



Planning Department

CITY of BOSTON

MEMORANDUM

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

FROM: Joanne Marques
Planning Department

DATE: May 14, 2026

RE: Planning Department Recommendations

Please find attached, for your information, Planning Department recommendations for the May 19, 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.



Case	BOA1797694
ZBA Submitted Date	2025-11-12
ZBA Hearing Date	2026-05-14
Address	43 Wachusett ST Hyde Park 02136
Parcel ID	1801383000
Zoning District & Subdistrict	Hyde Park Neighborhood 1F-6000
Zoning Article	9, 69
Project Description	Project seeks to add a cover to the front steps of the building.
Relief Type	Variance, Conditional Use
Violations	Lot Frontage Insufficient Lot Area Insufficient Lot Width Insufficient Front Yard Insufficient Extension of Non Conforming Use

Planning Context:

43 Wachusett Street sits in a residential area of the Hyde Park neighborhood near the borders of the Mattapan neighborhood and Milton. The building is surrounded by similar one- to three-story houses, many of which feature porches, porticos, and overhangs. The proposed project seeks to add a porch cover to the existing front stairwell and landing that protrudes approximately three feet from the house and does not extend the length of the building.

Zoning Analysis:

The first violation is an extension of a non-conforming use. The existing building is a non-conforming two-unit building within the 1F-6000 subdistrict within the Hyde Park Neighborhood district. The maximum number of units allowed in the 1F-6000 subdistrict is one. The extension through the creation of a porch cover triggers Article 9-1. However, the addition of the porch cover does not exceed more than twenty-five percent of the volume or the area of the building and is allowed pursuant of Article 9-1.

The second violation is lot area insufficiency (Article 69). The minimum lot area required for this lot is 6000 square feet for one dwelling unit. The current lot is 5047.5 square feet for two units.



The lot area of this parcel is congruent with surrounding lots that contain buildings of similar massing. Additionally, there are similarly sized two- to three-unit buildings in the area.

The third violation is lot width insufficiency (Article 69). The minimum lot width requirement in the 1F-6000 subdistrict is 60 feet. The width of the current lot is 50 feet. Again, this lot width is congruent with abutting lots that have similarly sized buildings.

The fourth violation is lot frontage insufficiency (Article 69). The lot frontage minimum feet for this parcel is 60 feet. The frontage of this parcel is 50 feet, contextually congruent with surrounding parcels.

The fifth and final violation is front yard insufficiency (Article 69). The minimum front yard depth required for this parcel is 25 feet. The current front yard depth is approximately 10 feet, similar to surrounding buildings.

Relief is recommended for this project as the addition of the porch cover aligns with the surrounding neighborhood character and does not significantly worsen existing dimensional nonconformities.

Plans reviewed are titled "Front Porch Renovation" and were reviewed on 11/05/25.

Recommendation:

In reference to BOA1797694, The Planning Department recommends APPROVAL.

Reviewed,

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Deputy Director of Zoning



Case	BOA1813812
ZBA Submitted Date	2026-01-21
ZBA Hearing Date	2026-05-14
Address	59 Bellevue Hill RD West Roxbury 02132
Parcel ID	2001927000
Zoning District & Subdistrict	West Roxbury Neighborhood 1F-6000
Zoning Article	56
Project Description	The project aims to reframe the roof to add new dormers on the third floor, finish the basement, add an addition to the second floor, and create a rear deck on the flat roof of the first floor.
Relief Type	Variance
Violations	Side Yard Insufficient

Planning Context:

The proposed project currently supports four (4) bedrooms and two stories, conforming to the surrounding neighborhood context. The surrounding structures are one- to two and a half stories, meaning the addition of the proposed dormer to 59 Bellevue Hill Road would maintain the character of its surroundings. Furthermore, multiple structures have rear roof decks and dormers which the proposed project is intending to add. The lots in this neighborhood can be contextualized as long and narrow.

The surrounding neighborhood of West Roxbury is characterized by low-density residential buildings, religious institutions, and commercial and mixed-use buildings between the MBTA's Commuter Rail West Roxbury and Highland Stations.

Zoning Analysis:

The refusal letter states one (1) violation of the Zoning Code: Side Yard Insufficient (Article 56 Section 8). The side yard setback violation is an existing nonconformity and the proposed project is not worsening said non-conformity. Article 56 requires a minimum width of a side yard to be 10 ft, however, the proposed project only has 8 ft to the East and 4.6 ft to the West. The side yards are not equal, likely due to the narrow shape of the lot and the position of the existing structure.



This proposed project provides an example of an issue the City is working to fix through our Neighborhood Housing Initiative to better align dimensional requirements with existing building and yard patterns.

The plans reviewed are titled ALT1804412 ISD Refusal Stamped Drawings - 01.16.2026 and were reviewed 11/26/2025. They were prepared by Bond Worthington Architecture.

Recommendation:

In reference to BOA1813812, The Planning Department recommends APPROVAL.

Reviewed,

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Deputy Director of Zoning



Case	BOA1823043
ZBA Submitted Date	2026-02-23
ZBA Hearing Date	2026-05-14
Address	15 Rickerhill RD West Roxbury 02132
Parcel ID	2004160000
Zoning District & Subdistrict	West Roxbury Neighborhood 1F-6000
Zoning Article	56
Project Description	Convert the shed into a chicken coop, housing 5 hens.
Relief Type	Conditional Use
Violations	Usable Open Space Insufficient Use: Forbidden (Accessory Keeping of Animals)

Planning Context:

This plan was previously denied without prejudice at the August 8, 2025 ZBA hearing. The proponent resubmitted plans on January 17, 2026, with a refusal letter issued on March 4, 2026. The submitted plans have not changed, and thus the Planning Department's recommendation has remained the same.

This project proposes the renovation of an existing rear yard shed into a coop for five hens. The lot, located in the residential district of West Roxbury, abuts the Hynes Field to its northeast, two properties to its west, and one property to its south roughly a 100 feet away from the proposed coop. The context of its location suggests that this property is ideal for the proposed project.

Zoning Analysis:

This project is located on a 9,025 sq ft lot in the 1F-6000 subdistrict of the West Roxbury Neighborhood and regulated by Article 56 of the zoning code, which outlines the forbidden Accessory Keeping of Animals. Notwithstanding Article 56, Article 89 - Urban Agriculture, allocates the requirements necessary to satisfy the accessory keeping of hens. Moreover, the plans should seek to satisfy both Article 6 and Article 89-9 in order to be granted conditional permits for approval.

The drawings resubmitted on January 17, 2026 did not satisfy the requirements pursuant of the Articles above. In order for this project to move forward and be granted relief, design review is



needed to confirm the following: the maximum height for the coop and any runs (eight feet), minimum and maximum square footage for the coop and any runs, materials and screening, and required setbacks. Specific to setbacks, the proposed coop needs to be located at least 100 feet from the nearest neighboring structure (15-foot minimum required), be located in the rear yard (not allowed to be in the front or side), and be 3.1' from the nearest property line (five-foot minimum, unless there is an opaque barrier).

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

Recommendation:

In reference to BOA1823043, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for review with attention to materials, screening, and overall height and size of the proposed coop.

Reviewed,

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Deputy Director of Zoning



Case	BOA1721164
ZBA Submitted Date	2025-05-14
ZBA Hearing Date	2026-05-14
Address	2 to 20 Fairmount AV Hyde Park 02136
Parcel ID	1809009000
Zoning District & Subdistrict	Hyde Park Neighborhood NS-2
Zoning Article	69
Project Description	Proposed change of use to add takeout service to an existing restaurant, with no physical alterations to the premises.
Relief Type	Conditional Use
Violations	Conditional Uses - Takeout

Planning Context:

The surrounding area is characterized by a mix of neighborhood-serving commercial uses along Fairmount Avenue, including restaurants, retail shops, and service-oriented businesses, with residential uses located on nearby side streets.

