



Planning Department

**CITY of BOSTON**

MEMORANDUM

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

FROM: Joanne Marques  
Planning Department

DATE: March 9, 2026

RE: Planning Department Recommendations (UPDATED)

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Please find attached, for your information, Planning Department recommendations for the March 10, 2026 Board of Appeals Hearing.

Also included:

119 to 127 Washington ST Boston 02113

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



<b>Case</b>	BOA1395905
<b>ZBA Submitted Date</b>	2022-09-26
<b>ZBA Hearing Date</b>	2026-03-10
<b>Address</b>	4 Haynes ST East Boston 02128
<b>Parcel ID</b>	0104541000
<b>Zoning District &amp; Subdistrict</b>	East Boston Neighborhood EBR-3
<b>Zoning Article</b>	53
<b>Project Description</b>	<p>The proposal seeks to combine two existing parcels (Parcel ID 0104540000 and Parcel ID 0104541000) into one new 1,800-square-foot lot to be known as 4 Haynes Street.</p> <p>The project also seeks to construct a new dwelling containing four residential units and three parking spaces.</p> <p>An ePlan Board of Appeal decision was previously granted for this project, originally valid through August 2025 and since extended through 2027.</p>
<b>Relief Type</b>	Conditional Use
<b>Violations</b>	GCOD Applicability

**Planning Context:**

Parcel ID 0104540000, known as 4 Haynes Street, is developed with an existing three-story residential building. Parcel ID 0104541000 abuts this parcel to the left along Haynes Street and is currently vacant, functioning informally as off-site parking.

The surrounding area is primarily residential and developed with buildings generally ranging from three to four stories in height. The City of Boston Land Use Explorer shows that three-unit buildings represent the predominant residential typology. Buildings containing four or more units occur less frequently, while one- and two-family dwellings occur at lower frequencies.

The site is located within the Coastal Flood Resilience Overlay District (CFROD). PLAN: East Boston identifies portions of the neighborhood, including Paris Flats, Maverick Central, and Harbor View, as vulnerable to flooding. Projects within the CFROD are subject to resilience review, including evaluation of ground-floor elevation, building access, and the placement of



mechanical equipment. New or extended living space must be located above the Sea Level Rise Design Flood Elevation.

The property is also located within the Groundwater Conservation Overlay District (GCOD), which protects wood pile-supported structures vulnerable to groundwater depletion and seeks to preserve structural integrity while reducing stormwater runoff and pollution. PLAN: East Boston notes that permeable surfaces support groundwater recharge and help reduce runoff that contributes to neighborhood flooding and water quality impacts. The plan further emphasizes that infill development in Neighborhood Residential areas should preserve privately owned open space and increase permeable surfaces.

**Zoning Analysis:**

The proposed project has one citation: applicability of the Groundwater Conservation Overlay District (GCOD). The site is located within the GCOD, where projects involving the rehabilitation, reconstruction, or extension of structures designed for human occupancy are subject to review under Article 32, Section 32-4 of the Boston Zoning Code.

The proposal seeks to consolidate two existing parcels (Parcel ID 0104540000 and Parcel ID 0104541000) into a single 1,800-square-foot lot to be known as 4 Haynes Street. The project also proposes the construction of a new residential building containing four dwelling units with three off-street parking spaces. As such, the project is subject to GCOD review and must demonstrate compliance with the groundwater recharge requirements of Article 32. Review by the Boston Water and Sewer Commission is recommended.

An ePlan Board of Appeal decision was previously granted for this project. The approval was originally valid through August 2025 and has since been extended through 2027.

The reviewed plans, titled “4–6 Haynes Street,” were prepared by Civil Environmental Consultants and dated April 16, 2025.

**Recommendation:**

In reference to BOA1395905, The Planning Department recommends APPROVAL.

Reviewed,

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

Deputy Director of Zoning



*Planning Department*

**CITY of BOSTON**



<b>Case</b>	BOA1785172
<b>ZBA Submitted Date</b>	2025-10-02
<b>ZBA Hearing Date</b>	2026-03-10
<b>Address</b>	254 Bremen ST East Boston 02128
<b>Parcel ID</b>	0106352000
<b>Zoning District &amp; Subdistrict</b>	East Boston Neighborhood EBR-4
<b>Zoning Article</b>	53
<b>Project Description</b>	Construct a single-story vertical addition and roof deck for an existing three-story and three-unit building, designed to expand the living area of the third-floor unit.
<b>Relief Type</b>	Conditional Use
<b>Violations</b>	Roof Structure Restrictions

**Planning Context:**

The proposed project sits in an established residential area along the Paris Flats' Bremen Street corridor in East Boston. Its surroundings consist of two-story to five-story structures with single-family to multi-family residential uses and limited retail, restaurant, and commercial uses on the ground floors of several nearby corner lots. The proposed project is sited on a mid-block lot currently occupied by a three-story three-family residential structure. The proposal seeks to erect a single-story vertical addition and roof deck to expand the living area of the third-floor unit. The proposed roof deck is positioned on the rear half of the roof and it will have a highly vegetated edge, while the front half will accommodate PV panels which are less visible from the street.

**Zoning Analysis:**

The proposed project is located within an EBR-4 subdistrict under East Boston's updated zoning. EBR-4 subdistricts allow a maximum building height of 4 stories / 50'. The proposed building height with the new addition is 46'6" and 4 stories, which is below the maximum required.

Roof structures are permitted subject to specific conditions. These requirements include: (i) the deck must be erected on a main roof that is flat or has a slope of less than 5°; (ii) the deck must be less than one foot above the highest point of the roof; (iii) access must be provided by a roof hatch/bulkhead no more than 30 inches in height or a stairway headhouse (maximum 10'H x



8'W x 10'L) set back at least 10 feet from any roof edge facing a public right-of-way; and (iv) all appurtenant handrails, balustrades, hatches, or bulkheads must be set back at least five feet from all roof edges. The project currently complies with all criteria except for the final setback requirement. The roof deck is located at the rear of the property and, even though it is currently not set back from the edge of the roof, it is not visible from the street level. A mandatory 5-foot setback on all edges would shrink the current 21 x 22 foot footprint to 11x 12 feet. Because the building is only 21 feet wide, this setback would make the deck inhabitably small. The new design also includes a solar energy system within five feet of the roof edge, which does not comply with Section 53-25.

Since the rooftop edge will be highly vegetated, the PV panels will support a more sustainable building, and the design does not create any adjacency concerns, this conditional use should be granted.

This recommendation has been made in accordance with plans labeled "254 Brement St #3R" prepared by Zephyr Architects on 11.25.2024.

**Recommendation:**

In reference to BOA1785172, The Planning Department recommends APPROVAL.

Reviewed,

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

Deputy Director of Zoning



<b>Case</b>	BOA1809938
<b>ZBA Submitted Date</b>	2026-01-06
<b>ZBA Hearing Date</b>	2026-03-10
<b>Address</b>	60 Byron ST East Boston 02128
<b>Parcel ID</b>	0100637000
<b>Zoning District &amp; Subdistrict</b>	East Boston Neighborhood EBR-3
<b>Zoning Article</b>	53
<b>Project Description</b>	Raze the existing building and construct a new three-story residential building with six (6) dwelling units and six (6) surface parking spaces at the rear. The building will be fully sprinklered and will not include an elevator.
<b>Relief Type</b>	Conditional Use, Variance
<b>Violations</b>	Roof Structure Restrictions Use: Forbidden

**Planning Context:**

60 Byron Street is currently developed with an existing three-story residential dwelling and is located in a Neighborhood Residential area of PLAN: East Boston, where contextual small-scale residential development and renovations are encouraged. Subsequent to PLAN: East Boston, it was rezoned to an EB-3 subdistrict, which allows development of up to 3 units on all lots and up to 6 units on wide lots.

The project is located within the East Boston Neighborhood Restricted Roof area, where there is additional scrutiny on roof decks and other roof structures.

**Zoning Analysis:**

The proposed project has two citations: (1) roof structure restrictions and (2) forbidden use.

With respect to the first, the cited violation has been misclassified. Roof structure regulations in East Boston are governed by Article 53, Section 53-25 (Roof Structure Restrictions).

Accordingly, the proposed roof structure requires relief pursuant to Article 53, Section 53-25, rather than the section currently cited.



The proposed project therefore triggers review under Article 53, Section 53-25. Article 53 permits open roof decks as allowable roof structures, provided conditions related to location and elevation, access, and appurtenant structures are met.

The submitted plans demonstrate compliance with most of these provisions. The project proposes a roof deck on the main roof of a newly constructed flat-roofed building. Relief is required because the proposed roof deck exceeds the one (1) foot maximum elevation above the roof surface permitted under this section. As shown on the submitted plans, the deck structure is located at EL. +36'-6", above the main roof at EL. +35'-0". The project otherwise complies with the remaining provisions, including the required five (5) foot setbacks from all roof edges.

With respect to the violation for forbidden use, the property is located within the East Boston Residential-3 (EBR-3) zoning district and is therefore subject to Article 53, Table A – Residential Subdistrict Use Regulations.

In the EBR-3 subdistrict, "Household Living – 3 to 6 Dwelling Units" on a mid-block lot is designated as Allowed ("A"), subject to frontage limitations. Where lot frontage exceeds 55 feet, up to six (6) dwelling units are permitted; where frontage is 55 feet or less, the number of dwelling units is limited to three (3).

The submitted plans indicate a lot frontage of 50 feet along Byron Street. Under Table A, the property would therefore be limited to three (3) dwelling units. The proposed unit count is not consistent with the area's built context, nor the building typology appropriate for lots of this dimension.

The reviewed plans, titled "60–62 Byron Street," were prepared by CONTEXT: a collaborative design workshop and issued for revision on September 11, 2025.

**Recommendation:**

In reference to BOA1809938, The Planning Department recommends DENIAL WITHOUT PREJUDICE. Proponent should consider a project that aligns with the requirements of updated zoning in East Boston.



Planning Department

**CITY of BOSTON**

Reviewed,

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Deputy Director of Zoning



<b>Case</b>	BOA1811519
<b>ZBA Submitted Date</b>	2026-01-13
<b>ZBA Hearing Date</b>	2026-03-10
<b>Address</b>	62 Liverpool ST East Boston 02128
<b>Parcel ID</b>	0105591000
<b>Zoning District &amp; Subdistrict</b>	East Boston Neighborhood EBR-4
<b>Zoning Article</b>	53
<b>Project Description</b>	The proposal seeks to consolidate the lots at 62 Liverpool Street and 2 Coppersmith Way and construct a rear addition to an existing three-story building at the rear of the combined lot, behind the existing three-story, six-unit residential building.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	GCOD Applicability Side Yard Insufficient Rear Yard Insufficient Flood Hazard Districts

**Planning Context:**

62 Liverpool Street fronts Liverpool Street at the east-side corner of the block. 2 Coppersmith Way fronts Coppersmith Way immediately to the north and directly abuts 62 Liverpool Street along a shared rear/side lot line.

62 Liverpool Street is an existing three-story, six-unit multifamily residential building within a primarily residential section of East Boston. 2 Coppersmith Way is currently a vacant parcel. The proposal seeks to consolidate the two parcels and construct a rear addition to the existing three-story building at 62 Liverpool Street.

Liverpool Street and the surrounding blocks are predominantly residential in character, while commercial and mixed-use activity is concentrated along Border Street, which functions as the neighborhood commercial corridor. As a result of PLAN: East Boston, this area was rezoned to an EB-4 subdistrict that allows multifamily uses.

This project is located in the Coastal Flood Resilience Overlay District (CFROD). PLAN: East Boston notes that climate change poses a significant risk to existing housing in low-lying areas. Large portions of Paris Flats, Maverick Central, and Harbor View are particularly vulnerable to



flooding, and much of East Boston includes areas within the Coastal Flood Resilience Overlay District (CFROD). The CFROD plays a key role in shaping new development. Projects located within the overlay are subject to resilience review, including evaluation of mechanical system placement, building access, and ground-floor elevation. Within the CFROD, new or expanded living space must be located above the Sea Level Rise – Design Flood Elevation.

### **Zoning Analysis:**

The proposed project has four citations: (1) Flood Hazard District Regulations; (2) Groundwater Conservation Overlay District (GCOD) applicability; (3) insufficient side yard setback; and (4) insufficient rear yard setback.

Since the property is in Coastal Flood Resilience Overlay District (CFROD) it is subject to Article 53, Section 53-19, which prohibits new residential uses below the Design Flood Elevation (DFE). Accordingly, DFE compliance must be demonstrated on the submitted drawings. The submitted sections do not depict the DFE line or provide BCB-referenced elevations for the basement slab, existing/proposed grade, and finished-floor levels; as a result, the vertical relationship between the basement, first occupied level, and applicable flood elevations cannot be verified at this time. For reference, the zoning viewer indicates a Base Flood Elevation (BFE) of 19.5' (BCB), establishing a corresponding DFE of 21.5' (BCB).

The proposed project triggers review under Article 32, Section 32-2 (Groundwater Conservation Overlay District) because the property is located within the Groundwater Conservation Overlay District (GCOD) and the proposal includes an extension of an existing structure designed for human occupancy that will increase ground-floor lot coverage by more than fifty (50) square feet.

