



Case	BOA1428568
ZBA Hearing Date	2023-11-09
Address	84 to 100 River ST Mattapan 02126
Parcel ID	1704030000
Zoning District & Subdistrict	Dorchester Neighborhood NS
Zoning Article	Article 65
Project Description	Change use from bank to nail salon.
Relief Type	Conditional Use
Violations	Use: conditional (nail salon)

Planning Context:

PLAN: Mattapan, adopted by the BPDA in 2023, recommends that the area in which this parcel lies be designated a Local Convenience sub-district, which would allow beauty shops and other community-serving uses. The site is within an existing strip mall containing other retail and service uses, including a fitness center, dentists' office, shoe store, and beauty store. Through the planning process, the community expressed a desire for businesses that help residents enjoy their neighborhood and support their needs. The conversion of this currently vacant bank commercial space to a nail salon is an appropriate use to serve the community.

Zoning Analysis:

The project proposes a nail salon, which is a conditional use in a Dorchester Neighborhood Shopping Subdistrict (see Article 65 Table B). Per Article 6 Section 3, the Zoning Board of Appeal shall grant appeals for conditional uses if the specific site is an appropriate location for such use, the use will not adversely affect the neighborhood, there will be no serious hazard to vehicles or pedestrians from the use, no nuisance will be created by the use, and adequate and appropriate facilities will be provided for the proper operation of the use. The proposed use would not clearly induce additional adverse effects as it is located within a strip mall along with other services uses of a fitness center, dentists' office, and beauty store.

Plans reviewed are titled "Nail Salon Construction 90 River Street Boston, MA", prepared by T Design, LLC, and dated July 16th, 2022.

Recommendation:



In reference to BOA1428568, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

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Director of Planning, BPDA



Case	BOA1452599
ZBA Hearing Date	2023-11-09
Address	73 to 75 Causeway ST Boston 02114
Parcel ID	0301671000
Zoning District & Subdistrict	Bulfinch Triangle General Area
Zoning Article	Article 46
Project Description	The Applicant seeks to continue to use the premises for an open-air public parking lot for a fee capacity three (3) parking spaces with two (2) handicap parking spaces and one (1) regular parking space until December 31, 2026, in conjunction with 19-21 Lancaster Street (BOA1452616) and 31-39 Lancaster Street (BOA1452610). The two (2) handicap parking spaces and one (1) regular parking space are part of a fifty (50) space parking lot under Boston Transportation Department OPAIR License #78829 located at 19-21 Lancaster Street, 31-39 Lancaster Street and 73-75 Causeway Street.
Relief Type	Conditional Use
Violations	Other Condition Necessary as Protection

Planning Context:

Site sits within the General Area subdistrict of the Bulfinch Triangle district. Based on its location within a Restricted Parking District, an open-air parking lot is a conditional use. A number of similar open-air parking lots exist in the immediate vicinity, and nearby North Station provides a substantial amount of structured off-street parking.

City policy, including but not limited to Go Boston 2030, Maximum Parking Ratios for Article 80 Development, and the City's ongoing efforts to recodify zoning to streamline approvals, generally does not consider surface parking to be the highest-and-best use of a property. Conditions for this specific continuance aside, applicant should not consider this continued conditional use perpetual. Applicant may consider future mitigation to reduce local impact on congestion like removing an unused curb cut or providing bicycle parking either onsite or nearby.

BOA1452599

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1 Boston Planning & Development Agency



Zoning Analysis:

As noted by Section 6-3A, Additional Conditions Required for Approval of Parking Facilities in a Restricted Parking District, "In a restricted parking district, the Board of Appeal shall grant a conditional use for an off-street parking facility, whether a parking lot, a public garage, or parking which is accessory or ancillary to any use other than Use Items numbered 1 through 15, only if the Board of Appeal finds that said facility meets one or more of the following conditions:

- a. It will serve a traffic demand not adequately provided for by public transportation; or
- b. It will replace existing off-street parking spaces in one or more nearby parking facilities, or it will replace legal on-street parking spaces that have been physically eliminated through permanent modification or demolition; or
- c. It is accessory or ancillary to a use which by its nature does not contribute significantly to traffic flows during peak traffic periods; or
- d. The facility constitutes a temporary parking lot use of land and that serious intent to reuse the land for an allowed use within a specified period of time has been demonstrated to the satisfaction of the Board of Appeal."

