



MEMORANDUM

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

FROM: Joanne Marques  
Regulatory Planning & Zoning

DATE: February 21, 2024

RE: BPDA Recommendations

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Please find attached, for your information, BPDA recommendations for the February 27, 2024 Board of Appeals Hearing.

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



<b>Case</b>	BOA1547120
<b>ZBA Hearing Date</b>	2024-02-27
<b>Address</b>	2-4 McCraw St., Roslindale 02131
<b>Parcel ID</b>	2001398000
<b>Zoning District &amp; Subdistrict</b>	Roslindale Neighborhood Neighborhood Shopping (NS)
<b>Zoning Article</b>	Article 67
<b>Project Description</b>	The proposed project plans to renovate existing commercial/restaurant space and add take-out use
<b>Relief Type</b>	Conditional Use
<b>Violations</b>	Conditional Use

**Planning Context:**

Site is an existing one-story commercial building on McCraw St, a short dead-end street off of Belgrade Avenue in Roslindale. The site is across the railroad tracks from the Bellevue MBTA Commuter Rail stop, accessible via a tunnel under the tracks. The current business, Exodus Bagels, is a small bagel bakery that currently allows pickup of bagels baked on site. The applicant seeks to renovate their facility to allow for indoor dining and takeout, which requires a conditional use permit.

**Zoning Analysis:**

Per Article 67 Table B, a take-out restaurant is a conditional use in the Roslindale Neighborhood Shopping subdistrict. The proponent already operates its existing facility in this location and allows for pickup of food. Renovating the business to allow for indoor dining and more formal takeout service improves commercial viability of their business.

A conditional use should only be granted, per Article 6, when the following conditions are met:

- (a) the specific site is an appropriate location for such use or, in the case of a substitute nonconforming use under Section 9-2, such substitute nonconforming use will not be more objectionable nor more detrimental to the neighborhood than the nonconforming use for which it is being substituted;



- The site already bakes and sells bagels and provides this food to area customers. It is well suited for on-site dining and takeout.

(b) the use will not adversely affect the neighborhood;

- Belgrade Avenue is already a mixed-use commercial corridor, which aligns well with this use.

(c) there will be no serious hazard to vehicles or pedestrians from the use;

- No hazard appears applicable. There is ample parking on Belgrade Avenue, and parking needs are mitigated by the immediate proximity of the commuter rail stop.

(d) no nuisance will be created by the use;

- There does not appear to be any nuisance possible, given the normal operating hours of the facility.

(e) adequate and appropriate facilities will be provided for the proper operation of the use;

- Plans show a reasonable facility for dining and takeout.

Besides the conditional use, no other zoning violations are present. The conditional use should be granted.

This is an example of the need for zoning reform. This takeout conditional use reflects modern business models for restaurant uses.

Plans filed by Joe the Architect, LLC, on January 31, 2023. Reviewed November 7, 2023 by Cheryl Odom.

**Recommendation:**

In reference to BOA1547120, The Boston Planning & Development Agency recommends

**APPROVAL.**



Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1522524
<b>ZBA Hearing Date</b>	2024-02-27
<b>Address</b>	79 West Milton St., Hyde Park 02136
<b>Parcel ID</b>	1812962000
<b>Zoning District &amp; Subdistrict</b>	Hyde Park Neighborhood 1F-6000
<b>Zoning Article</b>	Article 69
<b>Project Description</b>	Change occupancy from 1-unit to 3-unit with ADU.
<b>Relief Type</b>	Variance
<b>Violations</b>	Parking or Loading Insufficient FAR Excessive Use: Forbidden (Three-Family Dwelling Basement Dwelling)

**Planning Context:**

This existing 3-story, 1-family, 11-bedroom home is within a 1F-6000 subdistrict in Hyde Park. The surrounding properties within this 1F-6000 subdistrict are a mix of 1- and 2-unit homes. The project consists of converting the 1st and 2nd floors into 4-bedroom units, the 3rd floor into a 3-bedroom unit, and the unfinished basement into a 2-bedroom accessory dwelling unit (ADU). The proponent states that this project is 3 units plus 1 ADU, but given the conversion from an existing 1-unit building, this is more appropriately characterized as a 4-unit, multifamily project. The project does not propose any enlargement of the existing building.

The site is located within 1/4 mile of the Readville Commuter Rail Station and within 500 feet of the MBTA Key Bus Route 32. Given the proximity to transit, this project would advance recommendations from the Hyde Park Neighborhood Strategic Plan (2011) of increasing residential density around transit stations.

The existing building was constructed in 1875 as a rectory for the Saint Anne Roman Catholic Church located across the street. Since 1875, the building has changed in use from a rectory to a convent, and then to a single-family home. The building's architectural style is colonial revival and Victorian eclectic, as designated by the Massachusetts Historical Commission. The proposed retaining of this existing, historic building is in line with recommendations from the Hyde Park Neighborhood Strategic Plan (2011), which called for retaining and preserving the



historical and architectural features of the neighborhood while encouraging progress and development.

The 2011 Hyde Park Neighborhood Strategic Plan also called for the creation of diverse unit sizes, including units with 3 or more bedrooms to improve Hyde Park's family-friendly character. Although the Plan recommends one-family zoning for this area, the combination of large units, adaptive reuse of an existing historic structure, and proximity to MBTA transit assets make this site a good opportunity for increased density.

Not only does this proposal align with aspects of the 2011 Hyde Park Plan, the creation of more housing units while retaining an existing historic building advances the planning goals of increasing housing supply as outlined in *Housing a Changing City, Boston 2030*. The project also promotes transit-oriented development as outlined in the Fairmount Indigo Planning Initiative (October 2015).

#### **Zoning Analysis:**

The project consists of a proposed three family detached dwelling with an additional dwelling unit in the basement. Three family detached dwellings are a forbidden use in this 1F-6,000 subdistrict as described in Table A of Article 69. Further, pursuant to Section 69-8.2, dwelling units are forbidden in a basement. While the proposed ADU satisfies the conditions of Section 69-8.3, the restriction of dwelling units in a basement supersedes. The basement ADU as designed is largely below grade, roughly 1.5' above grade. Given this condition, as well as the existing provision of dwelling units being forbidden in the basement, this ADU should not be constructed as proposed. However, some portions of this basement can be used as a livable area for a unit located above grade.

The project is cited for excessive Floor Area Ratio; the maximum FAR within this 1F-6,000 subdistrict is 0.5 as stated in Table C of Article 69. The existing FAR is 0.35; the conversion of the basement to a unit increases the FAR to just over 0.5, at 0.5038.

Pursuant to Table F in Article 69, the required number of parking spaces for this 4-unit project is 8 spaces (2.0 per dwelling unit). The project proposes 6 parking spaces, resulting in a ratio of 1.5 per dwelling unit. Given the proximity to the Readville Commuter Rail Station and the MBTA Key Bus Route 32, this moderately lower parking ratio is acceptable. This highlights a need for zoning reform to reduce parking minimums near transit.



Plans reviewed are titled "Change of Occupancy from 1 Family to 3 Family + 1 ADU" and dated May 1st, 2023.

**Recommendation:**

In reference to BOA1522524, The Boston Planning & Development Agency recommends **APPROVAL WITH PROVISOS**: that plans shall be submitted to the Agency for design review and that no dwelling unit be located with the majority of its living space below grade.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1563449, BOA1563450, BOA1563451
<b>ZBA Hearing Date</b>	2024-02-27
<b>Address</b>	1A Franklin Park RD Jamaica Plain 02121; 1B Franklin Park RD Jamaica Plain 02121; 1C Franklin Park RD Jamaica Plain 02121
<b>Parcel ID</b>	1203486000
<b>Zoning District &amp; Subdistrict</b>	Greater Mattapan Neighborhood OS-P
<b>Zoning Article</b>	Article 33
<b>Project Description</b>	Upon land wholly owned and operated by the Franklin Park Zoo, construct a total of 3 yurt membrane structures on wood platforms for accessory Educational / Preschool Daycare use. Application numbers ERT154314, ERT1543988, & ERT1543987.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	Conditional use: daycare; Conditional use: Use Item 27A - open space recreational building; Structure proposed exceeds 600 sf

**Planning Context:**

The project proposes the construction of three yurt membrane structures on a wooden platform which will serve as an outdoor Early Education/Daycare center. The three yurts will be built side-by-side in Franklin Park Zoo, each serving as part of the same daycare center.

This project is proposed by the Boston Outdoor Preschool Network (BOPN), which is a nonprofit providing play-based outdoor early education programs for children aged 15 months through 6 years of age. BOPN aims to open a tuition-free preschool at Franklin Park Zoo, in part using funding from the Boston Public School's Universal PreK program which supports early education for 3 and 4 year old children.

The proposed preschool is fully in line with planning goals outlined in the Franklin Park Action Plan (2022), a planning and policy document that outlines a strategic vision for the future of Franklin Park that centers investment and year-round accessibility. The Franklin Park Action Plan puts forward recommendations for increasing and rehabilitating gathering spaces throughout the park and at its edges, investing in flexible programming throughout the park, and supporting Franklin Park's capacity as a destination for arts and recreation in Boston. The proposed outdoor preschool, which will use Franklin Park and Franklin Park Zoo as its base,

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fulfills these goals of activation and flexible programming. The proposed preschool is also in line with goals outlined in Imagine Boston 2030 (2017), which set forth the goal of enhancing Franklin Park as a keystone park in the geographical heart of the city, with programming and investments that can foster healthy communities and create inclusive gathering spaces.

**Zoning Analysis:**

The parcels 1A, 1B, and 1C Franklin Park Road are located in a Open Space - Parkland (OS-P) subdistrict. Per Article 8-7 of the Zoning Code, an accessory daycare use is a Conditional use within Open Space subdistricts. Furthermore, the proposed yurt structures that will house the daycare are open space recreational buildings, which are also Conditional uses per Article 8-7. Additionally, the zoning refusal letter cites Article 33-9, which limits the size of an accessory structure to 600 sf. Each proposed yurt structure is 707 sf.

As outlined in Section 6-3 of the zoning code, the conditions for granting appeal of a Conditional Use are as follows:

- (a) the specific site is an appropriate location for such use or, in the case of a substitute nonconforming use under Section 9-2, such substitute nonconforming use will not be more objectionable nor more detrimental to the neighborhood than the nonconforming use for which it is being substituted;
- (b) the use will not adversely affect the neighborhood;
- (c) there will be no serious hazard to vehicles or pedestrians from the use;
- (d) no nuisance will be created by the use;
- (e) adequate and appropriate facilities will be provided for the proper operation of the use.

As outlined in the Planning Context, Franklin Park Zoo -- and Franklin Park in general-- is an appropriate location for an outdoor preschool (accessory daycare use) and the associated open space recreational buildings. Franklin Park Zoo is an essential educational resource for Boston's children, and the proposed uses will only enhance this capacity. The daycare will be accessory to the primary Zoo use, and will rely upon public infrastructure provided by the Zoo, including restrooms and parking. The associated site survey and plans show that each yurt structure will be located in an area of the Zoo that will not adversely affect its surroundings and



appears adequate for the proposed facilities and operation. Each yurt will have a maximum capacity of 36 occupants, as well as space for portable electric heaters and two means of egress on either side. Life safety features, including an exit sign, fire extinguisher, and smoke / carbon monoxide detectors will be present in each structure. The total proposed height for each structure is 14' 8".

The plans reviewed are titled "BOPN: Franklin Park" and are dated 10/13/2023. They were prepared by Vanko Architects.

**Recommendation:**

In reference to BOA1563450, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1554463
<b>ZBA Hearing Date</b>	2024-02-27
<b>Address</b>	54 Dorset ST Dorchester 02125
<b>Parcel ID</b>	0703169000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 2F-5000
<b>Zoning Article</b>	Article 65
<b>Project Description</b>	Create 6 off street parking space (5 accessory, 1 ancillary) in rear property
<b>Relief Type</b>	Variance
<b>Violations</b>	Forbidden Use (Ancillary/Accessory Parking)

**Planning Context:**

This recommendation relates to one of several applications tied to a single proposed project (between 54-56 Dorset St properties). That project seeks to erect a new 3 story, 6 unit residential structure with 6 parking spaces (5 accessory, 1 ancillary) at 54 Dorset St; two parking spaces for the adjacent property at 56 Dorset St, and a new curb cut and drive aisle shared between the two properties. The scope of work is divided into 4 separate permit applications, each of which will require its own recommendation. Descriptions of these applications follow below:

1. An ERT permit for 54 Dorset St regarding the erection of the new residential structure, and accompanying parking and shared drive aisle (BOA1554459);
2. A U permit for 54 Dorset St to enable the residential structure's ancillary parking space on the 56 Dorset St lot (BOA1554463);
3. An ALT permit for 56 Dorset St to grant access to the shared drive aisle and 1 ancillary parking space for the benefit of the abutting 54 Dorset St (BOA1554464);
4. A U permit for 56 Dorset St to enable the creation of 2 off-street parking spaces, accessing through the shared driveway easement with 54 Dorset St (BOA1554465).

This recommendation will focus on permit application #2, of the above.



The proposed project sits within a 2-family residential subdistrict in the Dorchester neighborhood. Its surrounding context includes a mix of residential structures, ranging from 2.5 to 4 stories in height with occupancies ranging from 2-family to MFR uses (including a new 6-family residential dwelling and a larger BHA-operated MFR development immediately across the street). The project sits within a half-mile of Moakley Park and the Clifford Playground. The site also lies in proximity to a number of public transit options, including MBTA bus stops immediately abutting the project site on Boston St (50' from the site to 16, 17, & 18 bus lines) and several MBTA rail lines within walking distance (1/3 mile to Andrews red line stop & Newmarket commuter rail stop, and 1/2 mile to JFK/UMass red line stop). The project site is currently home to an existing 2.5 story, 3-family residential dwelling.

While the project's proposed residential use is appropriate for the area (as stated in the recommendation for BOA1554459), the project's proposed parking strategy and site plan design leave much to be desired. The project proposes a 100% impervious lot coverage condition, across the two applicable properties, in order to create a total of 8 rear yard parking spaces for the projects (6 for 54 Dorset St and 2 for 56 Dorset St). This condition deviates significantly from the City's stated transportation and resiliency goals: (1) to reduce reliance on private vehicles, especially within proximity to high-frequency and high-capacity transit options, as detailed in Go Boston 2030 (March 2017); and (2) to preserve existing open space, expand the urban tree canopy, and increase permeability across all lots, as detailed in Climate Ready Boston (2016) and the Urban Forest Plan (2022). The proposed number of parking spaces also exceeds BTDA's recommended maximum figures for the area (0.75 spaces/unit). While BPDA Transportation staff commend the proponent's creation of a shared drive aisle (preferred outcome), they also express concern over the number and design of the parking spaces provided.

