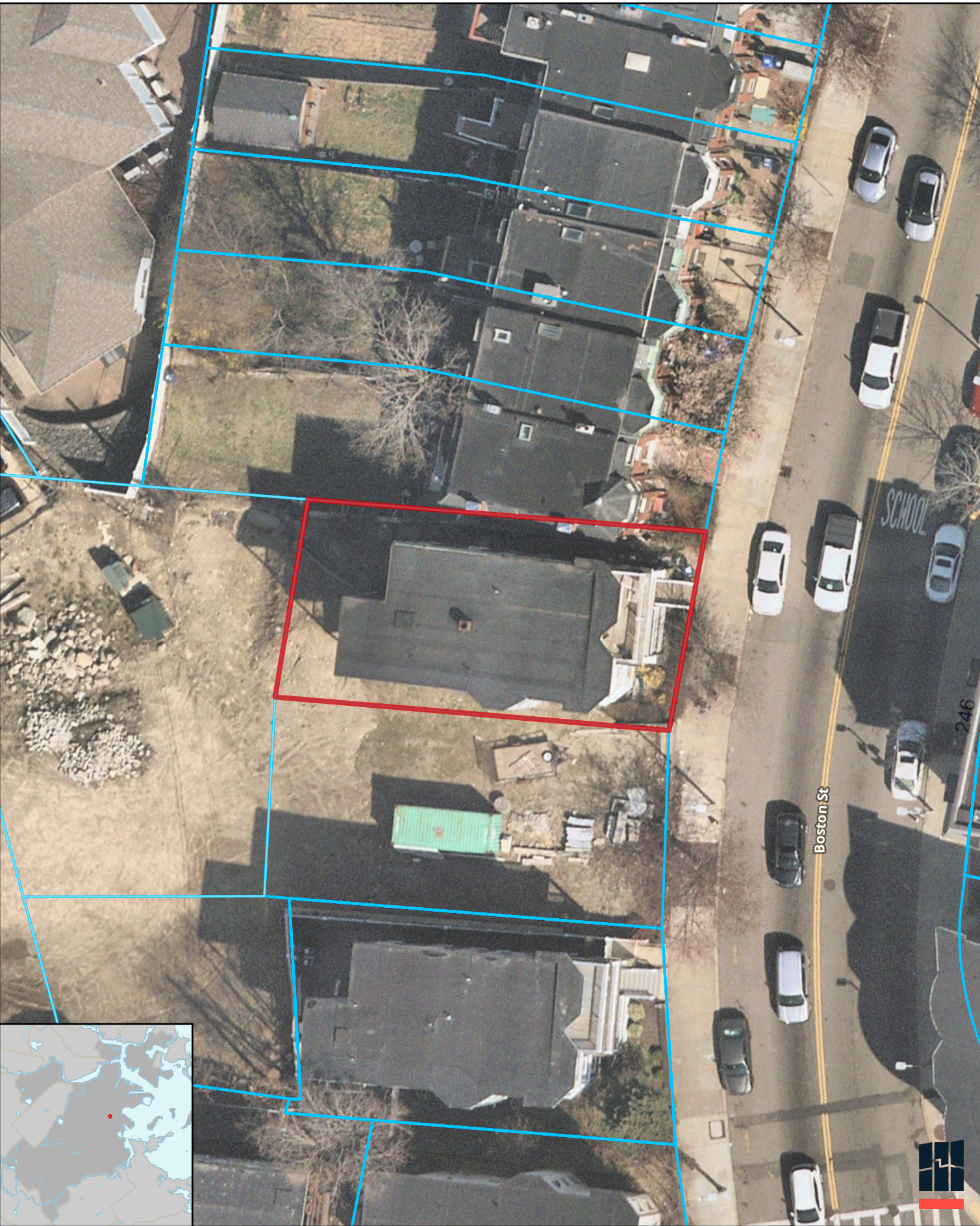


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1274 Massachusetts Avenue





**MEMORANDUM****APRIL 10, 2025**

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

**FROM:** CASEY HINES, DEPUTY DIRECTOR FOR DEVELOPMENT REVIEW  
DANIEL POLANCO, PROJECT MANAGER  
BREEZE OUTLAW, SENIOR URBAN DESIGNER  
HARSHIKA BISHT, SENIOR SUSTAINABLE DESIGN REVIEWER  
MICHELLE YEE, PLANNER I

**SUBJECT:** 83 LEO M. BIRMINGHAM PARKWAY, BRIGHTON

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**SUMMARY:** This Memorandum requests that the Boston Redevelopment Authority ("BRA"), d/b/a Boston Planning & Development Agency ("BPDA") authorize the Director of the BPDA (the "Director") to (1) issue a Scoping Determination waiving the requirement of further review pursuant to Article 80B-5.3(d) of the Boston Zoning Code (the "Code") for the project located at 83 Leo M. Birmingham Parkway in the Allston neighborhood of Boston (as further described below, the "Proposed Project"); (2) issue one or more Certifications of Compliance or Partial Certifications of Compliance for the Proposed Project pursuant to Section 80B-6 of the Code, upon successful completion of the Article 80 review process, subject to continuing design review by the BPDA; and (3) take any and all actions and execute any and all documents deemed necessary and appropriate by the Director in connection with the Proposed Project and the Development Plan, including, without limitation, executing and delivering a Cooperation Agreement and an Affordable Rental Housing Agreement and Restriction.

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**PROJECT SITE**

The Proposed Project Site is comprised of an approximately 88,583 square foot (+/- 2.03 acres) site located at 83 Leo M. Birmingham Parkway, with frontage also along Soldiers Field Place, in the Allston neighborhood of Boston (the "Project Site") which is owned by 83 Leo Property Owner LLC, a Massachusetts limited liability company, an affiliate of The Nordblom Development Company (the "Proponent"). The Proponent proposes to demolish the existing commercial building and construct an approximately 333-unit, approximately 363,150 square foot 8-story (from Soldiers Field Place - 6 stories above Leo M. Birmingham Parkway) residential building with an internal parking garage containing approximately 175 parking spaces, internal loading space, and resident amenity spaces (the "Project" or the "Proposed Project").

**PROJECT PROPONENT**

The Proponent of the Proposed Project is The Nordblom Development Company ("Nordblom") and an entity affiliated with Nordblom, 83 Leo Property Owner LLC, which owns the Project Site.

The development team includes the following (collectively, the "Project Team"):

Proponent:	<u>The Nordblom Development Company</u> 71 Third Avenue Burlington, MA 01803 Todd Nordblom, President Todd Fremont-Smith, Senior Vice President
Architect	<u>Stantec Architecture and Engineering, P.C.</u> Tamara Roy Mark Soltysiak
Landscape Architect:	<u>Copley Wolff Design Group, Inc.</u> Ian Ramey Sabrina Miller
Legal Counsel:	<u>Pierce Atwood LLP</u> Paula M. Devereaux, Esq.
Permitting Consultant:	<u>Epsilon Associates, Inc.</u> David Hewett, Emma Marcou

Civil Engineer:	<u>Howard Stein Hudson</u> Rick Latini
Sustainability:	<u>Stantec Sustainability</u> Harry Flamm
Transportation:	<u>Howard Stein Hudson</u> Brian Beisel
Geotechnical:	<u>G&amp;I Consultants</u> Stephen E. Sarandis, Ryan Hoffman
MEP:	<u>RW Sullivan Engineering</u> Dorian Alba

**PROJECT DESCRIPTION AND PROGRAM**

The Proposed Project involves the demolition of the existing building, along with the radio tower, on the Project Site and the new construction of an approximately 333-unit multi-family building consisting of an assemblage of various height elements and approximately 175 below-grade parking spaces for residents. The residential rental units include approximately one-hundred eleven (111) studio units, one-hundred sixty-four (164) one-bedroom units, fifty-one (51) two-bedroom units, and seven (7) three-bedroom units. The building is positioned toward the western and northern boundary of the Project Site to maintain the existing treed, “urban wild” along Leo M. Birmingham Parkway and maximize south-facing open spaces and view corridors. The open spaces will include landscaping, public seating, a dog run, and an amenity courtyard screened from Leo M. Birmingham Parkway by landscaping. The building is approximately six stories above Leo M. Birmingham Parkway at approximately 65 feet in height and approximately eight stories above Soldiers Field Place at approximately 92 feet in height. The Proposed Project takes advantage of the grade change at the Project site to frame the urban wild and create a south-facing courtyard. Site access for back-of-house functions and loading will be from Soldiers Field Place, while the garage parking will be accessed from an existing roadway curb cut along Leo M. Birmingham Parkway. Adjacent to Leo M. Birmingham Parkway, a landscaped area with a BlueBike station will highlight the multimodal entrance to the Proposed Project.

The table below summarizes the Proposed Project's overall program:

<b><u>Estimated Project Metrics</u></b>	<b>Proposed Plan</b>
<b>Gross Square Footage</b>	363,150
<b>Gross Floor Area</b>	308,133
<i>Residential</i>	277,313
<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>	61,640
<b>Development Cost Estimate</b>	\$115,000,000
<b>Residential Units</b>	333
<i>Rental Units</i>	333
<i>Ownership Units</i>	0
<i>IDP/Affordable Units</i>	52+
<b>Parking spaces</b>	175

**ARTICLE 80 REVIEW PROCESS**

On August 2, 2022, the Proponent filed a letter of intent in accordance with the BPDA's policy regarding the Provision of Mitigation by Development Projects in Boston and an Impact Advisory Group was finalized on November 13, 2024.

The Proponent filed a Project Notification Form ("PNF") on August 23, 2024, which initiated a public comment period that concluded on January 31, 2025. Notice of receipt of the PNF by the BPDA was published in the Boston Herald on June 24, 2024, and the notice and PNF were made available to the City's public agencies/departments and elected officials pursuant to Section 80A-2 of the Code. Additionally, the PNF was made available to IAG members.

Pursuant to Section 80B-5.3 of the Code, a Scoping Session related to the PNF was held with the City's public agencies and elected officials to review and discuss the Proposed Project on October 2, 2024. On September 19, 2024, a virtual IAG meeting was held and was listed on the BPDA website. An additional virtual IAG meeting was held on January 23, 2025 which was noticed on the BPDA website. On September 19, 2024, a virtual public meeting was held. The virtual public meeting was advertised as well as listed on the BPDA website.

The Project Proponent also had meetings with community groups, MA Department of Conservation & Recreation ("DCR"), as well as elected officials.

The Proposed Project received Boston Civic Design ("BCDC") approval on January 7, 2025, and its Affirmatively Further Fair Housing ("AFFH") Assessment Component received approval from the Boston Interagency Fair Housing Development Committee on January 27, 2025.

In addition to the above-mentioned meetings, the Proponent and the BPDA also undertook community outreach efforts and participated in a series of meetings before and during the Article 80B review process with several community groups, and local elected officials to discuss the Proposed Project and solicit feedback.

**PLANNING AND ZONING CONTEXT**

The Proposed Project at 83 Leo Birmingham Parkway is located in the Allston-Brighton Neighborhood Zoning District's Western Avenue/Soldiers Field Road Community Commercial (CC-1) Subdistrict, governed by Article 51 of the Zoning Code. It is also in the Leo M. Birmingham Parkway Greenbelt Protection Overlay District (GPOD). This portion of Leo Birmingham Parkway is characterized by its proximity to the Charles River along with mixed-use and residential properties that line both Leo Birmingham Parkway and Soldiers Field Place. The proposed residential building aligns well with the built environment of this area.

The Proposed Project also falls within the study area of the Allston-Brighton Needs Assessment, adopted by the BPDA Board in January 2024. While this planning process did not yield zoning, it did provide staff with insight relevant to the review of the Project, including the need for housing that is affordable. The Proposed Project aligns with this goal by providing 52 units of income-restricted housing.

Leo Birmingham Parkway has also been the focus of several planning efforts including the 2018 BPDA Western Avenue / Birmingham Parkway / Soldiers Field Road Intersection & Corridor Improvement Plan, the 2020 Department of Conservation & Recreation (DCR) Parkways Master Plan, and the ongoing Leo M. Birmingham Parkway Reconstruction. These plans envision an interconnected network of walkways and bikeways throughout metro Boston. One of the ways this vision was enacted was through the repurposing of two travel lanes on the east-west portion of Leo Birmingham Parkway. By reducing vehicular lanes, this will create new access to the Charles River Reservation, improve traffic safety, and reclaim park land through a multi-use path. Additionally, the north-south portion of Leo Birmingham Parkway is also undergoing improvements in coordination with adjacent development and the DCR. This project aligns with these goals as the Leo Birmingham Parkway entrance was specifically designed to complement the DCR planned multi-use path for Leo Birmingham Parkway.

While the Proposed Project will need variances for dimensional regulations such as height and FAR, the Proposed Project will create a pedestrian boardwalk that will connect the lower elevation of Soldiers Field Place with the higher elevation on Leo Birmingham Parkway to help enhance the pedestrian experience that is consistent with the local planning context. Additionally, the Proposed Project is also subject to Parks Design Review due to Ordinance 7.4-11 due to its close proximity to the Charles River Reservation.

**ZONING**

The Project Site is located within the Western Avenue/Soldiers Field Road Community Commercial (CC-1) District as shown on Map 7 and is governed by Article 51 of the Code. The Greenbelt Protection Overlay District is applicable to the Project Site. Zoning relief from the Board of Appeal will be required for the Proposed Project.

**PUBLIC BENEFITS AND MITIGATION**

As will be further defined in the Cooperation Agreement, the Proposed Project will provide the following benefits for the city and neighborhood:

- Transform an underutilized site to new housing and public realm improvements, enumerated below
- Design and construct a new pedestrian “boardwalk” connecting the lower elevation of Soldiers Field Place with the higher elevation Leo F. Birmingham Parkway.
- Preserve and improve the existing “grove” of trees on the slope of the Project Site along Leo F. Birmingham Parkway.
- Generate increased real estate taxes and building permit fees. **Increased Housing Supply and Affordability**
- Provide fifty-two (52) income-restricted units (15.61% of total units, and 17.14% of total residential leasable square footage) of much needed housing supporting the City of Boston’s goal of increasing the housing supply with the percentage of affordable dwelling units and the size of those units increased from the 13% minimum requirement.

**Improved Pedestrian Environment, Mobility and Transportation, and Public Realm Improvements**

- Provide a connection from Soldiers Field Place to Leo M. Birmingham Parkway at a design/build cost of approximately \$1,000,000.00.

- Preserve and enhance the 12,000 SF of existing urban wild with the removal of invasive species and trees and planting installation of more than 100 new native trees site wide.
- Enhance the public realm experience through a publicly accessible parkway plaza, increase tree canopy to mitigate heat island effect, new seating, and landscaped buffer with new sidewalk adjacent to DCR's multi-use path near the Project drop-off area along Leo M. Birmingham Parkway.
- Provide Complete Streets sidewalks along Soldiers Field Place.
- Provide 45,177 SF (2.7 times the required amount of open space) on the Project Site (51% of Project Site area) with approximately 8,420 SF of accessible public realm open space that includes landscaping and amenities.
- Provide a new 19-dock BlueBikes station adjacent to the main entrance of the Proposed Project along Leo M. Birmingham Parkway at an approximate cost of \$92,500.00.
- Provide secure interior bicycle storage.
- Lessen congestion on Soldiers Field Place by providing for interior loading and resident pick-up/drop-off along Leo M. Birmingham Parkway.
- Provide transportation demand management program consistent with City of Boston's Transportation Demand Management point systems policy.
- Coordinate with Boston Transportation Department ("BTD") and DCR, if necessary, to implement parking regulation improvements along Soldiers Field Place. These improvements may include the installation of appropriate signage and pavement markings aimed at clarifying legal parking areas and improving pedestrian safety and circulation along Solders Field Place including near Soldiers Field Road intersection. The site design along Leo M. Birmingham Parkway will be coordinated with the DCR multi use path. In addition, the eastern edge of the Project Site will be designed to coordinate with ongoing efforts to locate a bus stop along the north/south portion of Leo M. Birmingham Parkway.
- Public Improvement Commission ("PIC") actions anticipated include Specific Repairs. Specific Repairs scope includes: multi-use path; sidewalk;



planting beds and trees; (1) curb cut; (1) active curb; bluebike station; non-standard paving; planting island at the cul-de-sac. 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. These proposed improvements are subject to design review and approval by the Boston Transportation Department (BTD), Public Works Department (PWD), Public Improvement Commission (PIC), and the Planning Department. The Proponent should anticipate returning to the Planning Department following BPDA Board approval to review updates with the Article 80 Development Review team prior to submitting materials to PIC.

### **Sustainable Design/Green Building**

- The Proposed Project will be designed to Passive House standards for superior energy efficiency and indoor thermal comforts.
- In support of Boston's carbon-neutral goals, the Proposed Project will be designed and constructed to be Zero Net Carbon Ready, LEED v4.1 Gold / 61 points certifiable, with a Building 2035 pCEI of 0.8 kg CO<sub>2</sub>e/sf-yr with PV
- All-Electric building, with zero emissions. The proposed building will include a well-insulated air-tight enclosure and all-efficient-electric heat pump space conditioning and DHW heating systems with energy recovery ventilation and all-electric EnergyStar-rated appliances.
- The Proposed Project will install approximately 95 kW solar PV with the final amount determined by Design Filing and will purchase 100% renewable electricity for common building loads and setting up residential meters using the Boston Community Choice Electricity Program's "Green 100" option (100% renewable) while informing new residents of the building's green features, the benefits of using renewable electricity, and their ability to opt down or out at any time at no cost.
- The project team will be specifying low-embodied carbon concrete for structural portions and will aim to specify more materials and products with low-carbon content.
- Existing urban wild, new plantings, and permeable grade surfaces assist with stormwater infiltration to mitigate flooding.

- Provide 200% increase in pervious surface coverage over existing conditions.

**Smart Utilities**

- Impervious area within the Project Site to be mitigated by an on-site stormwater retention and/or management system.
- Ongoing review of permeable pavers, if use, within the right of way.
- Verification of compliance with the City of Boston Electric Vehicle Readiness Policy for New Developments, including EV chargers and needed infrastructure.
- The project's compliance to 1.25" of infiltration per square inch of impervious development as indicated in the Smart Utilities checklist.
- Review of horizontal infrastructure and landscape features to ensure proper distances have been maintained from tree-pits and relevant green infrastructure.
- A plan to address relevant conflicts reported through COBUCS if/as relevant. The project team and the contractor will continue to work with BTD and Smart Utilities as needed.
- The project's Smart Street Light integration. The project team shall include city shadow conduit in accordance with sidewalk reconstruction and PIC review. This includes review of broadband, fiber optic cabling, and shadow conduit in order to preserve broadband equity and other dependent smart technologies.

**AFFIRMATIVELY FURTHERING FAIR HOUSING**

The Proposed Project will incorporate the following Affirmatively Further Fair Housing Interventions:

Article 80 Interventions:

- Provide more affordable units than required and offer larger affordable units
- Provide more Group-2 accessible IDP units than required

- Provide all IDP units on-site
- Provide a greater number of 2+ BR units

Access and Marketing Interventions:

- Provide a preference to rental voucher-holders for 6 units and develop marketing and tenant selection policies and procedures that are least likely to exclude voucher-holders
- Agree to follow best practices related to the use of CORI, eviction, and credit records in the tenant screening and selection process; and
- Agree to best practices in marketing the market-rate units that are inclusive of and welcoming to members of protected classes.

### **INCLUSIONARY DEVELOPMENT POLICY**

The Proposed Project is subject to the Inclusionary Development Policy, dated December 10, 2015 (“IDP”), and is located within Zone B, as defined by the IDP. The IDP requires that 13% of the total number of units within the development be designated as IDP units. In this case, the Proposed Project has committed to providing fifty-two (52) units, or approximately 15.62% of the total number of units within the Proposed Project, or approximately 17.14% of residential leasable square footage, to be created as IDP rental units (the “IDP Units”). Two (2) IDP Units will be made available to households with incomes not more than 50% of AMI, as published annually by the BPDA and based upon data from the United States Department of Housing and Urban Development (“HUD”), three (3) units will be made available to households with incomes not more than 60% of AMI, thirty-nine (39) units will be made available to households with incomes not more than 70% of AMI, and eight (8) units will be made available to households with incomes not more than 100% of AMI.

