



City of Boston  
Mayor Martin J. Walsh  
Board of Appeal

**NOTICE OF DECISION**  
**CASE NO. BOA919609**  
**PERMIT # ERT906151**

**APPEAL SUSTAINED**  
**WITH PROVISOS**

In reference to appeal of

Frankfort Gove, LLC


concerning premises

25 to 37 Frankfort Street, Ward 01

to vary the application of the Zoning Act, Ch. 665, Acts of 1956, as amended, in this specific case, I beg to advise that the petition has been granted.

Decision has been filed in the office of the Commissioner of the Inspectional Services Department, 1010 Massachusetts Avenue, fifth floor, Boston, MA 02118, and is open for public inspection. Date of entry of this decision in the Inspectional Services Department was 6/14/2019.

**FOR THE BOARD OF APPEAL**

  
Kevin P. O'Connor, Jr.

Principal Administrative Assistant



DECISION OF THE BOARD ON THE APPEAL OF

April 30, 2019  
DATE

Frankfort Gove, LLC

to vary the terms of the Boston Zoning Code, under Statute 1956, Chapter 665, as amended, Section 8, at premises:

25-37 Frankfort Street, Ward 01

For the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: Variance & IPOD  
Article(s): 27T(27T-9) 53(53-57) 53(53-9: Lot area for additional dwelling units insufficient, Floor area ratio excessive, Building height excessive, Building height (# of stories) excessive, Usable open space insufficient, Side yard insufficient & Rear yard insufficient) 53(53-56: Off-street parking & loading req - Off-street parking insufficient & Off-street parking & loading req - Off-street loading insufficient)

Combine parcels 0103988002 and 0103988001 to form a new 32,390 square foot Lot. Erect a new 5 story Residential Building with 94 Dwelling Units. There will be a 71 space Parking Garage under Building. See also Alt906155.

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner, as set forth in papers on file numbered BOA919609 and made a part of this record.

In conformity with the law, the Board mailed reasonable notice of the public hearing to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appeared on the then most recent local tax lists, which notice of public hearing was duly advertised in a daily newspaper published in the City of Boston, namely:

THE BOSTON HERALD on Tuesday, April 9, 2019

The Board took a view of the petitioner's land, examined its location, layout and other characteristics.

The Boston Redevelopment Authority was sent notice of the appeal by the Building Department and the legal required period of time was allotted to enable the BRA to render a recommendation to the Board, as prescribed in the Code.

After hearing all the facts and evidence presented at the public hearing held on Tuesday, April 30, 2019 in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for Permit# ERT906151 and December 7, 2018 plans submitted to the Board at its hearing and now on file in the Building Department.



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This appeal seeks permission to combine parcels 0103988002 and 0103988001 to form a new lot with 32,390 square feet. Also, to erect a new five-story residential building with ninety-four units and an underground parking facility with seventy-one parking spaces. See also ALT906155.

The purpose of this Appeal is to allow the Appellant to combine two existing lots to create a 32,390 square foot lot and to erect a new building with ninety-four residential units. The overall objective of this project is to allow the Appellant to have reasonable use of the property, while creating needed housing units for the East Boston community. The project is located within a Multi-Family Residential Subdistrict (MFR). The appeal is necessary as the proposal requires variances from the terms of the Boston Zoning Code (Code). The specific relief required in furtherance of the proposed project is as follows:

Article 27T, Section 9 IPOD Enforcement;  
Article 53, Section 57 Application of Dimensional Requirements (Conformity with Existing Building Alignment);  
Article 53, Section 9 Dimensional Regulations (Lot Area for Additional Dwelling Units Insufficient);  
Article 53, Section 9 Dimensional Regulations (Floor Area Ratio Excessive);  
Article 53, Section 9 Dimensional Regulations (Building Height Excessive);  
Article 53, Section 9 Dimensional Regulations (Building Height (Stories) Excessive);  
Article 53, Section 9 Dimensional Regulations (Usable Open Space Insufficient);  
Article 53, Section 9 Dimensional Regulations (Side Yard Insufficient);  
Article 53, Section 9 Dimensional Regulations (Rear Yard Insufficient);  
Article 53, Section 56 Off-Street Parking Regulations (Off-Street Parking Insufficient);  
Article 53, Section 56 Off-Street Parking Regulations (Off-Street Loading Insufficient)