With respect to the cited side-yard and rear-yard violations, the applicable dimensional standards should be evaluated under the adopted provisions of the East Boston Neighborhood District. Article 53, Section 53-9 is not applicable here, as that section governs properties located within a Waterfront District, and the subject property is not within such a district. Instead, the property is located in the EBR-4 subdistrict, where the governing dimensional requirements are set forth in Article 53, Table F.

Under Article 53, Table F, the required side-yard setback in the EBR-4 subdistrict is between three (3) and five (5) feet. The submitted plans show an existing side-yard setback of 0.5 feet along the east lot line, which is nonconforming. Pursuant to Article 53, Section 53-30(1)(a), a building already nonconforming as to dimensional requirements may be altered, enlarged, or extended only where the enlargement does not increase that nonconformity. Here, the proposal



extends the building while maintaining the deficient 0.5-foot side yard condition along the east lot line, and therefore extends an existing dimensional nonconformity.

Article 53, Table F also requires a rear yard setback equal to one-third of the lot depth. The proposed addition does not satisfy that requirement, as it extends farther into the consolidated parcel and reduces the rear yard below the required depth. Pursuant to Article 53, Section 53-30(2)(a), a nonconforming rear yard may be extended horizontally only where the extension does not project farther into the same required rear yard than the existing nonconforming building. Here, the proposed addition extends beyond the existing rear building line and farther into the required rear yard, thereby increasing the degree of rear-yard nonconformity. The proponent has not demonstrated that rear-yard relief is supportable under the adopted 2024 East Boston zoning provisions.

As the application was filed following adoption of the new East Boston zoning, the proponent should submit a proposal that aligns with the zoning now in effect.

The reviewed plans, titled "Proposed Conditions Plan," were prepared by Boston Survey, Inc., marked "Reviewed for BBRS," and dated September 2, 2025.

**Recommendation:**

In reference to BOA1811519, the Planning Department recommends DENIAL WITHOUT PREJUDICE. The proponent should consider a project that does not extend further into the required rear yard, and should ensure that no new living area is located below the Sea Level Rise Design Flood Elevation.

Reviewed,

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

Deputy Director of Zoning



<b>Case</b>	BOA1799116
<b>ZBA Submitted Date</b>	2025-11-18
<b>ZBA Hearing Date</b>	2026-03-10
<b>Address</b>	12 Ludlow ST Charlestown 02129
<b>Parcel ID</b>	0201037000
<b>Zoning District &amp; Subdistrict</b>	Charlestown Neighborhood RH-1500
<b>Zoning Article</b>	62
<b>Project Description</b>	Construct a new three-story rear addition to an existing three-story, single-family home.
<b>Relief Type</b>	Variance
<b>Violations</b>	Usable Open Space Insufficient Rear Yard Insufficient FAR Excessive

**Planning Context:**

12 Ludlow Street is located within an RH-1500 (Row House Residential) Subdistrict of the Charlestown Neighborhood Zoning District. RH Subdistricts are intended to preserve and reinforce Charlestown’s historic row house fabric by allowing row houses as the sole housing type. Ludlow Street is characterized by two- and three-story, predominantly flat-roofed townhouses situated on long, narrow, and compact parcels. While lot sizes are modest, many properties feature substantial rear-yard features, including rear additions, decks, paved patios, or a combination of these.

The subject property contains an exceptionally small rear yard, even compared to surrounding lots, consisting of a small tiled patio and limited grass-covered open space. This condition is a result of the lot sharing its rear lot line with Edwards Playground, a City of Boston-owned park and one of the primary recreational open spaces within the residential core of Charlestown. To accommodate the proposed three-story rear addition, the proponent intends to acquire approximately 100 sq ft of land from the Edwards Playground parcel, thereby increasing the lot area to support the proposed addition.

In addition to the dimensional and use regulations of the RH-1500 Subdistrict, the property is subject to the Charlestown Neighborhood Design Overlay District (NDOD), which ensures that new construction and significant alterations are compatible with the historic architectural



character of Charlestown. The NDOD emphasizes building forms, scale, and materials that reinforce established neighborhood patterns, particularly within the Row House Subdistricts.

**Zoning Analysis:**

The proposed project incurs three dimensional violations under Article 62-7: Insufficient Usable Open Space, Insufficient Rear Yard, and Excessive Floor Area Ratio (FAR). The RH-1500 Subdistrict requires 150 sq ft of usable open space per dwelling unit. For this single-family dwelling, 150 sq ft of usable open space is required. Given the lot's 525 sq ft of area, approximately 28.5% of the parcel would need to be dedicated to open space to comply. At approximately 300-400 sq ft smaller than a majority of parcels fronting Ludlow Street, the subject lot is significantly undersized relative to the surrounding lots. Despite the constraints, the proposal retains a portion of open space on-site, further mitigated by the property's direct abutment to Edwards Playground, a large public open space resource. Similarly, the Insufficient Rear Yard violation results from the lot's limited depth and the placement of the existing structure. With an overall lot depth of approximately 30', compliance with the required 15-foot rear setback would dedicate half of the parcel to the setback. The existing structure already encroaches into this requirement, providing approximately 6.5' where 15' should be required. The proposed addition would extend to the existing rear lot line, reducing the rear setback to 0'; however, this only moderately increases the violation rather than creating a new one. The proposed land acquisition outlined in the plans would effectively create a 10' buffer between this new rear addition and boundary of Edwards Playground. The undersized lot dimensions and constraints imposed by the existing structure constitute practical difficulty and substantial hardship under Article 7-3, making relief appropriate here.

The maximum FAR allowed by the RH-1500 Subdistrict is 2.0, with the existing dwelling having an FAR of 1.84. The proposed three-story rear addition adds approximately 168 square feet of gross floor area, resulting in an FAR of 2.16. While this creates a new violation, the increase is modest and consistent with the surrounding built context, where FARs vary significantly from approximately 1.0 to over 2.2. The resulting building form remains contextual in scale and massing relative to adjacent rowhouses, supporting relief for this dimensional violation.

With the parcel directly abutting Edwards Playground, the project is also subject to Ordinance 7.4-11 and must be reviewed by the Department of Parks and Recreation. This review will ensure that the rear addition does not negatively impact the public use of or public experience in Edwards Playground.



Plans reviewed are titled "Proposed Renovations 12 Ludlow Street Charlestown, MA.", prepared by Timothy Sheehan Architect and dated 06/10/2025.

**Recommendation:**

In reference to BOA1799116, 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>	BOA1796393
<b>ZBA Submitted Date</b>	2025-11-06
<b>ZBA Hearing Date</b>	2026-03-10
<b>Address</b>	241 Bunker Hill ST Charlestown 02129
<b>Parcel ID</b>	0201784000
<b>Zoning District &amp; Subdistrict</b>	Charlestown Neighborhood 3F-2000
<b>Zoning Article</b>	62
<b>Project Description</b>	Construct two new roof decks, one 9'10" wide by 15' long on the second-story, rear roof and one 18' wide by 12'10" long on the third-story, front roof with a spiral staircase connecting them.
<b>Relief Type</b>	Conditional Use
<b>Violations</b>	Roof Structure Restrictions

**Planning Context:**

241 Bunker Hill Street is located in a predominantly residential segment immediately adjacent to the areas of Bunker Hill Street with more mixed use character. Architectural features and heights vary throughout the subdistrict, with structures ranging from 2.5 to 4 stories featuring both steeply sloping and flat roofs. Flat-roofed buildings frequently support roof decks or rooftop mechanicals, alongside a variety of rear and side additions. Notably, roof decks are a prevalent feature of flat-roofed residential buildings regardless of building height; the subject property currently features two flat roofs: one on top of the three-story primary structure and another on top of the two-story rear addition, both of which fall into the proposed scope of work.

The property also falls within the Restricted Roof District: Charlestown Neighborhood, which requires a Conditional Use Permit for the construction or expansion of any rooftop structures. Article 62-25 regulates these restrictions, and with Bunker Hill Street being a major public corridor, compliance with these regulations is essential to ensure that any elements of the proposed project do not directly impact the public way or pedestrian experience along Bunker Hill Street.

**Zoning Analysis:**

The proposed project requires a Conditional Use Permit in accordance with the requirements of Article 62-25. Roof decks are an exceptionally common feature of flat-roofed buildings within



this subdistrict and along the Bunker Hill Street corridor. Such decks are found on neighboring residential buildings of comparable height and those up to a full story taller than 241 Bunker Hill Street, confirming that the tallest proposed deck is contextual with the existing neighborhood fabric.

The proposed deck on the rear addition is entirely screened from pedestrian view along Bunker Hill Street and maintains significant separation from Pearl Street, minimizing the impact on the public right-of-way. Furthermore, both decks incorporate adequate setbacks from the roof edges to further reduce the visual impact along this major corridor. Given the contextual nature of the proposal and its adherence to the standards of Article 62-25, the Planning Department recommends the issuance of a Conditional Use Permit.

Plans reviewed titled "Main Roof Framing Plan" and "Rear Roof Framing Plan", prepared by FPH II Structural Engineering on 8/15/2025.

**Recommendation:**

In reference to BOA1796393, The Planning Department recommends APPROVAL.

Reviewed,

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

Deputy Director of Zoning



<b>Case</b>	BOA1763761
<b>ZBA Submitted Date</b>	2025-08-14
<b>ZBA Hearing Date</b>	2026-03-10
<b>Address</b>	10 Harold PARK Roxbury 02119
<b>Parcel ID</b>	1201812000
<b>Zoning District &amp; Subdistrict</b>	Roxbury Neighborhood 3F-4000
<b>Zoning Article</b>	50
<b>Project Description</b>	Convert an existing 3-unit residence to a 5-unit residence.
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive Height Excessive Additional Lot Area Insufficient Forbidden Use

**Planning Context:**

The proposed project would be the addition of two units and additional parking space to an existing three-unit house. Adding the new units would be achieved by converting the basement and upper level into new living space. Stair access will be provided to the new unit space, and light wells will be developed for the basement unit. The plans demonstrate the basement unit will have adequate ceiling height, additional means of egress added, and light wells. The site is located in an area not at risk of flooding. The footprint of the building will not be enlarged. The neighboring homes are similar in size with a mixture of unit count.

**Zoning Analysis:**

While the use is forbidden the surrounding residences within the same sub-district features a mixture of unit count including numerous multi-family homes. The lot area is insufficient at 8,739 sf when the required is 10,000 SF however this is a requirement that is a site specific constraint. The height of the building is presently 4 stories/46 ft and will not be altered. Even though the height is above the allowed height of 3 stories/ 35 ft it is an existing non-conformity that will not be worsened complying with the requirements of Section 50-45 therefore this violation can be recommended for relief. The proposed FAR would be 0.9 an increase from the present 0.77 and above the maximum allowable FAR of 0.8. The increase of floor area will remain inside of the existing footprint of the building and will only be the conversion of presently unoccupied spaces.



"10 Harold Park Renovation And Conversion From 3 To 5 Unit" Drawn by HUE Architecture  
Dated November 23, 2025

**Recommendation:**

In reference to BOA1763761, The Planning Department recommends APPROVAL.

Reviewed,

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

Deputy Director of Zoning



<b>Case</b>	BOA1784542
<b>ZBA Submitted Date</b>	2025-10-01
<b>ZBA Hearing Date</b>	2026-03-10
<b>Address</b>	9 Claybourne ST Dorchester 02124
<b>Parcel ID</b>	1700054000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 2F-5000
<b>Zoning Article</b>	9, 65
<b>Project Description</b>	Seeks to legalize two existing basement units, changing the use from three units to multifamily. No dimensional changes to be made.
<b>Relief Type</b>	Conditional Use, Variance
<b>Violations</b>	FAR Excessive Parking or Loading Insufficient Conditional Use Change in Nonconforming Use

**Planning Context:**

The proposed project seeks to legalize a change in use from a renovation completed fifteen years ago in 2010. The project is located within the Four Corners neighborhood of Dorchester. The renovation at the time was dimensionally approved by the ZBA, while the use was not updated to multifamily from its previous three-family conditional use. There will be no physical changes to the building nor material changes to the use, as the units are already occupied. The proposed project is located within the Dorchester Neighborhood District 2F-5000. However, it is also located at the intersection of Washington Street and Bowdoin Street, where an evolving multifamily and mixed-use fabric is developing. The scale of development in the area has increased since the zoning code was adopted, and most buildings within this nexus violate existing zoning.

The project is also located within the study area for the Four Corners/Geneva Fairmount/Indigo Line study. This study highlighted the capacity for denser development around the Fairmount Line as a transportation node. This evolving context encourages growth above the zoned maximum and reflects a change in the planning reality for the area that has not yet been codified within the Zoning Code.



**Zoning Analysis:**

The project triggers three zoning violations and a conditional use, all of which have been present for the past fifteen years. The first zoning issue is in regards to the conditional use. The area is zoned for up to two-family; however, this reflects a disconnect between the zoning code and the built reality of the area. The proposed project is located adjacent to the intersection of Bowdoin Street and Washington Street, two main thoroughfares for the area where multifamily and mixed-use buildings are common. The proposed legalization fits within this evolving context and is supported by the fact that it has already existed for over a decade without controversy.