**Zoning Analysis:**

The proposed project's refusal letter incorrectly labels accessory/ancillary parking as a forbidden use for the site. Accessory parking is an allowed use for the property, while ancillary uses, including parking, are conditional uses. Because of this, the proposed project will require a conditional use permit for approval, not a variance as listed.

As detailed in the Planning Context of this recommendation, the project's proposed 6 parking spaces exceeds BTDA's recommended parking maximum figures for the area (0.75 space/unit -- > 4.5 spaces recommended). Further, because of the project's proximity to rapid transit, BPDA Transportation staff feel even fewer spaces would be appropriate for the site. While 1:1 parking

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ratios are not uncommon in the area, the extent of their presence has been limited to 2F & 3F uses (that require less lot area to accommodate) as well as MFR uses on the area's larger lots (~7,000+ sqft), of which this lot is not (4,900 sqft). Understanding this, BPDA staff have determined that the current 1:1 parking proposal is excessive for the purposes of this project, as the condition: (1) severely limits the amount of usable open space upon the lot, and (2) creates issues regarding maneuverability of vehicles on the lot.

A future iteration of this proposal should reduce the number of parking spaces proposed, and explore opportunities to remove the need for ancillary parking altogether.

**Recommendation:**

In reference to BOA1554463, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE. Proponent should pursue a project which reduces the number of parking spaces proposed to improve potential vehicular maneuverability and increase the amount of permeable surface upon the lot.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1554459
<b>ZBA Hearing Date</b>	2024-02-27
<b>Address</b>	54 Dorset ST Dorchester 02125
<b>Parcel ID</b>	0703169000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 2F-5000
<b>Zoning Article</b>	65
<b>Project Description</b>	Erect a new three story 6 unit residential building with 6 parking spaces. See other ALT's and use premises applications filed for lot subdivision plan (ALT1540490), which shows the granting of a shared driveway easement for the benefit of 56 Dorset Street's access to 2 separately proposed in their rear yard (ALT1540514, U491540466, & U491540520). *Note 5 parking spaces are on own lot, sixth space is on abutters lot (as one ancillary space).
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	FAR Excessive Rear Yard Insufficient Side Yard Insufficient Front Yard Insufficient Height Excessive (stories) Lot Area Insufficient Lot Width Insufficient Lot Frontage Insufficient Parking or Loading Insufficient Parking design and maneuverability Forbidden Use (Accessory/Ancillary Parking); Forbidden Use (MFR)

**Planning Context:**

This recommendation relates to one of several applications tied to a single proposed project (between 54-56 Dorset St properties). That project seeks to erect a new 3 story, 6 unit residential structure with 6 parking spaces (5 accessory, 1 ancillary) at 54 Dorset St; two parking spaces for the adjacent property at 56 Dorset St, and a new curb cut and drive aisle shared between the two properties. The scope of work is divided into 4 separate permit applications, each of which will require its own recommendation. Descriptions of these applications follow below:



1. An ERT permit for 54 Dorset St regarding the erection of the new residential structure, and accompanying parking and shared drive aisle (BOA1554459);
2. A U permit for 54 Dorset St to enable the residential structure's ancillary parking space on the 56 Dorset St lot (BOA1554463);
3. An ALT permit for 56 Dorset St to grant access to the shared drive aisle and 1 ancillary parking space for the benefit of the abutting 54 Dorset St (BOA1554464);
4. A U permit for 56 Dorset St to enable the creation of 2 off-street parking spaces, accessing through the shared driveway easement with 54 Dorset St (BOA1554465).

This recommendation will focus on permit application #1, of the above.

The proposed project sits within a 2-family residential subdistrict in the Dorchester neighborhood. Its surrounding context includes a mix of residential structures, ranging from 2.5 to 4 stories in height with occupancies ranging from 2-family to MFR uses (including a new 6-family residential dwelling and a larger BHA-operated MFR development immediately across the street). The project sits within a half-mile of Moakley Park and the Clifford Playground. The site also lies in proximity to a number of public transit options, including MBTA bus stops immediately abutting the project site on Boston St (50' from the site to 16, 17, & 18 bus lines) and several MBTA rail lines within walking distance (1/3 mile to Andrews red line stop & Newmarket commuter rail stop, and 1/2 mile to JFK/UMass red line stop). The project site is currently home to an existing 2.5 story, 3-family residential dwelling.

The project seeks to erect a new 6-unit residential structure, resulting in a net addition of 3 dwelling units. This scope is contextual to the area and aligns with City of Boston housing goals, which recommend infill development as a means of promoting housing diversity and increasing housing availability, as detailed in *Housing a Changing City, Imagine Boston 2030* (September 2018).

Despite this, the project's proposed parking strategy and site plan design are inappropriate for both the area's existing residential fabric and the site, more specifically. The project proposes a near 100% impervious lot coverage condition, across the two applicable properties, in order to create a total of 8 rear yard parking spaces for the projects (6 for 54 Dorset St and 2 for 56 Dorset St). This design exacerbates an already outsized percentage of impervious coverage across the surrounding area, and removes existing open space/landscape to do so. The result,

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taken in context, would create 5 continuous properties along the block without greenery or trees, and with almost entirely paved site conditions. This proposal deviates significantly from the City's stated transportation and resiliency goals: (1) to reduce reliance on private vehicles, especially within proximity to high-frequency and high-capacity transit options, as detailed in Go Boston 2030 (March 2017); and (2) to preserve existing open space, expand the urban tree canopy, and increase permeability across all lots, as detailed in Climate Ready Boston (2016) and the Urban Forest Plan (2022). The proposed number of parking spaces also exceeds BTDA's recommended maximum figures for the area (0.75 spaces/unit). While BPDA Transportation staff commend the proponent's creation of a shared drive aisle (preferred outcome), they also express concern over the number and design of the parking spaces provided.

### **Zoning Analysis:**

The proposed project's FAR violation stems from a building footprint and overall scale greater than what is both allowed by zoning and is contextual for the lot. While many of the site's adjacent structures exceed the figure required by zoning (0.5 required), none do so to the extent of this proposal, (1.68 FAR proposed, surrounding FARs hover between 0.8-1.2). This excessive scale is further evidenced by the project's insufficient rear yard violation (15' proposed, 30' required). Unlike FAR, the area's rear yard setback is one the vast majority of existing surrounding structures are compliant with. It is these factors, along with the project's parking, which contribute to the site's lack of permeable open space.

While MFR uses are forbidden in the 2F-5000 subdistrict this project resides in, they are common occurrences on the block and across the surrounding area. The site's proximity to transit too makes them an appropriate use for the area. The structure's proposed building height of 3 stories, while in violation of the code (max 2.5 stories), is the predominant condition of the area (structures ranging from 2.5 to 4 stories). The proposed front yard setback (8.3' < 15' required) also aligns with the block's existing building alignment.

Because of the lot's smaller size, a recalibration of the project's unit count, unit sizes, or massing should be considered as a means of reducing the building's footprint upon the lot and overall floor plate size. This, along with a reduction and redesign of the project's parking (the proposed parking exceeds BTDA's recommended parking maximums and does not meet maneuverability standards, according to BPDA Transportation staff) should allow the proponent to significantly increase the amount of permeable open space upon the lot.

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It is also worth noting that the ancillary parking proposed is a conditional use for the property, not a forbidden use as it is listed.

Zoning reform is needed for the area to better align requirements for land use, height, and density with what already exists in the area. Additionally, minimum requirements for permeable area of lot and/or usable open space should be included in the Code for all area projects (requirements currently only applicable to 1-2 family developments).

**Recommendation:**

In reference to BOA1554459, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE. Proponent should pursue a project that maintains MFR use and shared drive aisle, but which reduces parking and reduces the overall building scale, as a means of significantly increasing the amount of permeable open space upon the lot.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1554465
<b>ZBA Hearing Date</b>	2024-02-27
<b>Address</b>	56 Dorset ST Dorchester 02125
<b>Parcel ID</b>	0703168000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 2F-5000
<b>Zoning Article</b>	Article 65
<b>Project Description</b>	Create two off street parking spaces with access via a proposed shared easement driveway being offered by 54 Dorset St, and grant one ancillary space to 54 Dorset St.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	Parking design and maneuverability Forbidden Use (Accessory Parking)

**Planning Context:**

This recommendation relates to one of several applications tied to a single proposed project (between 54-56 Dorset St properties). That project seeks to erect a new 3 story, 6 unit residential structure with 6 parking spaces (5 accessory, 1 ancillary) at 54 Dorset St; two parking spaces for the adjacent property at 56 Dorset St, and a new curb cut and drive aisle shared between the two properties. The scope of work is divided into 4 separate permit applications, each of which will require its own recommendation. Descriptions of these applications follow below:

1. An ERT permit for 54 Dorset St regarding the erection of the new residential structure, and accompanying parking and shared drive aisle (BOA1554459);
2. A U permit for 54 Dorset St to enable the residential structure's ancillary parking space on the 56 Dorset St lot (BOA1554463);
3. An ALT permit for 56 Dorset St to grant access to the shared drive aisle and 1 ancillary parking space for the benefit of the abutting 54 Dorset St (BOA1554464);
4. A U permit for 56 Dorset St to enable the creation of 2 off-street parking spaces, accessing through the shared driveway easement with 54 Dorset St (BOA1554465).

This recommendation will focus on permit application #4, of the above.



The proposed project sits within a 2-family residential subdistrict in the Dorchester neighborhood. Its surrounding context includes a mix of residential structures, ranging from 2.5 to 4 stories in height with occupancies ranging from 2-family to MFR uses (including a new 6-family residential dwelling and a larger BHA-operated MFR development immediately across the street). The project sits within a half-mile of Moakley Park and the Clifford Playground. The site also lies in proximity to a number of public transit options, including MBTA bus stops immediately abutting the project site on Boston St (50' from the site to 16, 17, & 18 bus lines) and several MBTA rail lines within walking distance (1/3 mile to Andrews red line stop & Newmarket commuter rail stop, and 1/2 mile to JFK/UMass red line stop). The project site is currently home to an existing 3 story, 3-family residential dwelling with zero parking.

The project's scope, which seeks to remove existing open space for rear yard parking, is not supported by City planning goals. The planning goals of Climate Ready Boston (addressing permeability, heat island effect, and increased tree canopy, 2016) and Boston's Urban Forest Plan (preserving healthy and mature trees/plantings, 2022) outline this point.

While BPDA Transportation staff commend the proponent's creation of a consolidated drive aisle for the two neighboring properties (preferred outcome to limit curb cuts impacting the sidewalk and public on-street parking), they also express concern over the presence of the proposed ancillary parking space for the 54 Dorset St project as well as the removal of existing permeable area upon the lot, which is not adequately replaced elsewhere upon the combined project site. The team does recognize the appropriateness of the 2 proposed parking spaces for 56 Dorset St, though to recommend its design be updated to improve maneuverability and retain existing open space.

### **Zoning Analysis:**

The proposed project's refusal letter incorrectly labels the presence of the site's proposed accessory parking space as a zoning violation. Accessory parking is a permitted use by-right for the area.

The project's off-street parking violation stems from: (1) the presence of the site's ancillary parking space, and (2) the site's parking design, which provides insufficient space for maneuverability.



The project's proposed ancillary parking is a portion of 54 Dorset St's overall parking design. The 6 parking spaces proposed as a part of that application exceed BTDA's recommended parking maximum figures for the area (0.75 space/unit --> 4.5 spaces recommended). Further, because of the project's proximity to rapid transit, BPDA Transportation staff feel even fewer spaces would be appropriate for the site. Because of this, such ancillary parking should not be included as a part of the project. This belief is further emphasized given the amount of existing open space that will need to be removed to enable the creation of the space.

The BPDA is supportive of the creation of 56 Dorset St's 2 accessory parking spaces. However, recommends updating their design and orientation as to clarify maneuverability and maintain existing open space on the lot.

A future iteration of this proposal should explore opportunities to remove the site's ancillary parking and update the design of its accessory parking, as a means of rightsizing parking, clarifying maneuverability, and preserving existing open space.

**Recommendation:**

In reference to BOA1554465, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE. Proponent should pursue a project that removes the site's ancillary parking and updates the design of its accessory parking, as a means of rightsizing parking, clarifying maneuverability, and preserving existing open space.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1554464
<b>ZBA Hearing Date</b>	2024-02-27
<b>Address</b>	56 Dorset ST Dorchester 02125
<b>Parcel ID</b>	0703168000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 2F-5000
<b>Zoning Article</b>	Article 9
<b>Project Description</b>	Create new curb cut and easement driveway. Grant access to 1 ancillary parking space in the rear yard for the benefit of 54 Dorset St, and in return 54 Dorset St shall grant an easement driveway for the purposes to allow vehicle access to two proposed spaces in the rear yard.
<b>Relief Type</b>	Conditional Use
<b>Violations</b>	Extension of Nonconforming Use

**Planning Context:**

This recommendation relates to one of several applications tied to a single proposed project (between 54-56 Dorset St properties). That project seeks to erect a new 3 story, 6 unit residential structure with 6 parking spaces (5 accessory, 1 ancillary) at 54 Dorset St; two parking spaces for the adjacent property at 56 Dorset St, and a new curb cut and drive aisle shared between the two properties. The scope of work is divided into 4 separate permit applications, each of which will require its own recommendation. Descriptions of these applications follow below:

1. An ERT permit for 54 Dorset St regarding the erection of the new residential structure, and accompanying parking and shared drive aisle (BOA1554459);
2. A U permit for 54 Dorset St to enable the residential structure's ancillary parking space on the 56 Dorset St lot (BOA1554463);
3. An ALT permit for 56 Dorset St to grant access to the shared drive aisle and 1 ancillary parking space for the benefit of the abutting 54 Dorset St (BOA1554464);
4. A U permit for 56 Dorset St to enable the creation of 2 off-street parking spaces, accessing through the shared driveway easement with 54 Dorset St (BOA1554465).

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This recommendation will focus on permit application #3, of the above.

The proposed project sits within a 2-family residential subdistrict in the Dorchester neighborhood. Its surrounding context includes a mix of residential structures, ranging from 2.5 to 4 stories in height with occupancies ranging from 2-family to MFR uses (including a new 6-family residential dwelling and a larger BHA-operated MFR development immediately across the street). The project sits within a half-mile of Moakley Park and the Clifford Playground. The site also lies in proximity to a number of public transit options, including MBTA bus stops immediately abutting the project site on Boston St (50' from the site to 16, 17, & 18 bus lines) and several MBTA rail lines within walking distance (1/3 mile to Andrews red line stop & Newmarket commuter rail stop, and 1/2 mile to JFK/UMass red line stop). The project site is currently home to an existing 3 story, 3-family residential dwelling with zero parking.