Fairmount Avenue functions as a local commercial corridor serving the neighborhood, with pedestrian activity and access to public transit in the vicinity. The existing restaurant use is consistent with the intent of the NS-2 subdistrict, which supports small-scale, neighborhood-oriented commercial activity.

Zoning Analysis:

Under the Hyde Park Neighborhood District regulations, the addition of takeout service to an existing restaurant is classified as a conditional use within the NS-2 (Neighborhood Shopping) subdistrict. As such, the proposal requires approval from the Zoning Board of Appeal. While conditional use approval is required, takeout service is a common component of neighborhood-serving restaurants and is generally consistent with the intent of the NS-2 subdistrict, which supports small-scale commercial uses that serve the surrounding community. The subject property is located along Fairmount Avenue, a local commercial corridor characterized by active ground-floor uses, including restaurants, retail, and service establishments.



The proposed addition of takeout service does not involve any physical alterations to the building and does not expand the existing footprint or intensity of use in a way that would significantly alter the character of the surrounding area. As such, the use remains compatible with the established commercial context and contributes to the vitality and convenience of the neighborhood shopping district.

Recommendation:

In reference to BOA1721164, The Planning Department recommends APPROVAL.

Reviewed,

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Deputy Director of Zoning



Case	BOA1837594
ZBA Submitted Date	2026-04-08
ZBA Hearing Date	2026-05-19
Address	94 to 94B Rockland ST West Roxbury 02132
Parcel ID	2011686000
Zoning District & Subdistrict	West Roxbury Neighborhood 1F-6000
Zoning Article	56
Project Description	The proponent plans to build a 3-unit townhome on a vacant lot.
Relief Type	Variance
Violations	Lot Area Insufficient Lot Width Insufficient Lot Frontage Insufficient FAR Excessive Height Excessive (stories) Usable Open Space Insufficient Front Yard Insufficient Side Yard Insufficient Use: Forbidden

Planning Context:

The project at 94 to 94B Rockland St proposes constructing a three-unit, three story townhome project where each unit will have three bedrooms and two off-street parking spaces on a lot that is currently vacant.

The property is located in a residential area of West Roxbury that is made up of primarily one-unit homes with low to moderate lot coverage. There are some occurrences of two- and three-unit homes in the area. The heights of homes within a two-block radius vary from 1.5-2.5 stories. The outer facade of the proposed townhomes aligns with the general character of buildings in this area. Lots in the area exhibit generally low and moderate lot size and coverage, but the lot at 94 Rockland is slightly more compact than others.

Zoning Analysis:

This project was flagged for nine zoning violations: use; lot area, width, frontage insufficient; FAR excessive; height excessive; and front and side yards insufficient.



Three units on one lot in a 1F-6000 zoning subdistrict is forbidden. However, the abutting lot at 92 Rockland St has a three-unit dwelling. Across the street, at 99-101 Rockland St is a two-unit dwelling. The lot density proposed for this address follows what is already established in the area. Relief is recommended.

The minimum lot area required per dwelling unit is 6,000 sq ft, the lot width and frontage required are both 60 ft. The proposed project has a total lot area of 10,500 sq ft for the three units (or 3,500 sq ft per unit), and the lot width and frontage both are 50 ft. These are existing nonconformities as this project will not alter any of these lot dimensions. Furthermore, these violations are consistently present in a 1-2 block radius of the project site, with very few lots meeting the lot area and lot frontage requirements. Future zoning reform for this area should look to re-calibrate the lot area and width requirements to better align with the area's existing context. Relief is recommended.

The FAR maximum for this lot is 0.4 and the proposed FAR is 0.44. Given the modest nature of this violation, and the opportunity to build three family-sized homes on a vacant lot, relief is recommended to advance the City's goals of increasing housing supply.

The maximum building height in this subdistrict is 2.5 stories and 35 feet. The proposed building is 3 stories but remains below the allowable height at 33 feet. In practice, this means the building stays within the overall scale that zoning is intended to regulate, even if it technically exceeds the story limit. The additional half story allows for a more functional building layout that supports the creation of family-sized housing and relief is recommended.

Front and side yards are cited as violations, and in this subdistrict the front yard minimum is 20 feet and the side yard minimum is 12 feet on each side. Plans show that the front yard is 18 feet and the side yard is 7 feet on one side, 16 feet on the other. Although the proposal does not fully meet the required dimension, yard violations are prevalent among homes in the immediate vicinity. The abutting 92 Rockland St has a front yard that measures approximately 7 feet. One address over at 88 Rockland St, a side yard measures approximately 8 feet. Several more similar patterns of nonconformity are established on this street. Relief is recommended.

Plans reviewed are titled "Proposed Site Plan" and is undated.

Recommendation:

In reference to BOA1837594, The Planning Department recommends APPROVAL.



Planning Department

CITY of BOSTON

Reviewed,

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Deputy Director of Zoning



Case	BOA1805281
ZBA Submitted Date	2025-12-10
ZBA Hearing Date	2026-05-19
Address	101 Edgemere RD West Roxbury 02132
Parcel ID	2011849010
Zoning District & Subdistrict	West Roxbury Neighborhood 1F-6000
Zoning Article	56
Project Description	Erect a new two family townhouse on a vacant lot with two driveways, garages, porches, and decks.
Relief Type	Variance
Violations	FAR Excessive Height Excessive (stories) Side Yard Insufficient Usable Open Space Insufficient Use: Forbidden

Planning Context:

The proposed project will sit in an empty lot. The lot abuts an MFR (Multifamily Residential) subdistrict which allows one-, two- and three-unit Dwellings, Row Houses, Town Houses, and Multifamily Dwellings. The property is located in a residential area of West Roxbury that is made up primarily of one-unit homes on lots with lower to moderate lot coverage. The heights of homes to the northwest, within a one-block radius, vary from 1-story dwellings to 2.5-story dwellings, while to the east there is primarily Multifamily housing. The lot also abuts the Saint Mary of the Assumption Cemetery and is subject to Ordinance 7.4-11 (Parks Design Review). The proposed project is asking to erect a two-unit townhouse that is three stories, along with two individual porches, two rear decks, two individual driveways, and two car garages. The project does support Boston planning goals, stated in Housing a Changing City: Boston 2030 and Imagine Boston 2030 which promotes infill development to add to the City's available housing stock.

Zoning Analysis:

The refusal letters states five violations of the Zoning Code: Usable Open Space Insufficient (Article 56, Section 8), Floor Area Ratio Excessive (Article 56, Section 8), Use: Forbidden



(Article 56, Section 7), Building Height Excessive - Stories (Article 56, Section 8), and Side Yard Insufficient (Article 56, Section 8).

The project triggered the Usable Open Space violation due to the need for 1,800 sqft of usable open space per dwelling unit, meaning the proposed project would need 3,600 sqft of space. The proposed open space is currently ~2,400 sqft which still gives the lot around 40% of usable open space. Furthermore, the proposed project is adding individual decks and porches and is adjacent to open space (Saint Mary of the Assumption Cemetery), relief is recommended.

The maximum FAR for this lot is 0.4 and the proposed FAR is 0.62 for 49-51 the proposed project. There are several examples of homes that exceed the maximum FAR requirement in the immediate vicinity, such as 98 Edgemere Rd (0.78), 86 Edgemere Rd (0.6), 90 Desoto Rd (0.82). Because the project's FAR would not be out of alignment with surrounding properties and the new building footprint maintains appropriate lot coverage, relief is recommended.