Appellant asserts in application that this project meets condition (a). The facility does appear well-utilized, lending support to the idea that this site serves a traffic demand. That said, given the substantial amount of additional parking in the area, particularly the structured parking in and around North Station, and the ongoing and expanded capacity of public transit passing through North Station (the Green Line and Orange Line) use of the facility alone does not mean that the demand can only be served here. While the BPDA does consider this condition largely met, it does want to note that future conditional requests for off-street parking in this area should consider providing additional mitigation to assist with reduction of congestion in the area.

Recommendation:

In reference to BOA1452599, The Boston Planning & Development Agency recommends APPROVAL.



Reviewed,

A handwritten signature in blue ink, appearing to read 'Ames Rand'. The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Director of Planning, BPDA



Case	BOA1452610
ZBA Hearing Date	2023-11-09
Address	31 to 39 Lancaster ST Boston 02114
Parcel ID	0301668000
Zoning District & Subdistrict	Bulfinch Triangle General Area
Zoning Article	Article 46
Project Description	The Applicant seeks to continue to use the premises for an open-air public parking lot for a fee capacity thirty (30) regular parking spaces until December 31, 2026, in conjunction with 73-75 Causeway Street (BOA1452599) and 19-21 Lancaster Street (BOA1452616). The thirty (30) regular parking spaces are part of a fifty (50) space parking lot under Boston Transportation Department OPAIR License # 78829 located at 19-21 Lancaster Street, 31-39 Lancaster Street and 73-75 Causeway Street. The fifty (50) space parking lot will provide for two (2) handicap parking spaces located at 73-75 Causeway Street.
Relief Type	Conditional Use
Violations	Other Condition Necessary as Protection

Planning Context:

Site sits within the General Area subdistrict of the Bulfinch Triangle district. Based on its location within a Restricted Parking District, an open-air parking lot is a conditional use. A number of similar open-air parking lots exist in the immediate vicinity, and nearby North Station provides a substantial amount of structured off-street parking.

City policy, including but not limited to Go Boston 2030, Maximum Parking Ratios for Article 80 Development, and the City's ongoing efforts to recodify zoning to streamline approvals, generally does not consider surface parking to be the highest-and-best use of a property. Conditions for this specific continuance aside, applicant should not consider this continued conditional use perpetual. Applicant may consider future mitigation to reduce local impact on congestion like removing an unused curb cut or providing bicycle parking either onsite or nearby.

BOA1452610

2023-11-09

1 Boston Planning & Development Agency



Zoning Analysis:

As noted by Section 6-3A, Additional Conditions Required for Approval of Parking Facilities in a Restricted Parking District, "In a restricted parking district, the Board of Appeal shall grant a conditional use for an off-street parking facility, whether a parking lot, a public garage, or parking which is accessory or ancillary to any use other than Use Items numbered 1 through 15, only if the Board of Appeal finds that said facility meets one or more of the following conditions:

- a. It will serve a traffic demand not adequately provided for by public transportation; or
- b. It will replace existing off-street parking spaces in one or more nearby parking facilities, or it will replace legal on-street parking spaces that have been physically eliminated through permanent modification or demolition; or
- c. It is accessory or ancillary to a use which by its nature does not contribute significantly to traffic flows during peak traffic periods; or
- d. The facility constitutes a temporary parking lot use of land and that serious intent to reuse the land for an allowed use within a specified period of time has been demonstrated to the satisfaction of the Board of Appeal."