The project's scope, which seeks to remove existing open space for rear yard parking, is not supported by City planning goals. The planning goals of Climate Ready Boston (addressing permeability, heat island effect, and increased tree canopy, 2016) and Boston's Urban Forest Plan (preserving healthy and mature trees/plantings, 2022) outline this point.

While BPDA Transportation staff commend the proponent's creation of a shared drive aisle (preferred outcome), they also express concern over the presence of the proposed ancillary parking space for the 54 Dorset St project as well as the removal of existing permeable area upon the lot, which is not adequately replaced elsewhere upon the combined project site. The team does recognize the appropriateness of the 2 proposed parking spaces for 56 Dorset St, though to recommend its design be updated to improve maneuverability and retain existing open space.

### **Zoning Analysis:**

The proposed project's refusal letter incorrectly labels the presence of the site's proposed ancillary parking space as an extension of a nonconforming use. Instead, it should be labeled as a conditional use or off-street parking violation, as: (1) ancillary parking is a conditional use for the area (as detailed in the area's use tables and off-street parking regulations), and (2) the nonconforming use is not yet existing.



The project's proposed ancillary parking is a portion of 54 Dorset St's overall parking design. The 6 parking spaces proposed as a part of that application exceed BTDA's recommended parking maximum figures for the area (0.75 space/unit --> 4.5 spaces recommended). Further, because of the project's proximity to rapid transit, BPDA Transportation staff feel even fewer spaces would be appropriate for the site. Because of this, such ancillary parking should not be included as a part of the project. This belief is further emphasized given the amount of existing open space that will need to be removed to enable the creation of the space.

A future iteration of this proposal should explore opportunities to remove the site's ancillary parking and preserve existing open space, while maintaining the shared drive aisle between the properties.

**Recommendation:**

In reference to BOA1554464, The Boston Planning & Development Agency recommends DENIAL WITHOUT PREJUDICE. Proponent should explore a project which removes the ancillary parking space and preserves existing open space, while maintaining the shared drive aisle between the properties.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1523007
<b>ZBA Hearing Date</b>	2024-02-27
<b>Address</b>	185 E St South Boston 02127
<b>Parcel ID</b>	0700527000
<b>Zoning District &amp; Subdistrict</b>	South Boston Neighborhood MFR
<b>Zoning Article</b>	68
<b>Project Description</b>	The proponent seeks to demolish an existing 1.5-story single-family residential building at 185 E Street, and combine this parcel with two other adjacent parcels located at 183 E Street and 164 W. Ninth Street. The proponent seeks to construct a new 4-story, 4-unit residential building with side balconies, with a six (6) car garage, and an additional two (2) parking spots on the property for on-site parking.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	Rear Yard Insufficient Usable Open Space Insufficient Additional Lot Area Insufficient Height Excessive Front Yard Insufficient Parking design and maneuverability Insufficient access driveway width

**Planning Context:**

The proposed project seeks to demolish an existing 1.5-story single-family residential building at 185 E Street, and combine this parcel with two other adjacent parcels located at 183 E Street and 164 W. Ninth Street, to construct a new 4-story, 4-unit residential building with side balconies. Each unit would contain 2 bedrooms plus an office. The new development will include a six (6) car garage that forms the entire ground floor of the project, and an additional two (2) parking spots as part of a driveway access to the garage.

The project site currently consists of an 'L'-shaped single-family house that exists on three individual parcels; two of the parcels front E Street (185 and 183 E Street), with the remaining parcel fronting W. Ninth Street (164 W. Ninth Street). Most of the existing building sits on the 185 E Street parcel, with much of the 183 E Street and 164 W. Ninth Street parcels being the location for two yards. With the current property home to roughly 1,500 square feet of open space, two large trees, and one medium tree, the existing property has considerable qualities

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that are worth incorporating in new development. The project site currently contains three trees, and the proposed project intends to replace one tree in the rear yard of the property. The plans also show two trees placed in the public sidewalk, but it is likely that those plantings will not be approved by the PIC given the narrow sidewalk width (7'-6").

The proposed project is located within a Multifamily Residential ("MFR") subdistrict. MFR subdistricts are established to encourage medium-density multifamily areas. The property is located within a minute walk of Old Colony Avenue and within a 5 minute walk of Dorchester Street. Both streets are major arterial roads serving a variety of needs, including predominantly industrial and multifamily uses on Old Colony Avenue, and retail and multifamily uses on Dorchester Street. The project site is within a 5 minute walk of bus stations that serve the 10 and 11 MBTA buses, and 0.5 miles from the nearest MBTA subway station, Andrew Station.

The project site is located within the South Boston Transportation Action Plan (SBTAP) study area. As a neighborhood with limited public transit access and high reliance on vehicles, SBTAP aims to evaluate safety concerns in South Boston and focus the City's resources on proven strategies and people-first improvements to eliminate serious and fatal traffic crashes in South Boston. It is also located in the Restricted Parking District established to

The existing property also lies within a future flood risk zone, per BPDA Coastal Flood Resilience Design Guidelines (2019). While the scale of this project does not trigger resiliency review under the Coastal Flood Resiliency Overlay District, this will be an important component of design review.

The proposed development will expand the number of housing available in the area, converting the existing single-family home to a four-family building. The City's "Housing a Changing City: Boston 2030" plan projects an increase of Boston's population to 709,000 residents, and the city therefore needs to create 53,000 new units of housing by 2030. The proposed development will consist of four (4) bi-level, two-bedroom units with an office, providing desired housing types for larger households and flexible spaces.

### **Zoning Analysis:**

The proposed project raises several dimensional and parking violations. The proposed new development takes up a larger building footprint than the existing building, seeing an increase of about 250 square feet. However, as a result of increasing the number of units, the project would need to increase the lot area by 1,000 square feet for each additional unit, meaning that for a

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four-unit building, the property would need to be at least 5,000 square feet. The existing three-parcel project site is roughly sized at 3,350 square feet, considerably larger than many nearby properties, and yet, this property is still not large enough to accommodate four units under existing zoning. This regulation may suggest that zoning regulations need to be updated to match the existing context, allowing for form-based approaches.

The size of the new development and parking configuration has significant impacts on open space and yards. While the new building will take up less than 60% of the total lot coverage, the remaining 40% of space is almost entirely dedicated to a two-car driveway. This reduces the potential of nearly 1,400 square feet of open yard space to less than 500 square feet of space. While three of the four units will have access to balconies (unit 1 does not have a balcony), these balconies only amount to roughly 60 to 120 square feet. This falls short of the requirement for a minimum of 200 square feet of open space per dwelling unit for three of the four units.

The front yard violation derives from proposed projecting bays (which are too large to qualify as bay windows) on the second, third, and four floors. The bays proposed on the third and fourth floors will overhang the public sidewalk, and thus be subject to PIC review and approval.

Currently, zoning requires that front yards of buildings in MFR subdistricts must have a setback of at least five (5) feet, and rear yards must have a setback of at least 20 feet. The current front yard setback is approximately 2.5 feet and the rear yard setback is 11 inches in depth in some areas and in others 6 feet in depth. The proposed development expects a setback of one foot rear yard depth for the front yard, and a setback of 3 to 5 feet for the rear yard. These proposed yards match those of neighboring property on E Street that extend to the rear lot line (or side lot line for corner lots). Since the project includes demolition of an existing structure with a non-conforming front yard, on a narrow sidewalk, it should be designed to comply with the front setback requirement.

The proposed project also includes off-street parking. MFR subdistricts are required to prepare 1.5 parking spaces per dwelling unit. For four dwelling units, the proposed project is required to provide a minimum of six parking spaces, however, the project intends to exceed this number by providing eight total parking spaces. While six of the parking spaces will be within the proposed building, two parking spaces will be located on a driveway. The layout of these parking spaces creates maneuverability violations; as previously stated, the proposed driveway and parking areas would cover almost the entire lot that is not otherwise covered by building.



The height of the building is shown at 44 feet, where maximum building height is 4 stories. Given the planning context of elevating and floodproofing ground floor spaces in the Coastal Flood Resiliency Overlay District and overall 4 story height, this is appropriate.

The plans entitled PROPOSED 4-STORY, 4-UNIT RES. BLDG W/ 6-CAR GARAGE, 185 E STREET, SOUTH BOSTON, MA prepared by TIM JOHNSON ARCHITECT, LLC on June 30, 2023 were used in preparation of this recommendation.

**Recommendation:**

In reference to BOA1523007, the Boston Planning & Development Agency recommends **DENIAL WITHOUT PREJUDICE**. While the use is appropriate for the MFR district, the applicant should consider a project that eliminates parking outside of the building and reduces the overall building size in order to increase usable open space on the site; and that increases the front yard setback.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1517330
<b>ZBA Hearing Date</b>	2024-02-27
<b>Address</b>	84 to 90 A St., South Boston 02127
<b>Parcel ID</b>	0601228000
<b>Zoning District &amp; Subdistrict</b>	South Boston Neighborhood MFR
<b>Zoning Article</b>	Art. 68 Sec. 8, 29, 33
<b>Project Description</b>	Renovation of a one-story 8-unit garage to a 5-story 4-family residential building.
<b>Relief Type</b>	Conditional use, Variance
<b>Violations</b>	Roof Structure Restrictions Lot Area Insufficient Additional Lot Area Insufficient FAR Excessive Rear Yard Insufficient Side Yard Insufficient Parking or Loading Insufficient Height Excessive Usable Open Space Insufficient

**Planning Context:**

The proposed project adds 4 stories to an existing one-story 8-unit garage that fronts A St. The project would result in a 5-story residential building with 4 3-bedroom units and a 4 car garage on the ground floor.

The project is located on a very narrow 23' by 73' corner parcel that is a 3-minute walk from the Broadway T stop. The site abuts two narrow buildings in an area that is increasingly occupied by larger 5- to 6-story multi-family blocks.

To best accommodate units on the small site, the proposed project occupies the entire lot. Upper story portions of the building along A St. project 2' into the sidewalk to provide additional living space for each unit. Upper-story balconies also provide outdoor space for each unit but also project into the sidewalk. The building projections begin 10' above the sidewalk and are not unlike projecting balconies and bay windows on nearby multifamily buildings along A St. and B St. If this project is approved by BOA, they will require PIC and DPW review.

The project abuts two existing zero-lot line buildings. The project proposes a 3' step back to serve as a lightwell between the building and an abutting 3-story building that has windows

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along the lot line. This gap is not dissimilar to the gaps between other triple-deckers in the neighborhood.

On the ground floor the project reduces the existing 8-car garage to a 4-car garage, fronting A St. It results in a substantial 36' curb cut that exceeds BTD's maximum curb cut dimensions (12') for residential uses in South Boston.

In terms of height, the proposed project is consistent with other nearby buildings, including an adjacent 5-story building and 6- and 5-story buildings directly across A St. and 3rd St.

The creation of 4 additional dwelling units advances the City's planning goal of increasing housing supply and options, as detailed in *Housing a Changing City, Boston 2030* (September 2018) while maintaining a smaller scale in an area with large residential developments with more significant off-street parking. The site plan, substantial curb cut, sidewalk overhang, and lightwell, however, should be evaluated more extensively in design review to minimize impacts on the public right-of-way.

#### **Zoning Analysis:**

The project exceeds several dimensional regulations for the South Boston MFR district to accommodate 4 units on the small site.

In terms of lot standards, the sub district requires 1,000 sf per dwelling unit, but the lot is only 1,669 sf. The project also builds to the edge of the lot and thus violates the 5' front yard, 3' side yard, and 15' rear yard minimums. However, this is consistent with other neighboring zero-lot line buildings.

At 50' tall the building exceeds the maximum allowable height of 35' and results in a FAR of 4 that exceeds the 1.5 FAR maximum of the subdistrict. The proposed height and FAR, however, are consistent with adjacent 5-story buildings and match the scale of other buildings by the intersection.

The 1,669 sf parcel is required to provide 200 sf of usable open space per unit, but the project's balconies only provide 90 sf per unit. The small site constraints cannot accommodate sufficient open space without sacrificing sufficient living space per unit.

Under current zoning, the project is required to provide 6 parking spaces for 4 units. The project proposes 4 spaces but given its very close proximity to a T stop, being within a Restricted



Parking District, and South Boston's Transportation Action Plan recommendations for TOD walkability, the project should take the opportunity of its location to forgo providing off-street parking. Minimizing and closing curb cuts is also a priority in the area to improve pedestrian safety and walkability. Given the surrounding context of larger-scale development, it may be possible for residents to lease off-site parking in another building's garage.

While the project exceeds these dimensional regulations for the site, it adds housing units while maintaining the small footprint of the parcel in an area where smaller parcels are otherwise being assembled to make way for large multifamily development. Design review should evaluate the site plan, including proposed curb cuts and street trees, upper-story building projections, and the proposed lightwell.

Future zoning reform in the area should better align height, yard, and parking requirements with the existing physical context of the neighborhood.

**Recommendation:**

In reference to BOA1517330, The Boston Planning & Development Agency recommends **APPROVAL WITH PROVISIO**: that plans shall be submitted to the Agency for design review with extensive review of site plan, overhangs, and step backs and attention to decreasing curb cuts and parking.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1556891
<b>ZBA Hearing Date</b>	2024-02-27
<b>Address</b>	322 Bunker Hill ST Charlestown 02129
<b>Parcel ID</b>	0200750000
<b>Zoning District &amp; Subdistrict</b>	Charlestown Neighborhood 3F-2000
<b>Zoning Article</b>	62
<b>Project Description</b>	Install a new roof deck and roof access stairs on an existing two-story building.
<b>Relief Type</b>	Variance
<b>Violations</b>	Side Yard Insufficient Roof Structure Restrictions

**Planning Context:**

The project proposes the addition of a 188.5 sq ft roof deck on top of an existing two-story, one-family residential dwelling, as well as new stairs to access the roof from the exterior ground floor against the southwestern rear of the building.

The building that the roof deck is proposed upon is one of three buildings on the parcel of 322 Bunker Hill Street and is specifically identified on the site plans as Unit 322A. It is located on a large, 6,600 sq ft lot that has a variable length of 125 ft to 145 ft and a variable width of 30 ft to 48 ft. This lot is far larger than other lots surrounding it – even as much as six times the area of its closest neighboring parcels. The northwestern space next to this building is used for paved parking and there is a driveway accessible from the front lot line that leads to this parking space. One of the other buildings is situated in the northernmost corner of the parcel and the remaining third building is situated immediately behind this property on the parcel. The proposed stairs to access the new roof deck would be built in the existing space between these two southernmost buildings.