The proposed project is located in a 1F-6000 subdistrict and the subdistrict only allows for one-unit buildings. While single-unit housing is more prominent in the area, the lot is directly adjacent to a Multifamily residential building. The buildings in this subdistrict building better match the design of the proposed project, meaning the building does fit into the context of the adjacent subdistrict.

In a 1F-6000 subdistrict, the allowed amount of stories a dwelling can have is two and a half stories. While, one- to two and a half stories are predominant in the area, full three-story buildings are also present. Furthermore, while there is an additional half story, the building is only ~31.5 ft tall - lower than the required 35 ft.

The minimum side yard requirement for the lot is 12 ft, however, the proposed plan only gives 10-10.6 ft. Due to the width of the lot and the dimensions of the building, to have a duplex on the lot the side yard will need to be 2 ft short unless it combines with the adjacent vacant lots. However, the Planning Department does not support the addition of two curb cuts to provide the two individual driveways shown in the plans, as excessive curb cuts remove publicly-available on-street parking and degrade the sidewalk. The proponent should go to revise the plan to have only a shared, singular curb cut that can serve both driveways.

The plans reviewed are titled Plans for ZBA-101 Edgemere RD and were reviewed 11/15/25. They were prepared by Eli Semaan.



Recommendation:

In reference to BOA1805281, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Planning Department for design review, with a focus on consolidating to a singular curb cut on the lot that preserves maneuverability.

Reviewed,

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Deputy Director of Zoning



Case	BOA1806951
ZBA Submitted Date	2025-12-17
ZBA Hearing Date	2026-05-19
Address	55 to 57 Saint Marks RD Dorchester 02124
Parcel ID	1601833000
Zoning District & Subdistrict	Dorchester Neighborhood 2F-5000
Zoning Article	65
Project Description	Add two dormers and an addition of one unit and existing two-unit dwelling. A third unit is being proposed on the third level, and dormers will be added to accommodate headroom.
Relief Type	Variance
Violations	FAR Excessive Height Excessive (stories) Side Yard Insufficient

Planning Context:

The proponent seeks to change the use of a pre-existing two-unit, 2.5-story dwelling to three units by adding dormers to the third floor, converting it to a full floor and a separate unit. With this proposal, the pre-existing first and second floor will remain intact, while the addition of the dormers will be visible from the street and rear. The proposed changes will be in character with its surroundings, preserving the overall slope of the roof. This is an example of the convert your attic type of ADU described in the City's ADU Guidebook.

Zoning Analysis:

According to Article 65, MFR is a forbidden use in 2F-5000 subdistricts in Dorchester, yet, the established and existing sites along St Marks Rd are multifamily dwellings suggesting a zoning code that is overdue for reform. As described in the planning context, the proposed project is in violation of the subdistrict's maximum 2.5 stories, but with the changes it'll conform to the surrounding context. Moreover, the dwelling as is, is already in violation of the FAR by 0.12 and the changes would increase the FAR by 0.34 as the zoning code allows for a 0.5 FAR maximum. Yet, the changes will be contextual in design and massing to its surroundings. Additionally, in regards to side yard violation, zoning code allows for a 10'-0", but the site currently stands at 5'-10 1/2" and will remain so following the renovations. When observing side



yards on St Marks Rd they're not as large as the zoning requires of surrounding homes such as 63-65 St Marks Rd. As they are nonconforming to the zoning, this suggests the side yard to be aligned with the overall character of the street.

The plans reviewed are titled, "55 St Marks Rd" and were prepared by Context, LLC and dated 10/2/25.

Recommendation:

In reference to BOA1806951, The Planning Department recommends APPROVAL.

Reviewed,

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Deputy Director of Zoning



Case	BOA1797245
ZBA Submitted Date	2025-11-10
ZBA Hearing Date	2026-05-19
Address	2038 Dorchester AV Dorchester 02124
Parcel ID	1604899000
Zoning District & Subdistrict	Dorchester Neighborhood 3F-D-3000
Zoning Article	65
Project Description	Construct a new 12-unit mixed use building with ground floor retail.
Relief Type	Variance
Violations	Parking or Loading Insufficient Off Street Parking Regulations Conformity with Existing Building Alignment Additional Lot Area Insufficient FAR Excessive Height Excessive (stories) Usable Open Space Insufficient Use: General Retail Use: Multi-Family

Planning Context:

The proposed project at 2038 Dorchester Avenue would construct a new 4-story, 12-unit residential building with an included roof deck. This section of Dorchester Ave is located at the southern end of Dorchester, near the intersection with Gallivan Boulevard. This area is defined by dense residential development. The zoning 3F-D-300 was created with the construction of triple deckers in mind. While the zoning has helped to encourage this growth the scale of development has increased in the area to where the zoning is now outdated. Mixed-use commercial and retail are predominant along Dorchester Ave itself with large multifamily buildings being common. The proposed project site is in an area defined by a 5-foot modal street wall with small side setbacks, which creates a dense core from which the neighborhood spreads out.

The proposed project is well supported by public transit through bus lines on Dorchester Ave and its proximity to the MBTA Red Line Ashmont Station. The project is in line with neighboring developments, working to match the triple-decker style that is predominant in the area. While



the project is triggering zoning violations, it is similar in scale and density to neighboring developments.

Because of the proposed scale of the project at 12 units, the project will be subject to inclusionary zoning under Article 79.

Zoning Analysis:

The proposed project is triggering 6 separate zoning violations. The first of these violations is for use. This project is located in a 3F-D-3000 zoning district, which has multifamily residential as a forbidden use. There is an abundance of building typologies that exceed the zoning. Double-wide triple-deckers are common throughout the area, which contain 6+ units. More traditional multi-Family is also very common, as the direct across the street neighbor is evidence of. This reflects a disconnect between the zoning code and the character of the neighborhood and is an indicator of needed zoning reform.

In addition, the proposed General Retail use is also forbidden. Dorchester Avenue is one of the main thoroughfares for the entire city. There are multiple examples of mixed use buildings within two blocks of the proposed project.

The next violation regards off street parking. While it technically does not meet the requirements for parking under the zoning code, little to no on parcel parking is common in this area of Dorchester. Street parking is the predominant form of parking, and this project is located within proximity of public transportation options. While this is a violation, BTD parking guidelines have highlighted this as an area that contextually makes sense for a required parking ratio of 0. This project is providing well above that 0 space recommendation, and so a variance is recommended.

The next violation is in regards to off-street parking and maneuverability. This is triggered by the single lane driveway proposed for the project. While this style of rear parking technically does not have the turning dimensions required under the zoning code, it is extremely common throughout the city, and in this area in particular. This feature is in line with neighborhood standards.

This plan has also triggered a “Conformity with Existing Building Alignment” violation. Along Dorchester Ave there is a uniform nature to the building alignment. The proposed project has a



setback that is 8 feet 9 inches less than the defined edge of Dorchester Ave. The front yard setback should be pushed back for a front yard depth of 10 feet to be in alignment with the existing buildings along the street edge.

The next violation in regards to density is that the Additional lot area per unit is excessive. The zoning code requires a base lot size of 3,000 square feet for the first three units. For every unit above three, an additional 1,500 SF is required. The proposed project is for 12 units on 7,500 square Feet of land. When subtracting 3,000 SF for the first three units and 625 Sf for the next nine units. This again reflects the disconnect at the zoning code and the built reality of the neighborhood. Dorchester Ave is defined by its high density and active use. The neighborhood character would drastically change if this were vigorously adhered too. The proposed project exists at a similar scale to nearby buildings.