Appellant asserts in application that this project meets condition (a). The facility does appear well-utilized, lending support to the idea that this site serves a traffic demand. That said, given the substantial amount of additional parking in the area, particularly the structured parking in and around North Station, and the ongoing and expanded capacity of public transit passing through North Station (the Green Line and Orange Line) use of the facility alone does not mean that the demand can only be served here. While the BPDA does consider this condition largely met, it does want to note that future conditional requests for off-street parking in this area should consider providing additional mitigation to assist with reduction of congestion in the area.

Recommendation:

In reference to BOA1452610, The Boston Planning & Development Agency recommends APPROVAL.



Reviewed,

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Director of Planning, BPDA



Case	BOA1452616
ZBA Hearing Date	2023-11-09
Address	19 to 21 Lancaster ST Boston 02114
Parcel ID	0301666000
Zoning District & Subdistrict	Bulfinch Triangle General Area
Zoning Article	Article 46
Project Description	The Applicant seeks to continue to use the premises for an open-air public parking lot for a fee capacity seventeen (17) regular parking spaces until December 31, 2026, in conjunction with 73-75 Causeway Street (BOA1452599) and 31-39 Lancaster Street (BOA1452610). The seventeen (17) regular parking spaces are part of a fifty (50) space parking lot under Boston Transportation Department OPAIR License #78829 located at 19-21 Lancaster Street, 31-39 Lancaster Street and 73-75 Causeway Street. The fifty (50) space parking lot will provide for two (2) handicap parking spaces located at 73-75 Causeway Street.
Relief Type	Conditional Use
Violations	Other Condition Necessary as Protection

Planning Context:

Site sits within the General Area subdistrict of the Bulfinch Triangle district. Based on its location within a Restricted Parking District, an open-air parking lot is a conditional use. A number of similar open-air parking lots exist in the immediate vicinity, and nearby North Station provides a substantial amount of structured off-street parking.

City policy, including but not limited to Go Boston 2030, Maximum Parking Ratios for Article 80 Development, and the City's ongoing efforts to recodify zoning to streamline approvals, generally does not consider surface parking to be the highest-and-best use of a property. Conditions for this specific continuance aside, applicant should not consider this continued conditional use perpetual. Applicant may consider future mitigation to reduce local impact on



congestion like removing an unused curb cut or providing bicycle parking either onsite or nearby.

Zoning Analysis:

As noted by Section 6-3A, Additional Conditions Required for Approval of Parking Facilities in a Restricted Parking District, "In a restricted parking district, the Board of Appeal shall grant a conditional use for an off-street parking facility, whether a parking lot, a public garage, or parking which is accessory or ancillary to any use other than Use Items numbered 1 through 15, only if the Board of Appeal finds that said facility meets one or more of the following conditions:

- a. It will serve a traffic demand not adequately provided for by public transportation; or
- b. It will replace existing off-street parking spaces in one or more nearby parking facilities, or it will replace legal on-street parking spaces that have been physically eliminated through permanent modification or demolition; or
- c. It is accessory or ancillary to a use which by its nature does not contribute significantly to traffic flows during peak traffic periods; or
- d. The facility constitutes a temporary parking lot use of land and that serious intent to reuse the land for an allowed use within a specified period of time has been demonstrated to the satisfaction of the Board of Appeal."

Appellant asserts in application that this project meets condition (a). The facility does appear well-utilized, lending support to the idea that this site serves a traffic demand. That said, given the substantial amount of additional parking in the area, particularly the structured parking in and around North Station, and the ongoing and expanded capacity of public transit passing through North Station (the Green Line and Orange Line) use of the facility alone does not mean that the demand can only be served here. While the BPDA does consider this condition largely met, it does want to note that future conditional requests for off-street parking in this area should consider providing additional mitigation to assist with reduction of congestion in the area.