PLAN: Charlestown (September 2023) sets out planning recommendations to preserve the existing historic character of the Original Peninsula - the part of the Charlestown where this property is located. The Original Peninsula's residential fabric is uniquely shaped by the distinct and historic architectural styles that coexist together. PLAN: Charlestown's Urban Design Guidelines are meant to guide any alterations, additions, or new development within the district. The scale of the proposed addition aligns with massing variation recommendations from PLAN: Charlestown (adopted September 2023) that state that a proponent should "design the addition

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so that it does not overwhelm the existing building or the scale of the neighborhood.” To this end, the proposed addition would be within character for its existing surroundings. Many surrounding buildings, including a neighboring structure on the same lot, have roof decks of a similar size and placement as the one proposed.

### **Zoning Analysis:**

This property is located within the 3F-2000 (Three-Family Residential) subdistrict of the Charlestown Neighborhood District (Art. 62). In October 2023, minor updates to the residential zoning within the Original Peninsula were adopted per PLAN: Charlestown's recommendations. No zoning changes were proposed to the parcel upon which this project is located. This property is also located within the Charlestown Neighborhood Design Overlay District (NDOD), as is almost all of Charlestown's Original Peninsula. Per the Zoning Code, and referenced further within PLAN: Charlestown, BPDA Design Review is triggered within NDODs due to one or more of the following:

- Change in roof shape, cornice line, street wall height, or building height of an existing building;
- Erection/extension of a building > 300 or more sf.;
- Change in building massing or size/location of door or window openings, where such alteration affects three hundred (300) or more square feet of exterior wall area, or a smaller exterior wall area if expressly provided in the underlying zoning.

The proposed roof deck does not meet any of these requirements and thus, the project does not require BPDA Design Review as a condition of approval.

In the 3F-2000 subdistrict, properties are required to have a minimum side yard depth of 2.5 ft (Art. 62 – Sec. 8). This property's existing side yard depth is a non-conformity and the proposed project would not build any further deeper into the side yard. The proposed roof deck and stairs would extend this side yard nonconformity by increasing the overall massing of the building. However, this extension of the non-conformity would not encroach further than the side yard depth that is currently established by the existing nonconformity.

Per the amended zoning in Charlestown, Art. 62 – Sec. 25 (Roof Structure Restrictions) does allow for an open roof deck of this kind that is built on a flat roof without the granting of a conditional use so long as it is “less than one (1) foot above the highest point of such roof, [...] does not exceed the maximum building height allowed by this Article for the location of the

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building, [...] access is by roof hatch or bulkhead no more than thirty (30) inches in height above such deck, [...] and an appurtenant hand rail, balustrade, hatch, or bulkhead is set back horizontally, one (1) foot for each foot of height of such appurtenant structure, from a roof edge that faces a street more than twenty (20) feet wide." This property adheres to these regulations and as a building that is set back further into the actual parcel, it is at a much further distance from the street with the proposed addition being in the furthest corner of the building away from said street. For this reason, the roof deck does not require a conditional use permit.

Site plans completed by Boston Survey, Inc. on December 8, 2023. Project plans completed by Flow Design Architects on September 18, 2023.

**Recommendation:**

In reference to BOA1556891, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1461682
<b>ZBA Hearing Date</b>	2/27/24
<b>Address</b>	65 Falcon ST East Boston 02128
<b>Parcel ID</b>	0103518000
<b>Zoning District &amp; Subdistrict</b>	East Boston Neighborhood 2F-2000
<b>Zoning Article</b>	53
<b>Project Description</b>	Updating a previous BOA case. Current appeal seeks zoning relief to erect a roof deck, with access via a roof hatch.
<b>Relief Type</b>	Variance & Conditional Use
<b>Violations</b>	Roof Structure Restrictions Non-Conforming Use (Conditional)

**Planning Context:**

PLAN: East Boston, adopted by the board in January 2024, sets the planning and development guidelines for the neighborhood of East Boston. While the plan has been adopted, the associated zoning is currently pending Zoning Commission consideration. Proposed zoning changes for East Boston incorporate form-based dimensional rules for residential subdistricts, substituting metrics like maximum FAR, minimum usable open space, and minimum lot size with new criteria such as maximum building lot coverage, maximum building width and depth, and a minimum permeable surface area for the lot. These updates offer greater flexibility for lots of different sizes and better standardize the way built form across the neighborhood is scaled and regulated.

65 Falcon Street is located within close proximity of Condor Street, a high traffic, waterfront adjacent main road. The areas around main roads in this area of East Boston have been planned as "Transition" residential districts that will allow a modest increase in height and density to moderate differences in building scale.

The East Boston Interim Planning Overlay District was in place when this project application was submitted, but has since expired as of November 11, 2023. The draft zoning and strategic plan for PLAN: East Boston continue to set development guidelines for the area.

**Zoning Analysis:**



This parcel is zoned for 2F -2000 within the East Boston sub district of the zoning code. Section 53-52. - Roof Structure Restrictions of the East Boston Neighborhood zoning code states “an open roof deck may be erected on the main roof of a Building with a flat roof or a roof with a slope of less than five (5) degrees, provided that (a) such deck is less than one (1) foot above the highest point of such roof; (b) the total height of the building, including such deck, does not exceed the maximum Building Height allowed by this Article for the location of the Building; and (c) access is by roof hatch or bulkhead no more than thirty (30) inches in height above such deck, unless after public notice and hearing and subject to Sections 6-2, 6-3, and 6-4”

The project as currently proposed meets provisions A and C of the proceeding code, but the building height already exceeds the allowed height of two and a half stories within the 2F-2000 area. Under the Zoning Code, the proponent must seek a variance from the Zoning Board of Appeal. Section 6-3 of the zoning code provides the guidelines under which a variance should be granted by the ZBA. As the project is currently designed, it meets all 7 of the current conditions of approval.

As mentioned above, an updated East Boston Neighborhood Zoning Article is currently being implemented. As updates to the code associated with PLAN: East Boston are pending Zoning Commission approval, their draft form provides appropriate guidance to proposals seeking zoning relief.

Under the draft Section 53-52, Section 2 - Allowed Roof Structures “The following roof structures are Allowed and shall not be included in the calculation of Building Height:”

1. Open roof decks, provided that,
  - a) The deck is be erected on the main roof of a Building with a flat roof or a roof with a slope of less than five (5) degrees;
  - b) the deck is less than one (1) foot above the highest point of such roof;
  - c) access is: (a) by a roof hatch or bulkhead no more than thirty (30) inches in height above the deck; or (b) by a stairway headhouse no greater than ten (10) feet in height, eight (8) feet in width, and ten (10) feet in length, setback horizontally at least ten (10) feet from the roof edge(s) facing the public right of way , and
  - d) (iv) any appurtenant handrail, balustrade, hatch, or bulkhead is set back horizontally at least five (5) feet from all roof edges



Under East Boston's amended zoning, the proposed project would not trigger the variance and conditional use cited in ISD's rejection. As such, the project would be considered as of right, pointing to the appropriate fit of the proposed roof deck and its associated access hatch within the current built neighborhood.

The plans entitled 65 Falcon St prepared by AGA Designs on April 6, 2022 were used in preparation of this recommendation.

**Recommendation:**

In reference to BOA1461682, The Boston Planning & Development Agency recommends **APPROVAL.**

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1544318
<b>ZBA Hearing Date</b>	2024-02-27
<b>Address</b>	9 Schirmer Rd., West Roxbury 02132
<b>Parcel ID</b>	2006170000
<b>Zoning District &amp; Subdistrict</b>	West Roxbury Neighborhood 1F-6000
<b>Zoning Article</b>	Article 56
<b>Project Description</b>	Renovation to raise the existing roof over the living room to create a new master bathroom on the second floor.
<b>Relief Type</b>	Variance
<b>Violations</b>	Side Yard Insufficient

**Planning Context:**

The proposed project seeks to update an existing single-family dwelling on 9 Schirmer Road in West Roxbury. No major changes will be made to the external structure except for raising the roof over the existing living room to create a new master bathroom on the second floor. This section is currently a one-story section off the side of the building and the proposed change will turn this section into a 2-story section. No changes to the overall structure of the building are being made. The area is currently zoned as 1F-6000. Schirmer Road is primarily filled with 1-family and 2-family residences.

There are currently no neighborhood planning initiatives for West Roxbury. However, this project would help further the goals outlined in Housing a Changing City, Boston 2030 (September 2018) as it would help preserve the existing housing stock.

**Zoning Analysis:**

Under Article 56, the minimum required setback is 10 feet on each side. However, the proposed project is proposing a left setback of 3 feet 2.5 inches and a right setback of 6 feet 5.5 inches, which are the existing side yards which were already non-conforming with the Zoning Code. As the only proposed change to the existing structure and massing was to raise the roof over a 1-story area to create a 2-story section, relief is recommended for the side yards. This is a case for zoning reform to allow the extension of existing non-conformities, like the side yards, when the enlargement of the structure otherwise conforms to dimensional requirements and the



existing non-conformity is not increasing, so as to incentivize retention and improvement of existing structures.

**Recommendation:**

In reference to BOA1544318, The Boston Planning & Development Agency recommends **APPROVAL**.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1536574
<b>ZBA Hearing Date</b>	2024-02-27
<b>Address</b>	64 Sanborn Ave, West Roxbury 02132
<b>Parcel ID</b>	2008650000
<b>Zoning District &amp; Subdistrict</b>	West Roxbury Neighborhood 1F-6000
<b>Zoning Article</b>	Article 56
<b>Project Description</b>	Demolish the existing roof to add living space to the third floor and update the second floor layout to include more livable space.
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive Height Excessive (stories) Side Yard Insufficient

**Planning Context:**

The proposed project seeks to update an existing two-family dwelling at 64 Sanborn Avenue in West Roxbury. This project would demolish the existing roof and add a living space to the attic while updating the layout of the second floor. It would also add a deck over the existing covered deck. The project would add a family room, master bedroom, and master bathroom as additional living space in the attic. The current roof is a pitched roof. The proposed project is proposing to use architectural asphalt shingles to maintain the existing pitched roof while raising it to create additional living space. The area is currently zoned as 1F-6000. Sanborn Avenue is primarily filled with 1-family and 2-family residences.

There are currently no neighborhood planning initiatives for West Roxbury. However, this project would help further the goals outlined in Housing a Changing City, Boston 2030 (September 2018) as it would help preserve the existing housing stock. It would also allow for larger households to live in this unit as it will update the unit to a 3 bedroom unit from the previous 2 bedroom unit.

**Zoning Analysis:**

With the proposed project, the refusal letter states that there are violations in the FAR, height, and side yard. Under Article 56 of the Zoning Code, the dimensions are as follows: maximum FAR of 0.4, a maximum height of 2.5 stories or 35 feet, and a minimum side yard setback of 10 feet. In regard to the existing structure, the FAR and side yard were already non-conforming

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with the Zoning Code. The FAR of the existing structure is 0.54. Due to the increase of living space on the third floor and changes to the livable area on the second floor, the proposed project is proposing a FAR of 0.66. Relief is recommended for the FAR as this increase is caused by adding additional living space to the second and third floors.

Relief is also recommended for the side yard. The minimum side yard setback is 10 feet while the proposed project is proposing 6.9 feet. However, this is also the existing side yard which was non-conforming with the Zoning Code. No changes to the side yard are being made with the proposed project, thus relief is recommended for the side yard.

The last violation is in regard to height. The current height of the existing building is 2.5 stories or 31 feet. The proposed project is proposing a height of 3 stories while maintaining the height at 31 feet. Under Article 56, the maximum height is 2.5 stories or 35 feet. While the proposed project surpasses the maximum height in stories, it is still under the maximum allowed height in feet. Because the change in height is due to the additional living space and reconfiguration of the roofline, which while still pitched, is large enough to trigger the measurement of a full story, relief is recommended for the height.

Given that this is a two-family dwelling in an area zoned for single-family, which is normally forbidden under Article 56, this is a case for zoning reform to allow the extension of existing non-conformities. As the enlargement of this structure otherwise conforms to the dimensional requirements and the existing non-conformities are not increasing, it would incentivize retention and improvement of existing structures.

The plans reviewed are titled 64 Sanborn Ave, West Roxbury, and are dated 10/12/23. They were prepared by the Summit Surveying, Inc.

**Recommendation:**

In reference to BOA1536574, The Boston Planning & Development Agency recommends **APPROVAL.**

Reviewed,

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Director of Planning, BPDA





<b>Case</b>	BOA1548022
<b>ZBA Hearing Date</b>	2024-02-27
<b>Address</b>	1029 Tremont St., Roxbury 02120
<b>Parcel ID</b>	0901415000
<b>Zoning District &amp; Subdistrict</b>	Roxbury Neighborhood Greater Roxbury Economic Development Area
<b>Zoning Article</b>	Article 50
<b>Project Description</b>	Change of occupancy from Barber shop to Body Art Establishment (Tattoo). Proposed use for first floor commercial space and includes minimal work to existing space to meet Boston Board of Health Body Art Regulations. Signage to be submitted under separate permit.
<b>Relief Type</b>	Conditional Use
<b>Violations</b>	Conditional Use: Body Art

**Planning Context:**

The project proposes a change of occupancy from a barber shop to a tattoo/body art establishment in an existing ground floor establishment on Tremont Street in Roxbury.

Tremont Street is a major commercial and local service corridor which spans Roxbury and the South End neighborhoods, providing a diverse array of public service, retail, restaurant, and other local business uses to local residents. The specific corner along Tremont Street where the body art establishment is proposed currently houses a smoke shop. Located across the street are more local businesses, including several restaurants, a nail salon, and a corner market. A body art establishment fits the character of these surroundings.

This area of Tremont Street within Roxbury has faced disinvestment and barriers to economic growth, resulting in a higher number of vacant storefronts and a lower density of ground floor commercial retail than there is on Tremont Street within the South End. In fact, the space that the body art establishment is proposed to re-tenant has been vacant for at least a year and a half. Enhancing the economic revitalization of Roxbury's business areas and supporting local commercial centers are two central goals in Roxbury's most recent neighborhood-wide plan, the Roxbury Strategic Master Plan (2004). Allowing the re-tenanting of this space by the proposed body art establishment furthers these stated planning goals as it will strengthen Roxbury's local business scene.

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1029 Tremont Street is located within an Economic Development Area (EDA), which are established in Roxbury as neighborhood business subdistricts that are meant to encourage economic growth and commercial activity in a manner which is sensitive to the needs and interests of the community and to provide for economic development that is of a quality and scale appropriate to the surrounding neighborhood. They are established to encourage the diversification and expansion of Boston's and Roxbury's economy, the creation and retention of job opportunities, and the provision of additional economic benefits to the Roxbury Neighborhood District. The Greater Roxbury EDA, which is the specific type of EDA subdistrict that 1029 Tremont Street is located within, is further defined as an area that should be a location for major economic growth in the future, due to its central nature of location and access to public transit and major arteries.