The requested relief will allow the Appellant to combine two existing lots to create a 32,390 square foot lot and erect a five-story residential building with ninety-four condominium units and seventy-one parking spaces. This proposal is part of the Frankfort and Gove Street Development project which is proposing to reinvigorate this section of East Boston by renovating the former church building at 120 Gove Street and erecting the five-story structure at 25-37 Frankfort Street as mentioned above. Overall, this proposal includes 49,140 square feet spread out over two newly proposed lots, one hundred and eight condominium units and eighty-four parking spaces.



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The subject of this appeal is two lots comprising a total of 32,390 square feet. The site formerly housed the Our Lady of Mount Carmel Church Convent, which was located on the corner of Frankfort and Gove Street. The remaining portion of the lot, which makes up the majority of the overall site, is a vacant, paved overgrown land, which is underutilized and a blight on the community.

Our Lady of Mount Carmel Catholic Church was ordered closed in 2004 and this redevelopment will bring the attractive existing church building and its associated lots back to useful life. The Project will blend well with the predominantly residential neighborhood. The church building has long been a notable beacon of this East Boston neighborhood and the Appellant made a commitment to the community from the onset of this process to restore and renovate the structure along with developing the newly proposed Frankfort Street building. The proposed massing and materials of the new building along Frankfort Street will mirror those of the existing residences while providing distinct and contemporary design. Along Gove Street, the new building will be similar in height to the other buildings along the street, and in materials, which were inspired by the context and contemporary in design.

As part of the community benefits related to this Project, the main church building, which is located at 120 Gove Street, will be salvaged and renovated into residential units. The footprint of the existing structure and the height will remain the same. The structure located at the corner of Frankfort Street and Gove Street, which formerly was used as a convent associated with the Mount Carmel Church, is compromised structurally and are not suitable for human habitation according to current Building Code regulations, will be demolished. This will allow for the construction of the proposed five-story building along Frankfort Street. The Appellant worked diligently to design a building that fit with the context of the surrounding neighborhood. At the corner of Frankfort Street and Gove Street, the building will be a full five-stories, which aligns with the church building across the street as well as some of the taller buildings in the area such as the abutting school.

As you move down Frankfort Street, the building steps down to four-stories and mirrors the brick row houses across the street. The building is articulated as individual row houses with separate raised entrances. This design will activate the street and add individual character including urban landscape and street trees. The fourth floor will contain setbacks to reduce the massing



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along Frankfort Street. The primary material proposed will be brick, to match the existing buildings and character of the neighborhood, with stone and ironwork accents recalling the materials and details used throughout the neighborhood. The building will also contain a common fifth-floor deck, which will provide future residents with usable outdoor living space and scenic views of the city. Overall, the Proposed Development will serve to invigorate this section of East Boston and bring life to an abandoned building and vacant and underutilized parcels.

The Project is proposing a mix of one and two-bedroom units which will help to accommodate East Boston's diverse and growing population. The first floor will contain the main entrance, a lobby, bike storage area, trash room, mail room, and residential units, six of which will have direct access to the units from Frankfort Street. Floors two through five will house the remainder of the residential units, with the fifth floor also providing a lounge and a common deck for future residents. The Developers understand that parking is always a concern to the neighborhood residents and are proposing an underground parking facility for seventy-one cars as well as additional bike storage. Additionally, the Proposed Project is in close proximity to the Maverick Square and Airport MBTA stations, which will minimize community impact from resident parking from the Proposed Project.

The Proposed Project is ideally situated within close proximity to the Sumner, Callahan, and Ted Williams Tunnels, as well as two MBTA stations making it convenient for future resident commuters. The Project location is just steps away from the East Boston Greenway, which will give residents plenty of green space to utilize and is also walking distance to Maverick Square; offering many neighborhood shops and restaurants to service the new residents of the development.