The proposed locations, sizes, income restrictions, and rental prices of the IDP Units are as follows:

<b>Unit Number</b>	<b>Number of Bedrooms</b>	<b>Unit Size (Sq Ft)</b>	<b>Percent of AMI</b>	<b>Rent</b>	<b>Group-2</b>
107	One-Bedroom +	677	70%	\$1,621	
124 **	Two-Bedroom	893	100%	\$2,670	
206	Two-Bedroom	893	70%	\$1,837	

# BOARD APPROVED

30

210	Studio	476	70%	\$1,383	
244	Studio	527	70%	\$1,383	
311	Studio +	525	50%	\$967	
347	One-Bedroom	571	70%	\$1,621	
350	One-Bedroom +	683	70%	\$1,621	
360 **	Two-Bedroom	961	100%	\$2,670	
361	Two-Bedroom	855	70%	\$1,837	Group-2A
367	One-Bedroom	594	60%	\$1,378	
380	One-Bedroom	622	70%	\$1,621	Group-2A
404	One-Bedroom +	648	70%	\$1,621	
412	Three-Bedroom	1,135	70%	\$2,057	
422 **	One-Bedroom +	643	100%	\$2,351	Group-2A
426	Two-Bedroom	957	70%	\$1,837	
473	One-Bedroom +	677	70%	\$1,621	
479	Two-Bedroom	893	70%	\$1,837	
482	Two-Bedroom	957	70%	\$1,837	
509	Studio +	500	70%	\$1,383	
523	Studio	476	70%	\$1,383	
531	Two-Bedroom	1,010	70%	\$1,837	Group-2A
543	One-Bedroom +	739	70%	\$1,621	2A & Sensory
550	One-Bedroom +	683	70%	\$1,621	
563	One-Bedroom	615	60%	\$1,378	
574	Studio +	550	70%	\$1,383	
579 **	Two-Bedroom	893	100%	\$2,670	
583	One-Bedroom +	807	70%	\$1,621	
622	One-Bedroom +	643	100%	\$2,351	2A & Sensory
627	Studio +	500	70%	\$1,383	
631	Two-Bedroom	1,010	70%	\$1,837	
645	Studio	527	100%	\$2,009	
651	One-Bedroom +	783	70%	\$1,621	
661	Two-Bedroom	855	70%	\$1,837	
667	One-Bedroom	594	70%	\$1,621	
672	One-Bedroom	641	70%	\$1,621	
680	One-Bedroom	622	70%	\$1,621	Group-2A
706	Two-Bedroom	893	70%	\$1,837	
712	Three-Bedroom	1,135	70%	\$2,057	
724 **	Two-Bedroom	893	100%	\$2,670	

729	Studio +	525	70%	\$1,383	
748	Studio +	532	60%	\$1,175	
760	Two-Bedroom	961	70%	\$1,837	
765	Studio +	532	70%	\$1,383	Group-2A
778	Studio	491	70%	\$1,383	Group-2A
803	Studio	476	70%	\$1,383	
820	One-Bedroom +	801	70%	\$1,621	
826	Two-Bedroom	957	70%	\$1,837	Sensory
840	One-Bedroom +	780	70%	\$1,621	
852	One-Bedroom +	805	70%	\$1,621	
862	One-Bedroom	581	50%	\$1,135	
881 **	Two-Bedroom	855	100%	\$2,670	

\*\* The Affirmative Marketing Plan shall include a provision for the six (6) denoted units to be marketed with a preference to households with a housing voucher, made affordable to households earning not more than 100% of AMI (albeit households qualifying for such preference may have incomes any amount lower than 100% AMI) and rented up to the rent limit for a 100% AMI IDP Unit notwithstanding use of the marketing preference.

The location of the IDP Units 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 the BPDA published maximum rents and income limits, as based on HUD AMIs, available at the time of the initial rental of the IDP units. IDP units must be comparable in size, design and quality to the market rate units in the Proposed Project, cannot be stacked or concentrated on the same floors, and must be consistent in bedroom count with the entire Proposed Project.

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

- (1) Boston resident;

- (2) Household size (a minimum of one (1) person per bedroom);  
and
- (3) Voucher holder household (where applicable under the  
Affirmative Marketing Plan)

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

### **RECOMMENDATIONS**

Based upon the foregoing, BPDA staff recommends that the Board, after due consideration of the filing submissions, written and oral comments, and meetings held regarding the Proposed Project, authorize the Director to: (1) issue a Scoping Determination waiving the requirement of further review pursuant to Article 80B-5.3(d) of the Code for the Proposed Project; (2) issue one or more Certifications of Compliance or Partial Certifications of Compliance for the Proposed Project pursuant to Section 80B-6 of the Code, upon successful completion of the Article 80B Large Project Review process; and (3) to take any and all actions and execute any and all documents deemed necessary and appropriate by the Director in connection with the Proposed Project, including, without limitation, executing and delivering a Cooperation Agreement and an Affordable Rental Housing Agreement and Restriction.

Appropriate votes follow:

**VOTED:** That the Director be, and hereby is, authorized to issue a Scoping Determination under Article 80B-5.3(d) of the Boston Zoning Code (the

“Code”) in connection with the proposed project located at 83 Leo M. Birmingham Parkway in the Allston neighborhood of Boston (the “Proposed Project”), which (i) finds that the Project Notification Form submitted on August 23, 2024 adequately describes the potential impacts arising from the Proposed Project, and provides sufficient mitigation measures to minimize these impacts; and (ii) waives further review of the Proposed Project under subsection (d) of Article 80B-5.3 of the Code, subject to continuing design review by the BPDA; and

**FURTHER**

**VOTED:** That the Director be, and hereby is, authorized to issue one or more Certifications of Compliance or Partial Certifications of Compliance pursuant to Section 80B-6 of the Code for the Proposed Project, upon successful completion of the Article 80B Large Project Review process; and

**FURTHER**

**VOTED:** That the Director be, and hereby is, authorized to take any and all actions and execute and deliver any and all documents and agreements deemed necessary and appropriate by the Director in connection with the Proposed Project, including but not limited to, executing a Cooperation Agreement and an Affordable Rental Housing Agreement and Restriction in connection with fifty-two (52) on-site Inclusionary Development units; all documents to be upon terms and conditions determined to be in the best interests of the BRA.

# 83 Leo M. Birmingham Parkway





# 83 Leo M. Birmingham Parkway







## Boston City Council

LIZ BREADON

Councilor – District 9

TRANSMITTED VIA EMAIL

April 10, 2025

Ms. Priscilla Rojas  
Chair, BPDA Board  
Boston Planning & Development Agency  
One City Hall Plaza  
Boston, MA 02201

*RE: 83 Leo Birmingham Parkway- Letter of Support*

Dear Chair Rojas:

As the City Councilor for District 9, I would like to express my strong support for the 83 Leo Birmingham Parkway project (the 'Project') proposed by the Nordblom Development Company (the 'Proponent') in the Brighton neighborhood of Boston.

With this project, the Proponent has proposed to construct a multifamily residential project approximately 363,150 GSF in size that will include 333 rental housing units. The proposed project will also include associated open space, residential amenities, and landscaping improvements.

My reasons for support of this project include the following:

- *Housing Component:* The 83 Leo Birmingham project site is located in an area of North Brighton that has long been cut off from the rest of the neighborhood by such roadways as the Mass Pike and Leo Birmingham Parkway. With several new residential developments currently underway in the vicinity, I believe that this area can be a key area of growth for Brighton in the coming years. I appreciate that this project will create 333 units of much needed rental housing in this location.
- *Project Affordability:* The project exceeds the requirements of the City's Inclusionary Development Policy ('IDP') and will include 52 income-restricted IDP rental units made available at Area Median Incomes ranging from 50% to 100%. The Proponent has agreed to provide a preference for housing voucher holders for 6 of the included on-site IDP units as part of the project's Affirmative Marketing Plan. I appreciate the significant number of income-restricted units that will be created by this project.
- *Open Space and Public Realm Improvement:* The proposed project will include approximately 45,177 SF of on-site open space, ~8,420 SF of which will be publicly accessible. Significantly, the Proponent has designed the proposed project so as to retain the 'urban wild' that currently exists along Leo Birmingham Parkway. I appreciate the Proponent's commitment to preserve and enhance this wooded area.
- *Improved Neighborhood Connectivity:* As stated previously, the proposed project is located in a section of Brighton that has long been isolated from the rest of the neighborhood due to such



## Boston City Council

**LIZ BREADON**

*Councilor – District 9*

factors as roadway layout. As part of this project's benefits and mitigation package, the Proponent has agreed to construct a new pedestrian boardwalk that will serve to connect Soldiers Field Place and Leo Birmingham Parkway. Creation of this boardwalk will improve connectivity for residents and is a major benefit for all Allston-Brighton community members. Additionally, installation of this boardwalk will complement the Department of Conservation and Recreation's ongoing improvements to Leo Birmingham Parkway.

Finally, I would like to thank the Proponent for responsiveness throughout this process. I appreciate the extensive community engagement and coordination efforts conducted by the Proponent.

Provided that all agreed-upon mitigation measures and benefits are documented in the project's Cooperation Agreement, I support this project.

Sincerely,

Liz Breadon  
Boston City Councilor  
District 9, Allston-Brighton

cc: Casey Hines, Deputy Director of Development Review, City of Boston Planning Department  
Jeffrey Thomas, Communications and Intergovernmental Relations Specialist, City of Boston Planning Department  
Daniel Polanco, Project Manager, City of Boston Planning Department

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

**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  
SCOTT SLARSKY, URBAN DESIGNER  
JAMES FITZGERALD, TRANSPORTATION PLANNER  
TYLER ROSS, PROJECT MANAGER

**SUBJECT:** NOTICE OF PROJECT CHANGE FOR THE ISQ 3 PROJECT AT 20 AND 22 DRYDOCK AVENUE (ALSO KNOWN AS 331-339 NORTHERN AVENUE).

**SUMMARY:** This Memorandum requests that the Boston Redevelopment Authority (“BRA”) d/b/a Boston Planning & Development Agency (“BPDA”) authorize its Director: (1) to issue a Determination waiving further review (the “Determination”) pursuant to Section 80A-6 of the Boston Zoning Code (the “Code”) in connection with the Notice of Project Change (“NPC”) filed by 22 Drydock LLC (the “Proponent”) on September 4, 2024, regarding the ISQ 3 Project at 20 and 22 Drydock Avenue (aka 331-339 Northern Avenue) (the “Revised Project”); (2) to issue one or more Certifications or Partial Certifications of Compliance for the Revised Project under Section 80B-6, upon successful completion of the Article 80 review process; and (3) to take any and all actions and execute any and all documents deemed necessary and appropriate by the Director in connection with the foregoing including, without limitation, executing and delivering an amendment to the Cooperation Agreement dated April 17, 2024.

**PROJECT SITE**

Following a Request for Proposals (the “RFP”) process the BPDA Board voted to give Tentative Designation status to 22 Drydock, LLC, a joint venture between Related Beal, Boston Real Estate Inclusion Fund, and Kavanagh Advisory Group, to enter into lease negotiations to undertake the ISQ 3 Project at 20 and 22 Drydock Avenue (aka 331-339 Northern Avenue), and corresponding to Parcels G, G-1, and H, with a

total area of approximately 82,874 square feet ("sf"), on property that is owned by the Economic Development and Industrial Corporation of Boston ("EDIC") and located within the Raymond L. Flynn Marine Park ("RLFMP") in South Boston (the "Project Site").

Located directly across Northern Avenue from the Project Site is a complete and occupied research laboratory / office building, known as Innovation Square 2 ("ISQ 2"), which has an address of 316-318 Northern Avenue a.k.a. 6 Tide Street ("316-318 Northern Avenue"). Vertex Pharmaceuticals ("Vertex") occupies ISQ 2.

### **DEVELOPMENT TEAM**

The development team includes:

**Proponent:** 22 Drydock LLC  
Kim Sherman Stamler  
Steve Faber  
Craig Wood  
Lindsay Knutson

**Subtenant:** Vertex Pharmaceuticals  
Charles Pappalardo  
Sean McFaul  
Dan Baxter  
Kelly Kurlbaum

**Project Architect:** SGA  
Joseph Mamayek  
Tony Morra  
Charles Hergueter  
  
DREAM Collaborative, LLC  
Troy Depeiza

**Landscape Architect:** Ground, Inc.  
Shauna Gillies-Smith  
Cesare Cascella

**Permitting Consultant,**

**Cultural Resources:** Epsilon Associates  
Geoff Starsiak  
Erik Rexford  
Fiona Vardy

**Transportation**

**Consultant:** Nitsch Engineering  
Bryan Zimolka

**Site/Civil Engineer:** Nitsch Engineering  
Chris Hodney

**Sustainability**

**Consultants:** WSP  
Lisa Joelle Jahn  
Niknam Khosravani Fard

Soden Sustainability Consulting  
Colleen Soden

**Geotechnical**

**Engineer:** Langan  
Amy Bloemke

**Mechanical/ Electrical/**

**Plumbing:** BR+A Consulting Engineers  
Patrick Duffy  
Jeremy Pinkham

**Legal Counsel:** Reuben, Junius & Rose LLP  
Jared Eigerman

**DESCRIPTION AND PROGRAM**

As previously approved by the BPDA Board in 2023 (the “Approved Project”), the project will combine the existing parcels at the Project Site into a single parcel, demolish all existing improvements, and construct a new seven-story research

laboratory / office building to be known as “Innovation Square 3” (“ISQ 3”). Under the Approved Project, ISQ 3 would have approximately 319,750 sf of gross floor area (“GFA”), with a ground floor that includes laboratory and classroom space for the Gloucester Marine Genomics Institute (“GMGI”), and approximately 3,600 sf of accessory eating and drinking space, and approximately 144 below-grade parking spaces.

The Approved Project underwent Large Project Review from 2022 to 2024:

- On October 24, 2022, the Proponent filed a Project Notification Form (the “PNF”) regarding the project with the BPDA, in accordance with the Large Project Review requirements of Article 80 of the Code.
- On June 15, 2023, the BPDA Board voted, among other things to authorize its Director: (i) to issue a Scoping Determination under Section 80B-5.3(d) of the Code; and (ii) to take any and all actions and execute any and all documents deemed necessary and appropriate by the Director in connection with the foregoing, including, without limitation, executing and delivering one or more agreements.
- On July 6, 2023, the BPDA issued a Scoping Determination, and on August 4, 2023, reissued, a Scoping Determination Waiving Further Review for the project pursuant to Section 80B-5.3(d) of the Code, in response to the PNF (the “Scoping Determination Waiving Further Review”).
- On April 17, 2024, the Proponent and the BPDA entered into both a Cooperation Agreement and a Development Impact Project (“DIP”) Agreement regarding the project.

On September 4, 2024, the Proponent filed a Notice of Project Change regarding the Approved Project, to allow for the construction of a pedestrian bridge connecting ISQ 3 with ISQ 2, over the Northern Avenue right-of-way (the “Revised Project”). As noted above, Vertex Pharmaceuticals already occupies ISQ 2, and Vertex will be the principal tenant of ISQ 3, as well.

Specifically, the Pedestrian Bridge would connect the third floor of ISQ 2 to the third floor of ISQ 3 over Northern Avenue, providing a weather-protected, efficient, safe passageway for laboratory staff and employees to transport materials between the

buildings' facilities (the "Pedestrian Bridge"). The Pedestrian Bridge will not create additional roadway constraints to Northern Avenue and the broader RLFMP.

- The Pedestrian Bridge is proposed to be approximately 15'-2" wide and 99'-7" long, resulting in approximately 1,510 s.f. of new construction.
- The top of the pedestrian bridge will not exceed 51'-5" above grade, which is below the highest elevation of both buildings it will connect, on either side of Northern Avenue.
- The minimum clearance height is approximately 32'-6" over all portions of Northern Avenue (including sidewalks), and the minimum clearance height is approximately 33'-8" over the Northern Avenue cartway itself, which is more than adequate for truck traffic.

The table below summarizes the key statistics of the Approved Project, the Revised Project, and the net changes.

<b><u>Estimated Project Metrics</u></b>	<b>Approved 2023</b>	<b>Revised 2025</b>	<b>Net Change</b>
<b>Gross Square Footage</b>	432,065	433,575	1,510
<b>Gross Floor Area</b>	319,750	321,260	1,510
<i>Residential</i>	0	0	0
<i>Office</i>	0	0	0
<i>Retail</i>	3,600	0	0
<i>Lab</i>	316,150	317,660	1,510
<i>Medical Clinical</i>	0	0	0
<i>Education</i>	0	0	0
<i>Hotel</i>	0	0	0
<i>Industrial</i>	0	0	0
<i>Recreational</i>	0	0	0
<i>Cultural</i>	0	0	0
<i>Parking</i>	96,640	96,640	0
<b>Development Cost Estimate</b>	\$350,000,000	\$350,000,000	\$0



<b>Residential Units</b>	0	0	0
<i>Rental Units</i>	0	0	0
<i>Ownership Units</i>	0	0	0
<i>IDP/Affordable Units</i>	0	0	0
<b>Parking spaces</b>	144	144	0

## **ARTICLE 80 REVIEW PROCESS**

On September 4, 2024, the Proponent filed the NPC. Before doing so, the Proponent had presented the Revised Project to the Raymond L. Flynn Marine Park Business Association, on July 16, 2024, and received that group's approval. The BPDA hosted a public meeting on October 21, 2024. This meeting was advertised in the local neighborhood newspapers, posted to the BPDA's calendar, and email notification was sent to all subscribers of the BPDA's South Boston waterfront neighborhood updates. The BPDA hosted Boston Civic Design Commission ("BCDC") meetings which itself, or by a subcommittee, provided comments on November 12, 2024, November 26, 2024, and December 17, 2024. The Project was approved by BCDC at its January 7, 2025, public meeting.

## **PLANNING CONTEXT**

The Proposed Project is located in the Raymond L. Flynn Marine Park (RLFMP) and the South Boston Designated Port Area. The RLFMP Master Plan is the most relevant plan to inform staff review of the Proposed Project. The Master Plan enumerates laboratory, research and development, office, and supporting uses as appropriate for this location.

While pedestrian bridges over functionally public streets and sidewalks are generally contrary to planning best practices, RLFMP's unique planning context affords special consideration. The most recent update to the Master Plan released in 2022, recognizes the infrastructure needs of a maritime industrial area, particularly one so susceptible to the sea level rise impacts of climate change. Thus, for parcels with fewer regulations on use, high value development such as laboratory and R&D are promoted by the Master Plan as a source of additional revenue generation that can be applied to the required infrastructure improvements in the rest of the marine park. The Proposed Project aligns with this

priority through its optimization laboratory on a cluster of relatively small parcels on Northern Avenue.

Additionally, by providing ground-floor educational space for the Gloucester Marine Genomics Institute (“GMGI”), the Revised Project continues to support the RLFMP’s mission to provide a reserve for marine industrial activity.

## **ZONING**

All portions of the Project Site are located within the underlying I-2 (General Industrial) zoning district. The site is also located within the *Restricted Parking Overlay District* (Zoning Code § 3-1A(c)), the *Flood Hazard District* (*id.* art. 25), and the *Coastal Flood Resilience Overlay District* (*id.* art. 25A).

All of the ways abutting the Project Site, including the abutting portion of Northern Avenue, are private ways. (DPW Street Book.) Nevertheless, as directed by EDIC, the Proponent obtained zoning relief for the Approved Project as if the Project Site were an individual “Lot” as defined under the Zoning Code. Northern Avenue is a “traveled ... highway” under the meaning of the Zoning Code, and EDIC intends to petition the PIC to accept Northern Avenue as a public way.

The Pedestrian Bridge will only partially occupy “Lots” as defined under the Zoning Code. At the Project Site itself, only 143 s.f. of GFA would be added, as follows:

<u>Pedestrian Bridge Segment</u>	<u>Width x Length</u>	<u>Gross Floor Area</u>
Above Project Site	15'-2" wide x 9'-5½" long	143 s.f.
Above 316-318 Northern Ave.	15'-2" wide x 18'-1¼" long	275 s.f.
Above Northern Avenue	15'-2" wide x 72'-¼" long	1,092 s.f.

The Proponent has applied to the Inspectional Services Department (“ISD”) for two separate building permits to construct the Pedestrian Bridge over Northern Avenue to connect ISQ 2 and ISQ 3: one permit for each lot (*i.e.* the sites of ISQ 3 and ISQ 2).