The Next Violation is for excessive FAR. This area is only zoned for an FAR of 1.3. The 3F-D-3000 was created in order to encourage dense triple decker style housing. While the triple decker is still predominant in the area, a multifamily context has evolved creating a disconnect between the zoning code and the built reality of the neighborhood. None of the multifamily buildings in proximity meet this requirement.. This standard set by the code does not match the built reality, as this level of density is already common in the area.

The next violation is in regard to height in stories. The proposed building would be a full four-story building. The zoning code has a maximum height of 3 stories in this district. The proposed addition also falls under the maximum height in feet allowed, pointing to its appropriate fit in the district. The proposed height would be 40 feet, while the zoning code allows for 30 feet. This again points to a disconnect between the zoning code and built reality, as most nearby four story projects follow the height in feet requirement, but not the height in stories requirement.

The next violation is in regard to usable open space on the property. The zoning code requires 300 square feet of open space per dwelling unit, while the project is proposing a ratio of 0 square feet per dwelling unit. This is also in line with neighborhood character. Small and irregular lots are common in this area, with structures conforming to the parcel. Small front yards with no rear yard or significant side setbacks are common in this area. Where rear yards are present, paved driveways are very common leaving very little open space.

Plans consulted are titled "2038 Dorchester Ave Development" created by HiARCHi Design Collaborative and dated 8/15/25.



Recommendation:

In reference to BOA1797245, The Planning Department recommends APPROVAL W/ PROVISIO that plans be submitted to the Planning Department for review with attention to the retail entrance, unit layout, and increasing the front yard to be aligned with nearby buildings, and that a housing agreement be executed with the Mayor's Office of Housing.

Reviewed,

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Deputy Director of Zoning



Case	BOA1776822
ZBA Submitted Date	2025-09-18
ZBA Hearing Date	2026-05-19
Address	29 Plain ST Dorchester 02122
Parcel ID	1603932000
Zoning District & Subdistrict	Dorchester Neighborhood 1F-5000
Zoning Article	65
Project Description	Construct six new townhomes in two buildings on a lot currently occupied by a one-unit building.
Relief Type	Variance
Violations	FAR Excessive Height Excessive (stories) Side Yard Insufficient Lot Frontage Insufficient Conformity with Existing Building Alignment Two or More Dwelling Same Lot Front Yard Insufficient Use: Forbidden

Planning Context:

The proposed project would construct six new rowhome-style units in two separate buildings on the same parcel. Each building will have three rowhome-style units. Dense residential development is very necessary in this area. By providing rowhome-style units, there is an opportunity for dense development while fitting into the neighborhood character.

The property is located in the Neponset section of Dorchester, a primarily residential area with a mix of single- and multi-family homes. As one moves east towards Neponset Ave, the density drastically increases. This project is helping to expand this dense zone away from Neponset Ave while maintaining neighborhood character.

The project is within walking distance of major streets including Neponset Ave and Gallivan Boulevard, which provide access to neighborhood amenities and services. The home is also situated near bus routes along Neponset Ave, offering convenient access to public transportation.

While the residential use is above the allowable number of units for the area, the unique size of the parcel provides context for this project. The parcel is almost three times as wide and twice



as deep as the standard parcel for the area. Since the parcel is almost six times as large as neighboring parcels, a six-unit composition fits within the context of the neighborhood.

Zoning Analysis:

The proposed project would have a total of six units and be classified as a multi-family building. The area is zoned for a maximum of one unit on the parcel. However, this does not match the built reality of the neighborhood. Two- and three-family buildings are very common, and while this project is technically multi-family, the typology of the rowhouse gives the illusion of six single-family residences. The limit of one unit reflects the disconnect between zoning and the built reality of the neighborhood and points to the need for potential zoning reform. In addition, the proposed project parcel is almost six times the size of the typical parcel for the area. This increased area also points to the appropriate fit of six units for this project.

This plan has also triggered a “Conformity with Existing Building Alignment” violation. Along Plain St, there is a uniform nature to the building alignment. The proposed project has a setback that is 10 feet more than the modal setback. The front setback should be decreased by 10 feet to be in alignment with the existing buildings along the street edge.

The proposed project is also triggering a front yard setback violation due to the protrusion of the front porch into the front yard. However, this is not in line with the above-stated modal setback. The front yard should actually be decreased in order to match the existing context, as the modal setback takes precedence over the front yard requirement.

The proposed project is triggering the violation “Two or more Dwellings on the same lot,” as there will be six new rowhomes on one lot in two separate buildings. This section of the code requires that for two or more dwellings on the same lot, the distance between them must be equal to twice the side yard requirement. In this case, that would be 20 feet, whereas the proposed project has a gap of 18 feet. While this is a zoning violation, rowhomes are designed to fit in contexts such as these, where dense housing is necessary without disrupting the overall character of the neighborhood. This is a sign that zoning reform is necessary, as planning highlights these small-scale residential developments as desirable while the current zoning is not conducive to the effort.



As stated above, the proposed project requires a 20-foot gap between the two buildings, classified under the code as a side yard through section 65-45-13. The distance between the buildings is 18 feet. This requirement would also lead to a less desirable outcome. If these two buildings were connected, the violation would no longer exist, but the overall design of the building would be worsened.

The next violation is due to the excessive height of the proposed structure. The neighborhood is zoned for two and a half stories, while the project proposes a full three stories. This is not reflective of the larger built environment. Where two and a half stories is predominant, full three-story buildings are also present within the area. A full third floor through the use of dormers to match neighborhood character is common. Even though it is half a story above the maximum height in stories, the project is only proposing a building height of 31 feet 6 inches—below the maximum of 35 feet—again highlighting the appropriate dimensions of the project. This requirement is not at all reflective of the larger development patterns in the area and highlights the need for potential zoning reform.

The proposed project is also triggering a violation for its FAR (Floor Area Ratio). The zoning district has a maximum FAR of 0.5, while the proposed project would have an FAR of 0.98. This is a disconnect between the zoning code and the built reality of the neighborhood. Many nearby multi-story buildings have near 50% lot coverage, creating an FAR above the zoning maximums. The proposed project is in line with the scale of nearby development, creating six new units on a parcel around six times the size of neighboring projects. By consolidating these units onto one parcel, this allows for better consolidation of the driveway and open space.

The proposed project has a lot frontage of 89 feet. The zoning code requires a lot frontage of 50 feet in this zoning district. The frontage requirement was calculated as 50 feet per unit, whereas it is supposed to be 50 feet overall. This violation is incorrect and should be disregarded.

While this project is located within the Boston MHC inventory the Boston Landmarks Commission has determined that the existing building is not historically significant.

Plans consulted were titled "29 Plain St" created by Context Architects and dated 7/30/25

Recommendation:



In reference to BOA1776822, The Planning Department recommends APPROVAL WITH PROVISIO/S: That the project be consolidated into one building to preserve tree canopy and open space while providing parking.

Reviewed,

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

Deputy Director of Zoning



Case	BOA1805913
ZBA Submitted Date	2025-12-12
ZBA Hearing Date	2026-05-19
Address	42 East ST Dorchester 02122
Parcel ID	1500400000
Zoning District & Subdistrict	Dorchester Neighborhood 3F-5000
Zoning Article	65
Project Description	Demolish existing single-unit building to construct new three-story three-unit townhouse with 9 total parking spaces (6 garage spaces and 3 surface spaces).
Relief Type	Variance, Conditional Use
Violations	Additional Lot Area Insufficient Main Entrance Conditional Use

Planning Context:

The proposed project is a three-story, three-unit building in a denser area of the Savin Hill neighborhood in Dorchester. This area is characterized by mostly three-unit and four-unit buildings on deep, narrow lots like the proposed project site. 42 East Street is equidistant (about a five-minute walk) from transit, retail and services on Dorchester Avenue and Bowdoin Street.