Prior to the addition fifteen years ago, the use of the property was a three-family, which was already a conditional use. This is triggering the zoning violation associated with Zoning Code Section 9-2, whereas all other violations for the project are located within Section 65. Section 9-2 states that if there is a conditional use for the parcel, and there is a change in use to another conditional use through the ZBA, then the previous conditional use is terminated.

The next violation is in regards to FAR. The zoning code allows for an FAR of 0.5, whereas the proposed project is closer to an FAR of 1.0–1.5. This again reflects a disconnect between the code and reality. This area is adjacent to a major thoroughfare where larger multifamily and mixed-use buildings are common. There are no buildings within the nearby neighborhood that meet this requirement. While the lot sizes are typical for residential lots, larger buildings are exceedingly common in this area, which often creates an FAR violation. This project fits within this context and highlights the need for zoning reform.

The final violation is in regards to off-street parking. The zoning code requires a parking ratio of 1.25 spaces per unit. In this case, that would be 6.25 spaces. There is no parking provided on the parcel. This is also a disconnect between the code and the built reality. Little to no parking is very common in the area; often there is only space on the parcel for a small side alley for trash and storage. In addition, the Boston Transportation Department has identified this area within their suggested parking ratios as a location that can handle as little as zero spaces per unit. As the units are already occupied, no new vehicular demand will be added.

Plans reviewed titled "Existing Conditions at 9 Clayborne Street", prepared by Charles Basile Architect and dated 5/24/25.

**Recommendation:**

In reference to BOA1784542, The Planning Department recommends APPROVAL.



Planning Department

**CITY of BOSTON**

Reviewed,

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Deputy Director of Zoning



<b>Case</b>	BOA1774682
<b>ZBA Submitted Date</b>	2025-09-12
<b>ZBA Hearing Date</b>	2026-03-10
<b>Address</b>	25 Tina AV Hyde Park 02136
<b>Parcel ID</b>	1804140000
<b>Zoning District &amp; Subdistrict</b>	Hyde Park Neighborhood 1F-6000
<b>Zoning Article</b>	69
<b>Project Description</b>	Construct new three-unit residential building with three parking spaces
<b>Relief Type</b>	Variance
<b>Violations</b>	Parking or Loading Insufficient Lot Area Insufficient Lot Width Insufficient FAR Excessive Lot Frontage Insufficient Height Excessive (stories) Usable Open Space Insufficient Front Yard Insufficient Side Yard Insufficient Rear Yard Insufficient Use: Forbidden (Three-Family Residential)

**Planning Context:**

The proposed project is located on a vacant parcel in a residential area of the Hyde Park Neighborhood. Tina Avenue is a private way with no public sidewalks and a narrow road right-of-way. The north side of the street (even numbers) contains predominantly two and a half-story single-family residential structures. The south side of the street (odd numbers) contains a mix of vacant parcels, single-family structures, and two-unit residential buildings. At the corner of Tina Avenue and Oakwood Street, two parcels down from the proposed project, there is a four to six unit apartment building, three stories in height.

**Zoning Analysis:**

The proposed project contains eleven zoning violations. Nine of these violations are dimensional, one is related to parking, and one is related to the forbidden use.



Three-family residential is a forbidden use in the 1F-6000 zoning subdistrict. Given the project's proximity to other residential structures varying from one to six units, relief is recommended for this violation. In light of the housing crisis in Boston, it would be beneficial to add three units where none currently exist.

Parking minimums in the 1F-6000 zoning subdistrict of Hyde Park require a minimum of 2.0 parking spaces per dwelling unit. This project proposes three total parking spaces, one per dwelling unit. 25 Tina Avenue is 0.5 mile from River Street, a major bus corridor through Hyde Park, providing transit opportunities outside of single-occupancy vehicle use.

With respect to the height of the proposed project, the proposed thirty-three foot structure does not exceed the zoning height in feet, as noted in the Refusal Letter, only in number of stories. As the proposed project does not exceed the maximum allowable height in feet, it remains contextual with the surrounding structures.

The violations related to the size of the lot, Lot Area Insufficient, Lot Width Insufficient, and Lot Frontage Insufficient are all contextual with the other parcels on the south side of Tina Avenue. These parcels have an average approximate lot area of 3,600 to 4,800 SF, and an average approximate lot width and lot frontage of 45 feet. The FAR violation follows from the lots being approximately one-half the minimum lot size, resulting in an approximate doubling of the FAR for contextually appropriate structures.

The side and rear yard dimension violations are also contextual with other parcels in the area. Rear yards along this street average about fifteen to twenty feet, about one third to one half of the required dimension. The side yard depth is also consistent with properties in the area, in which one side yard is larger than the other to support a driveway, and aligns with nonconformities with the current zoning, identified by the Planning Department's Neighborhood Housing Initiative. Front yard setbacks average around fifteen feet. Design review is suggested to both increase open space, and set a contextual front yard dimension.

Analysis and recommendation based on plans prepared by 686 Architects, dated July 28, 2025.

**Recommendation:**

In reference to BOA1774682, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review to determine if improvements to open space can be made and to set a contextual front yard dimension.



Planning Department

**CITY of BOSTON**

Reviewed,

*Kathleen Onuf*

Deputy Director of Zoning



<b>Case</b>	BOA1732278
<b>ZBA Submitted Date</b>	2025-06-10
<b>ZBA Hearing Date</b>	2026-03-10
<b>Address</b>	26 Easton AV Hyde Park 02136
<b>Parcel ID</b>	1804140000
<b>Zoning District &amp; Subdistrict</b>	Hyde Park Neighborhood 2F-5000
<b>Zoning Article</b>	69
<b>Project Description</b>	Construct new eight-unit, four-story residential building on vacant parcel with eight total parking spaces
<b>Relief Type</b>	Variance, Conditional use
<b>Violations</b>	GPOD Applicability Lot Area Insufficient Rear Yard Insufficient Front Yard Insufficient Side Yard Insufficient Height Excessive (stories) Height Excessive FAR Excessive Usable Open Space Insufficient Parking or Loading Insufficient Use: Forbidden (MFR)

**Planning Context:**

The proposed project is located on one vacant lot (26 Easton Ave) and one lot occupied by a two-unit residential building (22 Easton Ave) on a primarily residential street in the Hyde Park Neighborhood. Easton Avenue is a narrow road right-of-way with limited sidewalk infrastructure and severe grade changes on the west side of the street (odd numbers). The east side of the street (even numbers) contains predominantly two and a half-story, two-unit residential structures, and some vacant parcels. The west side of the street (odd numbers) contains a mix of vacant parcels, one single story repair garage, and a mix of two-unit and one-unit residential structures up to two and a half stories. The east side of Easton Street abuts the MBTA right-of-way for the Fairmount Line of the Commuter Rail.

**Zoning Analysis:**



The proposed project contains eleven zoning violations. Eight of these violations are dimensional, one is a conditional use related to the parcel's location within the Greenbelt Protection Overlay District due to proximity to Truman Parkway, one is related to parking, and one is related to the forbidden use.

Multifamily residential is a forbidden use in the 2F-5000 zoning subdistrict. Given the project's proximity to other residential structures and the less than half mile walk to the MBTA Commuter Rail at Fairmount Station, relief is recommended for this violation. In light of the housing crisis in Boston, it would be beneficial to add eight units, including one fully-accessible unit where none currently exist. Because this project contains seven or more units, it also triggers the affordable units required by the provisions of Article 79, Inclusionary Zoning.

Parking minimums in the 2F-5000 zoning subdistrict of Hyde Park require a minimum of 2.0 parking spaces per dwelling unit. This project proposes eight total parking spaces, one per dwelling unit. 26 Easton Avenue is one half mile from the Fairmount MBTA Commuter Rail Station, and a short walk to Truman Parkway, a bus corridor through Hyde Park, providing transit opportunities outside of single occupancy vehicle use and a number of parking spaces aligned with the BTD Maximum Parking Ratio.

With respect to the proposed height of the structure, the 39 foot proposed building exceeds both the 35-foot maximum and the two and a half story maximum dimensions for this subdistrict. The additional four feet is contextual with the surrounding neighborhood in which most buildings meet or slightly exceed the zoning height based on measurements taken on virtual maps.

The violation related to the size of the lot, Lot Area Insufficient is contextual with the other parcels on Easton Avenue. The two parcels have a lot area of 3,725 SF and 2,760 SF each, or a combined area of 6,485 SF. Other residential parcels on Easton Avenue have an average approximate lot area varying from 1,000 to 3,000 SF. The FAR violation follows from the lots being less than one-half the minimum lot size, resulting in an approximate doubling of the FAR for contextually appropriate structures.

Due to the significant grade change and commuter rail right-of-way at the rear of the project site, relief is recommended for the insufficient rear yard dimension. The side yard depth is also consistent with properties in the area, in which one side yard is larger than the other to support a driveway, and aligns with nonconformities with the current zoning, identified by the Planning Department's Neighborhood Housing Initiative. Front yard depths along Easton Avenue



currently measure about ten feet maximum. The existing structure at 22 Easton Avenue has a front yard depth of only 3.5 feet. The proposed project increases this front yard depth to approximately five feet.

Analysis and recommendation is based on plans prepared by Hardy Man Design Group, PC and dated April 22, 2024.

**Recommendation:**

In reference to BOA1732278, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans shall be reviewed by the Department of Parks and Recreation due to its location within the Greenbelt Protection Overlay District.

Reviewed,

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

Deputy Director of Zoning



<b>Case</b>	BOA1710494
<b>ZBA Submitted Date</b>	2025-04-17
<b>ZBA Hearing Date</b>	2026-03-10
<b>Address</b>	168 Dana AV Hyde Park 02136
<b>Parcel ID</b>	1810332000
<b>Zoning District &amp; Subdistrict</b>	Hyde Park Neighborhood 1F-6000
<b>Zoning Article</b>	69
<b>Project Description</b>	The project proposes a change of use from one unit to two units.
<b>Relief Type</b>	Forbidden Use
<b>Violations</b>	Use: Forbidden (Two-Family Residential)

**Planning Context:**

The surrounding area is characterized by low-density residential uses, predominantly one- and two-family dwellings, with access to neighborhood-serving amenities. The site is located approximately a 13-minute walk from the Fairmount MBTA Commuter Rail Station, which provides transit service to South Station and the greater Boston region.

**Zoning Analysis:**

The 1F-6000 subdistrict permits one-family dwellings. The applicant proposes to change the occupancy from a one-family dwelling to a two-family dwelling, which is not a permitted use in this subdistrict.

The existing structure will remain within its current building envelope. No relief is required for floor area ratio, building height, number of stories, lot area, or yard setbacks. The proposal does not introduce any expansion or additional massing beyond what currently exists on the site. It is thus similar to an internal ADU, where a new unit is created entirely within the envelope of the existing structure.

The surrounding area is predominantly residential in character and includes a mix of one- and two-family dwellings. While the site is located within a One-Family Residential Subdistrict, two-family homes are present within the broader Hyde Park neighborhood context. The proposed change does not alter the scale or exterior appearance of the existing structure.



The proposal also maintains the existing building form and dimensional compliance and does not increase the physical intensity of the site. The requested relief is limited to a change of occupancy from a one-family to a two-family dwelling.

Plans reviewed CHANGE OF OCCUPANCY: FROM SINGLE-FAMILY DWELLING TO TWO-FAMILY DWELLING 168 DANA AVENUE HYDE PARK - MA 02136 prepared by Rosa Design.  
Dated 02/17/2025.

**Recommendation:**

In reference to BOA1710494, The Planning Department recommends APPROVAL.

Reviewed,

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

Deputy Director of Zoning



<b>Case</b>	BOA1796362
<b>ZBA Submitted Date</b>	2025-11-06
<b>ZBA Hearing Date</b>	2026-03-10
<b>Address</b>	566 Commonwealth AV Boston 02215
<b>Parcel ID</b>	0504140001
<b>Zoning District &amp; Subdistrict</b>	Boston Proper B-4
<b>Zoning Article</b>	Underlying Zoning
<b>Project Description</b>	The proposal seeks to modify the existing occupancy from 111 dwelling units with a garage for 105 vehicles to 117 dwelling units, by converting former office space on the second floor into residential use.
<b>Relief Type</b>	Variance
<b>Violations</b>	Usable Open Space Insufficient

**Planning Context:**

566 Commonwealth Avenue sits within the heart of the Kenmore Square/Boston Proper area which is a dense neighborhood where housing, offices, institutions, and retail all coexist in a very walkable, transit-rich environment. Most buildings in this area are established, so changes typically come through interior upgrades or adaptive reuse rather than new construction. This proposal follows that pattern. The applicant is looking to convert existing second-floor office space into six new apartments, all within the current footprint of the building. No exterior changes are planned. Adding units in a location with strong transit access and a mix of nearby services aligns well with how the district functions today and reflects how residential growth typically occurs in this part of the city.