Recommendation:



In reference to BOA1452616, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

A handwritten signature in blue ink, appearing to read 'Anne Kane'. The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Director of Planning, BPDA



Case	BOA1476684
ZBA Hearing Date	2023-11-09
Address	17 Waldemar AVE East Boston 02128
Parcel ID	0102520000
Zoning District & Subdistrict	East Boston Neighborhood 1F-4000
Zoning Article	Article 27, Article 53
Project Description	Change occupancy from 1-family to 2-family.
Relief Type	Conditional Use,IPOD Permit,Variance
Violations	Parking or Loading Insufficient IPOD Applicability Use: forbidden (2-family)

Planning Context:

This property is located within a 1F-4000 residential subdistrict; it is also part of the East Boston Interim Planning Overlay District, implemented in 2018 to ensure that, during the development of the neighborhood's new strategic plan, adequate planning and zoning protections were in place to guide and regulate new construction in the area. The site is within 500 feet of the Suffolk Downs Blue Line station. The surrounding properties within the same subdistrict have 1-, 2- and 3-unit dwellings on parcels of similar size.

The PLAN: East Boston draft (September 2023) recommends that this site be included in a new EBR-2 subdistrict. Per the recommendations, an EBR-2 subdistrict would allow up to 6 units on a site this wide (60'). EBR-2 subdistricts would also have no parking minimums, so an additional unit without parking would be in line with that recommendation.

Zoning Analysis:

2-family dwellings are a forbidden use in 1F-4000 subdistricts in the existing zoning. However, there are several other 2- and 3-family dwellings within this same 1F-4000 subdistrict of similar or greater scale on parcels of similar size and shape.

Table N within Article 53 requires 1 additional parking space be included with this new unit. However, given the proximity to the MBTA station this additional parking space is not an appropriate requirement.



Plans reviewed are titled "17 Waldemar Ave East Boston - 02128)", prepared by Villegas G&C LLC, and dated April 2023.

Recommendation:

In reference to BOA1476684, The Boston Planning & Development Agency recommends APPROVAL.

Reviewed,

A handwritten signature in blue ink, appearing to read "Amee Rand", is written over a light blue rectangular background.

Director of Planning, BPDA



Case	BOA1482058
ZBA Hearing Date	2023-11-09
Address	6 Essex ST Charlestown 02129
Parcel ID	0202509000
Zoning District & Subdistrict	Charlestown Neighborhood RH-1500
Zoning Article	Article 62
Project Description	Addition to the existing structure in the rear of the building, increase living area on the 3rd floor, and addition of 2 dormers.
Relief Type	Variance
Violations	Roof Structure Restrictions Rear Yard Insufficient

Planning Context:

This project is located in the Original Peninsula, as outlined in PLAN: Charlestown (September 2023). The project proposes the addition of two dormers. As detailed in PLAN: Charlestown, gable dormers at front elevations are strongly preferred over other dormer types, and dormers should be aligned and held back from the sides of the roof and down from the roof ridge line.

The project is also located within the Neighborhood Design Overlay District so it should receive design review to ensure it is in keeping with the neighborhood context, particularly its roof shape.

The project also proposes making improvements to existing dwellings which is in keeping with planning goals of improving housing stock as detailed in Housing a Changing City, Boston 2030 (September 2018).

Zoning Analysis:

The insufficient rear yard violation is no longer relevant as the rear yard setback for rowhouses was updated to 15' and approved by the Zoning Commission on October 18, 2023. The proposed project is thus in compliance with this dimensional regulation.

Roof structure restrictions, as outlined in section 62-5, detail that no roofed structure designed or used for human occupancy shall be erected or enlarged on the roof of an existing building, if such construction relocates or alters the profile and/or configuration of the roof or mansard,

BOA1482058

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unless after public notice and hearing and subject to Sections 6-2, 6-3, and 6-4, the Board of Appeal grants a conditional use therefore. The proposed dormers on the project alter the profile of the roof. This project should receive design review to ensure its roof structure is consistent with the Neighborhood Design Overlay and PLAN: Charlestown's design guidelines.

Recommendation:

In reference to BOA1482058, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISIO/S: that plans shall be submitted to the Agency for design review with attention to ensuring the roof structure is contextually sensitive and aligned with the design guidelines in PLAN: Charlestown.