No new zoning relief is expected to be required for the Revised Project at either lot. The 143 s.f. of GFA proposed to be added to the Project Site by the Pedestrian Bridge is *de minimis*, and results in the same FAR of 3.86 as that approved under zoning relief granted to the Approved Project by the Boston Board of Appeal (the “BoA”) under its decision filed with ISD on August 18, 2023 (the “2023 ISQ 3 BoA

Decision"). The decision of the Board of Appeal regarding ISQ 2, dated December 17, 2019, and filed with ISD on January 17, 2020, treated the entire Raymond L. Flynn Marine Park as a single "Lot" for purposes of zoning (the "2019 ISQ 2 BofA Decision").

Nevertheless, the Proponent anticipates that ISD will refuse both building permit applications for the Pedestrian Bridge because it was not shown on the drawings approved as part of either the 2023 ISQ 3 BoA Decision or the 2019 ISQ 2 BoA Decision. The Proponent would then petition the BoA to amend both decisions, after public hearings, by approving drawings that depict the Pedestrian Bridge.

The Project Site is located within the Coastal Flood Resiliency Overlay District ("CFROD"), and the Revised Project continues to incorporate resiliency measures to raise the first floor of the building above the sea level rise base flood elevation ("SLR-BFE") of 20.5 feet. The Revised Project addressed other design comments focused on environmental performance and transit access during the course of the review.

### **MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION REVIEW**

The Project Site is located within the Raymond L Flynn Marine Park ("RLFMP"), and the Revised Project remains consistent with the *RLFMP Final Master Plan Update* ("the *Master Plan Update*"), approved by the Massachusetts Secretary of Energy and Environmental Affairs on June 21, 2022. By her Certificate issued on February 17, 2023, the Secretary of Energy and Environmental Affairs determined that the Approved Project does not require an Environmental Impact Report ("EIR") pursuant to the Massachusetts Environmental Policy Act ("MEPA"). The Proponent will confirm with the MEPA Office that the Pedestrian Bridge does not require additional MEPA review.

On April 30, 2024, the Waterways Program of the Massachusetts Department of Environmental Protection ("MassDEP") issued to EDIC and the Proponent, jointly, a Waterways License and Special Conditions for the Approved Project, under a Massachusetts General Laws Chapter 91 Special Review Procedure, set out under the Consolidated Written Determination for the entire RLFMP (Application No. 22-WW14-0012-APP). The Proponent is working with MassDEP to modify the Chapter 91 license for the Approved Project to account for the Pedestrian Bridge.

## **PUBLIC BENEFITS**

Through the Cooperation Agreement executed with the BPDA on April 17, 2024, in connection with the Approved Project, the Proponent has committed to provide an extensive set of public benefits, which the Revised Project will also provide:

- Public Access. Subject to reasonable time restrictions, approximately 31,000 s.f. of publicly accessible space at the Project Site, including landscaped plazas and terraces facing Northern Avenue, Tide Street, and Drydock Avenue, and a landscaped mid-block passage, between the Project Site and the EDIC parking garage at 12 Drydock Avenue.
- Street Improvements. Sidewalk improvements along Northern Avenue, Tide Street, and Drydock include two-way, protected bicycle accommodations along the Tide Street edge of the Project Site, and a new, fully accessible crosswalk across Drydock Avenue at Tide Street, all subject to approval by the relevant agencies of the City.
- Transportation-Related Measures:
  - o Within the onsite parking garage, level-2 electric vehicle (“EV”) charging stations at 36 (25%) of the 144 parking spaces, and the remaining 75% will be EV-ready;
  - o Approximately 131 bicycle parking spaces within the ground- and first parking floors of the building for use by employees, plus showers and lockers for use by employees;
  - o Publicly accessible visitor bike parking spaces compliant with BTD’s Bike Parking Guidelines;
  - o Consistent with BTD’s Bike Parking Guidelines, space for a 19-dock BlueBIKES station, and, in addition, the Applicant shall make a monetary contribution to BTD for use toward the BlueBIKES program in the amount of ninety-thousand, eight-hundred and sixty-two dollars and no cents (\$90,862.00);
  - o Consistent with the Raymond L. Flynn Final Master Plan Update (the “FMPU”), a monetary contribution to EDIC for use toward for transportation improvements identified in the FMPU, to mitigate the Project's transportation impacts, in the amount of Three Million, Three-Hundred Thousand Dollars and No Cents (\$3,300,000.00).

- Monetary contribution to EDIC for use toward support of Seaport water shuttle services, in the amount of Four-Hundred Thousand Dollars and No Cents (\$400,000.00); and
  - Construction of a new MBTA Silver Line bus shelter adjacent to the Project Site.
- Gloucester Marine Genomics Institute (“GMGI”)
  - Approximately 3,600 sf of state-of-the-art lab space at the ground level of the ISQ 3 to serve GMGI’s goal of preparing Boston and Boston-area residents for careers as technicians in life science research and bio-manufacturing laboratories;
  - Monetary contribution to GMGI to endow its job training program for military veterans returning from overseas, in the amount of Two-Hundred Thousand Dollars and No Cents (\$200,000.00); and
  - Monetary contribution to GMGI to endow its marine biotechnology educational program for Boston and Boston-area high school students, in the amount of Two-Hundred Thousand Dollars and No Cents (\$200,000.00)
- Donations to Other Non-Profit Organizations.
  - Boston Collegiate Charter School ([www.bostoncollegiate.org](http://www.bostoncollegiate.org)) – Five Hundred Thousand Dollars and No Cents (\$500,000) for use toward endowment of a STEM chair;
  - Boston Fisheries Foundation (<https://www.bostonfisheriesfoundation.org/>) –Two Hundred Thousand Dollars and No Cents (\$200,000) for use toward establishment of a Boston Fisheries Foundation Museum;
  - Fishing Partnership (<https://fishingpartnership.org/>) -- Two Hundred Thousand Dollars and No Cents (\$200,000) to this non-profit organization whose mission it is to improve the safety and lives of everyday fishermen.
  - Wentworth Institute of Technology ([www.wit.edu](http://www.wit.edu)) -- One Hundred and Fifty Thousand Dollars and No Cents (\$150,000);
  - PieRSquared ([www.piersquared.org](http://www.piersquared.org)) – One-Hundred Thousand Dollars and No Cents (\$100,000) for use toward daily meals, SAT prep materials, wi-fi, and other resources;
  - Gate of Heaven Catholic Youth Organization ([www.gateycyo.org](http://www.gateycyo.org)) – Fifty Thousand Dollars and No Cents (\$50,000);

- o Roxbury Community College ([www.rcc.mass.edu](http://www.rcc.mass.edu)) -- Fifty Thousand Dollars and No Cents (\$50,000);
- o No Books No Ball ([www.facebook.com/nobooksnoball](https://www.facebook.com/nobooksnoball)) -- (A) Fifty Thousand Dollars and No Cents (\$50,000), and (B) Two-Hundred Thousand Dollars and No Cents (\$200,000) for use toward providing scholarships;
- o Tech Goes Home ([www.techgoeshome.org](http://www.techgoeshome.org)) -- Fifty Thousand Dollars and No Cents (\$50,000);
- o South Boston MOM's Club ([www.southbostonmomsclub.org](http://www.southbostonmomsclub.org)) -- Fifty Thousand Dollars and No Cents (\$50,000);
- o Boston Seafood Festival ([www.bostonseafoodfestival.org](http://www.bostonseafoodfestival.org)) -- Fifty Thousand Dollars and No Cents (\$50,000);
- o St. Vincent's Catholic Youth Organization to be used only in support of the St. Vincent's CYO youth basketball program ([www.svcyo.com](http://www.svcyo.com)) -- Forty Thousand Dollars and No Cents (\$40,000);
- o South Boston Neighborhood House ([www.sbnh.org](http://www.sbnh.org)) -- Twenty Thousand Dollars and No Cents (\$20,000);
- o Artists for Humanity ([www.afhboston.org](http://www.afhboston.org)) -- Twenty Thousand Dollars and No Cents (\$20,000);
- o South Boston Toy Drive -- Ten Thousand Dollars and No Cents (\$10,000); and
- o St. Peter Academy ([www.stpeteracademy.com](http://www.stpeteracademy.com)) -- Ten Thousand Dollars and No Cents (\$10,000).

### **DEVELOPMENT IMPACT PROJECT EXACTION**

The BPDA and the Proponent entered into a Development Impact Project Agreement regarding the Approved Project on April 17, 2024 (the "DIP Agreement"). This project predates Boston Zoning Code Section 80B-7.6(d), so that provision, which now defines "accessory and ancillary" areas to be DIP Uses, does not apply. However, pursuant to specific provisions of the DIP Agreement, which expressly contemplate recalculation of DIP Gross Floor Area, the Proponent has agreed to add the 1,510-s.f. Pedestrian Bridge. Therefore, based upon a revised GFA of 321,260 s.f., the Proponent expects to make a Neighborhood Housing Trust payment contribution of approximately \$528,811.40, and a Neighborhood Jobs Trust payment contribution of \$2,876,380.00, which may be adjusted to the extent that the Gloucester Marine Genomics Institute provides onsite jobs training.

These estimated linkage payments for the Revised Project are calculated as follows:

Housing Linkage:

DIP Uses	321,260 square feet
Exclusion	-100,000
	221,260
	X \$13.00 per square foot
	\$ 2,876,380.00

Jobs Linkage:

DIP Uses	321,260 square feet
Exclusion	-100,000
	221,260
	X \$2.39 per square foot
	\$ 528,811.40

As was true of the Approved Project, the DIP Gross Floor Area for the Revised Project remains subject to final calculation based on the final design plans and applicable provisions of the Development Impact Project Agreement.

### **RECOMMENDATIONS**

Based upon the foregoing, BPDA staff recommends that the Board authorize its Director: (1) to issue a Determination waiving further review (the "Determination") pursuant to Section 80A-6 of the Boston Zoning Code (the "Code") in connection with a Notice of Project Change ("NPC") filed by 22 Drydock LLC (the "Proponent") on September 4, 2024, regarding the ISQ 3 Project at 20 and 22 Drydock Avenue (aka 331-339 Northern Avenue) (the "Revised Project"); (2) to issue one or more Certifications or Partial Certifications of Compliance for the Revised Project, under Section 80B-6 upon successful completion of the Article 80 review process; and (3) to take any and all actions and execute any and all documents deemed necessary and appropriate by the Director in connection with the foregoing including, without limitation, executing and delivering an amendment to the Cooperation Agreement dated April 17, 2024.

An appropriate vote follows:

**VOTED:** That the Director be, and hereby is, authorized to issue a Determination under Section 80A-6 of the Boston Zoning Code ("Code") which (i) finds that the Notice of Project Change submitted to the Boston Redevelopment Authority d/b/a Boston Planning & Development Agency ("BPDA") by 22 Drydock LLC (the "Proponent") on September 4, 2024, regarding the ISQ 3 Project at 20 and 22 Drydock Avenue (a/k/a 331-339 Northern Avenue) (the "Revised Project") does not significantly increase the impacts of the Approved Project, and (ii) waives further review of the Revised Project, subject to continuing design review by the BPDA; and

**FURTHER VOTED:** That the Director be, and hereby is, authorized to issue one or more Certifications or Partial Certifications of Compliance under Section 80B-6 of the Code upon successful completion of the Article 80 Project Review process; and

**FURTHER VOTED:** That the Director be, and hereby is, authorized to take any and all actions and execute any and all documents deemed necessary and appropriate by the Director in connection with the foregoing including, without limitation, executing and delivering an amendment to the Cooperation Agreement dated April 17, 2024.



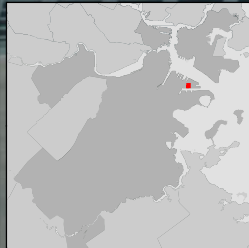
# 22 Drydock Ave

1:800



# 22 Drydock Ave

1:800



**MEMORANDUM****JANUARY 16, 2025**

**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  
TYLER ROSS, SENIOR PROJECT MANAGER  
ELLA WISE, SENIOR PLANNER  
COLIN FREDRICKSON, TRANSPORTATION PLANNER  
MEGHAN RICHARD, SENIOR URBAN DESIGNER  
JILL ZICK, ASSISTANT DEPUTY DIRECTOR OF PUBLIC REALM DESIGN

**SUBJECT:** 3458 WASHINGTON STREET, JAMAICA PLAIN

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**SUMMARY:** This Memorandum requests that the Boston Redevelopment Authority d/b/a Boston Planning & Development Agency ("BPDA") authorize the Director to: (1) issue a Certification of Approval for the proposed development located at 3458 Washington Street in Jamaica Plain (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; and (3) enter into a Community Benefit Contribution Agreement in connection with 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.

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**PROJECT SITE**

The Proposed Project is located on an approximately 10,054 square foot parcel of land at 3458 Washington Street in the Jamaica Plain neighborhood of Boston (the "Project Site"). The Project Site is currently occupied by a single-story commercial building with surface parking and is located .6 miles away from the MBTA's Orange Line Subway, Commuter Rail, and bus service at Forest Hills Station.

**DEVELOPMENT TEAM**

The development team includes:

Proponent:	<u>Boston Pinnacle Properties LLC</u> Adam Burns
Architect:	<u>Balance Architects</u> Philip Sima
Legal Counsel:	<u>Adams &amp; Morancy, P.C.</u> George Morancy, Esq.
Transportation: Consultant	<u>MDM Transportation Consultants, Inc.</u> Robert J. Michaeue, P.E.
Surveyor:	<u>McKenzie Engineering Group, Inc.</u> Richard J. Hood, P.L.S.

**PROPOSED PROJECT**

Boston Pinnacle Properties LLC (the “Proponent”) seeks to demolish the existing structure occupying the Project Site and construct a five (5) story, fifty-five (55) foot maximum height, approximately 33,248 gross square foot building to include thirty-six (36) residential rental units, including eight (8) IDP units, one (1) approximately 754 square foot ground-floor commercial unit, and up to seven (7) off-street vehicle parking spaces, including one (1) accessible space, at grade, as well as one (1) Dryv shared motor vehicle for use by building residents, and one (1) electric cargo bike (the “Proposed Project”). The residential rental units include nineteen (19) studio units, ten (10) one-bedroom units, four (4) two-bedroom units, and three (3) three-bedroom units. The Proposed Project also will include an interior bicycle storage room with space for thirty (30) bicycles, and an exterior sheltered bicycle storage area for seven (7) bicycles, including one (1) electric cargo bicycle.

The Proposed Project includes the demolition of the existing single-story automotive repair building currently located at the site.

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

<b><u>Estimated Project Metrics</u></b>	<b>Proposed Plan</b>
<b>Gross Square Footage</b>	33,248
<b>Gross Floor Area</b>	30,397
<i>Residential</i>	22,895
<i>Office</i>	0
<i>Retail</i>	754
<i>Lab</i>	0
<i>Medical Clinical</i>	0
<i>Education</i>	0
<i>Hotel</i>	0
<i>Industrial</i>	0
<i>Recreational</i>	0
<i>Cultural</i>	0
<i>Parking</i>	0
<b>Development Cost Estimate</b>	\$12,500,000
<b>Residential Units</b>	36
<i>Rental Units</i>	36
<i>Ownership Units</i>	0
<i>IDP/Affordable Units</i>	8
<b>Parking spaces</b>	7

**PLANNING AND ZONING CONTEXT**

The Proposed Project is located within the boundaries of PLAN: Jamaica Plain/Roxbury (PLAN: JP/Rox), adopted in 2017 by the BPDA Board to increase market-rate and affordable housing choices and protect against displacement in the neighborhood east of the Orange Line, from Jackson Square to Forest Hills stations.

While the PLAN recommends a density bonus to allow greater density in exchange for additional affordable housing units, the zoning code was not ultimately updated to reflect this concept. Likewise, the PLAN includes use, dimensional, and design guidelines that were not adopted as zoning. For example, the PLAN recommends additional height and density for projects that provide 30% of all units above that allowed by base zoning affordable at 50% area median income (AMI), a rear yard of 20 feet when the adjoining use is in a 3F residential zoning subdistrict, sidewalks consistent with Boston Transportation Department's Complete Streets Guidelines, stepbacks on floors four and above, and a maximum parking ratio of 0.75 spaces per unit. The proposed project was designed to be consistent with the recommendations of PLAN: JP/Rox.

The current zoning for the site is the Jamaica Plain Neighborhood District's Light Industrial subdistrict. Zoning relief is recommended by Planning Department staff for height, FAR, parking/loading, and uses. Additionally, staff note that for each of these attributes, the Proposed Project is consistent with PLAN: JP/Rox recommendations.

### **ARTICLE 80 REVIEW PROCESS**

On April 4, 2024, the Proponent filed an Application for Small Project Review with the BPDA for the Proposed Project, pursuant to Article 80E of the Boston Zoning Code (the "Code"). The BPDA sponsored and held a virtual public meeting on April 20, 2024, via Zoom, and a second virtual public meeting on January 7, 2025, also via Zoom. Both meetings were advertised in the local newspapers, posted on the BPDA's website, and in each case a notification was emailed to all subscribers of the BPDA's Jamaica Plain neighborhood update list. The public comment period ended on May 21st, 2024.

### **MITIGATION AND COMMUNITY BENEFITS**

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

- The Proposed Project will enhance the streetscapes by constructing modern sidewalks as well as upgrading the public realm in and around the Project Site in accordance with Boston Complete Streets standards including the planting of 6 street trees;
- The Proponent shall provide additional dimension and a pedestrian easement on Kenton Street and on Washington Street to reconstruct a wider sidewalk in accordance with Boston Complete Streets standards and are subject to Public Improvement Commission (PIC) review;
- The Proponent shall rebuild the curb ramp on the south side of Kenton Street to meet ADA standards and replace the existing crosswalk with a raised crosswalk in coordination with the planned development at 3430-3440 Washington Street and the BTB;
- The Proponent shall close all existing curb cuts on Washington Street
- The Proponent shall “daylight” the corner of Washington Street and Kenton Street by installing pavement markings and potentially flex posts on Washington Street for approximately 20 feet in length as measured from the beginning of the south end of the existing crosswalk;
- Before issuance of the Certificate of Approval, the Proponent shall make a nine thousand nine hundred dollar (\$9,900.00) contribution to the Boston Transportation Department to support the bike share system;
- The Proponent shall install electric vehicle charging infrastructure at a rate of 25% of the parking spaces in the Proposed Project, or two (2) charging stations, including one (1) dedicated exclusively to the Dryv shared vehicle, and the remaining five (5) parking spaces will be EV Ready for future installation in accordance with the City’s *EV Readiness Policy for New Developments*;
- In support of the City’s green building and carbon neutral goals, the Proposed Project will be designed to meet LEED Gold standards;
- The Proposed Project will provide a building roof plan illustrating the solar PV system and will coordinate other rooftop mechanical systems and uses to



optimize solar PV system output. Solar PV system(s) are to be installed with construction completion and prior to issuance of Certificate of Occupancy.

- The Proposed Project will create approximately fifty (50) temporary construction-related jobs; and
- Additional property tax revenue for the City.

The community benefits described above will be set forth in the Community Benefit Contribution Agreement for the Proposed Project. The community benefit contribution payments shall be made to the BPDA or respective City department before issuance of the initial building permit by the City of Boston Inspectional Services Department ("ISD") and will be distributed as outlined above.

### **INCLUSIONARY DEVELOPMENT POLICY**

The Proposed Project is subject to the Inclusionary Development Policy, dated December 10, 2015 (the "IDP") and is located within Zone A, as defined by the IDP. The IDP requires that 13% of the total number of units within the development be designated as IDP units. The project is further subject to the BPDA's PLAN JP/ROX dated February 8, 2017, which recommends that projects filing within the PLAN area provide additional income-restricted units based on a density bonus calculation. In this case, eight (8) units, or approximately 22.2% of the total number of units, or 22.2% of units' square footage, within the Proposed Project will be created as IDP rental units (the "IDP Units"), including five (5) IDP Units made available to households earning not more than 70% of Area Median Income ("AMI"), and three (3) IDP Units made available to households earning not more than 30% of AMI, as based upon data from the United States Department of Housing and Urban Development ("HUD") and published by the BPDA.

The proposed locations, sizes, income restrictions, and rents for the IDP Units are as follows:

Unit Number	Number of Bedrooms	Unit Size (Sq Ft)	Percentage of AMI	Rent	Group 2
200	One-Bedroom	609	70%	\$1,621	



203	Studio	481	70%	\$1,383	
207	Three-Bedroom	957	70%	\$2,057	
306	Studio	468	30%	\$550	
308	Two-Bedroom	1,068	70%	\$1,837	Group-2A
401	One-Bedroom	620	30%	\$650	
403	One-Bedroom	623	70%	\$1,621	
504	Studio	493	30%	\$550	

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

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

- (1) Boston resident;
- (2) Households who are directly displaced or severely rent-burdened (for up to two (2) units); and
- (3) Household size (a minimum of one (1) person per bedroom).