Zoning Analysis:

The proposed project violates two dimensional regulations and received a conditional use citation for proposing a townhouse.

This project was also seen by the Board of Appeal previously on July 25, 2023. The project was approved for zoning relief of the violations with provisos to increase the front yard, remove the at-grade parking spaces to increase open space, and undergo design review for potential re-design of the facade facing East Street. The provisos were not addressed in this iteration of the design. Therefore, the previous zoning violations and provisos still stand in addition to the two dimensional violations found on the 11/25/2025 refusal letter.



The minimum required additional lot area for three units is 2,500 square feet (sf), totalling a 7,500 sf minimum required lot area for this project. The proposed lot area is 7,127 sf. This violation is recommended for relief because a lot of this size is suitable for dwelling units, and the lot area dimension is an existing nonconformity that cannot be changed.

Article 65-9.2 requires that the main entrance of residential buildings be located on the Front Lot Line. The proposed project is recommended for relief because the design of townhouses often necessitates side-oriented entrances. However, the Planning Department would be willing to relieve a further reduction in parking in order to re-locate the front entrance to East Street.

Lastly, townhomes are a conditional use in Three-Family subdistricts. According to Article 6-3 the standards for recommending approval of a conditional use are broadly that the proposed use at the proposed location will not adversely affect the neighborhood, create any hazards, or fail to comply with the provisions of applicable zoning overlays. The proposed project location is appropriate for the townhouse use as long as the facade and building alignment fit the neighborhood context. The conditional use is recommended for approval with design review because of its appropriate location and massing and to increase alignment with the standards of the NDOD.

Plans reviewed are titled "New Multi-Family Residence", prepared by JCBT Architect, and dated 6/24/21 and 3/31/22.

Recommendation:

In reference to BOA1805913, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review to increase the front yard, remove the on-grade parking spaces, increase open space, with special attention to the East Street facade and NDOD standards.

Reviewed,

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

Deputy Director of Zoning



Case	BOA1543093
ZBA Submitted Date	2023-11-06
ZBA Hearing Date	2026-05-19
Address	1195 to 1199 Dorchester AV Dorchester 02125
Parcel ID	1502587000
Zoning District & Subdistrict	Dorchester Neighborhood 3F-D-3000
Zoning Article	65
Project Description	Demolish an existing three-unit dwelling and single-story retail building to construct a three-story commercial building with office and retail uses and 12 at-grade parking spaces.
Relief Type	Variance
Violations	FAR Excessive Rear Yard Insufficient Parking or Loading Insufficient Forbidden Use: Retail Forbidden Use: Office Forbidden Use: Parking

Planning Context:

Dorchester Avenue serves as a neighborhood resource corridor with retail and services available to nearby residents as well as the broader neighborhood. This area of Dorchester Avenue in Savin Hill has a mix of land uses including, late 19th- to early 20th-century small scale residential, newly built large scale mixed use, and large empty lots prime for large scale development. This area is served by bus transit options on Dorchester Ave and the Savin Hill MBTA Red Line Station, which is an eight-minute walk from the site. The site is directly adjacent to the Dot Block mixed use building. This is a recently constructed Article 80 project which establishes a new streetscape, including an expanded sidewalk and street trees along Dorchester Ave adjacent to the site.

Zoning Analysis:

The proposed project violates use, parking, and dimensional requirements for residential subdistricts and Neighborhood Shopping subdistricts.

The violations of Article 65-8 and 65-9 for residential subdistricts are forbidden parking use, forbidden office use, forbidden retail use, excessive FAR, and insufficient rear yard. While the



forbidden uses may not be appropriate for a standalone residential neighborhood, the proposed site abuts a Neighborhood Shopping Subdistrict which is meant to "provid[e] convenience goods and services to the larger neighborhood". Therefore, NS subdistrict uses and dimensional standards are appropriate here and should be applied.

The violation of Article 65-41 Off-Street Parking Requirements is for insufficient parking. A parking ratio of 2 spaces per 1,000 square feet of gross floor area is required for office and retail uses, totalling 32 required parking spaces for this project. The Proponent proposed 12 parking spaces. This violation is recommended for relief because of the site's proximity to transit options, the proposed parking is sufficient for the proposed uses, and the parking standards would require demolishing most of the building for parking instead of providing the proposed active use. Uses on commercial corridors that are directly accessible from the public right-of-way (PROW) should be pedestrian-oriented, active uses whenever possible. If auto-oriented uses are directly accessible from the PROW, they should be screened with fencing or landscaping to improve the appearance and cohesiveness of the streetscape. Thus the proposed parking to serve the retail use requires further screening and design review to ensure the most pedestrian-friendly layout is achieved.

The allowed building envelope in the portion of this site that is zoned as a Neighborhood Shopping Subdistrict is too small to match the context of the other commercial buildings on this block. To encourage the existing thread of active uses on Dorchester Avenue, the Planning Department recommends relief of all violations of residential subdistrict and parking standards-- provided the parking is properly screened-- and that the proposed project be evaluated to meet the standards of the Neighborhood Shopping Subdistrict.

According to Article 65-16 Dimensional Regulations Applicable in Neighborhood Business Subdistricts, there are two violations for dimensional regulations. The required FAR in NS subdistricts is 1.0. The proposed FAR is 1.64. This violation is recommended for relief as the FARs on this street exceed the proposed and required FAR. The required rear yard in NS districts is 20'. The Proponent proposes a 5-foot rear yard. The insufficient rear yard is an existing non-conformity that is not increased by the proposed project. While the 20' rear yard minimum is not representative of the existing context and corner lots with commercial uses typically have little to no rear yard (3-9 feet), larger rear yards are found on corner lots which accommodate parking or a driveway. Since the Proponent proposes a surface parking lot, the



Planning Department would recommend that the Board ensure a rear yard of at least 10 feet to ensure adequate maneuverability and screening.

Plans reviewed are titled "Commercial Building 1189-1199 Dorchester Avenue", prepared by Pisani + Associates Architects, and dated 11/21/22.

Recommendation:

In reference to BOA1543093, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review with special attention to site configuration and parking screening in order to encourage continuation of pedestrian-oriented, active uses along the facades of Dorchester Avenue and Greenmount Street.