Reviewed,

A handwritten signature in blue ink, appearing to read "Amee Rand", is written over a faint, larger version of the same signature.

Director of Planning, BPDA



Case	BOA1505081
ZBA Hearing Date	2023-11-09
Address	31 Pond View AVE Jamaica Plain 02130
Parcel ID	1902064000
Zoning District & Subdistrict	Jamaica Plain Neighborhood 1F-6000
Zoning Article	Article 55
Project Description	Build a new bathroom, extend the existing bedroom to be 248 sqft above 1st floor structure
Relief Type	Variance
Violations	Side Yard Insufficient

Planning Context:

The project proposes building a new bathroom and extending the square footage of the existing bedroom. Making necessary repairs and updates to existing dwellings is in keeping with planning goals of preserving housing stock, as detailed in Housing a Changing City, Boston 2030 (September 2018).

Zoning Analysis:

The proposed project has a nonconforming side yard of 6'. The side yard dimensions stipulated by the zoning code are 10'. The nonconforming side yard is a pre-existing condition of the structure that remains unchanged by the scope of the project. Furthermore, neighboring properties have nonconforming side setbacks of similar dimensions.

This project is a candidate for future zoning reform so that projects that do not worsen existing nonconformities can proceed.

The plans reviewed for this project, titled "FIRST CONSTRUCTION SET," are dated May 24, 2022 and were prepared by Christopher J Barry Architect.

Recommendation:

In reference to BOA1505081, The Boston Planning & Development Agency recommends APPROVAL .

BOA1505081

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Reviewed,

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Director of Planning, BPDA



Case	BOA1513671
ZBA Hearing Date	2023-11-09
Address	1251 to 1269 River ST Hyde Park 02136
Parcel ID	1809074000
Zoning District & Subdistrict	Hyde Park Neighborhood NS-2
Zoning Article	Art. 6 - Sec. 4
Project Description	Remove a "petitioner only" proviso to extend an existing conditional use approval for restaurant use with takeout.
Relief Type	Conditional Use
Violations	Other Conditions Necessary as Protection Other Conditions Necessary as Protection

Planning Context:

The property is a one-story building on a corner lot at the intersection of River Street to the south and Hyde Park Avenue to the west. The building has an existing restaurant use on the ground floor. There are restaurants and other commercial land uses along River Street and Hyde Park Avenue. The previous petitioner was granted a condition use for restaurant with takeout by the Zoning Board of Appeals.

The proponent's proposed use in this application will also be for a restaurant with takeout and the plans provided represent a restaurant layout for the property with a kitchen, bar, and dining area.

Zoning Analysis:

This property is in the Hyde Park Neighborhood District (Art. 69) within a Neighborhood Shopping subdistrict (NS-2).

The violation (Art. 6 - Sec. 4) pertains to a protective condition in the form of a proviso that is attached to the previous tenant's conditional use approval for a restaurant with takeout use.

The proponent requests the removal of a "petitioner only" proviso in order to extend the conditional use permit on the property from the previous tenant to the current tenant. Since the proponent is seeking a conditional land use that has already received approval on this property,

BOA1513671

2023-11-09

1 Boston Planning & Development Agency



it should receive relief by way of removal of this proviso as it poses no adverse effects to the property and surrounding community.

This case is representative of a need for zoning code reform in this area of the neighborhood subdistrict to make restaurant with takeout an allowed land use instead of a conditional use, which would enable switching tenant occupancy for the same use without needing to enter the appeals process.

Plans titled "Layout Plan" completed by Miller Design, LLC. on August 2, 2023.

Recommendation:

In reference to BOA1513671, The Boston Planning & Development Agency recommends APPROVAL .

Reviewed,

A handwritten signature in blue ink, appearing to read "Amee Rand", is written over a faint, light blue circular stamp.