**Zoning Analysis:**

The proposed conversion of existing second-floor office space into additional residential units triggers zoning relief for the following reason:

Article 13, Section 4 – Usable Open Space per Dwelling Unit Insufficient: The project proposes to increase the number of dwelling units from 111 to 117 by converting interior office space into six new apartments. Under Article 13, Table B, dwelling units in the B-4 district are required to provide 50 square feet of usable open space per unit. The existing building does not provide



usable open space, and no new exterior open space is proposed. As a result, increasing the unit count expands an existing dimensional deficiency, requiring variance relief. The proposed work is entirely within the existing structure and does not alter the building's height, massing, lot coverage, or exterior envelope. The violation comes from the building's long-standing urban condition. The project requires dimensional variance relief under Article 13, Table B for insufficient usable open space per dwelling unit.

The plans titled 566 Commonwealth Avenue, titled Interior Renovation and Residential Conversion, dated 10/13/25, reflect an interior adaptation consistent with housing growth in dense, transit-served corridors, and the requested dimensional relief represents a reasonable and context-appropriate accommodation.

**Recommendation:**

In reference to BOA1796362, The Planning Department recommends APPROVAL.

Reviewed,

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

Deputy Director of Zoning



<b>Case</b>	BOA1798179
<b>ZBA Submitted Date</b>	2025-11-13
<b>ZBA Hearing Date</b>	2026-03-10
<b>Address</b>	555 to 567 E Broadway South Boston 02127
<b>Parcel ID</b>	0602058000
<b>Zoning District &amp; Subdistrict</b>	South Boston Neighborhood MFR/LS
<b>Zoning Article</b>	68
<b>Project Description</b>	Construct new roof deck for Unit No. 563.
<b>Relief Type</b>	Conditional Use, Variance
<b>Violations</b>	Roof Structure Restrictions Height Excessive (ft)

**Planning Context:**

The proposed project is located in the Telegraph Hill Area of South Boston, along the East Broadway corridor. Its surroundings consist of a range of three- to six-story structures, with a mix of both residential and commercial land uses (the latter of which are concentrated at the street level).

The project site is occupied by a series of six consecutive three-story rowhouses, each with a one-unit residential land use. The proposed project seeks to erect a roof deck on one of these rowhomes. The roof deck is setback nearly six feet from the roof's street-facing edge, reducing the visual impacts of its balustrade (which is already partially concealed behind the structure's existing parapet) on the public realm. It is proposed to be accessed through an existing roof hatch (a condition that is shared across the six rowhomes).

The project scope aligns with the Planning Department's design standards for roof decks (built upon flat roof, appropriately setback from the roof's edges, concealed from the public right of way) and is harmonious with the site's existing design. Roof decks and upper story balconies are contextual to the site and commonly found in the surrounding area, including on several of the structures immediately abutting the proposed project.

**Zoning Analysis:**

The height added to the existing structure by the project's proposed roof deck triggers both roof structure restrictions and excessive building height violations (39.5' existing, 40' allowed, 40.5'



proposed). The former of these triggers the need for a conditional use permit, while the latter requires a variance.

While the project's proposed roof deck minimally increases the project's existing building height as measured by zoning (from the average grade to the highest point of the roof's beams), it actually doesn't result in the addition of any height visually. That is because the roof deck itself is entirely hidden by the structure's existing roof parapet, which sits several feet above its measured roof beams. Because of this, as well as the setback from the street-facing roof edge, the visual impacts of the proposed roof deck and accompanying balustrade on the public realm will be negligible. The structure's surrounding context, which consists of several larger four- to six-story buildings (many of which also have roof decks), further emphasizes its appropriateness for the site.

Considering the prevalence of such features across the urban form of South Boston (and beyond), future zoning reform efforts should amend neighborhood zoning requirements to better permit open roof decks.

Plans reviewed titled, "Unit 563 Roof Deck, 555-567 East Broadway," prepared by Sousa Design Architects on October 8, 2025.

**Recommendation:**

In reference to BOA1798179, The Planning Department recommends APPROVAL.

Reviewed,

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

Deputy Director of Zoning



<b>Case</b>	BOA1818358
<b>ZBA Submitted Date</b>	2026-02-03
<b>ZBA Hearing Date</b>	2026-03-10
<b>Address</b>	165 Tudor ST 06 South Boston MA 02127
<b>Parcel ID</b>	0600935030
<b>Zoning District &amp; Subdistrict</b>	South Boston Neighborhood MFR
<b>Zoning Article</b>	68
<b>Project Description</b>	Legalize existing ancillary parking at 165 Tudor Street for an abutting single-unit residence, located behind it at 162 West 7th Street.
<b>Relief Type</b>	Conditional Use, Variance
<b>Violations</b>	Parking design and maneuverability Conditional Use (Ancillary Use)

**Planning Context:**

The proposed project sits in an established residential portion of South Boston's Cityside Neighborhood. Its surroundings consist almost exclusively of two- to four-story structures with a range of one-unit to multi-unit residential land uses.

The proposed project seeks to legalize an existing ancillary parking condition on the site. This condition provides two off-street parking spaces for the abutting single-unit residence at 162 West 7th Street. Sited immediately behind each other, the two lots combine to form and operate as a through-lot. Ancillary parking is common to the project's surroundings, with 3 other residences on the block already sharing this condition. While not appropriate in every circumstance, because of these factors, Planning Department staff deem the fit here contextual.

**Zoning Analysis:**

The proposed project's two zoning violations both relate to the proposed legalization of its existing ancillary parking. Ancillary parking is a conditional use for the property, as are all other ancillary uses in South Boston, generally. According to Section 68-33.4(d), relief for ancillary parking may be granted by the Board of Appeal so long as its lot within four-hundred feet of and is in common ownership with that of the main dwelling it is for. The proposed project meets both of these criteria. Because of this, as well as the factors laid out in this recommendation's planning context, this condition is deemed appropriate for the site.



Plans reviewed titled, "Plan of Proposed Curb Cut, 165 Tudor Street, Boston, Massachusetts," prepared by Greater Boston Surveying and Engineering on November 1, 2025.

**Recommendation:**

In reference to BOA1818358, The Planning Department recommends APPROVAL.

Reviewed,

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

Deputy Director of Zoning



<b>Case</b>	BOA1798127
<b>ZBA Submitted Date</b>	2025-11-13
<b>ZBA Hearing Date</b>	2026-03-10
<b>Address</b>	16 Chilcott PL Jamaica Plain 02130
<b>Parcel ID</b>	1101456000
<b>Zoning District &amp; Subdistrict</b>	Jamaica Plain Neighborhood 2F-4000
<b>Zoning Article</b>	55
<b>Project Description</b>	The proposed project is to expand an existing third floor residential unit in an existing three unit residential structure.
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive Side Yard Insufficient Extension of a non-conforming use

**Planning Context:**

The proposed project is located on the north side of Chilcott Place in the Egelston Neighborhood of Jamaica Plain. Located on a side street off of Washington Street, Chilcott Pl is a mix of two to four unit residential structures. On the north side of the street, most structures are 2.5 to 3 stories tall with planted yards and mature trees. The south side of the street has three story row houses with smaller front yards and narrow alleys separating the pairs of row homes.

The project will build an approximately 450 square foot addition onto the rear of the existing third story of the structure. Currently, the front half of the structure is three stories tall while the rear of the structure is two stories tall with a flat roof. The proposal will increase the depth of the third story by 20 feet.

**Zoning Analysis:**

The project is cited for three violations: extension of a non-conforming use, excessive floor area ratio (FAR), and insufficient side yard. The project is located within a 2F-4000 subdistrict which borders a 3F-4000 district on the south side of Chilcott Pl. The project is cited for an extension of a non-conforming use because it proposes an addition to a three-unit residential structure within a two-unit subdistrict. It is cited for excessive FAR because the proposed FAR is approximately 0.601 whereas the maximum FAR is 0.6 (note: the project plans did not clearly



show the total area of the residential structure on the property, so Assessor's data was used to calculate an approximate proposed FAR). Chilcott PI has multiple examples of properties on the north and south sides of the street with three or more residential units and FAR above 0.6.

While the requirements are different for the 3F-4000 district to the south, this suggests that the zoning could be amended to better fit the current built environment while also maintaining the character of the street; including the planted rear yards and mature trees that are abundant to the north.

The project is also cited for insufficient side yard. The requirement in the subdistrict is ten feet whereas the subject structure is built to the northwest property line. The addition is proposed up to the northwest property line and therefore extends the violation of the existing non-conforming side yard vertically. The height and massing of the proposed addition is consistent with the existing structure, allowing the property owner reasonable use of their property while maintaining adequate light and air between the subject property and the property to the west.

Plans reviewed "16 Chilcott PI Boston" prepared by "David Harmon Architecture" dated 02/07/25.

**Recommendation:**

In reference to BOA1798127, 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>	BOA1804462
<b>ZBA Submitted Date</b>	2025-12-07
<b>ZBA Hearing Date</b>	2026-03-10
<b>Address</b>	203 Clare AV Hyde Park 02136
<b>Parcel ID</b>	1807920000
<b>Zoning District &amp; Subdistrict</b>	Hyde Park Neighborhood 1F-6000
<b>Zoning Article</b>	69
<b>Project Description</b>	Construct a new four-unit residential building with four parking spaces
<b>Relief Type</b>	Variance, Forbidden Use
<b>Violations</b>	FAR Excessive Height Excessive (stories) Height Excessive (ft) Rear Yard Insufficient Parking or Loading Insufficient Use: Forbidden (MFR) Use: Forbidden (Basement Dwelling Unit)

**Planning Context:**

The proposed project is located on a large (>11,000 SF) corner lot in the Hyde Park Neighborhood, less than 300 feet from Hyde Park Avenue, a major thoroughfare and bus corridor. The lot is currently vacant, with a mix of hardscape in disrepair and low plant growth. To the west of the lot are two other vacant lots in similar condition. To the north of the lot are a mix of one-unit and two-unit dwellings between one and three stories. At the northern terminus of the block, there is a large four-story multifamily residential building. The proposed project is contextual with surroundings based on use and massing.

**Zoning Analysis:**

The proposed project contains seven violations. Two such violations are related to the use as a four-unit building, Use: Forbidden (MFR) and Use: Forbidden (Basement Dwelling Unit). Multifamily residential is a contextually appropriate use for a lot situated near a bus corridor and among other structures with a mixed number of units, as noted in the Planning Context. The forbidden basement dwelling unit provides a case for Planning Department Design Review to ensure adequate conditions and natural light, as the current plans do not provide enough detail.



With respect to the height of the proposed project, the proposed thirty-five foot structure does not exceed the zoning height in feet, as noted in the Refusal Letter, only in number of stories. As the proposed project does not exceed the maximum allowable height in feet, it remains contextual with the surrounding structures. The other dimensional violation, insufficient rear yard setback is mitigated by the severe grade change behind the parcel due to the ledge formation.

The proposed project contains four parking spaces, one per dwelling unit. While this does not meet the 2.0 minimum set forth by the zoning code, this number aligns with the BTM Parking Maximums and aligns with the need for zoning reform related to parking minimums in the Zoning Code.

Analysis and review is based on plans prepared by M&T Construction + Design, submitted December 4, 2025.

**Recommendation:**

In reference to BOA1804462, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review to ensure adequate design of the basement dwelling unit and to meet the requirement of design review for projects adding more than 750 SF of living space. Design Review is also suggested to close the curb cut and remove the driveway on Collins Street.

Reviewed,

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

Deputy Director of Zoning



<b>Case</b>	BOA1796654
<b>ZBA Submitted Date</b>	2025-11-07
<b>ZBA Hearing Date</b>	2026-03-10
<b>Address</b>	41 Slocum RD Jamaica Plain 02130
<b>Parcel ID</b>	1902347017
<b>Zoning District &amp; Subdistrict</b>	Jamaica Plain Neighborhood 1F-9000
<b>Zoning Article</b>	55
<b>Project Description</b>	The project will finish the basement of an existing single-unit residential structure.
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive

**Planning Context:**

The project is proposed at 41 Slocum Road, Jamaica Plain, a primarily residential area within the Jamaica Hills neighborhood. Most of the properties on Slocum Road are single-unit residential structures. The project will convert an existing unfinished basement in a single-unit residential structure into finished space. No exterior changes are proposed except for two new windows that are not street facing. The property is not in an area at risk for future flooding. It is not mapped in a FEMA Flood Hazard Area or the Coastal Flood Resilience Overlay District (CFROD).

**Zoning Analysis:**

The proposed project is cited for excessive floor area ratio (FAR). The newly finished basement will add approximately 758 square feet of finished floor area, increasing the FAR from 0.25 to 0.35, above the 0.3 maximum FAR for the district. This project is an example of the limitations of using FAR to regulate the size of a structure. This is because it prevents the owner from making a residential improvement within the structure that will have a negligible impact to its exterior, let alone the surrounding neighborhood.

Plans reviewed “41 Slocum Road” prepared by “Swasey Design Studio” dated 4/18/2025.

**Recommendation:**

In reference to BOA1796654, The Planning Department recommends APPROVAL.