Reviewed,

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

Deputy Director of Zoning



Case	BOA1824677
ZBA Submitted Date	2026-03-03
ZBA Hearing Date	2026-05-19
Address	16 Nightingale ST Dorchester 02124
Parcel ID	1402103000
Zoning District & Subdistrict	Greater Mattapan Neighborhood 3F-5000
Zoning Article	60
Project Description	The proposal will add new living space as an extension to an existing three-unit home and also add a new fourth unit as a new fourth floor.
Relief Type	Variance
Violations	FAR Excessive Height Excessive (ft) Height Excessive (stories) Rear Yard Insufficient Side Yard Insufficient Front Yard Insufficient Usable Open Space Insufficient Lot Area Insufficient Additional Lot Area Insufficient Parking design and maneuverability Forbidden Use

Planning Context:

The proposed project would be an extension of an existing three-unit three-story home that would add new living space along the side of the home, extend the front interior stair further into the front yard, add a fourth story and a new rear deck. With these improvements, a fourth unit would be introduced. The existing context is mostly three and a half-story, three-unit homes with a few instances of multi-family homes. Along the street the homes have aligned front yard depths and similar design emphasis on the front bay windows

Zoning Analysis:

The proposal would have eleven zoning violations. The proposed use of multifamily, is a forbidden use however would create minimal impact to the surrounding context as the unit count is an increase by one. The off-street parking on the west side of the site does not meet maneuvering requirements however the parking is existing and is not proposed for change. The



site has a lot area of 4518 SF which triggers an insufficient lot area violation and an insufficient additional lot area violation with the required being 5000 SF and 2500 SF respectively. These two violations are an existing site condition that can not be changed. Many of the surrounding homes are under the required 5000 SF for three-unit homes. This zoning requirement can be considered for zoning reform. The open space per unit is insufficient at 395.5 SF when the requirement is 400 SF. The open space is at a similar level if not more compared to the surrounding properties. The rear yard is insufficient at 22'-5" when the required depth is 30'-0". The side yard is also insufficient at 8'-6" when the required depth is 10'-0". Both of these violations are existing conditions and the new construction at the south east corner of the building will only be built within the existing depths but not worsen them as it will square out the building. The proposal is also seeking variances for excessive height in story count and dimension as the project will include a new level with a new unit built above the existing structure. The maximum height allowed is three stories/ 35'-0" and the project is proposing four stories/ 42'-0". The new level will make this building about the same height as the neighboring homes due to most of the surrounding context being three and a half story buildings. Lastly the proposed would require a variance for excessive FAR at 1.29 with the maximum being 0.8 and insufficient front yard at 10'-6" when with the minimum depth being 15'-0". These violations are worsened by the extension of the front interior stairs. The stairs should be pushed inward rather than outward to minimize the front yard depth violation and to lower the floor area.

"16 Nightingale St" Drawn by Context Dated September 20th, 2025

Recommendation:

In reference to BOA1824677, The Planning Department recommends APPROVAL WITH PROVISIO/S: that plans be submitted to the Planning Department for design review with attention to the design of the front facade.

Reviewed,

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

Deputy Director of Zoning



Case	BOA1836018
ZBA Submitted Date	2026-04-02
ZBA Hearing Date	2026-05-19
Address	18 Dromey ST Dorchester 02125
Parcel ID	1300275000
Zoning District & Subdistrict	Roxbury Neighborhood 3F-5000
Zoning Article	50
Project Description	The proposed project is to develop a new three-unit residence.
Relief Type	Variance
Violations	FAR Excessive Rear Yard Insufficient Side Yard Insufficient Front Yard Insufficient Usable Open Space Insufficient Lot Area Insufficient Additional Lot Area Insufficient Parking or Loading Insufficient

Planning Context:

The proposed project is a new three-unit three-story residence to be built on a presently vacant lot. At a size of 33'-0" x 46'-0", the proposed site is much smaller than the neighboring parcels in the area. The surrounding context is a variety of housing from one-unit to multifamily. Many neighboring homes occupy much of their lots with no off-street parking. The site presently does not have sidewalks and can only be accessed via road. This presents an accessibility issue that is not immediately relevant to the zoning violations, it may cause the need for design adjustments to comply with accessibility standards.

Zoning Analysis:

The proposal would require variances for eight zoning violations. The proposal has an excessive floor area ratio of 1.9 when the maximum is 0.8. The front yard depth is insufficient 2.16' when the minimum is 20'-0". The rear yard depth is insufficient at 3'-0" while the required is 30'-0". The side yard depth is insufficient at 3'-0" with a 8'-0" aggregate while the required depth is 5'-0" with a 15'-0" aggregate. The lot area is insufficient at 1,537 SF when the required would be 5,000 SF with an additional 2,500 SF needed as well. The usable open space per unit



would be insufficient at 167 SF when the minimum is 650 SF. The off-street parking is insufficient at zero when the required would be three spaces. All of these violations are mostly pertaining to the small size of the site. This is a specific hardship of the site making the development of it without violating the zoning a challenge. Much of the surrounding context also violates the zoning in similar ways even with larger sites. Due to the site specific conditions and context, including that a three-unit building is allowed and prevalent throughout the area and zoning district,, these violations can be recommended for relief.

“Proposed 3-Family Development” Drawn by Choo & Company Dated September 17th, 2025

Recommendation:

In reference to BOA1836018, The Planning Department recommends APPROVAL.

Reviewed,

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

Deputy Director of Zoning



Case	BOA1824914
ZBA Submitted Date	2026-03-03
ZBA Hearing Date	2026-05-19
Address	73 Sachem ST Mission Hill 02120
Parcel ID	1000982000
Zoning District & Subdistrict	Mission Hill Neighborhood 3F-2000
Zoning Article	59
Project Description	The project will combine two lots and add an addition to an existing 2-unit residential building to create a 6-unit residential building.
Relief Type	Variance
Violations	FAR Excessive Front Yard Insufficient Additional Lot Area Insufficient Parking or Loading Insufficient Use: Forbidden

Planning Context:

The proposed project is located at 73 Sachem Street in Mission Hill, across from the New England Baptist Hospital. Sachem Street leads to the top of the hill and acts as a boundary between the more residential area located below the street and the institutional land uses around the hospital. The lot is approximately 0.3 miles from the MBTA Green Line Mission Park stop and is also on the Mission Hill Link Bus route which provides service to Ruggles Station and other neighborhood services.

Residential structures in the surrounding area are generally 2.5 to 4 stories although there are some structures that are taller. Most have very narrow front yards with a small, planted area, and are very closely spaced on both sides. It's not uncommon for residential structures in the area to back up directly to their neighbors. However, the subject lot contains many mature trees which buffer the boundary between the property and the rear yards of lots on the other side of the block.

The proposed project will merge two lots, one with an existing, two-unit residential structure and one vacant lot. The proposal is to renovate the two-unit residential structure to add four additional units for a total of six units.



Zoning Analysis:

The project is located in a 3F-2000 subdistrict within the Mission Hill Neighborhood District. It's cited for five violations, three of which are related to the proposed unit count which include forbidden use, insufficient off-street parking, and insufficient additional lot area per unit. The existing use is two-family residential and proposed use is multi-family residential which is forbidden in the subdistrict. There are several examples of multi-family residential uses in the surrounding area. The property has zero off-street parking and will not add parking, which does not meet the requirement for one parking space per residential unit. Looking at the surrounding area, there are examples of properties with off-street parking, however, there are also many examples of residential properties with no parking. Given the property's proximity to transportation resources, a variance for this requirement is appropriate. The proposed lot is 6,774 square feet. At six units proposed, the lot area is above the minimum requirement for 6,000 square feet of lot area in Article 59 Table E; no violation is found for insufficient additional lot area per unit.

The project is also cited for two additional dimensional violations: excessive floor area ratio (FAR) and insufficient front yard. The proposed FAR is 1.26, above the maximum FAR of 1.0. There are several examples of properties within the zoning subdistrict that have a FAR higher than 1.26 due to the small lot sizes in the area. This highlights the drawbacks of using FAR to regulate the size and bulk of buildings due to the weight it gives lot sizes. The proposed front yard is 1.5 feet at the narrowest point, below the minimum requirement of 5 feet. Section 59-38.1 allows for a reduced front yard if it is consistent with neighboring properties on the same street. There are not many structures on the same side of Sachem Street, however, the proposed front yard is not inconsistent with the front yards of surrounding properties in the same subdistrict.