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

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

**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 ARHAR in connection with the Proposed Project; and (3) enter into a Community Benefit Contribution Agreement in connection with 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 3458 Washington Street in the Jamaica Plain neighborhood, proposed by Boston Pinnacle Properties LLC (the "Proponent"), for the construction of a five (5) story, fifty-five (55) foot maximum height, approximately 303,248 gross square foot mixed-use building that will include thirty-six (36) residential rental units, including eight (8) IDP units, one (1) approximately 754 square foot ground-floor commercial unit, and up to seven (7) off-street vehicle parking spaces, including one (1) accessible space, at grade, as well as one (1) Dryv shared motor vehicle for use by building residents, and one (1) electric cargo bike (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**

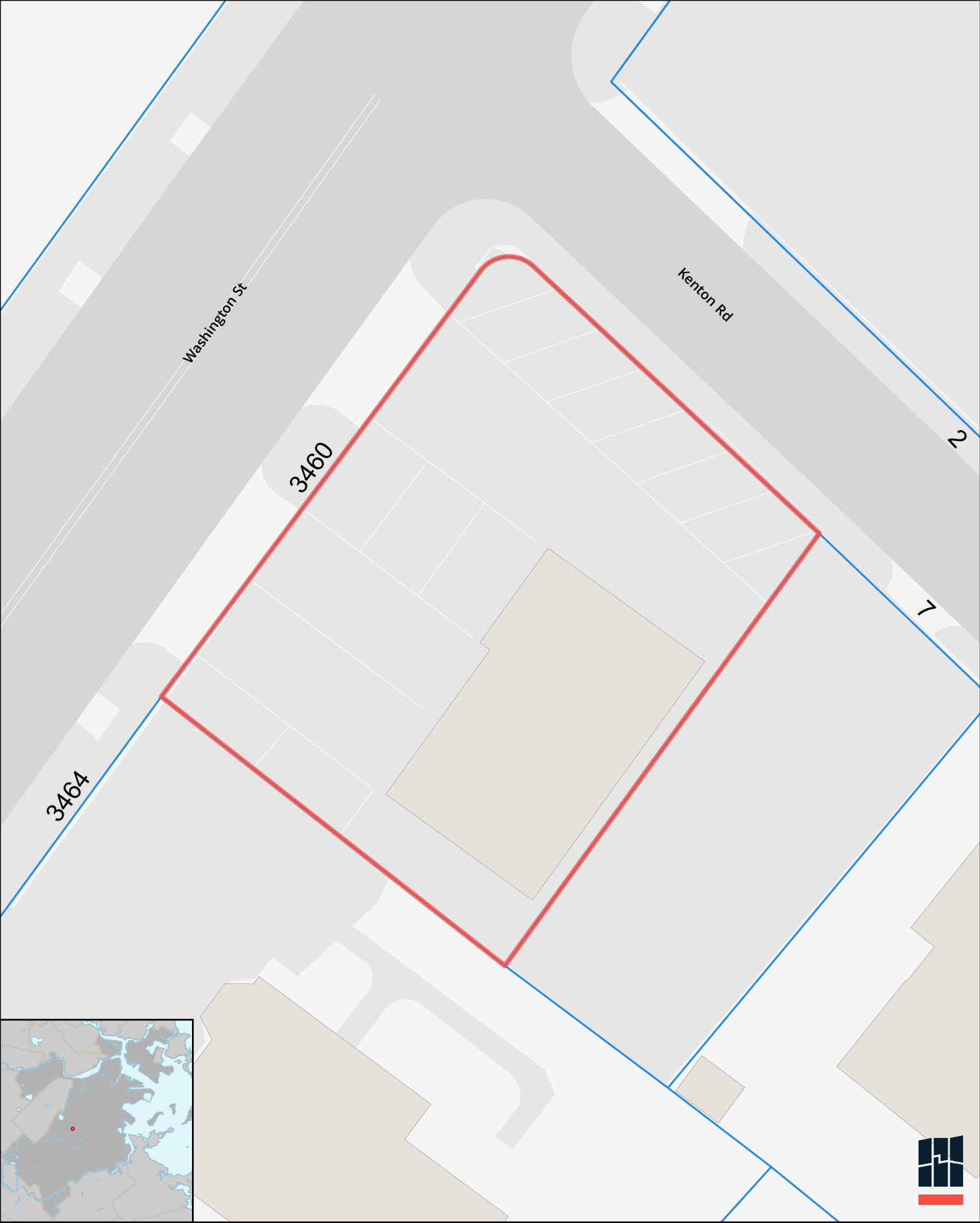
**VOTED:** That the Director be, and hereby is, authorized to execute and deliver an Affordable Rental Housing Agreement and Restriction for the

creation of eight (8) IDP Units in connection with the Proposed Project;  
and

**FURTHER****VOTED:**

That the Director be, and hereby is, authorized to enter into a Community Benefit Contribution Agreement, 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.

# 3458 Washington Street





3458 Washington Street





**Boston Water and  
Sewer Commission**



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

May 7, 2024

Tyler Ross  
Boston Planning and Development Agency  
One City Hall Square  
Boston, MA 02201

Re: 3458 Washington Street  
Small Project Review Application

Dear Mr. Ross:

The Boston Water and Sewer Commission (Commission) has reviewed the Small Project Review Application (SPRA) for the proposed mixed-use development located at 3458 Washington Street in the Jamaica Plain neighborhood. This letter provides the Commission's comments on the SPRA.

The proposed project site consists of an approximately 10,054 square feet (sf) lot. The site currently contains an automotive repair facility and parking lot. The project proponent, Boston Pinnacle Properties LLC, proposes to demolish the existing single-story structure and construct a new five-story mixed use building totaling 29,561 gross square feet (gsf). The proposal includes 37 residential units, commercial space on the first floor, and 7 parking spaces.

The Commission owns and maintains water mains in the vicinity of the site. In Kenton Road there is a 10-inch Southern High pit cast iron pipe installed in 1917 and cleaned and cement lined in 1984. In Washington Street is a 12-inch Southern High ductile iron cement lined water main installed in 1988.

The Commission also owns and maintains sewer and drain facilities in the project area. In Kenton Road there is an 18-inch vitrified clay drain pipe installed in 1917 and a 10-inch vitrified clay sanitary pipe installed in 1917. In Washington Street there is a 33-inch non-reinforced concrete drain pipe installed in 1910, a 12-inch vitrified clay sanitary pipe installed in 1910 located on the south side of the street, and two additional 12-inch sanitary pipes installed in 1882 located in the center and north side of the street.



The Commission has the following comments regarding the SPRA:

General

1. Prior to the initial phase of the site plan development Boston Pinnacle Properties LLC should meet with the Commission's Design and Engineering Customer Services 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 Boston Pinnacle Properties 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 back flow 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 and its member communities, is implementing 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. In April of 2014, the Massachusetts DEP promulgated new regulations regarding wastewater. The Commission has a National Pollutant Discharge Elimination System (NPDES) Permit for its combined sewer overflows and is subject to these new regulations [314 CMR 12.00, section 12.04(2)(d)]. This section requires all new sewer connections with design flows exceeding 15,000 gpd to mitigate the impacts of the development by removing four gallons of infiltration and inflow (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 supports the policy and 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.



The proponent should be aware that if during the site plan permitting process it becomes apparent that wastewater flows will be 15,000 gpd or more, the Commission will invoke the requirement that the project participate in the 4 to 1 program.

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. For any proposed masonry repair and cleaning Boston Pinnacle Properties LLC will be required to obtain from the Boston Air Pollution Control Commission a permit for Abrasive Blasting or Chemical Cleaning. In accordance with this permit Boston Pinnacle Properties LLC will be required to provide a detailed description as to how chemical mist and run-off will be contained and either treated before discharge to the sewer or drainage system or collected and disposed of lawfully off site. A copy of the description and any related site plans must be provided to the Commission's Engineering Customer Service Department for review before masonry repair and cleaning commences. Boston Pinnacle Properties LLC is advised that the Commission may impose additional conditions and requirements before permitting the discharge of the treated wash water to enter the sewer or drainage system.
7. Boston Pinnacle Properties LLC should be aware that the US Environmental Protection Agency issued the Remediation General Permit (RGP) for Groundwater Remediation, Contaminated Construction Dewatering, and Miscellaneous Surface Water Discharges. If groundwater contaminated with petroleum products, for example, is encountered, Boston Pinnacle Properties LLC will be required to apply for a RGP to cover these discharges.
8. It is Boston Pinnacle Properties 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, Boston Pinnacle Properties 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. Boston Pinnacle Properties 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. Boston Pinnacle Properties LLC should also provide the methodology used to estimate water demand for the proposed project.
2. Boston Pinnacle Properties LLC should explore opportunities for implementing water conservation measures in addition to those required by the State Plumbing Code. In particular, Boston Pinnacle Properties LLC should consider outdoor landscaping which requires minimal use of water to maintain. If Boston Pinnacle Properties 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. Boston Pinnacle Properties 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. Boston Pinnacle Properties LLC should contact the Commission's Meter Department for information on and to obtain a Hydrant Permit.
4. The Commission is utilizing a Fixed Radio Meter Reading System to obtain water meter readings. For new water meters, the Commission will provide a Meter Transmitter Unit (MTU) and connect the device to the meter. For information regarding the installation of MTUs, Boston Pinnacle Properties LLC should contact the Commission's Meter Department.

### Sewage / Drainage

1. A Total Maximum Daily Load (TMDL) for Nutrients has been established for the Lower Charles River Watershed by the Massachusetts Department of Environmental Protection (MassDEP). In order to achieve the reductions in Phosphorus loading required by the TMDL, phosphorus concentrations in the lower Charles River from Boston must be reduced by 64%. To accomplish the necessary reductions in phosphorus, the Commission is requiring developers in the lower Charles River watershed to infiltrate stormwater discharging from impervious areas in compliance with MassDEP. Boston Pinnacle Properties LLC will be required to submit with the site plan a phosphorus reduction plan for the proposed development. Boston Pinnacle Properties 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.

In conjunction with the Site Plan and the General Service Application the Boston Pinnacle Properties LLC will be required to submit a Stormwater Pollution Prevention Plan. The plan must:

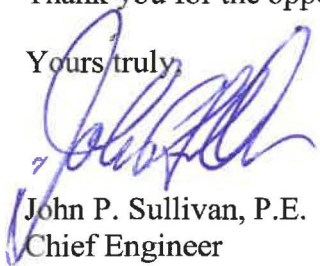
- Identify best management practices for controlling erosion and for preventing the discharge of sediment and contaminated groundwater or stormwater runoff to the Commission's drainage system when the construction is underway.
  - Include a site map which shows, at a minimum, existing drainage patterns and areas used for storage or treatment of contaminated soils, groundwater or stormwater, and the location of major control or treatment structures to be utilized during construction.
  - Provide a stormwater management plan in compliance with the DEP standards mentioned above. The plan should include a description of the measures to control pollutants after construction is completed.
2. The Commission encourages Boston Pinnacle Properties LLC to explore additional opportunities for protecting stormwater quality on site by minimizing sanding and the use of deicing chemicals, pesticides, and fertilizers.
  3. Boston Pinnacle Properties 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. All projects at or above 100,000 square feet of floor area are to retain, on site, a volume of runoff equal to 1.25 inches of rainfall times the impervious area. 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, Boston Pinnacle Properties 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 Boston Pinnacle Properties 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. Boston Pinnacle Properties 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. Boston Pinnacle Properties LLC is advised to consult with the Commission's Operations Department with regards to grease traps.
8. The Commission requires installation of particle separators on all new parking lots greater than 7,500 square feet in size. If it is determined that it is not possible to infiltrate all of the runoff from the new parking lot, the Commission will require the installation of a particle separator or a standard Type 5 catch basin with an outlet tee for the parking lot. Specifications for particle separators are provided in the Commission's requirements for Site Plans.

Thank you for the opportunity to comment on this project.

Yours truly,

  
John P. Sullivan, P.E.  
Chief Engineer

JPS/apm

cc: K. Ronan, MWRA via e-mail  
P. Larocque, BWSC via e-mail  
L. Melara, BWSC via e-mail

**MEMORANDUM****February 13, 2025**

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

**FROM:** CASEY HINES, SENIOR DEPUTY DIRECTOR OF DEVELOPMENT REVIEW  
NUPOOR MONANI, SENIOR DEPUTY DIRECTOR OF DEVELOPMENT REVIEW  
JAMES FITZGERALD, DEPUTY DIRECTOR OF PLANNING REVIEW  
ERIC BOATRIGHT, SENIOR ARCHITECT  
MEGHAN RICHARD, SENIOR URBAN DESIGNER  
JILL ZICK, ASSISTANT DEPUTY DIRECTOR OF PUBLIC REALM DESIGN  
HARSHIKA BISHT, SENIOR SUSTAINABLE DESIGN REVIEWER  
FORD DELVECCHIO, PLANNER I  
CAMILLE PLATT, PROJECT MANAGER

**SUBJECT:** One Waverly (270-272 Warren Street), Roxbury

**SUMMARY:** This Memorandum requests that the Boston Redevelopment Authority d/b/a Boston Planning & Development Agency ("BPDA") authorize the Director to: (1) issue a Determination waiving further review pursuant to Section 80A-6.2 of the Boston Zoning Code (the "Code") in connection with a Notice of Project Change (the "NPC") for the One Waverly redevelopment project (the "Proposed NPC Project") submitted to the BPDA by Cruz 270 Warren Street LLC (the "Proponent"), on December 7, 2023; (2) issue a Certification of Compliance under Section 80B-6 of the Code upon successful completion of Article 80B Large Project Review; and (3) execute and deliver a Cooperation Agreement with a provision requiring compliance with the Boston Residents Construction Employment Plan and an affordable housing requirement, and any and all other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

**PROJECT SITE**

**The Proposed NPC Project** is a part of a two-phased proposal, which includes 270-



272 Warren Street ("One Waverly Site"), 280-290 Warren Street, ES Warren Street, and 2-10 Clifford Street (collectively the "Overall Site"), a mixed-use residential /commercial development in the Roxbury neighborhood. The Overall Site is bordered by Warren Street, Clifford Street, Waverly Street, and properties between Waverly and Clifford Streets. The existing on-site buildings at 280-290 Warren Street, ES Warren Street and 2-10 Clifford Street (collectively the "Phase I Site") were demolished to enable Phase 1 of the project to be constructed.

The One Waverly Site is located at the corner of Waverly and Warren Streets and is bounded by the Michael E. Haynes Arms Building, located on the Phase I Site, which recently received its Certificate of Occupancy ("CO") from the City of Boston.

The Overall Site is also located within the MFR/LS subdistrict of the Roxbury Neighborhood Zoning District (Article 50), which permits multi-family dwellings of up to four stories and office uses, although the floor area ratio and height for the Proposed NPC Project exceeded the zoning limitations and some dimensional requirements were not met by the proposed project under the existing zoning regulations.

The Original Phase 2 Project (as described on the following page) was granted relief by the Board of Appeals on April 25, 2017, based on two appeals filed with the Boston Inspectional Services Department: #BOA664763 (Phase 1 - 8 Clifford Street) and #BOA664762 (Phase 2 - One Waverly - Formerly 270-272 Warren Street). The zoning relief for the Proposed NPC Project now requires filing for new Board of Appeal relief to allow the Proposed NPC Project to proceed.

**DEVELOPMENT TEAM**

The Development Team for the Proposed NPC Project consists of:

**Proponent:**

Cruz 270 Warren Street, LLC  
John B. Cruz III, President  
Daniel Cruz, Jr., Vice President  
Edgar J. Carrere, Senior Project Manager

**Architect:**

Micheal Washington Architects, Inc.  
Micheal Washington  
Benjamin Lee

**Landscape Architect  
And Civil Engineer:**

DZI-Devellis Zrein Inc.  
Imad Zrein

**Article 80 Permitting  
Consultant**

MLF Consulting, LLC  
Mitchell L. Fischman

**Legal Counsel:**

Tourse & Associates PC  
Dennis R. Tourse

**Transportation  
Planner/Engineer:**

Howard Stein Hudson  
Brian J. Beisel, PTP  
Michael White

**LEED/Sustainability  
Consultant:**

Soden Sustainability  
Consulting  
Colleen Ryan Soden  
Arran French

**Noise and Air  
Consultant:**

Tech Environmental, Inc.  
Marc C. Wallace

**Geotechnical  
Consultant:**

UTS of Massachusetts, Inc.  
Kevin M. Martin, P.E.

**DESCRIPTION AND PROGRAM**

The Overall Site currently comprises a land area of approximately 54,670 square ft (1.25 acres), and includes the Phase 1 Site (29,329 SF), the completed Michael E. Haynes Arms building, and a former existing church structure at the corner of Warren and Waverly Streets which will be demolished for the Proposed NPC

Project.

The Original Phase 2 Project, as approved by the BPDA Board on December 15, 2016, included the construction of a five-story (5) building consisting of 44 units of elderly housing, 4,050 GSF for coffee shop and restaurant space, and 28 parking spaces in a single-level garage at the Warren and Waverly Streets corner of the overall project.

The Proposed NPC Project in the Phase 2 portion of the project is being proposed in this Notice of Project Change ("NPC") for a total of fifty-two (52) units of affordable multi-family rental housing for households with incomes up to 60% of Area Median Income ("AMI"), and with 3,812 sf of available commercial space at the ground floor, and 18 garage parking spaces . The Proposed NPC Project unit mix consists of twenty-four (24) one-bedroom units, twenty-four (24) two-bedroom units, and four (4) three-bedroom units. The Proposed NPC Project will also complete an exterior resident courtyard amenity space between the completed Phase I building and the Proposed NPC Project on the One Waverly Site as a part of this proposed NPC, as well as add street trees to Waverly Place.

The table below compares the Original Phase 2 project to the subject Proposed Phase 2 Project as described in the NPC.

<b>Parameter</b>	<b>Original Phase 2 Project (Approx.)</b>	<b>Proposed NPC Project (Approx.)</b>
<b>Gross Floor Area</b>	68,658 GSF	65,384 GSF
<i>Residential, Associated Space and Parking</i>	64,608 GSF (Elderly)	61,572 GSF (Multi-Family)
<i>Retail/Restaurant</i>	4,050 GSF	3,812 GSF
<b>Dwelling Units</b>	44	52
<i>Rental</i>	44	52
<i>Income-restricted</i>	44	52
<b>Vehicle parking spaces</b>	28	18

The total development cost is approximately \$41 million.



## **ARTICLE 80 REVIEW PROCESS**

Following a prior Article 80B Large Project Review approval vote on December 15, 2016, the Proponent revised the Original Phase 2 Project proposal and submitted the NPC to the BPDA on December 7, 2023. The BPDA hosted virtual Impact Advisory Group (“IAG”)/public meetings regarding the NPC on January 4, 2024, and again on January 7, 2025. The IAG/public meetings were advertised in the local paper, a notice was posted on the BPDA’s calendar, and an email notification was sent out to all subscribers of the BPDA’s Roxbury neighborhood email update list. The comment period was extended and concluded on January 17, 2025.

## **PLANNING CONTEXT**

The Proposed Project at 1 Waverly Street is located just outside the Nubian Square area of Roxbury on Warren Street, the main thoroughfare in the area. The Proposed Project is across the street from the Washington Park Urban Renewal Area which forms the surrounding context along with the adjacent traditional residential neighborhood fabric of Roxbury.

The Proposed Project is served by the 10, 14, 19, 23, and 28 MTBA bus lines, some of the highest usage routes in the system. In addition, Nubian Square is located approximately a quarter mile to the north of the property, which provides connections to additional transit service. The Upham’s Corner MBTA Commuter Rail station is located approximately a half mile to the east.

The Proposed Project is served by a number of open space resources. The Little Scobie Playground is located a block east of the proposed project, and the Warren Gardens Park is located a block north along Warren Street. Directly west of the property is Malcolm X Park, with a number of both passive and active recreation amenities.

The Roxbury Strategic Master Plan is the product of a community led planning process in 2004. Relevant goals of this plan include the aim of fostering residential and commercial growth in the Roxbury neighborhood without displacement. While the Proposed Project exceeds the dimensional requirements of its Multifamily/Local Service zoning subdistrict, it is aligned with the Roxbury Strategic Master Plan goal of locating larger mixed use buildings along corridors including Warren Street, as well as the design goals informing the Boulevard Planning Overlay District in which it is located.