**Zoning Analysis:**

1029 Tremont Street is located in the Greater Roxbury Economic Development Area (EDA) subdistrict within Roxbury. Body Art Establishments are a Conditional Use within this subdistrict.

As outlined in Section 6-3 of the zoning code, the conditions for granting appeal of a Conditional Use are as follows:

- (a) the specific site is an appropriate location for such use or, in the case of a substitute nonconforming use under Section 9-2, such substitute nonconforming use will not be more objectionable nor more detrimental to the neighborhood than the nonconforming use for which it is being substituted;
- (b) the use will not adversely affect the neighborhood;
- (c) there will be no serious hazard to vehicles or pedestrians from the use;
- (d) no nuisance will be created by the use;
- (e) adequate and appropriate facilities will be provided for the proper operation of the use.

As described in the Planning Context, a body art establishment fits the overall character of Tremont Street. It will re-tenant a vacant ground-floor retail space that previously housed a barber shop, a use which is not functionally different from the proposed use, or from other beauty salons that presently exist nearby. Adverse effects and nuisance from the shop are

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deemed minimal to none, and the plans show appropriate and adequate facilities supporting proper operation of the use.

The project is a case for zoning reform. Under the draft Article 8 use table for Squares + Streets zoning, body art establishments are treated the same as a barber or other personal care establishments.

The plans reviewed are titled "1029 Tremont Street Body Art Build-out" and dated 10/25/23. They were prepared by Richard Alvord Architects.

**Recommendation:**

In reference to BOA1548022, The Boston Planning & Development Agency recommends **APPROVAL**.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1512795
<b>ZBA Hearing Date</b>	2024-02-27
<b>Address</b>	64 Telegraph St., South Boston 02127
<b>Parcel ID</b>	0701102006
<b>Zoning District &amp; Subdistrict</b>	South Boston Neighborhood MFR
<b>Zoning Article</b>	Article 68
<b>Project Description</b>	Extend an existing third floor roof deck.
<b>Relief Type</b>	Conditional Use
<b>Violations</b>	Roof Structure Restrictions

**Planning Context:**

This site sits within an MFR subdistrict in the Dorchester Heights neighborhood of South Boston. The property is surrounded by 3- and 4-story buildings of similar size and shape, many of which have decks extending into the rear of each site.

The proposed project extends an existing third floor roof deck 15' 7" into the rear of the site. The existing deck sits wholly atop the second-floor unit, and the proposed extension would sit above the existing first and second floor decks below.

The proponent submitted a new set of plans on January 30th, 2024, that reflects changes made in response to community feedback conducted with the Mayor's Office of Neighborhood Services and the Dorchester Heights Neighborhood Association. These new plans reduced the depth of the proposed deck by three feet and provided a landing between the second and third-floor deck stairs.

The proposed roof deck extension improves the quality of the existing housing stock and advances goals of enhancing neighborhoods as described in Imagine Boston 2030 by providing more usable open space residents.

Given the surrounding context of buildings with similar roof decks, the existing condition of a third-floor roof deck, and the support of the immediate community, this roof deck extension is an appropriate use.

**Zoning Analysis:**

The existing deck attached to the 3rd floor unit sits above the 2nd unit below, and therefore is an existing nonconformity pursuant to Section 68-29: "...no roof structure... shall be erected or

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enlarged on the roof of an existing residential Building..." However, the Board of Appeal may grant conditional use after considering if the roof structure damages the uniformity of height or architectural character of the immediate vicinity.

The surrounding 3- and 4-story buildings have decks of a similar scale in the rear of each property. The extension off the existing roof deck is also to the rear of the building and does not increase the height of the existing building.

Plans reviewed are titled "64 Telegraph St Boston, MA," prepared by Eng Arch Design, and dated January 29th, 2024.

**Recommendation:**

In reference to BOA1512795, The Boston Planning & Development Agency recommends **APPROVAL**.

Reviewed,

A handwritten signature in black ink, appearing to read "Amee Rand". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Director of Planning, BPDA



<b>Case</b>	BOA1525296
<b>ZBA Hearing Date</b>	2024-02-27
<b>Address</b>	429 to 431 West Broadway, South Boston 02127
<b>Parcel ID</b>	0601950000
<b>Zoning District &amp; Subdistrict</b>	South Boston Neighborhood MFR/LS
<b>Zoning Article</b>	68
<b>Project Description</b>	Combine two existing ground floor restaurant spaces into one restaurant with takeout.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	Parking or Loading Insufficient Use: conditional (restaurant take out) Extension of nonconforming use

**Planning Context:**

The site is an existing one-story building that has two separate restaurant spaces. The proposed project would combine the spaces into one restaurant. The project is located along an active mixed-use block of Broadway near other bars, cafes, and restaurants that offer dine-in and take-out.

The currently-underway South Boston Transportation Action Plan has emphasized the need for walkability and bus service improvements in this area. Like the neighboring restaurant and many buildings along the corridor, the site does not have dedicated off-street parking spaces, relying on foot traffic, on-street parking, and transit service.

**Zoning Analysis:**

Per Article 68 Table A, restaurants and take-out are conditional uses in the South Boston MFR/LS subdistrict. The site was originally occupied by two restaurants, and there is a restaurant next door and several on the same block that all offer take-out service, reflecting modern business practices for restaurants.

Per Article 68 Table G, restaurants are required to have 0.3 parking spaces per seat, and the proposed project would require approximately 106 spaces to comply. This is an excessive requirement for a dense mixed-use corridor, and restaurants in this area do not conform to it.

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This is an example of the need for zoning reform both for parking regulations to match citywide transportation goals and existing context and for a takeout conditional use that is common practice in a mixed-use area.

The Disabilities Commission flagged the need to include a wheelchair accessible lower section to the bars in the restaurants. While the plans do not have any accessible tables marked, 5% of the tables should be accessible and these tables should be distributed throughout the restaurant.

**Recommendation:**

In reference to BOA1525296, The Boston Planning & Development Agency recommends **APPROVAL WITH PROVISIO/S**: that the changes required by the Disabilities Commission are met.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1548795
<b>ZBA Hearing Date</b>	2024-02-27
<b>Address</b>	189 West Fifth St., South Boston 02127
<b>Parcel ID</b>	0600596000
<b>Zoning District &amp; Subdistrict</b>	South Boston Neighborhood MFR
<b>Zoning Article</b>	68
<b>Project Description</b>	Erect a four story, three-unit residential building in a currently vacant lot with a two-space ground floor garage.
<b>Relief Type</b>	Variance
<b>Violations</b>	Lot Area Insufficient FAR Excessive Usable Open Space Insufficient Rear Yard Insufficient Side Yard Insufficient Front Yard Insufficient Additional Lot Area Insufficient Parking or Loading Insufficient Parking design and maneuverability

**Planning Context:**

The proponent is seeking to build a 3-unit, 4-story residential building on a fenced vacant lot on a residential block. Houses on the block are predominantly zero lot line, with party walls or narrow side yards and little to no front yards. Most neighboring homes are multifamily dwellings, which is an allowed use in this multifamily residential (MFR) subdistrict. The proposed building is 4 stories and 43' high, with one unit and a garage located on the ground floor. The garage has two side-by-side parking spaces measuring 7'x18' and 18'x21', with a 14' garage door. The plans also propose a new 12' curb cut to accommodate the off-street parking.

The parcel is a 12-minute walk from the Broadway T stop, served by the Red Line, and is within the South Boston Residential Parking Freeze zone intended to help the area meet federal Clean Air Act standards. While the lot falls outside the PLAN: South Boston Dorchester Avenue study area, it is within the Transportation Action Plan (TAP) boundary. Among other recommendations, the TAP calls for improved walkability and strategies to mitigate fatal and serious car collisions.





Additionally, the proposal would turn a vacant lot into three units of new housing, modestly supporting the city's goal to increase the supply of market-rate units as described in *Housing a Changing City: Boston 2030* during this critical shortage (September 2018). New construction would require Parks Design Review in accordance with Ordinance 7.4.11 because Sweeney Playground is located across the street.

### **Zoning Analysis:**

All of the violations are dimensional in nature and are related to the depth of the building, which leaves only 5' for a rear yard where most neighboring lots have 15-20'. The front (5' required, 0' proposed) and side yard (3' required, 1' on one side, 0' on the other) dimensions, while deficient by the standards of the Code, are common on the block. However, a rear yard of only 5' is not a common condition of neighboring parcels and is a result of a proposed building with a depth out of context with the surrounding buildings.

The FAR is similarly affected by the building depth. For this subdistrict, the allowed FAR is 2.0, and the proposed FAR is 2.9. Neighboring FARs fall between 1.2 and 2.03. This could be easily resolved with a smaller building depth more in line with the other houses on the block.

The Code requires an additional lot area per unit of 1,000 square feet in multifamily residential subdistricts. The proposed plans do not include any additional lot area per unit. In terms of usable open space, there is an average of 159 square feet per unit instead of the required 200 square feet per unit. The depth of the building leaves no room for these important requirements to be met.

The parking maneuverability violation is related to the dimensions of the garage door and the two proposed parking spaces. It would not be possible for a second vehicle to safely park in the compact space if the full-size space is filled. The door would have to be 15'5" to allow for both vehicles to park in the garage. As proposed, the space is essentially a one-car garage. Because of the maneuverability issue, the provision of off-street parking is inappropriate in this instance.

The parking requirement for three residential units in this subdistrict is 3.5 spaces. However, this parcel is located in a restricted parking district where the larger goal is to improve air quality by reducing emissions. Relying on off-street parking instead of a garage and a new curb cut works towards the TAP goal of improving walkability. The revision would also preserve public on-street parking that is available to everyone.



These plans were prepared by Context Architecture on 6/12/2023.

**Recommendation:**

In reference to BOA1548795, The Boston Planning & Development Agency recommends **DENIAL WITHOUT PREJUDICE**: that the proponent consider a project with reduced building depth to match the surrounding context and without a new curb cut.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1556758
<b>ZBA Hearing Date</b>	2024-02-27
<b>Address</b>	39 Baldwin ST Charlestown 02129
<b>Parcel ID</b>	0201169001
<b>Zoning District &amp; Subdistrict</b>	Charlestown Neighborhood RH-1500
<b>Zoning Article</b>	62
<b>Project Description</b>	Erect a third-story addition to an existing two-story, one-family residential dwelling and renovate the interior layout.
<b>Relief Type</b>	Variance
<b>Violations</b>	FAR Excessive Rear Yard Insufficient Usable Open Space Insufficient

**Planning Context:**

This project proposes a 719 sq ft third-story addition to an existing two-story, one-family residential dwelling. The property is a row house with a party wall shared with an abutting row house on the southwestern side lot line and has a driveway in the northeastern side yard. The property has a unique, triangular-shaped rear yard in the southeast that creates a variable rear yard depth between 6 ft in the southern section and 21 ft in the eastern section.

PLAN: Charlestown (September 2023) sets out planning recommendations to preserve the existing historic character of the Original Peninsula - the part of the Charlestown where this property is located. The Original Peninsula's residential fabric is uniquely shaped by the distinct and historic architectural styles that coexist together. PLAN: Charlestown's Urban Design Guidelines are meant to guide any alterations, additions, or new development within the district. The scale of the proposed addition aligns with massing variation recommendations from PLAN: Charlestown (adopted September 2023) that state that a proponent should "design the addition so that it does not overwhelm the existing building or the scale of the neighborhood." To this end, the proposed addition would be within character for its existing surroundings. While 39 Baldwin is currently two stories in height, all other neighboring properties are 3 stories tall. The alignment of the proposed addition with the existing attached additions in the area represents consistency with adjacent design, height, and scale.

**Zoning Analysis:**



This property is located within the RH-1500 (Row House Residential) subdistrict of the Charlestown Neighborhood District (Art. 62), which is located in Charlestown's Original Peninsula section of the neighborhood. In October 2023, minor updates to the residential zoning within the Original Peninsula were adopted per PLAN: Charlestown's recommendations. The recommended dimensional changes were largely focused on the industrial area and at the request of the community, only minimal changes were proposed in the Original Peninsula. No zoning changes were proposed to the parcel upon which this project is located. This property is also located within the Charlestown Neighborhood Design Overlay District (NDOD), as is almost all of Charlestown's Original Peninsula.

The proposed third-story addition (which is 719 sf in total) aligns with the existing building footprint and does not extend beyond the existing party wall of the abutting row house or deeper into the southeastern rear yard and northeastern side yard. The existing, abutting row house at 37 Baldwin Street to the southwest of this property already has a third-story addition of a similar design to what is proposed within these plans. As described, the property is located in a NDOD. Per the Zoning Code, and referenced further within PLAN: Charlestown, BPDA Design Review is triggered due to an alteration in building height and an erection/extension of a building >300 sf.

Within the RH-1500 subdistrict, there is a maximum FAR requirement of 2.0, and minimum usable open space per dwelling unit requirement of 150 sq ft, and a minimum rear yard depth requirement of 15 ft (Art. 62 – Sec. 8). The existing property has an FAR of about 2.8, a usable open space per dwelling unit of about 46 sq ft, and a rear yard depth that varies between 6 ft and 21 ft. FAR, usable open space, and rear yard calculations were not provided on the plans, so estimations are based on assessor's data on lot size and living area size, as well as the provided square footage of the new addition. This proposed addition would extend these non-conformities by increasing the overall massing of the building. However, this extension of the non-conformity would not encroach further than the rear yard depth that is currently established by the existing nonconformity. Additionally, the proposed vertical addition of a third story would not extend beyond the maximum height allowed in this subdistrict.

In light of the recently approved amendments to the Charlestown zoning code and planning initiatives, it is generally suggested that the proposed project align its FAR, usable open space per unit, and rear yard depth with the Zoning Code. However, due to the unique parcel shapes of this and adjacent parcels (as detailed in the Planning Context) and the nature of this project's



extension of non-conformities, this project and surrounding area is an opportunity for zoning reform to update the zoning with particular attention to aligning the zoning district boundaries of the zoning map better with the boundaries of these non-rectangular parcels.

It should be noted that the rear yard in the southeast of this property extends into the 3F-2000 subdistrict. Based on Art. 12 – Sec. 1 of the Zoning Code (Lots in Two Districts), this parcel would still need to adhere to the regulations of the RH-1500 subdistrict due to the part of the land that is within the RH-1500 subdistrict extending beyond 30 ft of the district boundary line. The Art. 12 – Sec. 1 regulation would only apply if the rules of the less restrictive zoning district if “the remainder of the lot as [was] within thirty feet of said district boundary line.”

Project plans completed by Michael Finch Architects on November 10, 2023.