Plans reviewed "73 Sachem Street" prepared by "Hresko Associates, Inc." dated 04/15/2026.

Recommendation:

In reference to BOA1824914, The Planning Department recommends APPROVAL.



Planning Department

CITY of BOSTON

Reviewed,

Kathleen Onuf

Deputy Director of Zoning



Case	BOA1827268
ZBA Submitted Date	2026-03-11
ZBA Hearing Date	2026-05-19
Address	49 Vine ST Charlestown 02129
Parcel ID	0200155000
Zoning District & Subdistrict	Charlestown Neighborhood MFR
Zoning Article	62
Project Description	Erect a six (6) car carport over an existing parking lot.
Relief Type	Variance
Violations	Rear Yard Insufficient Side Yard Insufficient Parking or Loading Insufficient

Planning Context:

The proposed project currently has an open-air parking lot to the rear of a four story-building and is proposing the creation of a six (6) car carport. The surrounding context of the proposed project is adjacent to a Boston Housing Authority complex and other multi-unit residential buildings along with an educational institution and commercial development. There are also multiple open-air parking lots within a few blocks from the proposed project. Furthermore, the area is surrounded by MBTA bus line stops and Blue Bike docking stations. The Vine St at Bunker Hill Street bus stop is 0.02 miles and the Vine Street at Moulton Street bus stop is 0.03 miles from the proposed project, both of which use MBTA bus line 93. The Blue Bike docking station is 0.01 miles from the proposed project.

Zoning Analysis:

The refusal letter states three (3) violations of the Zoning Code: Off-Street Parking and Loading Requirement, specifically looking at screening requirements (Article 62, Section 26), and Rear Yard and Side Yard Insufficient (Article 62, Section 7).



The project triggered Off-Street Parking and Loading Requirement as there is an insufficient amount of screening for the proposed carport. Furthermore, the parking lot faces a public street and is within a residential subdistrict increasing the need for this requirement. In Article 62, it is stated that any off-street parking facility or lot that abuts a public street or residential subdistrict needs to be screened from view with either a five (5) feet wide densely planted strip of trees or shrubs on the inside edge of a fence. The plans do not currently contain this screening, and thus impact the public realm. Furthermore, the proposed carport would also cause issues to the existing trees in the rear of the building due to the carport's height.

The last two (2) violations of Rear Yard and Side Yard Insufficient are caused by the construction of the carport. From Article 62, the rear yard needs to be at least 30ft while the side yard needs to be at least 10ft. After the project is completed, the rear yard would become +/- 23' and the side yard would become 1/2'. Without the creation of this carport, the parking lot would be closer to meeting zoning requirements.

Between the rear yard and side yard violation along with an insufficient amount of screening, denial is recommended.

The plans reviewed are titled ERT1796404 Stamped Set for ZBA and were reviewed 03/09/2026. They were prepared by Timothy Sheehan Architect.

Recommendation:

In reference to BOA1827268, The Planning Department recommends DENIAL.

Reviewed,

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

Deputy Director of Zoning



Case	BOA1704112
ZBA Submitted Date	2025-03-28
ZBA Hearing Date	2026-05-19
Address	19 to 21 Milk ST Boston 02108
Parcel ID	0304639000
Zoning District & Subdistrict	Boston Zoning Code SKY-LOW-DT
Zoning Article	Boston Zoning Code
Project Description	The proposal is seeking to change the name of a petitioner on a Conditional Use permit for a Cannabis Establishment. No changes to the building are proposed.
Relief Type	Conditional Use, Variance
Violations	Change to Proviso

Planning Context:

The proposed project at 19-21 Milk Street sits in a SKY-LOW-DT zoning subdistrict and is regulated by the Boston Zoning Code. Skyline districts are those that the city has identified as being high-activity areas, with potential to support a vibrant mix of uses. The area surrounding the proposed includes a variety of businesses on the ground floor such as Ogawa Coffee and Greco, historical assets like the Old South Meeting House, and mid-rise office complexes like the CIC. Milk Street runs perpendicular to the Washington Street pedestrian corridor of Downtown Crossing and is a highly trafficked area. The proposed project is a few hundred feet from MBTA Orange and Blue Line Line entrances and 0.1 miles from the MBTA Red and Green Line stations, placing it at the very heart of Downtown. 19-21 Milk Street is approximately 400 feet from the nearest licensed marijuana establishment.

Zoning Analysis:

In the SKY-LOW-DT subdistrict, Retail Cannabis Establishment is a Conditional Use subject to Board Approval. The refusal letter cites Article 6, Section 4 of the zoning code, "Other Protectional Conditions", which enables the Board of Appeal to add specific requirements to conditional approvals to ensure the project aligns with the zoning code's overall goals.



The previous tenant at 19-21 Milk Street, a medical dispensary called Cannabist, operated under such a permit for eight years before closing in 2024. However, that permit was "granted to petitioner only." Because the new applicant, Curaleaf, is an entirely separate entity from Cannabist, the previous permit is inapplicable and a new one, or the removal of the proviso, is required.

Granting the requested zoning relief is appropriate, as is removing the proviso that limits the transfer of the Conditional Use from one owner to another, on the basis that the use has not changed.

The original Conditional Use approval already established that a Retail Cannabis Establishment at 19-21 Milk Street was an appropriate land use; that it would not adversely affect the neighborhood, and would not constitute a nuisance. Conditional Use permits are generally associated with specific properties and are often transferred to new owners, provided the use remains the same.

For this reason, this represents a case for zoning reform as "petitioner only" provisos for Conditional Use permits delay business tenancies, which in turn, slows economic growth. Furthermore, cannabis businesses are also subject to local approval from the Boston Cannabis Board and state licensure from the Massachusetts Cannabis Control Commission which have stringent requirements. Additional zoning board approval is duplicative and time-consuming.

Recommendation:

In reference to BOA1704112, The Planning Department recommends APPROVAL.

Reviewed,

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

Deputy Director of Zoning



Case	BOA1822363
ZBA Submitted Date	2026-02-19
ZBA Hearing Date	2026-05-19
Address	47 Farragut RD South Boston 02127
Parcel ID	0603871000
Zoning District & Subdistrict	South Boston Neighborhood MFR
Zoning Article	68
Project Description	This project proposes interior renovations to extend the living area of Unit 1 into a portion of the existing basement.
Relief Type	Variance
Violations	FAR Excessive

Planning Context:

47 Farragut Road is located on the east side of the South Boston Neighborhood, across from the Neponset River Waterfront. The existing building is a three-family triple decker, consistent with the surrounding buildings. In its present condition, 424 of 1630 square feet of the basement is finished, including a small open bathroom and workout space. The proposal will increase the finished space by 257 square feet. Proposed work includes remodeling the bathroom, expanding the workout space, and adding an office. The renovations also propose to add access to the finished basement space from the interior of Unit 1. Due to the limited scope of the proposed work, the project is not subject to any additional review bodies.

Zoning Analysis:

The project was cited for violation to Article 68, Section 8 for excessive Floor Area Ratio (FAR).

The maximum FAR allowed in the MFR Subdistrict is 2.0. In its present condition, the building's FAR is 2.6. The proposed basement renovation will increase the livable floor area by 257 square feet, increasing the FAR to 2.72. Staff recommends approval of a variance to this regulation as the proposal does not create new built area or remove existing open space, but rather finishes a portion of an existing basement.

Recommendation:

In reference to BOA1822363, The Planning Department recommends APPROVAL.