## **URBAN DESIGN AND SITE DESIGN**

During post board design review of the Proposed NPC Project under Article 80B of the Code, the Development Team will continue to work with the Planning Department Urban Design Division to design and produce an open space diagram to guide future open space development on the One Waverly Site.

## **MITIGATION AND PUBLIC BENEFITS**

The Proposed NPC Project will provide mitigation and community benefits for the Roxbury neighborhood and the City as a whole, as specified in the approved December 16, 2015 BPDA Board Approval Memorandum including:

- Creating much needed workforce housing in the Roxbury Neighborhood;
- Creating income-restricted rental housing within the Proposed NPC Project;
- Redeveloping blighted and underutilized parcels;
- Encouraging alternative modes of transportation through the use of bicycling and walking, within approximately one mile to the MBTA Nubian Square bus terminal;
- Creating 52 bike racks within the building and 6 outside of the building to encourage bicycling as a mode of transportation, leading to less vehicular traffic;
- Adding revenue in the form of new property taxes to the City of Boston;
- Creating full-time jobs (commercial / retail);
- Creating temporary construction and labor jobs;
- Coordinating with the Mayor's Office of Arts & Culture to replace the existing site mural with an object of public art that would be erected or installed, either on-site or in the vicinity of the site, with a proposed budget of \$8,000 from Cruz 270 Warren Street LLC; and
- Coordinating with the Boston Transportation Department in an effort to improve operations for all users (motorists, bicyclists, and pedestrians) along Warren Street.
- Adding 7 street trees along Waverly Street, 2 street trees along Warren Street, and 7 trees in the interior courtyard to acknowledge the Boston

Urban Forest Plan goals, and granting a pedestrian easement to the Public Improvement Commission to create the minimum clear dimension requirements of public sidewalks to meet Boston Complete street minimum standards.

- Improving streetlights and sidewalks along the Waverly Place frontage to bring them into accordance with Boston Complete Streets design specs.

## **GREEN BUILDING**

In support of Boston's carbon neutral goals, the Proposed NPC Project will be designed and constructed to be Zero Net Carbon, LEED v4 Gold / minimum 60 points certifiable, and Passive House compliant with a Building 2035 pCEI 0.34 kg CO<sub>2</sub>e/sf-yr.

The proposed building will include a well-insulated air-tight enclosure and all-efficient-electric heat pump space conditioning and DHW heating systems with energy recovery ventilation and all-electric EnergyStar rated appliances. The proposed building will utilize wooden stick frame construction favoring regenerative practices.

The Proposed NPC Project will install 90 kW solar PV and has committed to purchasing 100% renewable electricity for common building loads and setting up common area and tenant meters using the Boston Community Choice Electricity Program's "Green 100" option (100% renewable) and informing new residents of the building's green features, the benefits of using renewable electricity, and their ability to opt down or out at any time at no cost.

## **SMART UTILITIES**

The building and site plan will comply with the Smart Utilities requirements found in Article 80B of the Code. The Project NPC Project shall meet or exceed the 1.25" of stormwater infiltration per square inch of impervious development standard and will incorporate best practice green infrastructure standards within the public realm, when applicable. These elements include but are not limited to porous curb extensions, bio-retention strategies and/or rain gardens. The Proposed NPC Project will also include smart streetlights standards for new sidewalks, including city shadow conduit and dual handholes in accordance with PIC requirements. The Proposed NPC Project will also adhere to the City of Boston's EV readiness program and shall have 25% of parking spaces EVSE - Installed and the remaining 75% EV-Ready for future installation. Utilities in any City of Boston right of way will be designed to conform with Public Works Department standards and will undergo further review to ensure they are not in conflict with any landscape design feature such as tree pits and/or other green infrastructure elements. The Proposed NPC Project will also provide access for local telecom and fiber providers to

ensure broadband equity and possible future deployment of smart technologies.

### **HOUSING PROGRAM AND INCLUSIONARY DEVELOPMENT**

Projects financed as one entity and where at least 40% of the units are income restricted are exempt from the Inclusionary Development Policy, dated December 10, 2015 (the "IDP"). The Proposed Project is financed as one entity and contains fifty-two (52) total income-restricted units, equaling 100% of the total units thus surpassing 40% of the total units. As such, the Proposed Project is exempt from the Inclusionary Development Policy.

The residential rental units within the Proposed Project shall include approximately fifty-two (52) units made available to households earning not more than 60% of the Area Median Income ("AMI"), as published by the United States Department of Housing and Urban Development ("HUD"), of which approximately nine (9) units will be made available through the Massachusetts Rental Voucher Program ("MRVP").

The affordability of the Proposed Project will be finalized through the public funding process and the ongoing affordability of the Proposed Project will be monitored under a MassDocs agreement. The Proposed Project has been issued City of Boston Affordable Housing Acceleration Certificate No. EO2225.

### **RECOMMENDATION**

Based on the foregoing, BPDA staff recommends that the BPDA Board authorize the Director to: (i) issue a Determination waiving further review pursuant to Section 80A-6.2 of the Boston Zoning Code (the "Code") in connection with a NPC for the Proposed NPC Project submitted to the BPDA by the Proponent, on December 7, 2023; (2) issue a Certification of Compliance under Section 80B-6 of the Code upon successful completion of Article 80B Large Project Review; and (3) execute and deliver a Cooperation Agreement with a provision requiring compliance with the Boston Residents Construction Employment Plan and an affordable housing requirement, and any and all other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed NPC Project.

Appropriate votes follow:

**VOTED:** That the Director of the Boston Redevelopment Authority be, and hereby is, authorized to issue a Determination waiving further review pursuant to Section 80A-6.2 of the Code in connection

with the Notice of Project Change (the “NPC”) for the Phase 2 - 270-272 Warren Street redevelopment project (a.k.a. One Waverly) (the "Proposed NPC Project") submitted to the BPDA by Cruz 270 Warren Street, LLC (the “Proponent”) on December 7, 2023; and

**FURTHER**

**VOTED:** That the Director be, and hereby is, authorized to issue one or more Certification(s) of Compliance or Partial Certification(s) of Compliance under Section 80B-6 of the Code upon the successful completion of Article 80B Large Project Review; and

**FURTHER**

**VOTED:** That the Director be, and hereby is, authorized to execute a Cooperation Agreement with a provision requiring compliance with the Boston Residents Construction Employment Plan, affordable housing restriction commitments as detailed in this Board memorandum and any and all other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed NPC Project, all upon terms and conditions determined to be in the best interests of the BPDA.

# 280-290 Warren Street





# 280-290 Warren Street







**Boston City Council**  
**TANIA FERNANDES ANDERSON**  
Councilor – District 7

August 28, 2024  
Ms. Sheila Dillon  
Chief and Director  
Mayor's Office of Housing  
112 Channel Street  
Boston, MA 02210

**RE: One Waverly Street Roxbury, MA 02119**

Dear Director Dillon:

I write to express my support for the proposal by Cruz Development Corporation to build a 52 unit mixed-income, mixed use rental development on Warren Street in Roxbury, directly next to their Michael E. Haynes Arms development project, which was recently completed and will be the new home of the Cruz Companies. These new homes will be affordable to individuals and families starting at 30% AMI, while providing opportunities up to 80% AMI. The project will also have 3,483 square feet of retail and 18 garage parking spaces.

With the right kind of planning and development, Warren Street holds the potential to become an exciting commercial destination in Roxbury. Support for the One Waverly Street project will allow the construction of this project to move forward and continue the revitalization of the Warren Street corridor. The Cruz proposal will eliminate an abandoned blighted building and replace it with well-designed quality housing that compliments the surrounding neighborhood.

Thank you for your consideration of this important project. Please do not hesitate to call me if you have any questions.

Best,

Tania Fernandes Anderson  
City Councilor District 7





**CHYNAH TYLER**  
**STATE REPRESENTATIVE**  
7TH SUFFOLK DISTRICT

*The Commonwealth of Massachusetts*  
*House of Representatives*  
*State House, Boston 02133-04*

**Vice Chair:**  
State Administration & Regulatory Oversight

**Committees:**  
Ways & Means  
Public Safety & Homeland Security  
Emergency Preparedness and Management

State House, Room 33  
TEL: 617-942-1213  
[Chynah.Tyler@MAHouse.gov](mailto:Chynah.Tyler@MAHouse.gov)

September 18, 2024

Ms. Sheila Dillon  
Director  
Mayor's Office of Housing  
12 Channel Street  
Boston, MA 02210

Dear Director Dillon,

I write to express my strong support for the application by Cruz Development Corporation for their One Waverly Street proposal, which consists of a 52 unit mixed-income, mixed-use development project. The project also contains 3,483 square feet of retail space and 18 garage spaces in the heart of Roxbury.

Cruz Companies and their employees have worked diligently to improve the physical and economic condition of the neighborhoods of Boston. Support for their One Waverly Street project will allow the new construction of much-needed mixed-income housing units and help connect businesses in the Warren Street corridor. The Cruz proposal will eliminate a vacant, blighted building and replace it with a well-designed, quality housing development that complements the surrounding neighborhood. Cruz has long demonstrated its strong commitment to Roxbury and the broader community by hiring local talent that reflects the diversity of our community, as well as hiring small businesses of color that demonstrate the immense talent in the City of Boston.

Thank you for your consideration of this important project. Please do not hesitate to call me if you have any questions.

Thank you,

A handwritten signature in dark ink, appearing to read "Chynah Tyler". The script is fluid and cursive, with the first name "Chynah" written in a larger, more prominent hand than the last name "Tyler".

Chynah Tyler  
**State Representative**  
7th Suffolk

Cc: John B. Cruz III  
Daniel Cruz, Jr.



## *The Commonwealth of Massachusetts*

### MASSACHUSETTS STATE SENATE

#### **LIZ MIRANDA**

STATE SENATOR  
SECOND SUFFOLK DISTRICT

STATE HOUSE, ROOM 519  
617-722-1673  
[LIZ.MIRANDA@MASENATE.GOV](mailto:LIZ.MIRANDA@MASENATE.GOV)

**Chair** - Racial Equity, Civil Rights and Inclusion  
**Vice Chair** - Economic Development and Emerging Technologies

Ways & Means, Census, Juvenile and Emerging Adult Justice  
Community Development and Small Businesses, Elder Affairs,  
State Administration and Regulatory Oversight

August 30, 2024

Ms. Sheila Dillon  
Chief of Housing and Director  
Mayor's Office of Housing  
12 Channel Street  
Boston, MA 02210

#### **Re: Support for One Waverly Street, Roxbury, MA 02119**

Dear Chief Dillon:

I am writing to express support for the proposed new construction, mixed-use development, to be located on One Waverly Street. This new construction project will contain 52 mixed income units, 18 garage parking spaces and 3,483 square feet of commercial space. There will be housing for families earning 30% - 80% of the AMI, while eliminating a significantly blighted building in the Warren Street corridor.

Since affordable housing options are so scarce, it is critical that One Waverly Street receive this investment to ensure its longevity and affordability into the future. The Cruz Companies have an excellent track record employing a high percentage of local workers of color as well as MBE's on all of their projects.

As the State Senator for the Second Suffolk District in Boston, whose residents will be served by this development project, I ask you to support this worthwhile development. Thank you for your consideration. Please do not hesitate to contact me regarding my support should you have any questions

Sincerely,



**Senator Liz Miranda** |she/her|  
Second Suffolk District  
*(Roxbury, Dorchester, Mattapan, Hyde Park, Mission Hill,  
Jamaica Plain, South End, Roslindale, Fenway)*

**MEMORANDUM****February 13, 2025**

**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  
SCOTT SLARSKY, SENIOR ARCHITECT AND URBAN PLANNER  
JAMES FITZGERALD, DEPUTY DIRECTOR OF PLANNING REVIEW  
ILANA HAIMES, PLANNER II  
JOHN STUART FISHBACK, SENIOR LANDSCAPE ARCHITECT II  
EBONY DAROSA, SENIOR PROJECT MANAGER

**SUBJECT:** 142-146 ST. MARY'S STREET, FENWAY

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**SUMMARY:** This Memorandum requests that the Boston Redevelopment Authority ("BRA") d/b/a the Boston Planning & Development Agency authorize the Director to: (1) issue a Determination waiving further review pursuant to Article 80, Large Project Review of the City of Boston Zoning Code (the "Zoning Code") for the 142-146 St. Mary's Street project (the "Proposed Project", defined below) in the Audubon Circle neighborhood of Boston; (2) issue a Certification of Compliance under Section 80B-6 of the Code upon successful completion of the Article 80 review process; (3) enter into an Affordable Rental Housing Agreement and Restriction, if necessary, or require the same to be executed by and between the Proponent and the Mayor's Office of Housing, and a Cooperation Agreement in connection with the Proposed Project; and (4) take any other actions and execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

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**PROJECT SITE**

The project site includes approximately 29,634 square feet of land, with an existing non-conforming commercial parking garage and unimproved surface area located at 142-146 St. Mary's Street in the City of Boston's ("City's") Audubon Circle neighborhood (the "Project Site" or "Site"). The Site is located in the City's Multifamily Residential ("MFR") Zoning Subdistrict of the Audubon Circle Neighborhood District, which is regulated pursuant to Article 61 of the Zoning Code. The Project Site abuts the MBTA's D Green Line railroad tracks and its Fenway Station and is also in close walking distance to the Green Line's St. Mary's Station and adjacent to the border of the Town of Brookline.

The surrounding neighborhood context is well-suited to the scale and scope of the Proposed Project, with the nearby 101 Monmouth Street 8-1/2 stories multi-family residence, and traditional lower-density 3-1/2 residential buildings along Medfield Street, flanking the Project Site to the west and north, respectively. The broader Audubon Circle neighborhood is a mix of residential and commercial/service uses with good transit connectivity, access to green space and recreation and walkability to education, institutions, job centers, retail and similar conveniences, respectively.

**DEVELOPMENT TEAM**

The Project Team consists of the following entities:

Proponent:	100 Monmouth Street LLC c/o Allen Associates Properties Inc. P.O. Box 590249 Newton Centre, MA 02459 Matthew Allen, Douglas Allen Caroline Allen, Sam Allen
Legal Counsel/Outreach:	McDermott Quilty Miller & Hanley LLP 28 State Street, Suite 802 Boston, MA 02109 Joseph Hanley, Esq. - Partner Dennis Quilty, Esq. - Partner Nicholas Zozula, Esq. - Partner

Architect:	RODE Architects Inc. 535 Albany Street, #405 Boston, MA 02118 Ben Wan, Amanda Dexter
Article 80 Permitting Consultant:	Mitchell L. Fischman Consulting ("MLF Consulting") LLC 41 Brush Hill Road Newton, MA 02461 Mitchell Fischman - Principal
Transportation Planner / Engineer:	Howard Stein Hudson 11 Beacon Street, Suite 1010 Boston, MA 02108 Keri Pyke, Melissa Restrepo
Civil Engineer:	Howard Stein Hudson 11 Beacon Street, Suite 1010 Boston, MA 02108 Rick Latini, Madison Blanchard
Landscape Architect:	Verdant Landscape Architecture 318 Harvard St #25, Brookline MA, 02446 Katya Podsiadlo
Sustainability Consultant	Soden Sustainability Consulting 19 Richardson Street Winchester, MA 01890 Colleen Ryan Soden, Arran French

**DESCRIPTION AND PROGRAM**

The Proponent proposes to raze and replace the outdated commercial parking garage at the Project Site and revitalize it with a new transit-oriented six (6) story residential building of approximately 84,520 gross square feet, containing eighty-five (85) units of multi-family residential rental housing, new and expanded public sidewalks, improved pedestrian and vehicular access, bicycle storage, and 100 on-site vehicular parking spaces for *both* its new building residents *and* for the

Proponent's off-street parking obligations for its long-existing abutting apartment building at 101 Monmouth Street in the Town of Brookline, including 18 surface and 82 garaged spaces (the "Proposed Project"). The residential program will include approximately twelve (12) studios, fifty-two (52) one-bedroom units, and twenty-one (21) two-bedroom units. Thirteen (13) units will be income-restricted to meet and exceed the requirements of the Inclusionary Development Policy.

At significant impact to the Proposed Project, and as part of its transit-oriented development program, the Proponent has made substantive revisions to the building footprint and massing of the Proposed Project, to accommodate a new pedestrian pathway at a portion of its private land adjacent to the MBTA Fenway Greenline Subway Station (the "Proposed MBTA Pathway Connection"). The Proposed MBTA Pathway Connection would provide improved new neighborhood access to the public subway service of Fenway Station, by creating a direct means of egress from the station platforms to the nearest public ways along northwest corner of the Project Site (at the intersection of Medfield / Monmouth and St Mary's Streets). The Proposed MBTA Pathway Connection would also traverse public and private sidewalks and incorporate new ADA/AAB compliant curbs, ramps, and grades, for much-needed accessibility improvements.

The Proposed Project will also create much-needed housing at a development without displacement, with an architectural form that better comports with its historic context while expressing a modern design language towards the adjacent Emerald Necklace park. The building massing is organized by its contextual adjacencies, with highly varied conditions presented by the different site exposures. The building is taller facing the large "urban room" of the Riverway and drops in height where it faces the existing residences which front onto Medfield Street, all while staying below the taller structures that exist at 101 Monmouth and fronting onto Park Drive. This contextual approach threads the Proposed Project into the existing context, building on the existing fabric of the Audubon Circle neighborhood.

The Proponent plans to commence construction of the Proposed Project in 2026. There are an estimated 100 +/- construction jobs contributing to the Proposed Project and potential for several new permanent jobs in the property management and leasing areas. The total anticipated development cost is approximately Forty-Seven Million Dollars.



The table below summarizes the Proposed Project’s anticipated key development metrics.

<b><u>Estimated Project Metrics</u></b>	<b>Proposed Plan</b>
<b>Gross Square Footage</b>	118,321
<b>Gross Floor Area</b>	84,520
<i>Residential</i>	84,520
<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>	29,236
<b>Development Cost Estimate</b>	\$47,000,000
<b>Residential Units</b>	85
<i>Rental Units</i>	85
<i>Ownership Units</i>	0
<i>IDP/Affordable Units</i>	13
<b>Parking spaces</b>	100

### **ARTICLE 80 REVIEW PROCESS**

On May 10, 2023, the Proponent filed a Letter of Intent (“LOI”) in accordance with the BPDA’s policy regarding the Provision of Mitigation by Development Projects in Boston. On May 11, 2023, letters soliciting nominations for the Impact Advisory Group (“IAG”) were delivered to local and state elected officials. On June 7, 2023, the IAG was finalized with five (5) members.

The Proponent filed a Project Notification Form (“PNF”) for the Proposed Project on October 24, 2023, which initiated a public comment period with a closing date of November 23, 2023, with said public comment period subsequently extended until January 16, 2024. Notice of the receipt of the PNF by the BPDA was published in the Boston Herald on October 24, 2023. The notice and PNF were sent to the City’s public agencies/departments and elected officials.

Pursuant to Section 80B-5.3 of the Code, a Scoping Session was held on November 7, 2023, with the City’s public agencies and elected officials to review and discuss the Proposed Project.

The BPDA also held the following public meetings on the Proposed Project: an IAG meeting on November 13, 2023, and a public meeting on December 11, 2023. The meetings were advertised in local newspapers and on the BPDA website and distributed to the BPDA’s Audubon Circle/Fenway email list.

The BPDA then issued a Scoping Determination and request for a Draft Project Impact Report (“DPIR”) on May 17, 2024. The Proponent subsequently filed a DPIR to the BPDA on October 23, 2024. The DPIR filing initiated an additional public comment period with an extended closing date of December 20, 2024. Notice of the receipt of the DPIR Response by the BPDA was published in the Boston Herald on October 23, 2024. The notice and DPIR Response were sent to the City’s public agencies/departments and elected officials.

The BPDA then held additional public meetings on the Proposed Project and the Proponent’s DPIR Response, including an IAG meeting on November 12, 2024, and a public meeting on December 10, 2024. The meetings were advertised in local newspapers and on the BPDA website and distributed to the BPDA’s Audubon Circle/Fenway email list.