**Recommendation:**

In reference to BOA1556758, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review due to this property's location within the Charlestown Neighborhood Design Overlay District (NDOD) and proposed addition that will change the existing building height and extend the building by more than 300 sf.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1540041
<b>ZBA Hearing Date</b>	2024-02-27
<b>Address</b>	261 Princeton St., East Boston 02128
<b>Parcel ID</b>	0100099000
<b>Zoning District &amp; Subdistrict</b>	East Boston Neighborhood 3F-2000
<b>Zoning Article</b>	53
<b>Project Description</b>	Raze existing structure (under separate permit application) and erect a new residential building with 7 units, 2 roof decks, and 4 ground level parking spaces.
<b>Relief Type</b>	Variance, Conditional Use, IPOD Permit
<b>Violations</b>	IPOD Applicability Height Excessive (ft) Height Excessive (stories) Front Yard Insufficient Side Yard Insufficient Rear Yard Insufficient Usable Open Space Insufficient Existing Building Alignment Additional Lot Area Insufficient Parking or Loading Insufficient Parking design and maneuverability Roof Structure Restrictions FAR Excessive Forbidden Use (MFR)

**Planning Context:**

The proposed project has had recommendations issued by the BPDA twice previously: on 12/12/23 & 1/9/24. The initial version recommended denial and the latter version recommended denial without prejudice. Both cited the project's height, parking count, # of units (7), and yard setbacks as items out of context with the area's existing context and planning context. The ZBA has deferred the case twice. Because only minor changes have been made to the plans since (parking spaces reduced from 5 to 4, and rear yard setback increased from 12' to 15'), the majority of this recommendation remains unchanged.

The property is located in a 3F-2000 residential subdistrict along Princeton Street, roughly 2 blocks from Day Square. In addition, the proposed project also sits within the bounds of the East Boston Interim Planning Overlay District. The IPOD was implemented in 2018 to ensure that, during the development of the neighborhood's new strategic plan, adequate planning and

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zoning protections were in place to guide and regulate new construction in the area. Projects within the IPOD should protect and enhance the neighborhood's existing context, in part by creating appropriate relationships of scale and continuity in character between established districts and new development. Because the proposed project's permit application was submitted prior to the IPOD's sunset on 11/11/23, its regulations will still apply.

The project's surrounding area is predominantly 3 and 3.5 story, 3 family homes. The existing building at 261 Princeton Street, at 2 stories, is smaller than its surroundings. However, the proposed new project is larger, both in scale (4 stories) and use (7 units), creating a structure out of alignment with the neighborhood's existing context. This outcome is one misaligned with the housing goals outlined in PLAN: East Boston (adopted January 2024), which call for the development of contextually sensitive and appropriately-scaled residential infill projects on underdeveloped lots.

PLAN: East Boston's draft zoning, which is pending Zoning Commission consideration, places the proposed project within an EBR-3 subdistrict. EBR-3 subdistricts allow a max building height of 3 stories and a max occupancy of 3 units, both of which this proposal exceeds. The project is also noncompliant with several of the draft zoning's other dimensional requirements, including: a building lot coverage greater than 60%, a permeable area of lot less than 30%, front and side yard setbacks less than 3', and a rear yard setback less than a third of the lot depth.

### **Zoning Analysis:**

This project requires an IPOD permit because it proposes to erect a structure greater than 1,000 square feet of gross floor area within the East Boston IPOD Study Area (Article 27T Section 5). Article 27T Section 8 states that The Board of Appeal shall grant an IPOD permit if it finds that (a) the Proposed Project's benefits outweigh any burdens imposed; and (b) the Proposed Project is in substantial accord with the applicable provisions of Article 27T. Applicable provisions of Article 27T include Section 7, which states that Proposed Projects within the East Boston IPOD Study Area should be consistent with the following elements that contribute to the special character of the area: (a) block and street patterns; (b) existing densities; (c) existing building types; (d) predominant setbacks and heights; and (e) open space and off-street parking patterns. Proposed Projects should also incorporate appropriate resiliency measures.



While housing is a critical need across the City, the proposed project is not consistent with the IPOD provisions, as Princeton Street's existing context largely consists of 3 to 3.5 story residential structures with average FARs between 1.0 and 1.4, which is approximately in line with current zoning regulations (max height of 3 stories and FAR of 1.0). The proposed project (with a height of 4 stories and FAR of 3.8) is in clear excess of these figures. In addition to its height and density, the project's side yard (0' setback, 2.5' required), rear yard (15' setback, 30' required), usable open space (less than 1/2 of required square footage), use (7 units in predominantly 3-family area), and off-street parking (street facing/abutting ground story garage with insufficient spaces) also deviate from the area's existing context.

Article 27T, Section 8 states that once the Boston Redevelopment Authority has made a recommendation to the Board of Appeal on the issuance of an IPOD permit, the Board of Appeal shall follow such recommendation unless specific, written reasons for not doing so are incorporated in the Board of Appeal's decision.

New plans, entitled 261 Princeton St and drawn by Joseph R. Porter, were submitted on 12/26/2023. While they do show some changes made to the project, including the rear yard increasing from 10 to 15 feet, the project's proposal still deviates from the requirements of the East Boston IPOD and recommendations of PLAN: East Boston, as the scale of infill development is out of context with existing and proposed patterns of height, density, setbacks, open space, and residential density. Specifically regarding the rear yard update, the 15 foot rear setback proposed, while greater than before, still remains out of alignment with the surrounding context (predominant rear yard setbacks in the area are 30-40 feet; PLAN: East Boston's draft zoning recommends a minimum setback of 33 feet for this lot). The project's height, side-yard setback, and unit count remain unchanged in the updated proposal. The BPDA recommendation for denial without prejudice has therefore remained the same.

**Recommendation:**

In reference to BOA1540041, The Boston Planning & Development Agency recommends **DENIAL WITHOUT PREJUDICE**. Proponent should pursue a project that reduces density to no more than 3 units with a building height of 3 stories, building lot coverage not to exceed 60%, permeable surface area of at least 30%, front and side yard setbacks no less than 3', and a rear yard setback of at least 33'.





Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1547328
<b>ZBA Hearing Date</b>	2024-02-15
<b>Address</b>	8 Lawrence St., Charlestown 02129
<b>Parcel ID</b>	0203846000
<b>Zoning District &amp; Subdistrict</b>	Charlestown Neighborhood 3F-2000
<b>Zoning Article</b>	Article 62 Section 25, Article 62, Section 8
<b>Project Description</b>	Erect roof deck
<b>Relief Type</b>	Variance, Conditional use
<b>Violations</b>	Roof Structure Restrictions FAR Excessive Height Excessive (ft)

**Planning Context:**

The existing condition of the site is a vacant lot, based on the most recent assessed value (FY2024) of the building being \$0. A building permit for a three-story residential building on the lot was issued a permit in 2020, per ZBA Application #ERT1074881.

The site is located in Charlestown, one block southeast of the Bunker Hill Mall, and two blocks northeast of Rutherford Avenue on a residential street. On one side of the site is a two-story residential building, and the other a three-story residential building. Across the street is a two-story apartment building, and to the rear is a tennis court and playground in the center of the block.

The proposed project is within the boundaries of PLAN: Charlestown (adopted and codified in zoning in 2023) and identified as within the Original Peninsula area. The PLAN establishes Urban Design Guidelines for the Original Peninsula specific to roof decks that include:

- Roof decks are only permitted on flat roofs.
- Roof decks should be located in the rear of the rooftop footprint in such a way that they reduce visibility from the public right-of-way, and be offset a minimum of 5'-0" from all roof edges.
- Railing materials should be durable and of a high quality, and not visible from the public right-of-way. Black metal is preferred."

**Zoning Analysis:**

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Per Section 62-25 Roof Structure Restrictions roof decks are permitted given certain conditions, including that the "total height of the building, including such deck, does not exceed the maximum building height" and that access is by roof hatch "no more than thirty inches in height above such deck". The proposed hatch is 31 inches tall, and the proposed deck including the rails exceeds the maximum building height by 1 foot, 6 inches. Planning and zoning provide no reason for relief from this requirement.

Per Section Article 62 Table C, the maximum FAR for the proposed site is 2.0 and the maximum building height is 35 feet. The roof of the building is 33 feet tall. The proposed roof terrace railing would extend 3 feet and 6 inches above the building roof, resulting in a height of 36 feet, 6 inches, which exceeds the maximum building height. The existing FAR without the proposed roof deck is unclear from the materials provided.

The materials provided also do not provide dimensions identifying the distance of the proposed deck from the edge of the roof, in order to assess consistency with PLAN: Charlestown Urban Design Guidelines.

The project is within a Neighborhood Design Overlay District. Given that the project proposes a change to the building height and a change to the roof shape, further BPDA design review is recommended.

**Recommendation:**

In reference to BOA1547328, The Boston Planning & Development Agency recommends **DENIAL WITHOUT PREJUDICE**: given the prior approved architectural plans for this site (per ZBA Application #ERT1074881), the proposed roof deck as currently designed exceeds the dimensional requirements of Article 62.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1534425
<b>ZBA Hearing Date</b>	2024-02-15
<b>Address</b>	14 Victoria ST Dorchester 02125
<b>Parcel ID</b>	1302069000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 2F-5000
<b>Zoning Article</b>	65, 10
<b>Project Description</b>	Proponent is proposing a 2 car, 16'x32' driveway on the northeast corner of the lot. Curb cut application has been submitted separately.
<b>Relief Type</b>	Variance
<b>Violations</b>	Parking design and maneuverability Limitation of Area of Accessory Uses

**Planning Context:**

The proposed project is the addition of a two-car driveway on the northeast portion of the lot that is currently part of the parcel's front and side yards. An application for the curb cut needed to build the proposed driveway has been submitted separately. The planned driveway is for two spaces, each 8x16', for a total driveway length of 32'. The planned curb cut is 10'.

14 Victoria Street is a small side street between Dorchester Avenue and Pleasant Street, and is located on a block of 2 to 3 story gable roof homes in modest Queen Anne and Italianate styles. The parcel is within a Neighborhood Design Overlay District. The houses on the block have front setbacks that are all roughly equal at about 10'. This curb cut would be located midblock. While it would not remove any street trees, it would require a light pole to be relocated. About half of the properties have a driveway with an entrance on Victoria Street.

The addition of a driveway as planned would require a light pole to be relocated, which makes the proposed project infeasible.

**Zoning Analysis:**

There are two cited violations. The first is concerned with the size and location of the proposed driveway (limitation of area for accessory uses). Article 10, Section 1 stipulates the requirements for accessory parking spaces. The proposed driveway plans are not 5' from the side yard line as required by zoning: "...nor in any residential district shall any accessory use



occupy any part of the front or side yards required by this code, except that such a side yard may be used for off-street parking located more than five feet from the side lot line...". This violation would recur even if plans were revised placing the proposed driveway in the other side yard. Additionally, according to Article 65-41, 5(d), at least one of the proposed spaces would have to be 18' in length. Both spaces as proposed are 16' long. The other space, again according to Article 65-41, 5(d), would have to be 20' in length. This is a 6' deficiency in required driveway length according to the Code, without even taking into consideration additional space needed for maneuverability. There does not appear to be enough space on either side of the lot to accommodate this requirement.

Given the significant noncompliance with the Code detailed above, the proposed relocation of the light pole, and the reduction in publicly-available street parking that would be caused by an additional curb cut, we recommend denial.

These plans were prepared by Boston Plot Plans, Inc. and are dated August 7th, 2023.

**Recommendation:**

In reference to BOA1534425, The Boston Planning & Development Agency recommends DENIAL.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1463517
<b>ZBA Hearing Date</b>	2024-02-27
<b>Address</b>	32 to 34 Larch ST Brighton 02135
<b>Parcel ID</b>	2204585000
<b>Zoning District &amp; Subdistrict</b>	Allston/Brighton Neighborhood 1F-5000
<b>Zoning Article</b>	51
<b>Project Description</b>	Within an existing building, renovate kitchens and bathrooms and enlarge the width of a dormer, increasing dormer size and triggering a change to building height in stories.
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	FAR Excessive Height Excessive (stories) Extension of Nonconforming Use (2-Family Dwelling)

**Planning Context:**

The proposed kitchen and bathroom renovations within the second unit of this two-unit building improve the quality of the existing housing stock and advance goals of enhancing neighborhoods as described in Imagine Boston 2030. The existing neighborhood surrounding the site consists of two- and three-family homes. There is some variation in height between buildings on each side of the street, but it is not significant. Variation in height between sides of the street is due to a significant grade change on the northern side. While there are not dormers present on every existing building, they are not out of context for the area, and are present with some regularity.

The recently-adopted Allston-Brighton Needs Assessment addresses the need for not only more housing, but more housing of higher quality within the neighborhood. The improvements proposed to the existing development offer an opportunity to retain and upgrade existing housing stock within the city.

**Zoning Analysis:**

This project was previously reviewed by the BPDA for the ZBA hearing on January 9, 2024. At that time, the project was deferred. Because no new plans have been submitted, the BPDA's recommendation has remained the same.



The existing nonconformity of a two-family dwelling in this 1F-5000 will not be worsened by the interior renovations or shed dormer addition. The maximum FAR in this subdistrict is 0.5; this addition nominally increases the FAR by 0.04, from 0.66 to 0.70.

The maximum height in this subdistrict is 2.5 stories and 35 feet. Pursuant to the definition of "Story, Half" in Article 2 of the Zoning Code, any dormer wider than 8' shall be counted as a full story. The proposed 20'-wide dormer facing the side yard to the east counts towards a full story in height, increasing the existing height from 2.5 stories to 3 stories. Proximate buildings within this subdistrict similarly exceed height in stories with shed dormers or with three full stories.

Design review is recommended as these plans are hand-drawn and have inconsistencies in showing the pitch of the roof.

Plans reviewed are titled "32-34 Larch St Quinn Residence" and dated November 28, 2022.

**Recommendation:**

In reference to BOA1463517, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review with attention to the pitch of the roof and confirmation of shed dormer dimensions. Submitted plans must be stamped architectural plans.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1514536
<b>ZBA Hearing Date</b>	2024-02-27
<b>Address</b>	42 Orchard RD Brighton 02135
<b>Parcel ID</b>	2102048000
<b>Zoning District &amp; Subdistrict</b>	Allston/Brighton Neighborhood MFR-1
<b>Zoning Article</b>	51
<b>Project Description</b>	Conversion of existing three-family residential to multi-family residential use with seven units within the existing building envelope.
<b>Relief Type</b>	Variance
<b>Violations</b>	Usable Open Space Insufficient Parking or Loading Insufficient FAR Excessive Front Yard Insufficient Side Yard Insufficient Use: Forbidden (MFR within existing envelope)

**Planning Context:**

This project was previously reviewed by the BPDA for the ZBA hearing on January 9, 2024. At that time, the project was deferred. Because no new plans have been submitted, the BPDA's recommendation has remained the same.