Planning Department

CITY of BOSTON

Reviewed,

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

Deputy Director of Zoning



Case	BOA1811934
ZBA Submitted Date	2026-01-14
ZBA Hearing Date	2026-05-19
Address	16 Monument SQ Charlestown 02129
Parcel ID	0203034000
Zoning District & Subdistrict	Charlestown Neighborhood RH-2000
Zoning Article	62
Project Description	Demolish existing roof deck and replace with a roof deck 9" wider and 1' longer towards the front edge of the roof.
Relief Type	Conditional Use
Violations	Roof Structure Restrictions

Planning Context:

Monument Square is a centerpiece of Charlestown’s history, acting as a major draw for tourists and a vital open space for neighborhood residents. Monument Square is surrounded by rowhomes on three sides, which typically sit on long, narrow lots with deep rear setbacks. These homes often feature large roof decks that, alongside the rear yards, provide residents ample private outdoor space. Because Monument Square sees a high concentration of pedestrians, these roof decks are generally set back from the front of the building to ensure they don’t impact or interfere with the public experience in and around the park.

The lot is within the Charlestown Restricted Roof District, which requires a Conditional Use Permit to ensure that any new rooftop additions are appropriately scaled and contextual. The lot also falls within the Neighborhood Design Overlay District (NDOD), though the proposed project doesn’t meet the thresholds for Planning Department Design Review. Finally, because the lot is within 100’ of Monument Square, it is subject to Ordinance 7-4.11, requiring a review by the Boston Parks and Recreation Commission.

Zoning Analysis:

The project requires a Conditional Use Permit under Article 62-25. Per Article 6-3, a permit may be granted if the site is appropriate and the project doesn’t negatively affect the neighborhood or create a nuisance. While the proposal extends the roof deck by 1’ toward the front of the building, it still maintains a setback of 4’ ½” from the roof’s edge. This aligns with the setbacks of



roof decks on neighboring properties and ensures the deck won't be visible from Monument Sq as a public way. By staying out of the public line of sight, the deck avoids any negative impact on the experience of the park or surrounding area. The deck is also entirely contained within the building's footprint, ensuring no direct impact on the adjacent rowhomes. Since the proposal meets the criteria in Article 6-3, the Planning Department supports the issuance of this Conditional Use Permit.

Plans reviewed are titled "16 Monument Sq. Residence" prepared by Razeto Architecture, LLC and dated 12/29/2025.

Recommendation:

In reference to BOA1811934, The Planning Department recommends APPROVAL.

Reviewed,

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

Deputy Director of Zoning



Case	BOA1821678
ZBA Submitted Date	2026-02-17
ZBA Hearing Date	2026-05-19
Address	70 Auckland ST Dorchester 02125
Parcel ID	1401294010
Zoning District & Subdistrict	Dorchester Neighborhood 3F-5000
Zoning Article	65
Project Description	Add a rear addition with three new units to an existing building, for a total of five units.
Relief Type	Variance
Violations	FAR Excessive Height Excessive (ft) Lot Width Insufficient Side Yard Insufficient Front Yard Insufficient Rear Yard Insufficient Lot Frontage Insufficient Forbidden Use

Planning Context:

70 Auckland St is a two-unit residence in a mixed-use area of predominantly three-unit and multi-unit residential buildings, restaurants, and retail establishments. There are diverse housing typologies in the neighborhood, ranging from one-family to multi-family homes. Homes in this area generally have high lot coverage. Additionally, this residence is 0.2 mi, or a 5 minute walk, from the Savin Hill MBTA Red Line Station.

The additional housing unit proposed in this project aligns with the City’s goals to develop more housing, per Housing a Changing City: Boston 2030 (2018). The plan notes the importance of supporting “projects and planning that create additional density in locations with good transit that are affordable to the middle class”. The plan also expresses the intent in making “improvements to the permitting process to help smaller builders create more housing on small, privately-owned parcels”.

Zoning Analysis:



The proposed project would convert the existing two-unit building into a 5-unit building. While the proposed project is above the maximum unit count for this area, this reflects a disconnect between the zoning code and the built reality of the neighborhood. Auckland Street is located one block to the east of Dorchester Avenue. Triple-deckers and larger multifamily buildings are common in this area. In addition, the proposed project parcel has a very deep rear yard compared to neighboring properties. This allows for the proposed project to minimize the impact on the pedestrian experience by moving massing to the rear of the property. This building highlights the potential need for zoning reform in order to accommodate the housing types already present in the neighborhood.

The lot width is 40 feet and the lot frontage is 40 feet. In this subdistrict, a minimum lot width of 40 feet and a minimum lot frontage of 40 feet are required for two-family usage. However, for multifamily usage, a lot frontage of 50 feet is required. While the proposed project is underneath these minimums, there are no changes being made to the existing lot frontage, showing its appropriate fit for the neighborhood. In addition, the proposed project has an unusually deep rear yard for the area, helping to offset some of the massing to keep the existing facade.

The front yard is cited as another violation, as the proposed front yard is 14.8 feet, whereas this subdistrict requires 15 feet at minimum. This violation is an existing nonconformity. Plans show that the front-of-house addition is not expected to worsen front yard dimensions.

Article 65 also requires a minimum side yard setback of 10 feet. This project is proposing a west side yard of 9.8 feet and an east side yard of 3.7 feet. However, this is an existing nonconformity as the width of the building remains the same with the proposed changes. While the proposed rear addition will include new construction that is also in the required side yard setback, this does not meet neighborhood character. Small or no side yards are extremely common in this area. None of the neighboring buildings meet this requirement. This points to the potential need for zoning reform in order to bring the zoning code in line with the built reality of the neighborhood.

The proposed project would have a maximum height of 35 feet, 10 inches. The zoning code requires a maximum of 35 feet even. However, this violation is improperly cited. The top 10 inches of the building are the roofline, which should not be counted towards the overall height of the project. By excluding this area, the proposed project meets the zoning maximum of 35 feet. In addition, this project is meeting the height requirements in stories. The typical scale for the



street is 2.5 to 3 stories. The zoning code has a maximum height of three stories and the proposed project is 3 stories.

The proposed project would have an FAR of 1.05. The zoning code requires a maximum FAR of 0.5. This again reflects a disconnect between the zoning code and the built reality of the area. Triple-deckers are extremely common, and while many have rear yards, the height of the building creates a situation where FARs are commonly between 0.75 and 1.25 for the area. The proposed project is in line with its neighborhood design characteristics and is an appropriate fit for the development pattern in the area.

The proposed project is also triggering a zoning violation in regards to the required rear yard. The zoning code requires a rear yard of 25 feet, where the project is proposing a rear yard setback of 17.7 feet. While this is less than the zoning code requires, it is in line with neighborhood character. Smaller rear yards are common especially within the triple decker typology. This highlights a disconnect between the zoning code and built reality and points to the potential need for zoning reform.

Plans reviewed are titled "70 Auckland St" and were prepared by 686 Architects on 12/14

Recommendation:

In reference to BOA1821678, The Planning Department recommends APPROVAL.

Reviewed,

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

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

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.

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.

Estimated Project Metrics	Proposed Plan
Gross Square Footage	42,427
Gross Floor Area	39,670
<i>Residential</i>	34,500
<i>Retail</i>	500
<i>Mechanical/storage</i>	4,670
Development Cost Estimate	\$18,000,000
Residential Units	
<i>Rental Units</i>	45
<i>Ownership Units</i>	0
<i>IZ/Affordable Units</i>	7
Parking spaces	0
Bike Parking Spaces	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 14th, 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:

Unit Number	Number of Bedrooms	Unit Size (Sq Ft)	Percent of AMI	Rent	Group-2
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 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,

Rev 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

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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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 or at 617-635-4966.



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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



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