The Proposed Project was revised in the DPIR (as follows):

- Reduced the building’s size and scale from 91,000 gsf to 84,520 gsf;
- Reduced the number of residential units from 90 to 85;
- Increased onsite open space by 25% from 6,674 sf to 8,370 sf;

- Introduced a new pedestrian path – the Proposed MBTA Pathway Connection - connecting the MBTA Fenway D-line station to the nearest public way at Medfield / Monmouth Streets;
- Reduced the number of overall garage parking spaces from 105 to 82, and relocating the garage entrance from St Mary's Street to the alley shared with the Medfield Street residences, to enhance the pedestrian environment on St Mary's Street, and to improve pedestrian function of the Proposed MBTA Pathway Connection to the MBTA Greenline station; and
- Provided further setback of the building massing away from the MBTA right-of-way, thereby reducing the building footprint and the proposed level 2 amenity deck and increasing the amount of at-grade landscaped open space. and reducing the impact of building construction on ongoing operations in the MBTA right-of-way.

### **PLANNING AND ZONING CONTEXT**

The Proposed Project site is within a Multifamily Residential (MFR) zoning subdistrict in Audubon Circle Neighborhood District. The border between the City of Boston and Town of Brookline is located at the property line of the project site that fronts on St. Mary's Street. Access rights for existing residential buildings surrounding the proposed project, and coordination with the MBTA and Town of Brookline influenced the final design of the Proposed Project.

Planning context and recommendations from Housing Boston 2030 and the Fenway Transportation Action Plan informed staff review of the Proposed Project. Housing Boston 2030 recommendations support residential development in the vicinity of existing transit and amenities. The location of this Site near the MBTA Green Line and mixed-use corridors including Park Drive, Boylston Street, and Brookline Avenue, make this Site an ideal location for multifamily housing with low parking ratios, upgraded pedestrian infrastructure, and on-site affordability.

The Emerald Necklace Park system, including a segment of the Riverway, directly abuts the MBTA Green Line tracks behind the Project Site and is easily accessible from Park Drive. The Proposed Project responds to the adjacent conditions in its massing and public realm improvements, including an accessible multimodal path connecting Medfield Street/Monmouth Street to the Fenway MBTA.

The Proposed Project at 142-146 St. Mary's Street is impacted by the access rights of multiple entities that directly abut the Project Site. The existing parking garage on the site as well as the parking available on the privately owned section of St. Mary's Street have historically served the parking needs of the adjacent building within the boundaries of the Town of Brookline. The Proposed Project addresses the needs of the adjacent building by continuing to provide 85 spaces of ancillary parking but limiting net new parking spaces on-site to a maximum of eight (8) for building residents, two (2) for carshare, and up to fifteen (15) for neighborhood residents. While staff consider it regrettable that off-street parking capacity must be retained for the benefit of housing units located in Brookline, staff recognize that this is a necessary compromise to unlock underutilized land for the production of housing in Boston.

### **MITIGATION AND COMMUNITY BENEFITS**

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

- Creation of 85 units of much-needed residential rental housing in place of an outdated parking garage that is not the highest and best use for the Site, including the income-restriction of 15.3% of residential units within the Proposed Project, which meets and exceeds the City's Inclusionary Development Policy.
- The inclusion of a minimum of eighty-five (85) long-term covered and secure bike parking spaces in a bike parking room with access off of Saint Mary's Street and a minimum of 18 exterior visitor post-and-ring short-term bike parking in compliance with the 2021 Boston Transportation Department Bike Parking Guidelines.
- Minimize the negative impacts of parking by locating the parking access off of the shared alley, allowing for an active street wall on Saint Mary's Street and prioritize the pedestrian connection to the Fenway MBTA Station.
- The Proponent must provide an accessible path from the new Fenway Station path as described above to Monmouth Street/Medfield Street intersection. Providing approximately 252 linear feet and 2,053 total square feet of private land (at the Project Site) for the Proposed MBTA Pathway

Connection's new neighborhood access route to the public subway node at the MBTA's abutting Fenway Station, with a direct means of egress from its station platforms to the nearest public ways along northwest corner of the Project Site (at the intersection of Medfield and St Mary's Streets), along with new ADA/AAB compliant curbs, ramps and grading measures for much-needed accessibility and pedestrian safety upgrades to and from Fenway Station. Along the MBTA track side of the pedestrian connection, the new path will be located within a 16' wide easement comprised of 12' of the Project Site and 4' of the MBTA property. The portion of the path along the south side of the building should provide a minimum 8'-0" width clear path of travel. The portion of the path along the west side of the building, along Saint Mary's Street side, should provide a minimum 6'-0" clear width path. Exterior lighting shall be provided along the full length of the path as required to meet or exceed MBTA and industry standard best practice photometric standards for access /egress. The Planning Department and Disabilities Commission recommend incorporation of a poured-in-place permeable pavement in an effort to mitigate flooding and deter ponding along the MBTA path. The path must be open to the general public 24 hours a day, 7 days a week with no access restrictions. The path must be delivered upon Certificate of Occupancy.

- Advancing and aligning with modern planning principles and City's housing goals for improved public access and utilization of a long-existing public transportation node in the City's Audubon Circle neighborhood, as part of an abutting transit-oriented multifamily development; to better serve existing residents and future growth in the immediate and surrounding community.
- Replacement of an existing commercial parking garage and non-descript structure on a vastly underutilized lot used for parking and storage, thereby improving the safety and visual appearance of the area and improving environmental conditions on the Site.
- Significant improvement and increase of the pervious area of the lot to mitigate stormwater and runoff which will also improve compliance with the requirements of the Groundwater Conservation Overlay District.

- Significant improvement of pedestrian safety, enhanced connectivity and overall aesthetic of the Site and its immediate area, by removing three vehicular garage entry points to the existing garage to be removed and creating approximately 108' linear feet of entirely new sidewalks with a new public realm to meet Complete Streets standards and guidelines.
- No Public Improvement Commission actions are anticipated on-site based upon the scope of work documented in the BPDA Board memo and presentation. Off-site mitigation, if needed, could require submission of Specific Repair Plan(s) depending upon the location and scope of improvements.
- The Proposed Project will comply with the BTD Electric Vehicle Readiness Policy for New Developments, requiring 25% of the parking spaces to be equipped with electric vehicle charging stations and the remaining 75% to be ready for future installation.
- Planting and continued maintenance of at least six (6) new street trees along the St. Mary's Street Private Way. Street trees should be planted in a minimum 3'-0" wide Furnishing Zone as measured from the back of curb. Tree pit openings should be 24 square feet minimum. Permeable paving should be provided in the Furnishing Zone. Soil volumes should at minimum meet Boston Complete Streets Design Guidelines and should to the extent feasible strive to meet the industry standard best practice targets described on page 60 of the Boston Complete Streets Design Guidelines. Street tree soil should be included both below the Pedestrian Zone and Furnishing Zone in order to maximize volume and allow for the permeable paving to perform as a conduit to support air and water exchange with the street tree soils below. Following Board approval, the proponent should document the proposed soil extents and soil volume on a per-tree basis.
- An inventory of existing trees should be provided following Board approval. The inventory should include all trees 6" DBH and larger, including both trees on Site and trees occurring on adjacent parcels within fifteen (15) feet of the project limit of work. The survey should be prepared by a certified arborist and indicate the tree species, size (DBH), and condition. Provide a plan illustrating proposed protections and removals. Provide a plan documenting mitigation achieved through proposed tree planting. Planning encourages

the Proponent to engage a certified arborist to develop a plan for proposed tree protection and oversee implementation.

- Creation of a new loading, drop-off, and lay-by loading area along St Mary's Street along the proposed project's frontage, to manage vehicular and truck activity away from the abutting existing residences.
- Inclusion of a dog pet relief area and dog zone on Site for residents to reduce potential burden on neighborhood infrastructure and open space, along with outdoor courtyards to provide open space for residents.
- The Proponent is contributing One Hundred and Fifty Thousand Dollars (\$150,000.00) to the Brookline Green Space Alliance for the purpose of enhancing and maintaining Monmouth Park, which serves as the main recreational parkland open space for this section of the Audubon Circle Neighborhood in the City of Boston, as immediately adjacent to its border with the Town of Brookline. The Proponent has reviewed the Proposed Project with the Emerald Necklace Conservancy and the Muddy River Restoration Project Maintenance and Management Oversight Committee to help shape and design the Muddy River facing elevation of its new building facade in that direction, and the Proposed MBTA Pathway Connection will serve as an additional benefit of improved access and connectivity to and for the public use and stewardship of the Emerald Necklace and Muddy River.
- The Proponent is contributing Twenty-Five Thousand Dollars (\$25,000.00) over five years, in Five Thousand (\$5,000.00) increments, beginning with the first year after issuance of Certificate of Occupancy, to the non-profit Audubon Circle Neighborhood Association for the purpose of funding its annual beautification improvements at and around the public realm in Audubon Circle and in the immediate vicinity of the Project Site.
- The project will comply with the Boston Transportation Department Transportation Demand Management Points System. The selected strategies will be specified and codified in the Transportation Access Plan Agreement ("TAPA"). As currently contemplated, the following two TDM Point System measures will be delivered:

- The number of proposed parking spaces for the new development is below the maximum allowed by the Boston Transportation Department (“BTD”) Parking Ratio Guidelines.
  - The Proponent will charge market-rate price for the use of the on-site parking.
  - The Proponent will provide space for two (2) car share parking spaces.
- Upon issuance of the Certificate of Occupancy, the Proponent will make a one-time “bikeshare” contribution of \$49,000.00 to Boston Transportation Department (“BTD”) per the City’s Bike Parking Guidelines . The Proponent will also work with BTD and the Planning Department to locate one (1) nineteen (19) dock bike share station either on the project site, or near the Project Site upon issuance of Certificate of Occupancy . The Planning Department has the strong preference that the bike share station be sited on the project site. If that is not possible, the station must be in the close vicinity (ideally within a minimum of a three-minute walk of the project site). This may require construction to build a curb extension to accommodate this station. Bike share stations may require Administrative Review by PIC.
- The number of parking spaces approved by Planning Department is a maximum number of spaces, as final decisions on parking supply are codified by the TAPA for Large Projects, and where applicable, the Proponent must comply with Boston’s Air Pollution Control Commission’s (APCC) Parking Freeze permitting requirements. The Proponent must comply with the Boston Transportation Department’s Maximum Parking Ratio Guidelines. The number of parking spaces must comply with the Restricted Parking Overlay District (RPOD) where applicable and must not override or exceed the allowable amount of parking spaces per Boston Zoning Code. Parking layout is subject to ISD approval.

The proposed scope of any in-kind work agreed to by the Proponent shall be developed in consultation with the BPDA and appropriate city agencies, departments, and commissions and the allocation of any financial contributions shall first be provided to the BPDA for disbursement to the specified entity or organization. The details of any in-kind work and the allocation of any financial contributions shall be incorporated into the Cooperation Agreement between the Proponent and the BPDA. To the greatest extent possible, the Proponent will



provide the BPDA with evidence indicating that the previously referenced mitigation and community benefits have been satisfied.

All sidewalk and streetscape improvements are subject to design review and may require approval for a Specific Repairs Action with PIC.

BPDA-approved construction signage must be installed at the project construction site before and during the construction of the Proposed Project. The signage must be in the form of panels at highly visible locations at the construction site or around the construction site perimeter and must be adjacent to each other. The BPDA will work with the Proponent to provide high-resolution graphics that must be printed at a large scale (minimum of 8 feet by 12 feet).

### **SUSTAINABILITY & RESILIENCY**

#### **Article 37**

- In support of Boston's carbon neutral goals, the Proposed Project will be designed and constructed to be all-electric, LEED v4 Gold certified (62 points), and Passive House compliant with a Building 2035 predictive carbon emissions (pCEI) value of 1.00 kg CO<sub>2</sub>e/sf-yr.
- The proposed building will include a well-insulated, air-tight enclosure with efficient electric heat pump space conditioning and DHW heating systems, energy recovery ventilation, all-electric EnergyStar rated appliances, and a window to wall ratio (WWR) between 20-26%.
- The Proposed Project has committed to purchasing 100% renewable electricity for common building loads and setting up residential meters using the Boston Community Choice Electricity Program's "Green 100" option (100% renewable) and informing new residents of the building's green features, the benefits of using renewable electricity, and their ability to opt down or out at any time at no cost. The Proponent is also looking into installing a 20 kW solar panel array based on available roof area. Further study will be conducted to confirm the size.
- Additionally, to minimize embodied carbon impacts and include healthier durable material, the building's structure will consist of 5 stories of wood-

framed, panelized construction over a concrete & steel podium for the basement and ground floor. A wooden stick frame is one of the lowest embodied carbon structural solutions available for our building type, lower in embodied carbon than mass timber due to the reduced need for material. The team will further refine the structure to reduce the need for material where possible and will specify steel with a high recycled content, low-carbon concrete mixes with EPDs, as well as low VOC finishes.

### ● **Smart Utilities**

- On-going review of stormwater retention and/or management over the impervious area and confirmed on updated utility site plan, that the proposed infrastructure does not conflict with other utilities.
- On-going review of trees, permeable pavers, if used, and other green infrastructure features on the right-of-way, where applicable based on the scope of work; (to be reviewed as part of on-going review processes with Urban Design and PIC).
- Verification of compliance with the City of Boston EV Readiness Policy for New Developments, including EV chargers and needed infrastructure. Project shall provide 25% of total parking EV charging space on site. The Proponent will outfit the remaining 75% of parking spaces to be EV ready as defined by the BTM EV Readiness Policy for New Large Developments.
- A Utility Site Plan showing the infrastructure in the bullets above, as well as all other relevant utility infrastructure, as needed in on-going future reviews with Urban Design and PIC, including electric connection for streetlights.
- A plan to address relevant conflicts reported through COBUCS if/as relevant. Project team and the contractor will continue to work with BTM and Smart Utilities, as needed.

### **AFFIRMATIVELY FURTHERING FAIR HOUSING**

The Proposed Project will incorporate the following Affirmatively Furthering Fair Housing (AFFH) Interventions:

Article 80 Interventions

- Provide an additional percentage of IDP Units than required;
- Provide all IDP units on-site;
- Deepen the affordability of IDP units.

Marketing and Housing Access Interventions

- Provide a preference for an agreed upon percentage of units to rental voucher holders for the first year or some other term.

**INCLUSIONARY DEVELOPMENT COMMITMENT**

The Proposed Project is subject to the Inclusionary Development Policy, dated December 10, 2015 (“IDP”), and is located within Zone A, as defined by the IDP. The IDP requires that 13% of the total number of units within the development be designated as IDP units. In this case, thirteen (13) units within the Proposed Project will be created as IDP rental units (the “IDP Units”) or 15.29% of total residential units within the Proposed Project. One (1) unit will be made available to households earning not more than 50% of the Area Median Income (“AMI”) as published annually by the BPDA and based upon data from the United States Department of Housing and Urban Development (“HUD”), eleven (11) units will be made available to households earning not more than 70% of the AMI, and one (1) unit will be made available to households earning not more than 100% of the AMI.

The proposed locations, sizes, income-restrictions, and rents for the IDP Units are as follows:

<b>Unit Number</b>	<b>Number of Bedrooms</b>	<b>Unit Size (Sq Ft)</b>	<b>Percentage of AMI</b>	<b>Maximum Rent</b>	<b>Group-2</b>
202	One-Bedroom +	891	70%	\$1,621	
204	One-Bedroom	714	70%	\$1,621	
213	Two-Bedroom	1,040	50%	\$1,281	Group-2A
304	One-Bedroom +	767	70%	\$1,621	
309	Studio	506	70%	\$1,383	

315	One-Bedroom	779	70%	\$1,621	Group-2A & Group-2 Sensory
317	One-Bedroom	727	70%	\$1,621	
407	Two-Bedroom	1003	100%	\$2,670	
412	One-Bedroom	714	70%	\$1,621	Group-2 Sensory
503	One-Bedroom	742	70%	\$1,621	
508	One-Bedroom	714	70%	\$1,621	
513	Studio	501	70%	\$1,383	Group-2A
516	Two-Bedroom	949	70%	\$1,837	

The location of the IDP Units 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 ("AHRAR") 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 IDP Units. IDP Units must be comparable in size, design, and quality to the market-rate units in the Proposed Project, cannot be stacked or concentrated on the same floors, and must be consistent in bedroom count with the entire Proposed Project.

The ARHAR must be executed along with, or prior to, the issuance of the Certification of Compliance for the Proposed Project. The Proponent must also submit a draft Affirmative Marketing Plan (the "Plan") to the Boston Fair Housing Commission at the time the building permit is issued. The IDP Units will not be marketed prior to the submission and approval of the Plan by Fair Housing and the BPDA. Preference will be given to applicants who meet the following criteria, weighted in the order below:

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

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

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

**RECOMMENDATIONS**

Approvals have been requested of the BPDA pursuant to Article 80, Section 80B of the Code for the issuance of a Determination waiving further review pursuant to Article 80, Section 80B-5.44 of the Code, and for the issuance of a Certification of Compliance under Section 80B-6 upon successful completion of the Article 80 review process.

Staff believe that the DPIR together with any additional materials and comments received by the BPDA in regard to the Proposed Project meets the criteria for issuance of a Determination waiving further review. It is therefore recommended that the BPDA approve the Proposed Project and authorize the Director to: (1) issue a Determination waiving further review pursuant to Article 80, Section 80B-5.4 of the Code; (2) issue a Certification of Compliance under Section 80B-6 upon successful completion of the Article 80 review process; (3) enter into an Affordable Rental Housing Agreement and Restriction, if necessary, or require the same be executed by and between the Proponent and the Mayor's Office of Housing; and (4) execute and deliver a Cooperation Agreement (referencing, among other things, the Boston Residents Construction Employment Plan ordinance), and any and all other agreements and documents upon terms and conditions deemed to be in the best interest of the BPDA.

**VOTED:** That the Director be, and hereby is, authorized to issue a Determination waiving further review under Section 80B-5.4 of the City of Boston Zoning Code (the "Code"), which (i) finds that the Project Notification Form ("PNF") and Development Project Impact Report together with any additional material and comments received by the BPDA adequately describes the potential impacts arising from the proposed 142-146 St. Mary's Street project (the "Proposed Project"), and provides sufficient mitigation measures to minimize these

impacts, and (ii) waives further review of the Proposed Project under subsection 4 of Section 80B-5 of the Code, subject to continuing design review by the Boston Redevelopment Authority ("BRA") d/b/a the Boston Planning and Development Agency ("BPDA"); and

**FURTHER**

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

**FURTHER**

**VOTED:** That the Director be, and hereby is, authorized to execute an Affordable Rental Housing Agreement and Restriction for the creation of thirteen (13) on-site Inclusionary Development Units in connection with the Proposed Project, if necessary, or require the same be executed by and between the Proponent and the Mayor's Office of Housing; and

**FURTHER**

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

# 142-146 St. Mary's Street



1:600





142-146 St. Mary's Street





To: Mitchell Fischmann, Principal, MLF Consulting  
Cc: Matthew Allen, Partner, Allen Associates Properties Inc.  
Douglas Allen, Partner, Allen Associates Properties Inc  
Joseph Hanley, Attorney, McDermott Quilty Hanley & Miller LLP  
Ebony DaRosa, Project Manager, City of Boston Planning Department  
From: Janna Ramadan, AFFH Zoning Assistant on behalf of the Boston Interagency Fair Housing  
Development Committee  
Date: February 4, 2025  
Re: 142-146 St. Mary's St Affirmatively Furthering Fair Housing Comments from the Boston  
Interagency Fair Housing Development Committee

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Thank you for submitting your Affirmatively Furthering Fair Housing (AFFH) Assessment and for your ongoing work to take meaningful actions to address significant disparities both in housing needs and in access to opportunity in the Fenway neighborhood and the City of Boston as a whole. The Boston Interagency Fair Housing Development Committee (BIFDC) has reviewed your response letter and has additional requests and recommendations. Review by the BIFDC is intended to be ongoing and collaborative, throughout the Article 80 review and approval process. Your responses to the requested information will assist the BIFDC to continue its AFFH review of the Proposed Project.

The BIFDC has comments on and/or requests for additional information regarding:

1. Clarifying and confirming number of Group 2 units
2. Cause for decreasing number of IDP units

A detailed explanation of the BIFDC's comments and recommendations is included with this letter. If you have any questions, comments, or concerns about this letter or AFFH in general, please contact Janna Ramadan at [janna.ramadan@boston.gov](mailto:janna.ramadan@boston.gov). Please submit any information and/or documents regarding AFFH to your Project Manager.