Planning Department

**CITY of BOSTON**

Reviewed,

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

Deputy Director of Zoning



<b>Case</b>	BOA1803365
<b>ZBA Submitted Date</b>	2025-12-02
<b>ZBA Hearing Date</b>	2026-03-10
<b>Address</b>	857 Beacon ST Boston 02215
<b>Parcel ID</b>	2100154000
<b>Zoning District &amp; Subdistrict</b>	Audubon Circle Neighborhood MFR
<b>Zoning Article</b>	61
<b>Project Description</b>	Update existing roof mechanical penthouse on six-story residential building by increasing the height and updating the elevator mechanisms.
<b>Relief Type</b>	Conditional Use
<b>Violations</b>	Roof Structure Restrictions

**Planning Context:**

The proposed project seeks to update the existing roof mechanical penthouse on a six-story residential building at 857 Beacon Street. The changes will create two new skylight openings, a new EPDM roof that is slightly sloped to one side, and update the existing elevator. 857 Beacon Street is a six-story multifamily residential building located at the corner of Beacon and Aberdeen Street. This portion of Beacon Street is primarily filled with multifamily residential buildings that range between 4-6 stories. Many buildings along this street also have roof doghouses.

The proposed project would support the goals outlined in Housing a Changing City, Boston 2030 (September 2018) as it would allow property owners to maintain their existing properties to help ensure that residents can continue to live in the building.

**Zoning Analysis:**

The refusal letter states one citation: roof structure restrictions. The proposed project is located within the Audubon Circle Neighborhood District within a MFR subdistrict. However, it is also under the Restricted Roof District. Section 61-20 notes that no roof structure or mechanical equipment shall be erected or enlarged on the roof of an existing building unless the Board of Appeal grants a conditional use permit. Article 6 notes that a conditional use permit can be granted if the following conditions are met: a) specific site is an appropriate location for such use, b) use will not adversely affect the neighborhood, c) there will be no serious hazard to



vehicles or pedestrians from the use, d) no nuisances will be created and e) adequate and appropriate facilities will be provided for the proper operation of the use. A conditional use permit should be granted as these updates to the existing roof mechanical penthouse will help maintain the building functionality by ensuring that the elevator continues to operate safely and smoothly for residents.

The plans reviewed are titled A1798212plans\_forBOA112825 and are dated November 6, 2025. They were prepared by Mark Schryver, Architect.

**Recommendation:**

In reference to BOA1803365, The Planning Department recommends APPROVAL.

Reviewed,

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

Deputy Director of Zoning



<b>Case</b>	BOA1799257
<b>ZBA Submitted Date</b>	2025-11-18
<b>ZBA Hearing Date</b>	2026-03-10
<b>Address</b>	378 to 380 Washington ST Brighton 02135
<b>Parcel ID</b>	2204903000
<b>Zoning District &amp; Subdistrict</b>	Allston/Brighton Neighborhood NS-1
<b>Zoning Article</b>	51
<b>Project Description</b>	Change use to include an amusement game machines in commercial establishment to accommodate a new escape room in an existing commercial building.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	Parking or Loading Insufficient Use: Conditional (Amusement Game Machines in Commercial Establishment)

**Planning Context:**

The proposed project seeks to change the use of an existing commercial building at 378-380 Washington Street to allow amusement game machines in a commercial establishment to accommodate a new escape room, The Puzzling Path. 378-380 Washington Street is a two-story commercial building that contains a mix of commercial uses such as retail stores, offices, dance studio, and restaurant/cafe. The Puzzling Path will replace the previous temp agency. No changes to the exterior will be made.

This portion of Washington Street is one of Brighton’s commercial hubs, Brighton Center, containing a mix of commercial and mixed-use buildings and is easily accessible by the MBTA 57 bus. Many commercial uses line this street such as grocery stores, restaurants/cafes, retail stores, dental offices, hair salons, and many more.

The proposed project would further the goals highlighted in the Allston-Brighton Needs Assessment (January 2024) as it states that vacancies in neighborhood store fronts are a critical threat to a neighborhood’s economic viability. The proposed project would fill a vacant storefront while also introducing a new small business to one of Brighton’s commercial hubs.

**Zoning Analysis:**



The refusal letter states two citations: a use regulation and insufficient off-street parking, Under Article 51, in a NS-1 subdistrict, an amusement game machine in a commercial establishment is a conditional use in the basement and first floor. Article 6 notes that a conditional use permit can be granted if the following conditions are met: a) specific site is an appropriate location for such use, b) use will not adversely affect the neighborhood, c) there will be no serious hazard to vehicles or pedestrians from the use, d) no nuisances will be created and e) adequate and appropriate facilities will be provided for the proper operation of the use. A conditional use permit should be granted as this would allow a new small business that is not currently found in the area to open along one of Brighton's main commercial hubs, Brighton Center.

In regards to parking, the minimum parking ratio is 4 spaces per 1,000 square feet of gross floor area for entertainment and recreational uses, which would require 12 spaces. However, the proposed project provides no parking. Relief is warranted due to the site's proximity to transit options, including the MBTA 57 bus route. In addition, the existing commercial building does not provide parking, and adding parking would require structural changes, which are not proposed.

The plans reviewed are titled ALT1792309 Refusal Stamped Plans ZBA 11.18.2025 and are dated October 15, 2025. They were prepared by Derek Rubinoff, Architect.

**Recommendation:**

In reference to BOA1799257, The Planning Department recommends APPROVAL.

Reviewed,

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

Deputy Director of Zoning



<b>Case</b>	BOA1787097
<b>ZBA Submitted Date</b>	2025-10-09
<b>ZBA Hearing Date</b>	2026-03-10
<b>Address</b>	128 Bennington ST East Boston 02128
<b>Parcel ID</b>	0106571000
<b>Zoning District &amp; Subdistrict</b>	East Boston Neighborhood EBR-4
<b>Zoning Article</b>	53
<b>Project Description</b>	The proposal seeks to demolish the existing single-family dwelling and detached garage and replace them with a four-unit residential building with three off-street parking spaces.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	GCOD Applicability Side Yard Insufficient Front Yard Insufficient Rear Yard Insufficient

**Planning Context:**

128 Bennington Street is presently a two-story single-family dwelling. Bennington Street serves as an important east–west corridor in East Boston, connecting residential areas to neighborhood services, open space, and major transportation routes. Along Bennington Street, the site is served by MBTA bus routes and is located approximately 0.6 miles walking distance from the MBTA Blue Line Airport Station, providing rapid transit access to Downtown Boston and connections to Logan International Airport. PLAN: East Boston designated Bennington St an important corridor for the Squares & Corridors areas for mixed-use and housing growth in the neighborhood.

The site is also located within the Groundwater Conservation Overlay District (GCOD), which protects wood pile-supported structures vulnerable to groundwater depletion and seeks to preserve structural integrity while reducing stormwater runoff and pollution.

**Zoning Analysis:**

The proposed project was cited for three violations: (1) Groundwater Conservation Overlay



District (GCOD) applicability; (2) insufficient side yard setback; and (3) insufficient front yard setback.

While not cited in the refusal letter dated January 28, 2026, plans indicate a rear exterior staircase located within the required rear yard dimension of 33' (i.e. 1/3 of lot depth). Zoning Code Section 20-3 indicates that steps and open porches without roofs extending more than three feet above the floor of the first story, such as the exterior staircase depicted in submitted plans, are not permitted within a rear yard. The proposed staircase should be redesigned to not encroach upon the minimum rear yard.

The project site is located within the Coastal Flood Resilience Overlay District (CFROD), where projects are subject to resilience review, including evaluation of building access, ground-floor elevation, and mechanical system placement. While not cited in the refusal letter dated January 28, 2026, Article 53-19.2 requires new living space in the CFROD to be located above the Sea Level Rise – Design Flood Elevation. Additional information is needed to determine if proposed residential uses (particularly those located in the basement and ground level) are above the Design Flood Elevation, per the requirements of Article 53-19.2.

The site is located within the Groundwater Conservation Overlay District (GCOD). Under Article 32, Section 32-4 of the Boston Zoning Code, projects involving the rehabilitation, reconstruction, or extension of a structure designed for human occupancy are subject to GCOD review. The proposal calls for the demolition of the existing two-story single-family dwelling, and the construction of a four-unit residential building with three off-street parking spaces at grade. Accordingly, the project triggers review under the Groundwater Conservation Overlay District (GCOD) pursuant to Section 32-4 and is subject to the groundwater recharge requirements of Article 32.

In light of GCOD review, the proponent will be required to provide additional detail in the project plans demonstrating consistency with GCOD design and construction standards, including measures addressing groundwater recharge. Clarification of existing and proposed conditions related to maximum building lot coverage, minimum lot permeable area, and maximum gross floor area will support the GCOD assessment.

Submitted materials indicate consideration of pervious paving systems to support groundwater recharge; however, the proposed driveway surface treatment is not clearly indicated in the updated site drawings. A sheet titled "Proposed Site Plan," prepared by Engineering Alliance,

BOA1787097

2026-03-10

2 Planning Department



Inc. and dated March 4, 2025, depicts replacement of the existing asphalt driveway with a pervious paver surface.

However, updated survey plans titled “Proposed 128 Bennington Street Condominium Site Plan,” prepared by Massachusetts Survey Consultants, LLC and dated November 18, 2025, identify the same driveway area as “PAVED D.W.” While this notation may include pervious paving systems, clarification is warranted to confirm the proposed surface treatment and its consistency with the engineering plans. A review by the Boston Water and Sewer Commission is recommended.

With respect to the cited violation for insufficient side yard under Article 53, Table F of the East Boston Neighborhood District requires a minimum side yard setback of five (5) feet in the EBR-4 subdistrict. The submitted plans show a right side setback of approximately 7'-7¼" labeled “Existing Setback to Remain,” which measures from the front portion of the building to the right (North) lot line. However, plans depict a zero lot line condition along the left (South) lot line, resulting in a side yard of 0', in contrast to the minimum required side yard of 5' required by Article 53, Table F. The proponent has not demonstrated that zoning relief for insufficient side yard would be appropriate or contextual.

With respect to the cited violation for insufficient front yard, the submitted plans indicate a zero lot line condition, in contrast to Article 53, Table F of the East Boston Neighborhood District, which requires a front yard setback between three (3) and five (5) feet in the EBR-4 subdistrict. The proponent has not demonstrated that zoning relief for insufficient front yard would be appropriate or contextual.

The reviewed plans, titled “128 Bennington Street,” were prepared by CLDA Architects, marked “Updated Plan Reviewed,” and dated December 22, 2025.

**Recommendation:**

In reference to BOA1787097, The Planning Department recommends DENIAL: zoning relief for minimum side, front, rear yards is not appropriate for demolition and new construction; proponent must demonstrate compliance with the provisions of Article 53-19 for new Residential Use in the Coastal Flood Resilience Overlay District.



Planning Department

**CITY of BOSTON**

Reviewed,

A handwritten signature in black ink, reading "Kathleen Onuf", enclosed in a light gray rectangular box.

Deputy Director of Zoning



<b>Case</b>	BOA1783703
<b>ZBA Submitted Date</b>	2025-09-29
<b>ZBA Hearing Date</b>	2026-03-10
<b>Address</b>	198 Marion ST East Boston 02128
<b>Parcel ID</b>	0106462000
<b>Zoning District &amp; Subdistrict</b>	East Boston Neighborhood EBR-3
<b>Zoning Article</b>	53
<b>Project Description</b>	The project proposes a change of use and interior renovation of the existing mixed-use building, currently containing two residential units and one ground-floor commercial unit, to create a four-unit residential dwelling.
<b>Relief Type</b>	Variance, Conditional Use, Forbidden Use
<b>Violations</b>	Flood Hazard GCOD Applicability Parking or Loading Insufficient Roof Structure Restrictions Use: Forbidden

**Planning Context:**

198 Marion Street is a three-story mixed-use building with two residential units and a vacant ground-floor retail space. The surrounding area is primarily residential, with buildings typically two to three stories in height and containing two to four units. The property is within a 0.5-mile walk of the MBTA Blue Line Airport Station.

The proposal involves rehabilitation of the existing building, including interior renovations, conversion of the vacant ground-floor commercial space into two residential units, and construction of a roof deck. The refusal letter cites the zoning district as 3F-2000. However, the application was filed on August 20, 2025, after approval of PLAN: East Boston on April 24, 2025. As such, the property is governed by EBR-3 zoning.

This project is located in the Coastal Flood Resilience Overlay District (CFROD). PLAN: East Boston notes that climate change poses a significant risk to existing housing in low-lying areas. Large portions of Paris Flats, Maverick Central, and Harbor View are particularly vulnerable to flooding, and much of East Boston includes areas within the Coastal Flood Resilience Overlay District (CFROD). The CFROD plays a key role in shaping new development. Projects located



within the overlay are subject to resilience review, including evaluation of mechanical system placement, building access, and ground-floor elevation. Within the CFROD, new or expanded living space must be located above the Sea Level Rise – Design Flood Elevation.

The project is located within the Groundwater Conservation Overlay District (GCOD), which protects wood pile-supported structures vulnerable to groundwater depletion and seeks to preserve structural integrity while reducing surface water runoff and pollution.

The project is also located within the East Boston Neighborhood Restricted Roof District.