The proposed project intends to convert an existing three-family residential building to a seven unit building within the existing building envelope. The area is zoned as Multi-family Residential, with the surrounding buildings demonstrating similar massing and setbacks to the existing building. The draft Allston-Brighton Needs Assessment identifies the desire of community participants for "supply-side solutions to the housing crisis, recommending an end to parking minimums, relaxation of zoning rules, and other measures to increase housing production in the neighborhood." The proposed development addresses each of the above considerations, through limited on-site parking and increasing the density of units on-site from 3 to 7. The Needs Assessment also addresses resident concerns regarding the availability of family-oriented and high-quality housing in the neighborhood. MFR is a forbidden use given the size of the existing building envelope. However, this project addresses the needs of the neighborhood for more housing overall, and the addition of living space in the basement allows for the retention of one larger unit with four bedrooms.

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There are several transit access points near the site, including the 65 bus line one block from the site and the Green Line two blocks to the west. This proposal complies with Go Boston 2030 and Housing Boston 2030 which recommend increased housing proximate to transit opportunities. Housing Boston 2030 also recommends the prioritization of accessibility within housing developments, and suggests that projects should work to contain costs while improving on site accessibility. This goal is achieved through the maintenance of an existing building envelope with interior alterations to increase the number of units and exterior alterations to add additional exterior ramps.

**Zoning Analysis:**

Pursuant to Article 51 (Allston-Brighton Neighborhood), multifamily residential developments are an allowed use. Exterior alterations to this project include only additional ramps and staircases to improve accessibility, not considerably affecting the setbacks. Lot area, GSF will remain unchanged, although FAR and square footage for zoning analysis will change with the addition of a basement unit within the existing structure. Setback violations persist from the existing building and related dimensional non-conformities, and parking violations do not meet the spirit of BTM parking maximums. It should be recognized that the existing zoning violations that persist due to the maintenance of the existing building envelope as well as the non-compliance with parking minimums offer support for zoning reform to better align city zoning policies with existing context. Plans reviewed are titled "42 Orchard Road" and prepared by Waterfield Design Group and HRESKO Architects.

**Recommendation:**

In reference to BOA1514536, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISOR/S: that plans shall be submitted to the Boston Landmarks Commission for design review. The proposed development is located within the Aberdeen Architectural Conservation District. Exterior alterations to the building should be submitted to the Boston Landmarks Commission to ensure alignment with historic architectural context.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1513811
<b>ZBA Hearing Date</b>	2024-02-27
<b>Address</b>	664 Adams ST Dorchester 02122
<b>Parcel ID</b>	1603786000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 2F-5000
<b>Zoning Article</b>	Article 65
<b>Project Description</b>	Convert one-family residence to three-family use. Includes new siding, plumbing, and electrical work.
<b>Relief Type</b>	Variance
<b>Violations</b>	Parking design and maneuverability FAR Excessive Height Excessive (stories) Side Yard Insufficient Rear Yard Insufficient Use Forbidden Screening and Buffering

**Planning Context:**

Property is a single family house on a corner lot about a quarter mile north of Adams Village in Dorchester. While the two houses on this block are both single-family homes, all of the residential buildings on the blocks immediately north and south as well as all but one of the residences on the block across the street are flat-roof three-family detached structures. An MBTA bus stop is located across the street from the dwelling, and it is also a 20 minute walk from a Red Line stop. The dwelling is also situated one block away from a MFR/LS subdistrict that contains several small local businesses. Proponent wants to build an addition to convert the house into a triple decker.

The project is in line with planning goals in Housing a Changing City, Boston 2030 (2018), that detail the need to add more housing units and additional density in locations affordable to the middle class, as well as the importance of supporting projects/improvements to the permitting process that help smaller builders create more housing on small, privately-owned parcels.



## **Zoning Analysis:**

The proposed project is an example of how zoning is out of alignment with Boston's existing built conditions and therefore must be updated to better reflect neighborhood character. The project is located in a 2 family subdistrict, and its proposed use change to a 3 family would be in violation of the use restrictions for this subdistrict area. However, the majority of the dwellings along Adams Street within this same 2-family subdistrict are actually 3-family dwellings. The proposed change from a 2 to a 3-family would be in alignment with the neighborhood's existing character. Similarly, the proposed height of 3 stories, while in violation of the zoning code maximum of 2.5 stories, fits into the actual built context of the neighborhood, which is an area of 3 story triple deckers. The proposed FAR for this project is .92, which is in violation of the maximum stipulated by zoning (0.5). However, the building plans show that the outcome of this project would be a three-family, three-story building that looks very similar to the triple-deckers that surround it. Neither the height nor the building massing/density would be out of character for the existing surroundings.

The project's proposed rear and side yards are in violation of the zoning's yard minimums, which are 30 feet for the rear yard and 10 feet for each side yard. The existing dwelling currently has a 21 foot rear yard, and this rear yard dimension is left unchanged in the proposed project. The northwest facing side yard has an existing nonconforming dimension of 7', which will be further reduced to 3.9' feet due to the proposed addition. While this will be a nonconforming side yard setback, it is in character with the yard dimensions of neighboring homes, the majority of which have yard dimensions that are much smaller than those in zoning. This reduced side yard dimension would still allow for a minimum building separation of at least 5', even if the neighboring home extended their property in a similar fashion.

The project was also cited for not meeting the minimum 5' screening and buffering requirement for off-street parking, as well as parking maneuverability. As a condition of approval, this project must undergo BPDA Design Review to address issues of adequate screening and ensure that parking spots can be safely accessed. A full six spaces should not be necessary for this project, especially given the degree to which it would require a full retention of the existing paved driveway filling the site. Design review should work with the applicant to reduce the parking provided on site.



Zoning reform should consider updating the baseline zoning to allow three-family use and flat-roof triple deckers to match existing contextual building forms, at a minimum.

Stamped plans submitted by JCBT on January 6, 2023, reviewed by Tam Nguyen on February 23, 2023.

**Recommendation:**

In reference to BOA1513811, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO: that plans shall be submitted to the Agency for design review with attention to reducing parking and increasing screening and maneuverability. Three-family uses are prevalent all around and an appropriate use for this area, but the proposed parking can be revised within that building and lot configuration.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1526179
<b>ZBA Hearing Date</b>	2024-02-27
<b>Address</b>	26 Neponset AVE Hyde Park 02136
<b>Parcel ID</b>	1810532000
<b>Zoning District &amp; Subdistrict</b>	Hyde Park Neighborhood 1F-6000
<b>Zoning Article</b>	69
<b>Project Description</b>	Proponent is seeking to convert an existing detached garage into an Accessory Dwelling Unit (ADU).
<b>Relief Type</b>	Variance, Conditional Use
<b>Violations</b>	Rear Yard Insufficient Parking or Loading Insufficient Two or More Dwelling Units on the Same Lot

**Planning Context:**

The proposed project is seeking to convert an existing detached garage into a one-bedroom Accessory Dwelling Unit (ADU) in the Hyde Park neighborhood.

The existing site consists of a 0.3 acre parcel with a two-story, single-family, detached residential building facing the street, with a detached garage directly behind the building in the rear yard. No work is being proposed on the existing residential building. The proposed project exists in a One-Family ("1F") Residential Subdistrict, which are areas established to preserve, maintain and promote low density neighborhoods. Adjacent properties include a mix of detached single-family and two-family residential buildings.

The project's scope aligns well with the Mayor's Office of Housing's ADU 2.0 Pilot and ongoing planning work to develop a Citywide ADU Pattern Book and zoning for ADUs.

In 2021 and 2022, the Mayor's Office of Housing (MOH) developed the ADU 2.0 initiative, which provides guidance and zoning relief to homeowners interested in turning existing exterior structures, like garages, into livable spaces. MOH recognizes that ADUs can provide additional income for homeowners and flexible, separate living arrangements for families to age in place, or support relatives or children while still maintaining their privacy.



### **Zoning Analysis:**

The proposed project raises three violations in the zoning refusal letter: off-street parking requirements, rear yard insufficiency, and two or more dwellings on the same lot. Residential properties in this zoning district are required to provide two parking spaces per dwelling unit. The proposed project would thus require the development of at least four parking spaces. Currently, zoning requires that half of parking spaces would need to be no less than 8.5 feet wide and 20 feet in length, with the remaining half of spaces being no less than seven feet and 18 feet in length. The existing property has a gravel driveway that is 37.9 feet wide and roughly 65 feet in length, making it difficult to accommodate four parking spaces.

Current zoning requires that rear yards maintain a depth of 40 feet. Rear yard is defined as “open space immediately behind the rearmost main building on the lot and extending across the full width of the lot”. Based on this definition, the proposed project’s ADU would not impact the rear yard requirement as it would not alter what is considered the main building and also would not hinder the 40 foot depth requirement. Future zoning reform can clarify that detached ADUs, like detached garages, are similarly allowed within the rear yard.

The violation of Two or More Dwelling Units on the Same Lot is triggered when the distance between the Dwelling and the Main Building or another Dwelling cannot exceed “twice the minimum Side Yard depth required” (Article 69, Section 30). In “1F” subdistricts, residential buildings are required to maintain a ten foot-wide side yard. Thus, this would limit the ADU to being no more than 20 feet from the main residential building. The proposed project would exceed this distance given that the existing garage, which is being converted into a 1-bedroom unit, is located more than 40 feet behind the existing main building.

The plans entitled PROPOSED ADU 26 NEPONSET AVENUE, HYDE PARK, MA. prepared by T DESIGN, LLC on July 6, 2023 were used in preparation of this recommendation.

### **Recommendation:**

In reference to BOA1526179, The Boston Planning & Development Agency recommends APPROVAL.



Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1538435
<b>ZBA Hearing Date</b>	2024-02-27
<b>Address</b>	97 Oakton AVE Dorchester 02122
<b>Parcel ID</b>	1603576000
<b>Zoning District &amp; Subdistrict</b>	Dorchester Neighborhood 1F-5000
<b>Zoning Article</b>	65
<b>Project Description</b>	Create rear addition and shed dormers that will increase an existing 2.5 story 1 family building to a 3 story 2-family building. Relocate curb cut and create a new parking area for 5 cars in an existing side yard.
<b>Relief Type</b>	Variance
<b>Violations</b>	Rear Yard Insufficient Front Yard Insufficient Height Excessive Use (Two Family)

**Planning Context:**

The project site, 97 Oakton Avenue, Dorchester, is in a residential area approximately a 3-4 block walk to bus service and commercial areas on Adams St to the west, Neponset Ave to the east, and Gallivan Boulevard to the south. The project abuts several three-story residences (next to and behind the parcel) as well as several across the street; in addition to several two, and two-and-a-half story residences. Several of the surrounding residences also hold two to three family uses; the property is adjacent to a large two-family zoning district with similar dimensional requirements as the existing district. The proposed 2-family use will create two units each with 3-bedrooms; these can help achieve citywide planning goals of developing a wide variety of housing units to serve larger households.

The existing site has a curb cut and driveway located in the western side yard; the eastern side yard is currently vegetated yard with multiple trees. The project proposes to relocate the existing curb cut from the western side yard to the eastern side yard, and convert the eastern side yard to a driveway and parking area for five cars. The existing minimum parking requirement for this area is 2 parking spaces; this would create 3 additional spaces beyond the minimum requirement. This will remove significant permeable area for the lot, as well as any existing trees. No replacement tree plantings are shown in the plans. Together, the conversion of an entire side and rear yard for parking is counter to the goals of the Urban Forest Plan and urban

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design priorities for small-scale residential; this the neighborhood parking is primarily provided through on-site driveways like the existing eastern side yard, as well as on-street parking on the northern side of Oakton Ave.

The existing structure has a sharply pitched roof, with a front porch. A rear addition will align with an existing two-story rear portion of the structure adding new stairs and decks. Two large shed dormers are also proposed to add livable area to the top floor.

**Zoning Analysis:**

The rear yard violation is existing; an existing single story rear addition extends further into the rear yard than the new deck and entrance proposed in the project, which are aligned with existing two-story building addition that is similarly non-conforming. Because the addition extends this non-conformity, it is cited as a violation.

The plans indicate an existing front yard non-conformity; the front yard with porch is 14' rather than the 15' required in this district. This non-conformity is not being extended or worsened.

The refusal letter does not include a violation on parking screening; however, under 65-39-2, Screening and Buffering of Parking, Loading, and Storage Areas, off-street parking that abuts a Residential Use must provide at least 5 feet of screening by trees and shrubs. The proposed parking has no screening or buffer along either the eastern side lot line or southern rear lot line.

The project includes two significant shed dormers, which will lead to the increase of the story height from two-and-a-half to three stories, leading to a height violation. While there are existing three story buildings in the surrounding area, design review is appropriate given the scale for the dormers and their impact on the roofline of the existing building.

The project proposes a change in the use from a single family to a two-family dwelling. While the current zoning is for single-family use, the surrounding block contains multiple examples of two- and three-family uses. Given the need for additional housing in Boston, the appropriateness of the two-family use within walking distance of transit and assets, and the limited dimensional violations to convert to a two-family use, the change in use is appropriate for a variance, or the property owner could apply for a map amendment to the neighboring two-family district; however, the parking layout and resulting affect on yards are not aligned with planning goals or appropriate to the surrounding context.



**Recommendation:**

In reference to BOA1538435, The Boston Planning & Development Agency recommends **DENIAL WITHOUT PREJUDICE** that the proponent considers a project that retains the existing curb cut and driveway as parking area for no more than two spaces and the existing side yard as permeable area of lot.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1547156
<b>ZBA Hearing Date</b>	2024-02-27
<b>Address</b>	4 Sargent St., Roxbury 02125
<b>Parcel ID</b>	1300532000
<b>Zoning District &amp; Subdistrict</b>	Roxbury Neighborhood 3F-5000
<b>Zoning Article</b>	50
<b>Project Description</b>	Demolish roof and construct new dormers; Frame rear deck and stairwell, install balconies, repair siding, and add new windows, new kitchens, interior finishes, electrical, plumbing, HVAC, and sprinkler system.
<b>Relief Type</b>	Variance
<b>Violations</b>	Side Yard Insufficient

**Planning Context:**

The project is located on a residential street 0.5 miles away from the MBTA's Uphams Corner T-stop and falls within the Fairmount Indigo Plan - Upham's Corner Station Area Plan (April 2024). The proposed changes to the existing 2 ½ story dwelling include making necessary improvements, such as reframing decks and stairwells, adding new windows, and additional interior renovations. These changes are in keeping with the planning goals of Upham's Corner Station Area Plan as they support transit-oriented development by maintaining and improving existing housing stock.