## Boston Interagency Fair Housing Development Committee Review & Recommendation Form

<b>Project Name/Address</b>	142-146 St. Mary's St
<b>BIFDC Review Date(s):</b>	2/3/2025
	11/3/2022

### AFFH Recommendations

<b>AFFH Assessment is complete.</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - An AFFH Assessment is marked as complete when the BIFDC has concluded its review and is able to make a recommendation regarding the AFFH components of a Proposed Project.
<b>If no, describe what is needed to complete the Assessment.</b>	<p>Based on the comments from BIFDC representatives (attached), the Proponent is requested to respond to the following questions, comments, and recommendations:</p> <ol style="list-style-type: none"> <li><b>Clarifying and confirming number of Group 2 units:</b> The BIFDC seeks to clarify the number and type of Group 2 units to confirm that the minimum policy requirements are being met. To achieve the architectural access minimums (i.e. 521 CMR 9.00), the project requires 4 Group 2 units (5%) plus 2 Hard of Hearing units (additional 2%). Under IDP, to achieve the 15% IDP Group 2 unit minimum, 2 of the Group 2 units and 1 of the Hard of Hearing units must be IDP units. Currently, it appears that an IDP Group 2 unit is counted twice, as both a Group 2A and Hard of Hearing unit, and that the project has fewer than the total required accessible units..</li> <li><b>Cause for decreasing number of IDP units:</b> The BIFDC requests clarity regarding why the project had to decrease the total number of IDP units in order to increase the depth in affordability. Specifically, the BIFDC notes that in addition to changing one unit to 100% AMI to facilitate changing one unit to 50% AMI, the project also lost 1 IDP unit (at the same time that the project lost 4 market-rate units). Greater description of the thought process behind that decrease in the</li> </ol>

	number of IDP units, whether related to financial feasibility or other factors, would be appreciated.
<b>AFFH Assessment appears to be accurate.</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>If no, describe the inaccuracies.</b>	
<b>AFFH Assessment notes:</b>	

### Planned Development Area

<b>This review is for Planned Development Area (PDA) only (each project located within a PDA to be reviewed separately).</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No-Intervention Enhancement for PDAs not required
<b>This project is located within a PDA.</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Is yes, describe any different or additional AFFH and/or other housing obligations that are required under the PDA:</b>	
<b>PDA Notes:</b>	

### Historical Exclusion

<b>The proposed project is located in an area of high historical exclusion.</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No-Intervention Enhancement for High Historical Exclusion is not required.
<b>Historical Exclusion notes:</b>	

### Actual Residential Displacement

<b>There is actual residential displacement at the proposed project site.</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Actual Residential Displacement Risk notes:</b>	

### Proportionality

<b>The proposed intervention options are proportional to the size, scope, and impact of the proposed project.</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Discuss the basis for the above determination.</b>	A determination regarding Proportionality cannot be made until the outstanding issues described above are resolved.
<b>If no, describe the type and amount of additional intervention options that are necessary to a determination of proportionality.</b>	
<b>Proportionality notes:</b>	

## AFFH Strategy

<b>The proposed AFFH strategy is appropriate, achievable, and responsive to the AFFH goals detailed in the Boston Zoning Code.</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Describe the basis for the above decision.</b>	A determination that the overall AFFH Strategy is appropriate, achievable, and responsive to AFFH goals will be made once the outstanding issues are addressed by the Proponent.
<b>If no, describe what is necessary for the proposed AFFH strategy to become appropriate, achievable, and responsible to AFFH goals, including which specific different or additional intervention options should be considered.</b>	
<b>AFFH Strategy Notes:</b>	

To: Joseph Hanley, Attorney

Cc: Ebony DaRosa, Project Manager, Boston Planning and Development Agency

From: Rafi Nizam, AFFH Assistant on behalf of the Boston Interagency Fair Housing Development Committee

Date: November 13th, 2023

Re: 142-146 St. Mary's St Affirmatively Furthering Fair Housing Comments from the Boston Interagency Fair Housing Development Committee

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Thank you for submitting your Affirmatively Furthering Fair Housing (AFFH) Assessment and for your ongoing work to take meaningful actions to address significant disparities both in housing needs and in access to opportunity in the Fenway neighborhood and the City of Boston as a whole. The Boston Interagency Fair Housing Development Committee (BIFDC) has reviewed your submission and has comments, suggestions, and requests for additional information. Review by the BIFDC is intended to be ongoing and collaborative throughout the Article 80 review and approval process. Your responses to the requested information will assist the BIFDC to continue its AFFH review of the Proposed Project.

The BIFDC has comments on and/or requests for additional information regarding:

1. AMIs of IDP Units
2. Number of 2+ bedroom units
3. Number of Group 2 units
4. Units available to voucher holders

In addition to the outline provided above, a more detailed explanation of the BIFDC's comments and recommendations is included with this letter. If you have any questions, comments, or concerns about this letter or AFFH in general, please contact Rafi Nizam at [rafi.nizam@boston.gov](mailto:rafi.nizam@boston.gov). Please submit any information and/or documents regarding AFFH to your Project Manager.

## Boston Interagency Fair Housing Development Committee Review & Recommendation Form

<b>Project Name/Address</b>	142-146 St. Mary's St
<b>BIFDC Review Date(s):</b>	11/3/2022

### AFFH Recommendations

<b>AFFH Assessment is complete.</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - An AFFH Assessment is marked as complete when the BIFDC has concluded its review and is able to make a recommendation regarding the AFFH components of a Proposed Project.
<b>If no, describe what is needed to complete the Assessment.</b>	<p>Based on the comments from BIFDC representatives (attached), the Proponent is requested to respond to the following questions, comments, and recommendations:</p> <ol style="list-style-type: none"> <li><b>AMIs of IDP Units:</b> Proponent is recommended to provide IDP units at a range of AMIs from 50% - 100% AMI. The household incomes in the area surrounding the Proposed Project are significantly lower than the City-wide average. Offering IDP units at a wider range of AMIs will begin to address this concern.</li> <li><b>Number of 2+ Bedroom Units:</b> Proponent is recommended to provide more 2+ bedroom units than currently proposed, especially IDP units. There are significantly fewer families with children under 18 in the area around the Proposed Project site. There are also fewer 2+ bedroom units in the area compared to the City as a whole, which may indicate a lack of access to units appropriate for families with children under 18.</li> <li><b>Number of Group 2 IDP units:</b> Proponent is recommended to increase the number of fully built out Group 2 IDP units for persons with disabilities. There are significantly fewer households in the area surrounding the Proposed Project site identifying as having a disability than the citywide average. Providing additional Group 2 units will create opportunities for these households to live in the area.</li> <li><b>Units available to voucher holders:</b> Proponent is recommended to give preference to voucher-holders for the IDP units to help address the low rate of voucher utilization in the project area.</li> </ol>
<b>AFFH Assessment appears to be accurate.</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>If no, describe the inaccuracies.</b>	
<b>AFFH Assessment notes:</b>	

### Planned Development Area

<b>This review is for Planned Development Area (PDA) only (each project located within a PDA to be reviewed separately).</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No-Intervention Enhancement for PDAs not required
<b>This project is located within a PDA.</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Is yes, describe any different or additional AFFH and/or other housing obligations that are required under the PDA:</b>	
<b>PDA Notes:</b>	

### Historical Exclusion

<b>The proposed project is located in an area of high historical exclusion.</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No-Intervention Enhancement for High Historical Exclusion is not required.
<b>Historical Exclusion notes:</b>	

### Actual Residential Displacement

<b>There is actual residential displacement at the proposed project site.</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Actual Residential Displacement Risk notes:</b>	

### Displacement Risk

<b>This project is located in an area of high displacement risk.</b>	<input checked="" type="checkbox"/> Yes – Intervention Enhancement for High Displacement Risk is required <input type="checkbox"/> No
<b>Discuss the basis for the above determination.</b>	<p><b>Conclusion:</b> Using the information contained in the Housing and Household Composition Community Profile Report, the DND Displacement Risk Map, and the answers to AFFH Assessment Section 4, there is likely a high risk of displacement in the area surrounding the Proposed Project site.</p> <p><b>Displacement Risk Analysis:</b> Displacement is defined under the Boston Zoning Code as “unwilling or coerced departure, removal or economic dislocation, in a community or in an adjacent and impacted community, occurring when neighborhood choices become limited due to increasing rent burden or a lack of housing that is affordable to area residents, area renters, low-income residents, or residents belonging to protected class or a set of protected classes, thereby restricting housing choice for the impacted population.”</p> <p>In order to assess displacement, the BIFDC considers both actual displacement at the project site as well as displacement risk in the community within ¼ mile of the Proposed Project site. For the purposes of this analysis, the BIFDC considers information from the following sources:</p> <ol style="list-style-type: none"> <li>1. Housing and Household Composition Community Profile Report (HHCCPR);</li> <li>2. DND Displacement Risk Map;</li> <li>3. Answers Provided in AFFH Assessment Section 4</li> </ol> <p>This analysis represents the BIFDC’s opinion when viewing the Proposed Project in the context of the three sources used to assess risk of displacement as defined in the Boston</p>

Zoning Code and is not predictive with regard to whether actual displacement will occur in the community.

When using the HHCCPR to assess displacement risk, the following factors are considered:

1. Percentage of renter-occupied households;
2. Percentage of rent-burdened and extremely-rent burdened households;
3. Household income in the catchment area;
4. Percentage of residents that are members of protected classes (note: not all possible protected classes are reported on);
5. Mitigating factors such as high percentage of income-restricted units or high percentage of 2+ bedroom units.

Please note that this analysis is for the purposes of considering whether the level of displacement risk within ¼ mile of the Proposed Project site necessitates an Intervention Enhancement due to High Displacement Risk. Factors that may tend to show little or no displacement pressure may indicate a lack of meaningful community integration within ¼ mile of the Proposed Project site, which should be addressed as part of a holistic AFFH strategy.

***Percentage of renter occupied households***

The percentage of renter-household is 22.4% higher than the city-wide average. A large number of renter households when considered with other factors can be indicative of elevated displacement risk. There is a high number of renter-households in the area around the Proposed Project site.

***Percentage of rent-burdened and extremely rent burdened households***

The percentage of rent-burdened households within ½ miles of the Proposed Project site is about 6% higher than the city-wide average, while the percentage of extremely rent-burdened households is about 8% higher. An elevated number of rent-burdened and/or extremely rent-burdened households when considered with other factors can be indicative of elevated displacement risk. There is a higher number of rent-burdened and extremely rent-burdened households in the area around the Proposed Project site.

It is worth noting here that higher prevalence of lower incomes may be caused by the large number of roommate households (i.e. non-family householder) in the area and the location of the Proposed Project site among a neighborhood home to students and young adult households with lower earning capacity.

***Household income***

Household income in the area around the Proposed Project site is significantly lower than the city-wide average with 51.5% of households having an annual income of \$50,000 or less annually compared to the city-wide average of 41.2%. A large number of low-income households when considered with other factors can be indicative of elevated displacement risk. There is a high number of low-income households in the area around the Proposed Project Site.

***Percentage of resident that are member of protected classes***



	<p>The HHCCPR considers the following protected classes: families with children, disability status, race and ethnicity, and immigrant status. Again, it is important to remember that factors reviewed here which show a low displacement pressure may tend to indicate that there is a lack of meaningful community integration within the Proposed Project Area, which should be addressed as part of a holistic AFFH strategy.</p> <p><b><u>Families with children:</u></b> The share of households with children under 18 is 21% lower than the city as a whole.</p> <p><b><u>Persons with disabilities:</u></b> The share of households with a member with a disability is about 19% lower than city-wide averages.</p> <p><b><u>Racial and ethnic composition:</u></b> There is a higher than average number of individuals identifying as Asian and Native Hawaiian and other Pacific Islander within the area surrounding the Proposed Project site. Large concentrations of specific racial and ethnic groups when considered with other factors can be indicative of elevated displacement risk. There is a notable Asian and Native Hawaiian and other Pacific Islander population within the area around the Proposed Project site.</p> <p><b><u>Number of persons identifying as foreign born:</u></b> The percentage of foreign-born individuals within the Proposed Project area is 8% lower than the city-wide average.</p> <p><b><i>Mitigating Factors</i></b></p> <p>Elevated displacement risk can sometimes be mitigated by other factors detailed in the Housing and Household Composition Community Profile report, such as prevalence of a high number of income-restricted housing units, larger units appropriate for different family types, or high prevalence of housing voucher utilization. However, at this time, there are no mitigating factors that apply to this project area.</p> <p><b><i>DND Displacement Risk Map</i></b>The DND Displacement Risk Map is not precise enough to apply to the project level, however it does indicate that this area of Brighton shows a moderate level displacement risk.</p> <p><b><i>Answers Provided in AFFH Assessment Section 4</i></b></p> <p>The Proponent's answer to AFFH Assessment Section 4 indicates that there is no direct residential displacement at the Proposed Project site.</p>
<b>Displacement Risk Notes:</b>	

## Proportionality

<b>The proposed intervention options are proportional to the size, scope, and impact of the proposed project.</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Discuss the basis for the above determination.</b>	A determination regarding Proportionality cannot be made until the outstanding issues described above are resolved.
<b>If no, describe the type and amount of additional intervention options that are</b>	

necessary to a determination of proportionality.	
Proportionality notes:	

### AFFH Strategy

The proposed AFFH strategy is appropriate, achievable, and responsive to the AFFH goals detailed in the Boston Zoning Code.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Describe the basis for the above decision.	A determination that the overall AFFH Strategy is appropriate, achievable, and responsive to AFFH goals will be made once the outstanding issues are addressed by the Proponent.
If no, describe what is necessary for the proposed AFFH strategy to become appropriate, achievable, and responsible to AFFH goals, including which specific different or additional intervention options should be considered.	
AFFH Strategy Notes:	

**Boston Water and  
Sewer Commission**



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

October 30, 2023

Ms. Ebony DaRosa  
Senior Project Manager  
Boston Planning & Development Agency  
One City Hall Square  
Boston, MA 02201

Re: 142-146 St. Mary's Street, Audubon Circle  
Project Notification Form

Dear Ms. DaRosa:

The Boston Water and Sewer Commission (Commission, BWSC) has reviewed the Project Notification Form (PNF) for the proposed 142-146 St. Mary's Street project located at 142-146 St. Mary's Street in the Audubon Circle neighborhood of Boston.

The proposed project is located on an approximately 29,634 square foot (sf) site currently occupied by a commercial parking garage. The project proponent, 100 Monmouth Street LLC, proposes to construct a new six (6) story residential building of approximately 90,000 gross square feet (gsf). The project site is bounded by the MBTA D branch Green Line right-of-way to the southeast, St. Mary's Street to the west, a passageway adjacent to the properties along Medfield Street to the northwest, and residential building to the east. There will be approximately 105 garage parking spaces and 23 surface parking spaces.

According to the PNF, the project's proposed water demand is approximately 13,189 gallons per day (gpd). The Commission owns and maintains an 8-inch Southern Low DICL water main installed in 2002 in St. Mary's Street.

According to the PNF, the proposed sewage generation is 11,990 gpd. For sewage and storm drainage service, the site is served by a 66-inch Massachusetts Water Resources Authority (MWRA) sanitary sewer in St. Mary's Street. There is a 12-inch BWSC sanitary sewer and 12-inch BWSC storm drain in Medfield Street.

The Commission has the following comments regarding the PNF:

General

1. Prior to the initial phase of the site plan development, 100 Monmouth Street LLC should meet with the Commission's Design and Engineering Customer Services 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 100 Monmouth Street 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 back flow 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 and its member communities, is implementing 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. In April of 2014, the Massachusetts DEP promulgated new regulations regarding wastewater. The Commission has a National Pollutant Discharge Elimination System (NPDES) Permit for its combined sewer overflows and is subject to these new regulations [314 CMR 12.00, section 12.04(2)(d)]. This section requires all new sewer connections with design flows exceeding 15,000 gpd to mitigate the impacts of the development by removing four gallons of infiltration and inflow (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 supports the policy and 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.

The proponent estimates that daily sewage will be less than DEP's 15,000 gpd threshold. However, the proponent should be aware that if during the site plan permitting process it becomes apparent that wastewater flows will be 15,000 gpd or



more, the Commission will invoke the requirement that the project participate in the 4 to 1 program.

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. 100 Monmouth Street LLC should be aware that the US Environmental Protection Agency issued the Remediation General Permit (RGP) for Groundwater Remediation, Contaminated Construction Dewatering, and Miscellaneous Surface Water Discharges. If groundwater contaminated with petroleum products, for example, is encountered, 100 Monmouth Street LLC will be required to apply for a RGP to cover these discharges.
7. The project sites are located within Boston's Groundwater Conservation Overlay District (GCOD). The district is intended to promote the restoration of groundwater and reduce the impact of surface runoff. Projects constructed within the GCOD are required to include provisions for retaining stormwater and directing the stormwater to the groundwater table for recharge.
8. It is 100 Monmouth Street 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, 100 Monmouth Street 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. 100 Monmouth Street 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. 100 Monmouth Street LLC should also provide the methodology used to estimate water demand for the proposed project.
2. 100 Monmouth Street LLC should explore opportunities for implementing water conservation measures in addition to those required by the State Plumbing Code. In



particular, 100 Monmouth Street LLC should consider outdoor landscaping which requires minimal use of water to maintain. If 100 Monmouth Street 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. 100 Monmouth Street 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. 100 Monmouth Street LLC should contact the Commission's Meter Department for information on and to obtain a Hydrant Permit.
4. 100 Monmouth Street LLC will be required to install approved backflow prevention devices on the water services for fire protection, mechanical and any irrigation systems. 100 Monmouth Street 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, 100 Monmouth Street LLC should contact the Commission's Meter Department.

#### Sewage / Drainage

1. A Total Maximum Daily Load (TMDL) for Nutrients has been established for the Lower Charles River Watershed by the Massachusetts Department of Environmental Protection (MassDEP). In order to achieve the reductions in Phosphorus loading required by the TMDL, phosphorus concentrations in the lower Charles River from Boston must be reduced by 64%. To accomplish the necessary reductions in phosphorus, the Commission is requiring developers in the lower Charles River watershed to infiltrate stormwater discharging from impervious areas in compliance with MassDEP. 100 Monmouth Street LLC will be required to submit with the site plan a phosphorus reduction plan for the proposed development. 100 Monmouth Street 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.

In conjunction with the Site Plan and the General Service Application the 100 Monmouth Street LLC will be required to submit a Stormwater Pollution Prevention Plan. The plan must:





- Identify best management practices for controlling erosion and for preventing the discharge of sediment and contaminated groundwater or stormwater runoff to the Commission's drainage system when the 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 or treatment structures to be utilized during construction.
  - Provide a stormwater management plan in compliance with the DEP standards mentioned above. The plan should include a description of the measures to control pollutants after construction is completed.
2. The Commission encourages 100 Monmouth Street LLC to explore additional opportunities for protecting stormwater quality on site by minimizing sanding and the use of deicing chemicals, pesticides, and fertilizers.
  3. The discharge of dewatering drainage to a sanitary sewer is prohibited by the Commission. 100 Monmouth Street LLC is advised that the discharge of any dewatering drainage to the storm drainage system requires a Drainage Discharge Permit from the Commission. If the dewatering drainage is contaminated with petroleum products, 100 Monmouth Street LLC will be required to obtain a Remediation General Permit from the Environmental Protection Agency (EPA) for the discharge.
  4. 100 Monmouth Street 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. All projects at or above 100,000 square feet of floor area are to retain, on site, a volume of runoff equal to 1.25 inches of rainfall times the impervious area. Under no circumstances will stormwater be allowed to discharge to a sanitary sewer.
  5. The Massachusetts Department of Environmental Protection (MassDEP) established Stormwater Management Standards. The standards address water quality, water quantity and recharge. In addition to Commission standards, 100 Monmouth Street LLC will be required to meet MassDEP Stormwater Management Standards.
  6. Sanitary sewage must be kept separate from stormwater and separate sanitary sewer and storm drain service connections must be provided. The Commission requires that existing stormwater and sanitary sewer service connections, which are to be re-used

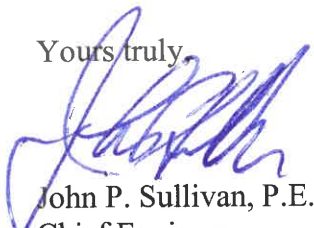


by the proposed project, be dye tested to confirm they are connected to the appropriate system.