### **Zoning Analysis:**

The proposed project was cited for five violations: (1) Flood Hazard District Regulations; (2) Groundwater Conservation Overlay District (GCOD) applicability; (3) insufficient off-street parking; (4) forbidden use; and (5) East Boston Neighborhood Roof Structure Restrictions.

This project does not trigger Article 25, which applies to projects within a Special Flood Hazard Area, nor does it trigger Article 25A, as it is below the applicable size threshold. The property is located within the Coastal Flood Resilience Overlay District (CFROD) and is therefore subject to Article 53, Section 53-19, which prohibits new residential uses below the Design Flood Elevation (DFE). The Base Flood Elevation (BFE), as indicated in the zoning viewer, is 19.5' (BCB), establishing a corresponding DFE of 21.5' (BCB).

Revised plans show DFE in section view. The basement level is proposed at +12'-2.5" (BCB), which will remain as open basement space without habitable use. This elevation is below both the Base Flood Elevation (19.5' BCB) and the Design Flood Elevation (21.5' BCB).

The proposed first-floor elevation (Level 1) is set at +21'-6" (BCB), consistent with the Design Flood Elevation. Accordingly, all habitable space is located at or above the DFE and is elevated approximately 2'-0" above the Base Flood Elevation. Flood protection is therefore achieved through elevation of occupied space, while the basement remains non-habitable and below regulated flood elevations.

The proposed project triggers review under Article 32, Section 32-2 of the GCOD as a rehabilitation involving the extension of a structure designed for human occupancy. The work includes interior renovations, conversion of the vacant ground-floor commercial space into two residential units, and construction of a roof deck. Lot coverage is reduced from 72.6% (1,360



SF) to 70.0% (1,313 SF), but remains above the 60% maximum permitted in the EBR-3 zoning district. Permeable area increases from 23.0% (432 SF) to 23.9% (448 SF), but remains below the 30% minimum required.

With respect to off-street parking under Article 53, Table L - East Boston Neighborhood District - Off-Street Parking Requirements, provides that no parking is required for one- to three-unit dwellings and one parking space per unit is required for four or more units. The existing building contains three units and therefore requires no parking. The proposal results in four units and provides no off-street parking, where four spaces are required.

The proposed project triggers review under Article 53, Section 53-25 (Roof Structure Restrictions). Article 53 permits open roof decks as allowable roof structures, provided conditions related to location and elevation, access, and appurtenant structures are met.

The project proposes a roof deck on the main roof of an existing flat-roofed building. The deck is elevated six (6) inches above the roof surface (51'-3.5" compared to 50'-9.5"), which is below the one (1) foot maximum permitted. Access to the deck is provided by the existing stairway headhouse, which will remain. The headhouse is an existing condition and is not visible from the Marion Street public right-of-way. A 42-inch-high guardrail is proposed along the perimeter of the roof deck and is set back five (5) feet from all roof edges in compliance with the applicable setback requirement.

The refusal letter incorrectly cites Article 53, Section 53-8 (Chapter Tidelands Requirements), although the operative issue concerns use regulations within a residential subdistrict governed by Article 53, Section 5 (Regulations Applicable in Residential Subdistricts).

The property is located in the East Boston Residential-3 (EBR-3) zoning district and is subject to Article 53, Table A – Residential Subdistrict Use Regulations. In EBR-3, “Household Living – 3 to 6 Dwelling Units” on a mid-block lot is designated as Allowed (“A”), subject to frontage limitations: where lot frontage exceeds 55 feet, up to six units are permitted; where frontage is 55 feet or less, no more than three units are allowed. The submitted plans indicate a lot frontage of 25 feet along Marion Street. Under Table A alone, the property would therefore be limited to three dwelling units.



The proposal includes four units. The determinative question is whether the fourth unit is governed solely by the frontage limitations of Table A or qualifies as an Additional Dwelling Unit (“ADU”) under Article 53, Section 53-5(2).

Article 53, Section 53-5(2) provides that an Additional Dwelling Unit within the East Boston Neighborhood District” shall be an Allowed Use where it may otherwise be Conditional or Forbidden,” provided that no more than one unit is added within the existing building envelope and no Gross Floor Area is added.

Although the project appears to remain within the existing building envelope, the revised plans—specifically the Zoning Analysis table on Sheet A-02—do not identify the Gross Floor Area. At this time, true GFA cannot be verified from the information provided. Where these conditions are met, Article 53, Section 53-5(2) authorizes one additional dwelling unit notwithstanding the frontage-based limitation otherwise applicable under Table A.

The reviewed plans, titled “198 Marion Street,” were submitted by CONTEXT: a collaborative design workshop and issued for revision on February 12, 2026.

**Recommendation:**

In reference to BOA1783703, the Planning Department recommends APPROVAL WITH PROVISIO, contingent upon: (1) submission of revised plans to the Planning Department demonstrating compliance with the Additional Dwelling Unit requirements of Article 53, Section 5.2, including verification of both existing and proposed Gross Floor Area.

Reviewed,

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

Deputy Director of Zoning



<b>Case</b>	BOA1760013
<b>ZBA Submitted Date</b>	2025-08-06
<b>ZBA Hearing Date</b>	2026-03-10
<b>Address</b>	110 W Concord ST Roxbury 02118
<b>Parcel ID</b>	0900598000
<b>Zoning District &amp; Subdistrict</b>	South End Neighborhood MFR
<b>Zoning Article</b>	64
<b>Project Description</b>	The proposal would be to construct a new rear staircase on top of an existing utilities room that would also add a new access to the roof.
<b>Relief Type</b>	Conditional Use
<b>Violations</b>	Roof Structure Restrictions

**Planning Context:**

This case was scheduled for the December 9, 2025 hearing and was deferred to the February 3rd, 2026 hearing and was once again deferred. There were no new changes submitted and the recommendation remains the same. The Proposed Project would build a new rear staircase and headhouse to access the existing roof deck on a four-story attached rowhouse. The current roof deck is accessed through a ladder leading to a roof hatch. The existing roof deck would not be changed except for the removal of the ladder hatch. The site is located in the South End Landmark District requiring Landmarks Commission review and approval . The project lot is within 100 ft of Newland Street Park however the proposed work would not be within that distance therefore Boston Parks and Recreation Commission review will not be required as per Ordinance 7.4-11.

**Zoning Analysis:**

The proposal would require a conditional use permit due to the inclusion of a headhouse that would alter an existing roof. The proposed would not be contextually appropriate with the historical context and will not fulfill any city goals for design or building code recommendations. Access to the roof deck in the form of hatches is recommended rather than a headhouse in locations like the South End Landmark District unless a headhouse is required for building code or accessibility.



"110 W Concord Street" Drawn by Springer Architects Dated July 2, 2025.

**Recommendation:**

In reference to BOA1760013, The Planning Department recommends DENIAL.

Reviewed,

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

Deputy Director of Zoning



<b>Case</b>	BOA1790972
<b>ZBA Submitted Date</b>	2025-10-22
<b>ZBA Hearing Date</b>	2026-03-10
<b>Address</b>	567 to 577 Adams ST Dorchester 02124
<b>Parcel ID</b>	1602881000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 2F-5000
<b>Zoning Article</b>	65
<b>Project Description</b>	Combine two lots to construct five townhouse-style units attached to a redeveloped three unit building.
<b>Relief Type</b>	Variance
<b>Violations</b>	Parking or Loading Insufficient Lot Area Insufficient FAR Excessive Height Excessive (stories) Front Yard Insufficient Side Yard Insufficient Rear Yard Insufficient Forbidden Use

**Planning Context:**

This case was deferred from the December 9, 2025 and February 3, 2026 meetings. No changes have been made to the plans. Therefore, the Planning Department recommendation stays the same.

The site is located less than a half-mile from Dorchester Avenue local retail and services and 0.8 miles from Shawmut MBTA Red Line Station. One- and two-unit residential buildings in this area usually have one parking space per dwelling. Denser housing types, including triple-deckers on the street have less parking per unit and less yard space. The general urban fabric becomes denser and less car-reliant closer to Dorchester Avenue. Adding housing through the introduction of additional density near retail corridors is consistent with the planning principles outlined in Imagine Boston 2030 and the updated Housing a Changing City 2030 plans.

This project maintains the facade of a three-unit unit building (commonly seen throughout the neighborhood) while adding housing that descends toward the back of the lot and avoids disturbing the streetscape. A minimum of two of the units in this project would have to be deed-restricted affordable housing units as per the City's Inclusionary Zoning. IZ requires that market-



rate housing developments with seven or more units support the creation of income restricted housing. While it is unclear from the plans how many of the proposed eight units will be dedicated as income-restricted, the applicant will need to execute an agreement with the Mayor's Office of Housing to comply with the policy. The proponent should also consider changes to the design that would better align with the City's goals of promoting permeable surfaces where possible in areas like this that are identified as having high heat risk (Heat Resilience Solutions for Boston, 2022).

### **Zoning Analysis:**

The proposed project at 567 Adams Street violates parking, use, and dimensional requirements.

The required off-street parking ratio for this site is 1.25 spaces per unit, but the Boston Transportation Department recommends no more than one parking space per dwelling unit in multi-family buildings in areas with its walk score (26-50). The proposed nine spaces for eight residential units is sufficient for this area. Similarly, a multi-family building of this size and massing is proportionate to the density of the area.

The required side, front, and rear yard setbacks for the site do not match the context of the surrounding yards. The required 15-foot minimum front yard does not reflect existing site conditions and the proposed side yard conditions also mimic the existing nonconformity of the current structure. While the proposed rear yard does not meet the 20' minimum requirement, the proposed 15-foot yard is more contextual than the existing 105-foot rear yard. The required 0.5 maximum FAR also does not match the context while the proposed FAR is more fitting. The dimensional violations of the proposed design on the newly combined lot are similar to the neighboring structures, and the proposed height matches the triple-deckers next door. The design is appropriate for lower density urban areas and adds housing units to lots with sufficient area to do so.

A multi-family building in this area will need to be reviewed for compliance with safety and ADA regulations. This building type can bring added benefits to this area, such as adding deed-restricted affordable housing units through inclusionary zoning. Site plan review is recommended to increase permeable lot area where possible.

Plans reviewed are titled "567 LLC / 8 Residential Units", prepared by Timothy Sheehan Architect, and dated 3/7/25.



**Recommendation:**

In reference to BOA1790972, The Planning Department recommends APPROVAL WITH PROVISIO/S: that a housing agreement be issued prior to issuing permits as there is an increase of seven units, and that plans be submitted to the Planning Department for design review of the facade and site plan with special attention to ensuring an accessible path to entry.

Reviewed,

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

Deputy Director of Zoning

**MEMORANDUM**

**MAY 15, 2025**

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

**FROM:** CASEY HINES, CO-DIRECTOR FOR DEVELOPMENT REVIEW  
NUPOOR MONANI, CO-DIRECTOR FOR DEVELOPMENT REVIEW  
DYLAN NORRIS, PROJECT ASSISTANT  
ALEXA PINARD, SENIOR URBAN DESIGN REVIEWER  
Jill ZICK, SENIOR LANDSCAPE ARCHITECT  
AMBER GALKO, RESILIENCY REVIEWER

**SUBJECT:** 123 NORTH WASHINGTON STREET, NORTH END

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**SUMMARY:** This Memorandum requests that the Boston Redevelopment Authority d/b/a Boston Planning & Development Agency ("BPDA"): (1) authorize the Director to issue a Certification of Approval for the proposed development located at 123 North Washington Street in the North End Neighborhood (as defined below, the "Proposed Project"), in accordance with Article 80E, Small Project Review of the Boston Zoning Code (the "Code"); (2) authorize the Director to enter into a PILOT Agreement for the Proposed Project, and to take any other actions, (3) adopt a Demonstration Project Plan under Massachusetts General Law Chapter 121B, Section 46(f) for the Proposed Project, (4) adopt certain findings relating to the Demonstration Project Plan, (5) authorize the Director to accept a Quitclaim Deed for a certain temporary, limited property interest in The Project Site, and (6) authorize the Director to execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

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**BACKGROUND ON PILOT PROGRAM**

On October 28th, 2024, Copper Mill North End, LLC (the "Proponent") applied to Mayor Wu's and the Planning Department's Downtown Residential Conversion

Incentive PILOT Program (the “Pilot Program”). The Pilot Program was authorized by the BPDA Board on October 12, 2023 (“October Board Vote”) and offers approved applicants a tax abatement in exchange for converting their underutilized office building into multi-family residential rental units. The October Board Vote authorized the creation of a Demonstration Project Plan Area in Downtown Boston (the “Plan Area”) and the Plan Area establishes an area where the BPDA is able to act pursuant to Massachusetts General Law Chapter 121B (“Chapter 121B”) and provide a contract for payment in lieu of taxes (“Pilot Agreement”) pursuant to Chapter 121B. The October Board Vote also authorized the BPDA to review and consider projects outside of the Plan Area on a case-by-case basis.

In order to qualify for the PILOT program, the proponent must meet the 2024 IZ standards. Applicants must also comply with current Green Energy Stretch Goals, where applicable.