**Zoning Analysis:**

The project's insufficient side yard setback is an existing nonconformity — required min. 10 ft side yard setback, existing project has 20 ft side yard setback from one side lot line, and 2 ft from the other side lot line. The proposed new decks replace existing decks and do not exacerbate the existing nonconformity. This is a case for zoning reform of *Section 50-45.- Nonconformity as to Dimensional Requirements* to clarify that existing nonconformities that are not exacerbated by a proposed project that itself conforms to dimensional requirements should not be reviewed as a zoning violation.

**Recommendation:**



In reference to BOA1547156, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1490677
<b>ZBA Hearing Date</b>	2024-02-27
<b>Address</b>	22R Perrin St., Roxbury 02119
<b>Parcel ID</b>	1200369000
<b>Zoning District &amp; Subdistrict</b>	Roxbury Neighborhood 3F-4000
<b>Zoning Article</b>	50
<b>Project Description</b>	Renovate an existing carriage house into a two-family dwelling
<b>Relief Type</b>	Variance
<b>Violations</b>	Rear Yard Insufficient Side Yard Insufficient Front Yard Insufficient Usable Open Space Insufficient Lot Frontage Insufficient Lot Area Insufficient Parking or Loading Insufficient Two or More Dwellings on Same Lot

**Planning Context:**

This case proposes the conversion of an existing carriage house into accessory dwelling unit (ADU). The carriage house is located at 22 Perrin St, sharing the lot with a two and a half story single family home towards the street facing edge of the property. Facing the property from the street, the Proposed Project is located in the right rear quarter of the lot.

While this building was once a carriage house, it has not been used as such for many decades. The building has already been converted to an accessory space to the main building. The internal layout is reflective of residential and recreational uses. However, the building is currently lacking many of the features needed to fully convert it into an independent residential building. The carriage house has little insulation, no plumbing, no second floor egress, and shares electricity with the main building on the lot. This proposal seeks to rectify these issues and turn the carriage house into a fully independent residential building.

PLAN: Nubian Square, adopted by the BPDA Board in 2019, outlines planning and development goals for the area. While the Plan is primarily focused on publicly owned land, it also highlights how a range of housing for different household incomes and sizes can foster a thriving neighborhood, including supporting the success and growth of local retailers, service providers, and restaurants. The proposed project provides a new kind of housing opportunity in the area.

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The Proposed conversion is consistent with MOH policy encouraging use of detached outbuildings as ADU's, to allow homeowners to utilize their property to its fullest potential, adding more room for growing families or providing opportunities for generating additional income if it is used as a rental unit. This proposal is also consistent with city goals of supporting preservation of established buildings wherever possible. The proposed project helps to preserve the character of the already established building while updating its internal structure to fill a needed gap in the housing market.

Through the ongoing Citywide ADU Pattern Book and Zoning process, the BPDA has committed to studying zoning updates to permit conversions similar to the proposed project.

**Zoning Analysis:**

The eight violations result from zoning that is no longer reflective of current housing policy and zoning initiatives for ADU's. As Boston plans to expand its ADU program throughout the city, updated zoning will likely eliminate the requirements triggering the need for zoning relief. The proposed project is making no change to the dimensions of an already existing structure. The only external addition is a staircase for egress from the second story unit. The violations are being triggered by the change of use into a fully independent residential building. This is captured in the violation "Two or More Dwellings on Same Lot". The current zoning code for this area does not conceive of a development like the one proposed. The other seven other dimensional violations would be triggered for any sort of detached residential development on this lot, no matter the size of the building.

The project also fits contextually with the use and density present in the immediate area. The parcel is zoned for three family residential, with the main building already hosting one unit. The retrofit of the carriage house into two residential units will turn this parcel into three units total.

Plans entitled Mead Carriage House prepared by Anthony H Sanchez on September 20th, 2022 were used in preparation of this recommendation.

**Recommendation:**

In reference to BOA1490677, The Boston Planning & Development Agency recommends APPROVAL.



Reviewed,

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Director of Planning, BPDA



<b>Case</b>	BOA1547401
<b>ZBA Hearing Date</b>	2024-02-27
<b>Address</b>	617 Dorchester Ave, South Boston 02127
<b>Parcel ID</b>	0703387000
<b>Zoning District &amp; Subdistrict</b>	South Boston B-1
<b>Zoning Article</b>	Base Code
<b>Project Description</b>	Erect a new four-story building on a through lot with 13 total units of which 2 are IDP units.
<b>Relief Type</b>	Variance
<b>Violations</b>	Additional Lot Area Insufficient FAR Excessive Usable Open Space Insufficient Parking or Loading Insufficient Height Excessive (stories)

**Planning Context:**

The proponent seeks to erect a 4-story building on a currently vacant through lot with frontage on both Boston Street and Dorchester Avenue. Thirteen units are proposed, including two IDP units.

The main entrance would be located on Dorchester Avenue on the eastern side of the lot. Renderings show a modern building with light gray siding and Juliet balconies, along with a roof deck on both sides of the building. Two bike racks are proposed for the sidewalk in front of the building, within a few feet of an existing streetlight. Although the exact measurements are not clear from the plans, the racks should be located 5' from the curb ramp and 3' from the light pole.

On the eastern side along Boston Street, there is an existing 11'1" curb cut that would be infilled. One gate would be located at each corner of the lot. These gates would be the entrances to accessible walkways that follow the building's side lot lines to connect Dorchester Avenue and Boston Street.

This parcel is located within the study area for PLAN: South Boston Dorchester Avenue, which was adopted by the Board in December 2016. There are three Article 80 projects near the proposed development, two pending and one six-story, 35-unit building at 400 Dorchester Avenue that has already been built. The Plan recommends encouraging on-site building of IDP

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units, and this proposal includes two on-site IDP units. At 15.3% of total units, the two proposed IDP units exceed the current threshold of 13%.

Effective October 2024, Article 79 will increase the required percentage of units to 17% at an average 60% AMI (maximum 70% AMI). Alternatively, this standard can be calculated using percentage of usable square footage rather than number of units. According to the proponent's unit matrix table in the plans, the two IDP units have a combined square footage of 1,836 square feet out of a total of 12,944 square feet, or about 7% of the square footage. As proposed at 13 units, Article 79 would require 2.21 units to be income-restricted in this instance.

According to Article 79-4 Part B, that makes the third unit a "partial unit," triggering an additional payment into the Inclusionary Development Fund as detailed in Section 79-7. Adding another IDP unit or increasing the IDP square footage to 17% would ensure that this proposal meets the current standards and those set out for the near future.

A second PLAN: South Boston Dorchester Avenue provision calls for transit-oriented development (TOD) with higher and denser buildings, particularly closer to the Andrew Station T stop and "along the western edge of the study area near the rail tracks." This parcel is a five-minute, two-block walk to the stop, a distance most people are willing to walk to access transit (U.S. Department of Transportation, January 2013). It is also in the western portion of the study area recommended for greater heights and density.

The lot is within a restricted parking district to help meet federal Clean Air Act standards. The plans propose no parking, which is in line with both PLAN: Boston guidance for TOD along the western edge of the study area and larger citywide plans like Go Boston 2030, which call for reducing car use and vehicle emissions.

In terms of flood risk, just over half of the building (primarily on the Dorchester Avenue side) is located within the Coastal Flood Resiliency Overlay District (CFROD) where the Sea Level Rise-Base Flood Elevation (SLR-BFE) is 20'. With added freeboard for the residential use, the project's Design Flood Elevation (SLR-DFE) is 22'. While the project does not trigger resiliency review, this provides important context for the design.

### **Zoning Analysis:**

This parcel is regulated by underlying zoning, and all of the violations are dimensional in nature. According to Section 13-4, dwellings within B subdistricts need to conform to the usable open



space and yard requirements for the nearest S, R or H district. This set of plans incorrectly cites R-8 in its table as the nearest matching district, but it is H-1.

In looking at the H-1 requirements, this proposal has about half of the required open space: 2,256 square feet are denoted in the table, but 5,200 square feet required by Code. By H-1 standards, the side and rear yards are also insufficient and would trigger additional violations. BPDA has reached out to ISD to discuss an updated refusal letter. However, these open space and yard deficiencies are mitigated by the parcel's proximity to two parks (one right across the street) and proposed green roof deck.

The proposed building also has an FAR of 2.1 in a subdistrict with a cap of 1.0. While this triggers a violation, this FAR is in alignment with neighboring FARs, which range from 1.2 to 3.0. When complete, the Board-approved development at 603 Dorchester Avenue on the same block will have an FAR of 6.28. An FAR of 2.1 is appropriate given PLAN: South Boston Dorchester Avenue's recommendation to prioritize density in this particular area.

In terms of height, the proposed building is four stories, one story more than what is allowed by right. However, there are other 3.5 and 4-story properties on the same block. A four-story building would fit with the existing height context. The additional story (four instead of three) also aligns with PLAN: South Boston Dorchester Avenue's recommendation to allow for greater heights on this block.

Required parking for this subdistrict is .9 (effectively 1) space/s per dwelling unit. To be Code-compliant, 12 spaces would need to be provided. The project is proposing no parking. Per federal guidelines, future residents would be likely to take transit. Adding off-street parking in this instance would directly conflict with PLAN: South Boston's recommendations to increase walkable TOD and density in this area.

Future zoning reform efforts in the area should look to better align dimensional regulations (especially FAR, height, and parking requirements) with current Plan recommendations and the existing physical context.

These plans were prepared by Context Architecture on 10/4/2023.

**Recommendation:**

In reference to BOA1547401, The Boston Planning & Development Agency recommends **APPROVAL WITH PROVISOS**: that plans be submitted to the Agency for design review; that



the entryway foyer on the Dorchester Avenue side is wet-floodproofed; and that a housing agreement be issued prior to issuing permits.

Reviewed,

A handwritten signature in black ink, appearing to read "Amee Rand". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Director of Planning, BPDA



<b>Case</b>	BOA1526253
<b>ZBA Hearing Date</b>	2024-02-27
<b>Address</b>	137 Cottage Street, East Boston 02128
<b>Parcel ID</b>	0104075000
<b>Zoning District &amp; Subdistrict</b>	East Boston Neighborhood MFR
<b>Zoning Article</b>	53
<b>Project Description</b>	Renovate existing basement, porches, first, second, and third floor. Convert basement to occupiable living space.
<b>Relief Type</b>	IPOD Permit, Variance, Conditional Use
<b>Violations</b>	FAR Excessive Roof Structure Restrictions IPOD Applicability GCOD Applicability Rear Yard Insufficient CFROD Applicability

**Planning Context:**

The existing condition of the site is a three-story brick, three-family dwelling sharing one party wall with another three-family dwelling. Setbacks include a 5 foot side yard setback and a 10 foot rear yard setback.

The site is in the middle of a residential block that features a predominant pattern of similar pairs of three-family dwellings. The site is separated from Logan Airport by an unbuilt lot directly to the rear of the site, a narrow street, and an approximately 200 foot green space. Across the street from the site is the three-story Donald McKay middle school.

The site is located in a PLAN: East Boston Neighborhood Residential Area. The plan, adopted by the BPDA Board in January 2024, emphasizes the threat of flooding from climate change in areas in the Coastal Flood Resiliency Overlay District, and acknowledges that existing zoning is restrictive, limiting housing choice. The plan recommends that this location be rezoned as EBR-4 with new dimensional requirements, as explained in the Zoning Analysis.

The proposed project is located in the Coastal Flood Resilience Overlay District (CFROD), meaning that this area is anticipated to be flooded with a 1% chance storm event in 2070 with 40 inches of sea level rise. Therefore, the proposed living space in the basement is at high risk. According to elevations in the materials provided, about half of the basement is below grade.

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The Sea Level Rise-Base Flood Elevation (SLR-BFE) for this location is 19.5 feet. Accounting for a 2 foot freeboard, per the City of Boston Flood Resilience Design Guidelines for residential use, the Sea Level Rise-Design Flood Elevation (SLR-DFE) is 21.5 feet, well above the proposed basement dwelling area.

### **Zoning Analysis:**

The site is located in the East Boston Neighborhood Multifamily Residential subdistrict, the Groundwater Conservation Overlay District (GCOD), the Interim Planning Overlay District (IPOD), the Neighborhood Design Overlay District (NDOD), and the Coastal Flood Resilience Overlay District (CFROD).

Given the subdistrict's max FAR of 1.0, the proposed increase in occupiable square footage would exacerbate an existing non-conformity. Zoning map and text amendment based on PLAN: East Boston were recommended for adoption by the BPDA Board on January 18, 2024; the draft zoning is currently pending Zoning Commission adoption. The proposed zoning would change the zoning of the site from MFR to EBR-4 which replaces the max FAR with a max lot coverage of 60%. Therefore, the FAR violation would be non-existent upon adoption of this recent planning effort, and the proposal would not trigger a lot coverage violation given that the lot coverage is not changing.

The enclosed rear porches included in this application are an existing, unpermitted condition. While the proposal would not functionally change the dimensions of the rear yard, the existing condition of an insufficient rear setback had not previously received zoning relief.

The proposed roof deck also triggers a violation of Roof Structure Restrictions. According to Section 53-52, a conditional use is required. The headhouse is an existing condition, prevalent in the design of most dwellings on this block. The proposed roof deck, excluding the existing headhouse, is consistent with the Roof Structure Restrictions in the draft Article 53 amendments adopted by the BPDA Board on January 18, 2024 and pending consideration and adoption by the Zoning Commission, including that any feature of the proposed roof deck is set back at least five feet from all roof edges.

The IPOD requires that the project align with recent planning processes. Given the goals of PLAN: East Boston and the zoning recommendations for the site, the project is consistent with the plan, with the exception of CFROD regulations. Pending adoption of the aforementioned Article 53 amendments, CFROD compliance will become mandatory for proposals of this scale,

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in this location. Because the Sea Level Rise-Design Flood Elevation is 21.5 feet, the proposed basement residential use is highly inappropriate. Accordingly, this recommendation includes provisos that zoning relief shall not be extended for basement residential use, and that the proponent shall remove existing unpermitted basement residential use.

The GCOD overlay requires that projects apply to obtain a Conditional Use Permit from the Boston Water & Sewer Commission. The site is located in an NDOD overlay, but apart from a roof deck, no exterior alterations are proposed. The proposal does not meet the review thresholds enumerated in Article 80.

**Recommendation:**

In reference to BOA1526253, The Boston Planning & Development Agency recommends **APPROVAL WITH PROVISOS:** that zoning relief shall not be extended for basement residential use and that the proponent shall remove existing basement residential use.

Reviewed,

A handwritten signature in black ink, appearing to read "Amee Rand". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Director of Planning, BPDA