7. The Commission requests that 100 Monmouth Street 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. 100 Monmouth Street LLC should contact the Commission’s Operations Division for information regarding the purchase of the castings.
8. If a cafeteria or food service facility is built as part of this project, grease traps will be required in accordance with the Commission’s Sewer Use Regulations. 100 Monmouth Street LLC is advised to consult with the Commission’s Operations Department with regards to grease traps.
9. The enclosed floors of a parking garage must drain through oil separators into the sewer system in accordance with the Commission’s Sewer Use Regulations. The Commission’s Requirements for Site Plans, available by contacting the Engineering Services Department, include requirements for separators.
10. The Commission requires installation of particle separators on all new parking lots greater than 7,500 square feet in size. If it is determined that it is not possible to infiltrate all of the runoff from the new parking lot, the Commission will require the installation of a particle separator or a standard Type 5 catch basin with an outlet tee for the parking lot. Specifications for particle separators are provided in the Commission’s requirements for Site Plans.

Thank you for the opportunity to comment on this project.

Yours truly,



John P. Sullivan, P.E.  
Chief Engineer

JPS/afh

cc: Matthew Allen, 100 Monmouth Street LLC  
K. Ronan, MWRA  
P. Larocque, BWSC





Michelle Wu  
Mayor

## Article 37 Interagency Green Building Committee

January 10, 2024

Matthew Allen  
Allen Associates Properties Inc.  
P.O. Box 590249  
Newton Centre, MA 02459

Re: 142-146 St. Mary's Street - Article 37 – Initial Filing Comments

Dear Mr. Allen,

The Boston Interagency Green Building Committee (IGBC) has reviewed your October 24, 2023 Project Notification Form (PNF) filing for compliance with Boston Zoning Article 37 Green Buildings. The Filings indicates that the project will use the LEED v4 New Construction rating system and would achieve LEED Gold ratings / 62 points. The IGBC accepts the rating system selection and green building commitments however the project team should identify additional credits and a pathway to achieving LEED Platinum and zero net carbon performance.

The submitted PNF is incomplete; please provide the following items so that the IGBC can continue reviewing your project:

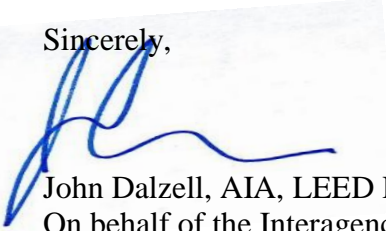
- Preliminary building performance modeling and Carbon Neutral Building Assessment including predictive carbon emission intensity (pCEI) for the proposed design and low and zero carbon alternatives.
- Climate Resiliency Checklist (CRC) – please complete the updated online CRC now accessed on the [Developer Portal](#); see Project Record > Building Record > Climate Resiliency Checklist. Once completed online, submit a resulting PDF with your updated filing.

The attached MFR Low Carbon Best Practice Guide and Green Building Incentive Summary provide recommendations and funding resources for achieving a zero net carbon building. The proposed building should including all-efficient-electric heating/cooling, ERV, and DHW heating systems, install on-site solar PV, and purchase renewable electricity.

The IGBC appreciates the LID and Heat Island reduction strategies and encourages the development team to also achieve the Cool Wall Pilot Credit and pursue strategies to reduce embodied carbon,

Please let me know if you have any questions or would like discuss project strategies.

Sincerely,

A handwritten signature in blue ink, appearing to read 'JD', is written over a light blue rectangular background.

John Dalzell, AIA, LEED Fellow  
On behalf of the Interagency Green Building Committee

Cc: Ebony DaRosa, BPDA  
IGBC

# Boston Groundwater Trust

229 Berkeley St, Fourth Floor, Boston, MA 02116

617.859.8439

[www.bostongroundwater.org](http://www.bostongroundwater.org)

## Board of Trustees

January 2<sup>nd</sup>, 2024

Gary L. Saunders,  
*Back Bay Association*  
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*Beacon Hill Civic Association*  
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Ebony DaRosa, Senior Project Manager  
Boston Planning & Development Agency  
One City Hall Square  
Boston, MA 02201-1007

Tim Mitchell,  
*Neighborhood Association  
of the Back Bay*

Subject: 142-146 St. Mary's Street, Audubon Circle, Project Notification Form Comments

Janine Commerford,  
*Greater Boston*

Dear Ms. DaRosa,

*Real Estate Board*  
Peter Shilland,  
*Ellis South End*

Thank you for the opportunity to comment on the 142-146 St. Mary's Street, Audubon Circle, Project Notification Form (PNF). The Boston Groundwater Trust (BGwT) was established by the Boston City Council to monitor groundwater levels in sections of Boston where the integrity of building foundations is threatened by low groundwater levels and to make recommendations for solving the problem. Therefore, my comments are limited to groundwater related issues.

*Neighborhood Association*  
Aaron Michlewitz,  
*North End Waterfront*

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

*Neighborhood Council*  
Angie Liou,  
*Asian Community*

The PNF also states that the Project will comply with the standards and requirements set forth in Article 32 of the Zoning Code. The Proponent will obtain a written determination from the Boston Water and Sewer Commission (BWSC) as to whether the Project meets the standards and requirements of Article 32. In addition, the Proponent will demonstrate that the Project meets the requirements of Section 32-6 of the Zoning Code by obtaining a stamped certification from a Massachusetts registered engineer that the requirements of Section 32-6 of the Zoning Code are met. The Proponent will provide both a copy of the written determination from BWSC and a copy of the stamped certification from a Massachusetts registered engineer to the BPDA and the Boston Groundwater Trust prior to the issuance of a Certification of Consistency. As such, the Project is designed in compliance with Article 32 of the Zoning Code.

*Development Corporation*  
Kat Eshel,  
*Chief of Staff, Mayor's Office of  
Environment, Energy, and  
Open Space*

Sharon Durkan,  
*Boston City Council*  
Beatrice Nessen,  
*Boston Preservation Alliance*

Nick Pittman,  
*Fenway Community  
Development Corporation*

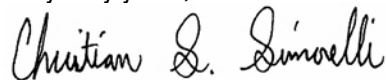
Kate England,  
*Director of Green  
Infrastructure*

I look forward to continuing to work with the proponent and the Agency to assure that this project can have only positive impacts on area groundwater levels.

## Executive Director

Christian Simonelli

Very truly yours,



Christian Simonelli  
Executive Director

CC: Kathleen Pederson, BPDA  
Maura Zlody, EOS





To: Ebony Darosa, BPDA  
From: Yang Yang, PWD  
Date: 10/27/2023  
Subject: 142-146 St. Mary's Street- Boston Public Works Department Comments

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Included here are Boston Public Works Department comments for the 142-146 St. Mary's Street Project Notification Form.

**Project Coordination:**

The developer should coordinate with PWD regarding the reconstruction of Medfield Street.

**Project Specific Scope Considerations:**

The developer should coordinate with BTM, BPDA and PWD to develop safety and accessibility improvements for all modes of transportation in the area. The developer should verify and reconstruct the existing pedestrian ramps and crossings as needed, specifically those at St. Mary's Street and Medfield Street intersection.

**Site Plan:**

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

**Construction Within The Public Right-of- Way (ROW):**

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

**Sidewalks:**

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

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

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

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

**Driveway Curb Cuts:**



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The Office of the Streets, Transportation, and Sanitation  
(617) 635-4900



# CITY of BOSTON

Michelle Wu, Mayor

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

**Discontinuances:**

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

**Easements:**

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

**Landscaping:**

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

**Street Lighting:**

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

**Roadway:**

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

**Additional Project Coordination:**

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

**Green Infrastructure:**

The developer shall work with PWD, the Green Infrastructure Division, and the Boston Water and Sewer Commission (BWSC) to determine appropriate methods of green infrastructure and/or stormwater management systems within the Public ROW. The ongoing maintenance of such systems shall require an LM&I Agreement with the PIC. Effects of water infiltration with respect to the adjacent underpass structure and underground MBTA tunnels that may be negatively impacted by infiltration may impact the ability to install such systems and should be considered. Coordination with PWD and MBTA will be required.

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(617) 635-4900



# CITY *of* BOSTON

Michelle Wu, Mayor

**Resiliency:**

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

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

Sincerely,

**Jeffrey Alexis**  
Principal Civil Engineer  
Boston Public Works Department  
Engineering Division

CC: Para Jayasinghe, PWD  
Todd Liming, PIC

**PUBLIC WORKS DEPARTMENT**

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(617) 635-4900

**TO:** Ebony DaRosa, Project Manager  
**FROM:** Travis Anderson, Senior Infrastructure & Energy Planner  
Becca Miller, Smart Utilities Program - Associate  
**DATE:** December 19th, 2023  
**SUBJECT:** **142-146 St. Mary's Street – Smart Utilities Comments – PNF**

**Comments and requests for additional information:**

Certain parts of the Boston Smart Utilities Policy are applicable for this project since the project is being reviewed under Article 80B. Below you will find our requests for information necessary for the on-going Smart Utilities review. Please send any information to Travis Anderson via [smartutilities@boston.gov](mailto:smartutilities@boston.gov) and include it in your future filings.

- 1) Utility Site Plan: Please submit the USP showing the following:
  - a) Utility Connections:
    - i) Thank you for showing the location of all new and existing utility connections (gas, water, sewer, drainage, electric, telecom).
    - ii) Provide lateral diagrams, as applicable, St. Mary's Street including all new and existing utility infrastructure and include the location of proposed tree pits.
  - b) Green Infrastructure:
    - i) Please confirm the impervious area and volume of stormwater that will be retained on the site, via filling Part 4 of [Smart Utilities Checklist](#) as well as by showing it on the Utility Site Plan. Please include the updated locations for stormwater capture.
  - c) Electrical Transformers:
    - i) Please consider plans to screen the transformer from view with plantings.
  - d) Electric Vehicles:
    - i) Please include in your USP any infrastructure needed to comply with the City of Boston EV Readiness Policy for New Developments. This may

Caitlin Coppinger, Deputy Director of Comprehensive Planning, BPDA

include EV chargers, additional electrical services, transformers, empty conduit, etc.

- Please specify the number of EV chargers and the type of EVSE (i.e. Level I, Level II, or DCFC)

2) Report of Potential Conflicts:

- a) Please provide the report of potential conflicts generated by entering your project into the City of Boston Utility Coordination Software (COBUCS). If any conflicts are identified, we would then request information on how the team plans to address these conflicts with the relevant entities.

3) Smart Utilities Checklist:

- a) After receiving and reviewing the information requested above, we may ask that some of the design elements are memorialized as an update to the Smart Utilities Checklist. We can guide the team more efficiently towards the section(s) of the Checklist that would be necessary after the information above has been received and reviewed
- b) After submission you will receive:
  - i) A confirmation email with a PDF of your completed checklist. Please include a copy of this document with your next filing with the BPDA.
  - ii) A separate email with a link to update your initial submission. Please use ONLY this link for updating the Checklist associated with a specific project.

If you have any questions regarding these comments or would like to arrange a meeting to discuss the policy please feel free to contact Travis Anderson via [travis.anderson@boston.gov](mailto:travis.anderson@boston.gov) or [smartutilities@boston.gov](mailto:smartutilities@boston.gov)

Note: Any documents submitted via email to [Travis.Anderson@Boston.gov](mailto:Travis.Anderson@Boston.gov) will not be attached to the PDF form generated after submission, but are available upon request.





Maura Healey, Governor  
Kimberley Driscoll, Lieutenant Governor  
Monica Tibbitts-Nutt, Secretary & CEO  
Phillip Eng, General Manager & CEO



January 2, 2024

Boston Planning and Development Agency  
One City Hall Plaza, Ninth Floor  
Boston, Massachusetts 02201

Attention: Ebony DaRosa

**RE: 142-146 St. Mary's Street  
Boston, MA 02215  
Project Notification Form Comments**

Dear Ebony,

The MBTA encourages and supports transit-oriented development, a proven strategy for smart, sustainable growth, reducing traffic congestion and increasing transit ridership. In creating successful transit-oriented projects, development immediately adjacent to MBTA property, which falls under the MBTA's Zone of Influence (ZOI) policy, must be carefully considered to ensure safety, sustained operations, and resiliency of the public transportation system.

The MBTA has reviewed the 142-146 St. Mary's Street project and has a number of concerns related to safety, setbacks, operations and public access. This letter includes comments made by the MBTA's Operations, Real Estate, Transit-Oriented Development, and Environment Departments.

#### **MBTA Comments**

##### **MBTA Station Access**

As has been discussed with the development team, the MBTA needs to incorporate station egress at the southwest end of the outbound platform at Fenway Station to enhance egress capacity of the station. With the increasing ridership demand on Fenway Station due to development projects such as 142-146 St. Mary's, a pedestrian path linking the Station to St. Mary's Street is even more critical. Per code requirements, the link needs to provide a clear, dedicated accessible route from the station platform to a public way. MBTA has a requirement to meet or exceed the requirements set forth in the National Fire Protection Association's Standard for Fixed Guideway Transit and Passenger Rail Systems (NFPA 130). The 142-146 St. Mary's frontage along the MBTA right-of-way is the only option that does not put pedestrians in conflict with vehicular traffic and the project presents a unique opportunity to coordinate transit-oriented connectivity needed for the neighborhood and Fenway Station.

As has been discussed with the project team and on calls with the City of Boston, Fenway Station is a key logistics area for MBTA construction activities due to its proximity to the Fenway Portal that provides access into the central tunnel area of the Green Line. The MBTA uses available space adjacent to the right-of-way for materials and equipment storage and for work activities, such as welding rail. This area will be even more heavily relied upon over the next decade and beyond for these key functions as the MBTA embark upon central tunnel and station upgrades. Due to the criticality of the location and constrained MBTA facilities in

the location, it is a safety risk to incorporate the access within the MBTA right-of-way at this location. As discussed in meetings with the proponent, the optimum location for the path would be in a setback area on the 142 St. Mary's property as it would provide adequate separate of the building from the transit way and would provide safe access for pedestrian egress from the station.

### **Licensing Requirements**

Due to the proximity of the project to MBTA property, the Authority's Zone of Influence policy would apply to this project. This will include reviewing design and construction plans, canvassing internal departments on potential impacts, project management, as well as flagging support during construction, when deemed necessary to maintain a safe work site and operations. All staffing costs will be borne by the developer through the execution of a force account agreement. License applications, and further information on the MBTA's policy, may be obtained at [mbtarealty.com/licenses](http://mbtarealty.com/licenses).

In this case, a phased license approach may be preferable. The MBTA advises the Proponent to continue to discuss licensing options with Michele Folts, the project manager assigned to this development. Specific areas of consideration to be discussed in the license process and requiring support during construction follow.

### **Setbacks and Safety**

Setbacks are an important zoning mechanism to separate incompatible uses, and in many areas are used to separate active rail lines from development, protecting people by physically distancing them from transit, which is a heavy industrial use. While the minimum required side yard setback in the Audubon Circle Multi-Family Residential zoning sub-district is zero feet, the Proponent has not considered compatibility of uses in the design and proposes to construct building foundations at the property line and immediately adjacent to a heavy industrial use raises concern.

Without an adequate setback from the lot line, the construction, maintenance, and occupancy of this structure and supporting infrastructure will repeatedly involve the risk of an adverse interaction between MBTA infrastructure and the project's contractors and residents, as well as MBTA riders and employees. Any time that the Proponent needs to work on or maintain their property's façade along the right-of-way as presented in the design, it will be within MBTA's Zone of Influence, which is defined as a distance of thirty feet (30') from the MBTA property line. Any activity within this zone will be required to obtain a ZOI license from the MBTA to allow for MBTA technical review, coordination and support of construction, maintenance or other activities.

While a setback of thirty feet is preferred, a setback of at least twenty feet (20') could decrease the likelihood of patrons encroaching on MBTA property, or potentially tossing objects from the planned second-level garden terrace onto the ROW, as well as additional undesired opportunities for residents to potentially foul the ROW, including the overhead power and communication systems. Similar concerns exist for potential operable windows along the ROW. Past examples of risks incurred due to zero and/or reduced-setback development include:

- Damage to MBTA property;
- Damage to transit infrastructure and disruption of service;
- Track fires caused by users on abutting sites; and
- Injury and potential death.

### **Crane Use & Concrete Pumping**

The project will likely require the support of a crane and concrete pump trucks to construct the underground parking and six above grade floors of the building. Consideration of pump trucks and crane placement to prevent the fouling of the Right of Way (ROW) will be a requirement. MBTA will not suspend service at any time and the project will need to plan the work accordingly. In addition to reviewing foundation design for potential impacts, the MBTA will need to review and accept all work plans for concrete placement and crane lifts before construction starts.

### **Vegetation Removal and ROW Stabilization Considerations/Concern**

The existing tree canopy will likely need to be removed to provide the necessary clearance for building construction. The tree removal will need to be coordinated with MBTA. As part of the tree and brush removal, preservation of slope stability will be necessary to ensure the integrity of the right-of-way and track bed.

### **Foundation**

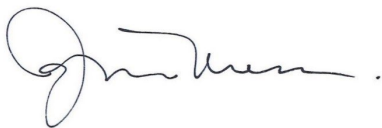
Recent project drawings along the southern elevations imply that the project will require support of excavation and foundation walls along the property line. The MBTA will need to review these plans to ensure that track integrity and ROW are not compromised. Arrangements will need to be made with the MBTA for the future maintenance of this building infrastructure. Additionally, the MBTA will need to review drainage plans to ensure that runoff will not impact MBTA property or the ROW.

### **Site Fencing**

The MBTA will require that the Proponent to install a temporary fence on the property line when construction starts. At this time, the project information does not include construction logistics information that denotes the location of temporary construction fencing in proximity to the ROW. This will be coordinated through the license process.

The MBTA appreciates the opportunity to provide comments on this project and looks forward to continuing to work with the project team to move the project forward with MBTA technical review, licensing and construction. If you have any questions regarding these issues, please feel free to contact the TOD project manager Michele Folts at [mfolts@mbta.com](mailto:mfolts@mbta.com).

Sincerely,



Jennifer Mecca  
Deputy Chief, Transit-Oriented Development

Cc: R. Henderson, Chief of Real Estate  
C. Hines, Interim Director of Development Review  
J. Fitzgerald, Deputy Director of Transportation Planning



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

February 13, 2025

Priscilla Rojas  
Boston Planning and Development Agency  
One City Hall Square, Ninth Floor  
Boston, MA 02201

**Re: 142-146 St. Mary's Street**

Dear Chair Rojas & Members of the BPDA Board,

I want to begin by expressing my appreciation for the dedicated work of the Impact Advisory Group (IAG) and the many community members who have engaged in this process over time. I firmly believe that community involvement strengthens development projects, and I am encouraged by the thoughtful dialogue that has taken place around 142-146 St. Mary's Street. This project presents a valuable opportunity to address the city's ongoing housing crisis by introducing much-needed transit-oriented residential development.

The proponent has made significant adjustments in response to community and City of Boston feedback, including:

- A dedicated pedestrian connection to the MBTA's Fenway Station, enhancing accessibility for neighborhood residents.
- Increased open space, with the project now incorporating 8K+ square feet—25% more than originally proposed.
- 15% Inclusionary Development Policy (IDP) units, ensuring more affordable housing remains within the neighborhood.
- A \$25,000 commitment to the Audubon Circle Neighborhood Association (ACNA) to support beautification efforts, which I fought.

This proposal aligns with Boston's vision for smart growth by leveraging proximity to public transit while prioritizing sustainability through fossil fuel-free building systems. I am particularly pleased that the project complies with the Parks Frontage Ordinance, reinforcing the



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

importance of green space connectivity within the Fenway area. This building would improve the condition of the area, and use of this space significantly.

I recognize that some concerns remain, and I commit to working with the neighborhood to address the following challenges:

- A nearby intersection frequently experiences puddling and ice buildup, creating hazardous conditions for pedestrians. I will work to ensure this area is graded to improve drainage and safety.
- I strongly urge that the planned repaving of nearby road(s) be postponed until after construction is complete to avoid premature damage from heavy equipment and construction activity.
- Ensuring that nearby streets are not overly burdened by additional vehicles and that traffic circulation remains safe and efficient.
- Advocating for further refinements to the pedestrian walkway to the T and ensuring improvements to sidewalks and crossings, as part of the MBTA process.

While no project is without its complexities, I believe this development is a strong step forward in creating a more connected and accessible neighborhood. I urge the Board to approve this tonight and look forward to continuing the conversation with residents and stakeholders to make sure we are continuing the conversation in a way that benefits the Audubon Circle neighborhood.

Sharon Durkan  
Boston City Councilor, District 8