**PROJECT SITE**

The Project Site includes 7.829 Square feet of land area on one parcel, formally City of Boston Assessor’s Parcel NO. 0301466000 with a tax-assessed address of 119-127 North Washington Street, Boston, MA 02113 in the North End Neighborhood of Boston.

**DEVELOPMENT TEAM**

The development team includes:

**Proponent:**

Copper Mill North End, LLC  
66 Long Wharf, Suite 403  
Boston, MA 02110  
Attn: Andrew Flynn, Mark Callahan  
Tel: 857-449-8138  
Email: mcallahan@coppermill.com

**Legal Counsel:**

Nixon Peabody, LLP  
53 State Street, Exchange Place  
Boston, MA 02109  
Attn: Jennifer R. Schultz  
Tel.: 617.345.6071

Email: jschultz@nixonpeabody.com

**Architecture:**

Gensler  
One Beacon Street, Third Floor  
Boston, MA 02108  
Tel.: 617.619.5700  
Attn: Todd Dundon  
Email: todd\_dundon@gensler.com

**Surveyor:**

Feldman Geospatial  
152 Hampden Street  
Boston, MA 02119  
Attn: Timothy R. Agurkis, PLS  
Tel: 617.357.9740  
Email: TAgurkis@feldmangeo.com

**MEPFP Engineer:**

WSP  
100 Summer Street, 13th Floor  
Boston, MA 02110  
Attn: Dan Hurley  
Tel: 617.426.7330  
Email: Daniel.Hurley@wsp.com

**Structural Engineer:**

McNamara Salvia  
1 Federal Street, Suite 3710  
Boston, MA 02110  
Attn: Adam McCarthy  
Tel: 617.737.0040  
Email: mccarthy@mcsal.com

**Code Review:**

Code Red Consultants  
30 Turnpike Rd., Suite 11  
Southborough, MA 01772  
Attn: Caitlin Gamache  
Tel.: 617.500.7633  
Email: cgamache@crcfire.com

**PROPOSED PROJECT**

The Proposed Project at 123 North Washington is an applicant of the Planning Department’s Office-to-Residential Conversion Program.

Copper Mill North End, LLC (“The Proponent”) is proposing the renovation of the existing approximately 39,770 Square foot five (5) story office building with restaurant space on the ground level. The proposed plans call for existing office/retail space on floors 1-5 to be converted to apartments, approximately 500 sq ft of restaurant or retail use would remain on the ground level. The conversion will result in a new net residential total of approximately 34,500 gross floor area (“the Proposed project”). The Proposed project will include forty-five (45) rental units, including twenty-seven (27) studios, eighteen (18) 1-bedrooms. 17% of the units will be inclusionary zoning units held at 60% AMI as per the Office to Residential Conversion Program standards.

The Proposed Project will also include an interior subsurface bicycle storage room with forty-six (46) resident bike parking spaces.

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

<b>Estimated Project Metrics</b>	<b>Proposed Plan</b>
<b>Gross Square Footage</b>	42,427
<b>Gross Floor Area</b>	39,670
<i>Residential</i>	34,500
<i>Retail</i>	500
<i>Mechanical/storage</i>	4,670
<b>Development Cost Estimate</b>	\$18,000,000
<b>Residential Units</b>	
<i>Rental Units</i>	45
<i>Ownership Units</i>	0
<i>IZ/Affordable Units</i>	7
<b>Parking spaces</b>	0
<b>Bike Parking Spaces</b>	46

**PLANNING CONTEXT**

Launched in October 2023, the Downtown Residential Conversion Incentive Pilot Program “Downtown Conversion Program” aims to support owners and developers of older commercial office building space in converting to residential units. The Pilot Program was informed by both 1) the City of Boston’s October 2022 Downtown Revitalization Report, which analyzed and made recommendations for downtown economic revitalization, as well as 2) the PLAN: Downtown planning process, which recommended a downtown office conversion program as a key strategy for achieving the PLAN goals. In order to encourage new use of underutilized office space, the Downtown Conversion Program offers a tax abatement and a streamlined approval process for applicants who meet affordability and sustainability requirements. Accordingly, the Proposed Project would advance key recommendations of both the 2022 Downtown Revitalization Report and PLAN: Downtown

**ARTICLE 80 REVIEW PROCESS**

On March 3, 2025, the Proponent filed an Application for Small Project Review with the BPDA for the Proposed Project, pursuant to Article 80E of the Boston Zoning Code (the “Code”). The Planning Department sponsored and held a virtual public meeting on April 7th, 2025, via Zoom for the Proposed Project. The meeting was advertised in the Boston Guardian, posted on the Planning Department website, and a notification was emailed to all subscribers of the Planning Department’s North End/Downtown neighborhood update list. The public comment period ended on April 14<sup>th</sup>, 2025.

**ZONING**

The Project Site is located in the North Washington Street Community Commercial Subdistrict of the North End Neighborhood District. Governed by Article 54 of the Boston Zoning Code

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

Planning Department staff recommend zoning relief for excessive floor area, and for conditional use. Planning Department do not recommend zoning relief for CFROD, nor GCOD, nor Restricted Parking District regulations.

### **MITIGATION AND COMMUNITY BENEFITS**

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

- Revitalizing the downtown neighborhood by converting underutilized office space to on-site housing, bringing foot traffic back to the neighborhood, generating a new customer base for restaurants and shops, and creating a more vibrant urban core.
- Creating seven (7) on-site affordable units at 60% AMI.
- Meeting, where applicable, C.O.B Green Energy “Stretch Goals” as required by the BPDA Office-to-Residential Conversion Program.
- The re-use of a vast majority of existing building components to minimize demolition waste and promote construction sustainability.

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

### **INCLUSIONARY ZONING**

The Proposed Project is subject to Zoning Code Article 79 Inclusionary Zoning, dated October 1, 2024 (“IZ”), and is located within Zone A, as defined by the IZ. IZ requires that 17% of the total number of units or residential leasable square footage within Article 80E Small Project developments be designated as IZ units. In this case, seven (7) units or approximately 15.56%% of the total number of units within the conversion project will be designated as income restricted units, consisting of seven (7) income-restricted units which will be made affordable to households earning not more than 60% of Area Median Income (“AMI”), as based upon data from the United States Department of Housing and Urban Development (“HUD”) and published by the Mayor’s Office of Housing (“MOH”) as annual income and rent limits.

The proposed locations, sizes, income restrictions, and maximum rents for the IZ 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>
102	Studio	474	60%	\$1,175	Sensory
201	One-Bedroom	568	60%	\$1,378	
206	One-Bedroom	840	60%	\$1,378	
304	One-Bedroom	693	60%	\$1,378	
407	One-Bedroom	728	60%	\$1,378	Group 2A
408	Studio	480	60%	\$1,175	
509	Studio	460	60%	\$1,175	

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

The ARHAR must be executed along with, or prior to, the issuance of the Certification of Approval for the Proposed Project. The Proponent must also register the Proposed Project with the Boston Fair Housing Commission (“BFHC”) upon issuance of the building permit. The IZ Units will not be marketed prior to the submission and approval of an Affirmative Marketing Plan to the BFHC 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) Households who are directly displaced or severely rent-burdened (to be marketed for one (1) income-restricted unit).

Where a unit is built out for a specific disability (e.g., mobility or sensory), a preference will also be available to households with a person whose need matches

the build out of the unit. The City of Boston Disabilities Commission may assist the BPDA in determining eligibility for such a preference.

An affordability covenant will be placed on the IZ Units 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 rent of any subsequent rental of the IZ Units during this fifty (50) year period must fall within the applicable income and rent limits for each IZ Unit. IZ Units may not be rented out by the developer prior to rental to an income eligible household, and MOH or its assigns or successors will monitor the ongoing affordability of the IZ Units.

The Proposed Project's on-site IZ Units, as proposed, are approximately 16.93% of leasable residential square footage, and therefore a partial unit payment is due to fully satisfy IZ requirements, estimated to be \$12,069.00 as currently proposed. Any payment in lieu of units will be calculated with MOH and paid by the Proponent into the City of Boston Treasury to the IDP Special Revenue Fund ("IDP Fund"), at a rate of \$675 per square foot (per IZ for Zone A), for a total amount of any positive value difference between 17% of total residential leasable square footage of the project and the square footage of any on-site units restricted at an average of 60% of Area Median Income. Final determination of any payment amount may be subject to be recalculated upon any residential square footage changes within the project design and construction. Payment of 50% of the amount is due at the issuance of a full building permit, and payment of the other 50% is due at the issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy.

### **TERMS OF PILOT AGREEMENT**

Based on BPDA staff review under Article 80 and review under the Pilot Program, the Proponent has been selected to receive a PILOT Agreement, based on the Pilot Program criteria. The Proponent will, upon approval by the BPDA Board, enter into a PILOT Agreement among the City of Boston (the "City") and the BPDA. If approved today, the City and the BPDA will provide the Proposed Project an average tax abatement of seventy-five percent (75%) of the assessed residential value for a term of twenty-nine (29) years, terms which are consistent with the October Board Vote.

### **DEED CONVEYANCE**

In order to comply with the rules and regulations under Massachusetts General Law Chapter 121B, Section 16, the BPDA must take an interest in the Project Site. To effectuate that, the BPDA and the Owner of the 123 North Washington Building will enter into a Deed agreement which conveys limited rights in the 123 North Washington property. Additionally, the Owner and the BPDA will enter into an indemnification agreement to ensure the BPDA does not have liability on the property.

### **DEMONSTRATION PROJECT PLAN**

The Proponent is an applicant to the Downtown Office to Residential Conversion Incentive PILOT Program (the "Program"). As approved on October 12, 2023, the BPDA established a Demonstration Project Plan in a selected area comprising primarily Downtown Boston. Applicants whose project sites are outside the Program's boundaries are reviewed and accepted on a case-by-case basis. The Project Site at 123 North Washington Street is outside of the boundaries of the existing Demonstration Project Plan area, therefore, a new Demonstration Project Plan must be adopted pursuant to Massachusetts General Laws Chapter 121B, Section 46(f), as amended, in order to effectuate the PILOT. The Proponent is undertaking the conversion of vacant office space in the City of Boston and creating in its place much much-needed housing. As such, a Demonstration Project Plan should be established to allow for the conversion of this vacant, decadent office building to residential use, thereby preventing urban blight. The Proponent has duly applied and been accepted to the Program. Consistent with the October 12, 2023 Board action and the July 18, 2024 Board action to extend the Program, a Demonstration Project Plan should be established to take all actions, as approved herein, to effectuate the conversion of the 123 North Washington Project Site.

### **RECOMMENDATIONS**

The Proposed Project complies with the requirements set forth in Section 80E of the Code for Small Project Review. Therefore, BPDA staff recommend that: (1) the Director be authorized to issue a Certification of Approval for the Proposed Project; (2) the Director be authorized to enter into a PILOT Agreement for the Proposed Project; (3) that the BPDA adopt a Demonstration Project Plan under Massachusetts General Law Chapter 121B, Section 46(f) for the Proposed Project; (4) the BPDA adopt certain findings relating to the Demonstration Project Plan; and (5) the

Director be, and hereby is, authorized to accept a Quitclaim Deed and execute an Indemnification Agreement for a temporary, limited property interest in the Project Site; and (6) the Director be, and hereby is, authorized to take any other actions, and to execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

Appropriate votes follow:

**VOTED:** That the Director be, and hereby is, authorized to issue a Certification of Approval for the proposed development located at 123 North Washington Street in the North End Neighborhood (as defined below, the "Proposed Project"), in accordance with Article 80E, Small Project Review of the Boston Zoning Code (the "Code"), subject to continuing design review by the BPDA; and

**FURTHER**

**VOTED:** That the Director be, and hereby is, authorized to enter into a Pilot Agreement in connection with the 123 North Washington Street Project, subject to the terms and continues consistent with this Board Memorandum and as the Director deems to be appropriate and necessary; and

**FURTHER**

**VOTED:**

The BPDA does hereby adopt as a Demonstration Project Plan pursuant to M.G.L. c. 121B, Section 46(f), to facilitate the conversion and redevelopment for the Proposed Project consistent with the Downtown Office-to-Residential Conversion PILOT Program; and

**FURTHER**

**VOTED:**

That the Boston Redevelopment Authority ("BRA"), in connection with the development of the 123 North Washington Proposed Project in the North End neighborhood of Boston hereby finds and declares: a) In order to prevent urban blight, it is in the public's interest for the BRA to assist with the conversion of decadent office space to much needed residential units in the City of Boston. b) The Project Site is either a blighted or decadent area, as those terms are defined in Massachusetts General Law Chapter 121B, as amended, c) The

development of the Project Site in a manner consistent with the Downtown Office to Residential Conversion PILOT Program and this Memorandum, and requires the assistance of the BPDA, d) Based on (a), (b), and (c) above the Proposed Project constitutes a "demonstration project" under Massachusetts General Law Chapter 46(f), as amended; and

**FURTHER****VOTED:**

That the Director be, and hereby is, authorized to accept a Quitclaim Deed for a temporary, limited property interest in the 123 North Washington Project Site, and execute an Indemnification Agreement between the BPDA and the owner of the 123 North Washington Project Site; and