Director of Planning, BPDA



Case	BOA1522979
ZBA Hearing Date	2023-11-09
Address	115 Salem ST Boston 02113
Parcel ID	0302370044
Zoning District & Subdistrict	North End Neighborhood SALEM ST NS
Zoning Article	Art. 6 - Sec. 4
Project Description	Remove a "petitioner only" proviso to extend an existing conditional use approval for restaurant use with takeout.
Relief Type	Conditional Use
Violations	Other Conditions Necessary as Protection

Planning Context:

The property is a five-story building on the eastern side of Salem Street in the North End neighborhood. The building has an existing restaurant use on the ground floor. There are restaurant uses along Salem Street similar to this existing use. The previous petitioner was granted a condition use for restaurant with takeout by the Zoning Board of Appeals for this property.

The proposed use in this application provides the same reasonable land use of a restaurant with takeout and is supportive of economic activity in an area with other surrounding restaurant uses that offer takeout and delivery.

Zoning Analysis:

This property is in the North End Neighborhood District (Art. 54) within a Neighborhood Shopping subdistrict (SALEM ST NS).

The violation (Art. 6 - Sec. 4) pertains to a protective condition in the form of a proviso that is attached to the previous tenant's conditional use approval for a restaurant with takeout use on this property.

The proponent requests the removal of a "petitioner only" proviso in order to extend the conditional use permit on the property from the previous tenant to the current tenant. Since the proponent is seeking a conditional land use that has already received approval on this property,

BOA1522979

2023-11-09

1 Boston Planning & Development Agency



it should receive relief by way of removal of this proviso as it poses no adverse effects to the property and surrounding community.

This case is representative of a need for zoning code reform in this area of the neighborhood subdistrict to make restaurant with takeout an allowed land use instead of a conditional use, which would enable switching tenant occupancy for the same use without needing to enter the appeals process.

This application was submitted without plans. As such, there are concerns only if there any substantive changes in building dimensions, parking areas, exterior design, and/or performance standards that the proponent intends with this occupancy change.

Recommendation:

In reference to BOA1522979, The Boston Planning & Development Agency recommends APPROVAL WITH PROVISO: that adequate plans be submitted to the Agency for planning review with attention to the retention of building and lot conditions for the approved conditional use.

Reviewed,

A handwritten signature in blue ink, appearing to read "Amee Rana", with a long, sweeping flourish extending to the right.

Director of Planning, BPDA



Case	BOA1526460
ZBA Hearing Date	2023-11-09
Address	93 to 95 Wellsmere RD Roslindale 02131
Parcel ID	1805155004
Zoning District & Subdistrict	Roslindale Neighborhood 2F-5000
Zoning Article	Article 67
Project Description	Project proposes adding a dormer and expanding living space in an existing 2 family, 2.5 story home. The dormer would be added on the right side of the roof to expand existing attic, which would be converted to additional living space for unit 2 (family room and bathroom).
Relief Type	Variance
Violations	FAR Excessive Height Excessive (stories)

Planning Context:

The proposed project is on a residential street characterized by 2 story homes of similar size and character to the existing building at 93 to 95 Wellsmere RD. The project would involve adding a large shed dormer to one side of the roof. There are similar dormers already existing in this area (including on the abutting lot at 89 to 91 Wellsmere Rd). The proposed project would therefore not bring the building out of alignment with the existing surroundings.

Zoning Analysis:

The project violates FAR and height restrictions because it turns the existing attic into habitable space, therefore expanding the gross floor area and number of habitable stories. The proposed height is 3 stories, compared to the zoning maximum height of 2.5 stories, and the proposed FAR is 0.8, compared the zoning maximum FAR of 0.5 (Article 67 Table C). However, most of the addition of gross floor area and height can be attributed to the internal conversion of the attic to habitable space, and the only visible change to the size of the building is the addition of the dormer.

Recommendation:



In reference to BOA1526460, The Boston Planning & Development Agency recommends APPROVAL .

Reviewed,

A handwritten signature in blue ink, appearing to read 'Anne Kane'. The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Director of Planning, BPDA