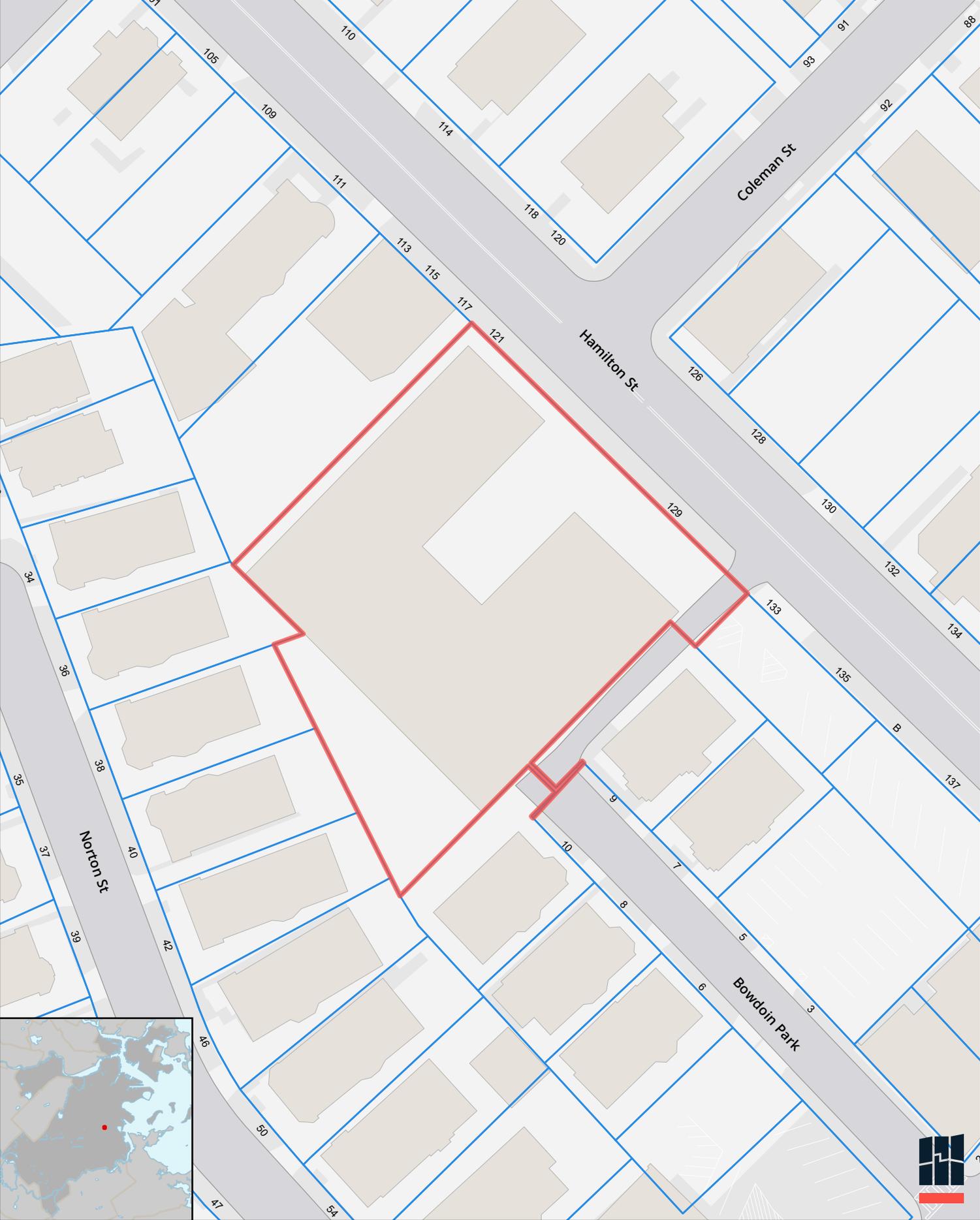
**FURTHER****VOTED:**

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

# 123 North Washington Street



1:600



# 123 North Washington Street



1:600





**GABRIELA COLETTA ZAPATA  
DISTRICT 1 BOSTON CITY COUNCILOR**

May 15, 2025

Boston Planning and Development Board  
1 City Hall Square #900,  
Boston, MA 02201

**RE: Certification of Approval for the proposed development located at 123 North Washington Street pursuant to Article 80E, Small Project Review of the Zoning Code**

Dear Board Members,

I am writing to express my support for the 123 N. Washington Street office to residential conversion proposal in the North End. The project is being proposed as a key gateway of the neighborhood, and will bring much needed housing opportunities to this area of the Downtown core. This project is a positive step toward revitalizing our downtown urban areas and addressing critical housing needs.

The proposal to convert the existing five-story office building into 45 residential units, including studios and one-bedroom apartments, aligns with the city's goals of adaptive reuse and sustainable urban development. The addition of approximately 500 square feet of retail space on the ground floor will further enhance the vibrancy of the North End, providing amenities that benefit both residents and the broader community. The inclusion of nine affordable housing units will contribute to the city's efforts to increase affordable housing stock in downtown Boston.

I also appreciate the project's adherence to the principles outlined in the PLAN: Downtown initiative, which emphasizes the importance of preserving the character of historic neighborhoods while accommodating growth. The adaptive reuse of this building exemplifies the thoughtful development encouraged by this plan.

I urge the BPDA Board to approve the proposed development at 123 N. Washington Street. This project represents a balanced approach to urban revitalization, combining housing, retail, and community benefits in a manner that respects the historic fabric of the North End. If you have any questions, please feel free to contact me directly at [gabriela.coletta@boston.gov](mailto:gabriela.coletta@boston.gov) and (617) 635-3200.

Sincerely,

Gabriela Coletta Zapata  
Boston City Councilor, District 1

**Boston Water and  
Sewer Commission**



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

May 1, 2025

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

Re: 123 North Washington Street, North End  
Project Notification Form

Dear Mr. Norris:

The Boston Water and Sewer Commission (Commission, BWSC) has reviewed the Project Notification Form (PNF) for the proposed residential conversion project located 123 North Washington Street in North End neighborhood of Boston.

The proposed project is located on an approximately 7,838 square foot (sf) site currently occupied by a 5-story commercial building. The project proponent, Copper Mill North End, LLC, proposes to convert the building to residential use with a total of 45 residential units over a first-floor retail space, occupying 29,587 sf of gross floor area.

Water, sewer, and storm drain service for the project site is provided by the Boston Water and Sewer Commission. Water demand estimates were not provided in the PNF.

For water service, the project site is served by an 16-inch pit cast iron pipe (PCI) installed in 1918 on the Commission's Southern Hight distribution network is located in N. Washington Street. An 1886 12-inch PCI pipe on the southern-low network and a 1917 20-inch CI pipe on the high-pressure fire service network or also located in North Washington Street.

Estimated sewage flow was not stated in the PNF. For sanitary sewage service, the site is served by a three combined sewer pipes: an 18-inch clay pipe installed in 1898, a 36x36 - inch wood stave pipe installed in 1844, and a 30x36-inch brick pipe installed in 1898. An 18-inch RCP drainpipe installed in 2010 is located in North Washington Street.



The Commission has the following comments regarding the PNF:

General

1. Prior to the initial phase of the site plan development, Copper Mill North End, LLC should meet with the Commission's Design and Engineering Customer Services Department to review water main, sewer and storm drainage system availability and potential upgrades that could impact the development.
2. Prior to demolition of any buildings, all water, sewer and storm drain connections to the buildings must be cut and capped at the main pipe in accordance with the Commission's requirements. The proponent must complete a Cut and Cap General Services Application, available from the Commission.
3. All new or relocated water mains, sewers and storm drains must be designed and constructed at Copper Mill North End, LLC's expense. They must be designed and constructed in conformance with the Commission's design standards, Water Distribution System and Sewer Use regulations, and Requirements for Site Plans. The site plan should include the locations of new, relocated and existing water mains, sewers and drains which serve the site, proposed service connections, water meter locations, as well as backflow prevention devices in the facilities that will require inspection. A General Service Application must also be submitted to the Commission with the site plan.
4. The Department of Environmental Protection (DEP), in cooperation with the Massachusetts Water Resources Authority (MWRA) and its member communities, has implemented a coordinated approach to flow control in the MWRA regional wastewater system, particularly the removal of extraneous clean water (e.g., infiltration/inflow (I/I)) in the system. The Commission has a National Pollutant Discharge Elimination System (NPDES) Permit for its combined sewer overflows and is subject to these regulations [314 CMR 12.00, section 12.04(2)(d)]. This section requires all new sewer connections with design flows exceeding 15,000 gpd to mitigate the impacts of the development by removing four gallons of I/I for each new gallon of wastewater flow. In this regard, any new connection or expansion of an existing connection that exceeds 15,000 gallons per day of wastewater shall assist in the I/I reduction effort to ensure that the additional wastewater flows are offset by the removal of I/I. Currently, a minimum ratio of 4:1 for I/I removal to new wastewater flow added is used. The Commission will require proponent to develop a consistent inflow reduction plan. The 4:1 requirement should be addressed at least 90 days prior to activation of water service and will be based on the estimated sewage generation provided on the project site plan.



5. The design of the project should comply with the City of Boston's Complete Streets Initiative, which requires incorporation of "green infrastructure" into street designs. Green infrastructure includes green spaces, 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 Copper Mill North End, 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 Copper Mill North End, 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. Copper Mill North End, 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. 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. The water use and sewage generation estimates were not stated in the SPRA. The Commission requires that these values be calculated and submitted with the Site Plan. Copper Mill North End, LLC should provide separate estimates of peak and continuous maximum water demand for residential, irrigation and air-conditioning make-up water for the project. Estimates should be based on full-site build-out of the proposed project. Copper Mill North End, LLC should also provide the methodology used to estimate water demand for the proposed project.
9. The Commission will require Copper Mill North End, LLC to undertake all necessary precautions to prevent damage or disruption of the existing active water and sewer lines on, or adjacent to, the project site during construction. As a condition of the site plan approval, the Commission will require Copper Mill North End, LLC to inspect the existing sewer lines by CCTV after site construction is complete, to confirm that the lines were not damaged from construction activity.



10. It is Copper Mill North End, 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, Copper Mill North End, 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. Copper Mill North End, 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. Copper Mill North End, LLC should also provide the methodology used to estimate water demand for the proposed project.
2. Copper Mill North End, LLC should explore opportunities for implementing water conservation measures in addition to those required by the State Plumbing Code. In particular, Copper Mill North End, LLC should consider outdoor landscaping which requires minimal use of water to maintain. If Copper Mill North End, 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. Copper Mill North End, 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. Copper Mill North End, LLC should contact the Commission's Meter Department for information on and to obtain a Hydrant Permit.
4. Copper Mill North End, LLC will be required to install approved backflow prevention devices on the water services for fire protection, mechanical and any irrigation systems. Copper Mill North End, 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, Copper Mill North End, 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. Copper Mill North End, LLC will be required to submit with the site plan a phosphorus reduction plan for the proposed development. Copper Mill North End, 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 Copper Mill North End, LLC will be required to submit a Stormwater Pollution Prevention Plan. The plan must:

- Identify specific best management measures for controlling erosion and preventing the discharge of sediment, contaminated stormwater or construction debris to the Commission's drainage system when construction is underway.
  - Include a site map which shows, at a minimum, existing drainage patterns and areas used for storage or treatment of contaminated soils, groundwater or stormwater, and the location of major control structures or treatment structures to be utilized during the construction.
  - Specifically identify how the project will comply with the Department of Environmental Protection's Performance Standards for Stormwater Management both during construction and after construction is complete.
2. The Commission encourages Copper Mill North End, LLC to explore additional opportunities for protecting stormwater quality on site by minimizing sanding and the use of deicing chemicals, pesticides, and fertilizers.
  3. 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.

4. The Commission requests that Copper Mill North End, 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. Copper Mill North End, LLC should contact the Commission’s Operations Division for information regarding the purchase of the castings.
5. 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. Copper Mill North End, LLC is advised to consult with the Commission’s Operations Department with regards to grease traps.

Thank you for the opportunity to comment on this project.

Yours truly,

*RON* John P. Sullivan, P.E.  
Chief Engineer

JPS/apm

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



To: [ Jack Gilman], BPDA  
From: [Rihabe Oulal], PWD  
Date: [3/10/2025]  
Subject: [123 North Washington Street - SPRA] - Boston Public Works Department Comments

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Included here are Boston Public Works Department comments for the 123 North Washington Street SPRA.

**Project Coordination:**

The developer shall coordinate with BTM and PWD to develop safety and accessibility improvements for pedestrians and cyclists in the area. The developer shall maintain the sidewalks on the site frontage and ensure they are ADA compliant.

**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 vs Private Right-of-Way (ROW):**

Although the general comments below apply specifically to work associated with the project within the public right-of-way, it is preferred and encouraged for construction in the private right-of-way to be consistent with City standards for public ways, as well, to the extent possible. Should these streets ever become public ways, they must conform to the City standards as outlined below.

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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(617) 635-4900



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 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.

**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.



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The Office of the Streets, Transportation, and Sanitation

(617) 635-4900



# CITY *of* BOSTON

Michelle Wu, Mayor

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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