Overall, this Project will serve as a great benefit to the East Boston community. The Project is an appropriate use of the lot and will not adversely affect the community or create any detriment for abutting residents. For these reasons, the requested relief may be granted in harmony with the general purpose and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The Project team has provided extensive community outreach efforts for the Proposed Project including community meetings in the East Boston neighborhood, and presentations before the elected officials. As part of the process, the Project team held an abutter's meeting to explain the





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Project to surrounding neighbors that will be directly impacted during and after construction. The Project team appeared three times before the Gove Street Association, as well as several meetings with the Impact Advisory Group (IAG). The Proponent received feedback from the neighbors and members of the IAG and has made design changes accordingly. Finally, the Project team has met individually with all of East Boston's elected officials and their staff members, including: Representative Adrian Madaro, City Councilor Lydia Edwards, and Mayor's Office of Neighborhood Services Liaison for East Boston, Jose Garcia Mota. East Boston's elected officials have had input during the community outreach process and have had staff present at all community meetings.

The Appellant showed his willingness to work with the community throughout the process, as several design changes were made to the Project based upon the feedback received at these meetings. Some of these changes include removing the proposed sixth floor, reducing the unit count, designing a detailed landscaping plan to create open space for the community and buffers for the proposed parking, increasing the parking ratio, and modifications to the overall design of the building.

At the subsequent Zoning Board of Appeals hearing on April 30, 2019, representatives from the Mayor's Office of Neighborhood Services, the Boston Planning and Development Agency and the Carpenter's Union, as well as a direct abutter stood in support of the project. There was no opposition voiced at the hearing and there is none on file with the Board. This showing of approval from the community further supports the Board's finding that the requested relief will have no negative impact on the surrounding area and is in harmony with the general purpose and intent of the Code.

The Board of Appeal finds that all of the following conditions are met:

- (a) That there are special circumstances or conditions, fully described in the findings, applying to the land or structure for which the variance is sought (such as, but not limited to, the exceptional narrowness, shallowness or shape of the lot, or exceptional topographical conditions thereof), which circumstances or conditions are peculiar to such land or structure but not the neighborhood, and that said circumstances or conditions are such that the application of the provisions of this



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Code would deprive the appellant of the reasonable use of such land or structure;  
and

- (b) That for reasons of practical difficulty and demonstrable and substantial hardship fully described in the findings, the granting of the variance is necessary for the reasonable use of the land or structure and that the variance as granted by the Board is the minimum variance that will accomplish this purpose; and
- (c) That the granting of the variance will be in harmony with the general purpose and intent of this Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In determining its findings, the Board of Appeal has taken into account: (1) the number of persons residing or working upon such land or in such structure; (2) the character and use of adjoining lots and those in the neighborhood; and (3) traffic conditions in the neighborhood.

The Board of Appeal also finds that all of the following conditions are met:

- (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.

The Board is of the opinion that all conditions required for the granting of a variance under Article 7, Section 7-3 and an IPOD Permit under Article 27T-8 of the Zoning Code have been met, and that the varying of the terms of the Zoning Code as outlined above will not conflict with the intent and spirit of the Zoning Code.



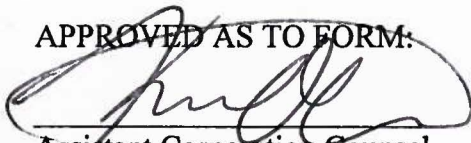
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Therefore, acting under its discretionary power, the Board (the members and substitute member(s) sitting on this appeal) unanimously voted to grant the requested variance and IPOD Permit as described above, annuls the refusal of the Building Commissioner and orders him to grant a permit in accordance with this decision, with the following proviso which, if not complied with, shall render this decision null and void.

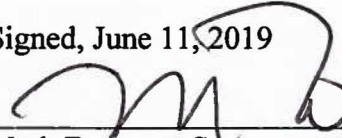
APPROVED AS TO FORM:

  
Assistant Corporation Counsel

PROVISO:

1. Subject to design review by BPDA.

Signed, June 11, 2019

  
Mark Fortune - Secretary  
Mark Erlich - Acting Chair  
Bruce Bickerstaff  
Craig Galvin  
Kerry Walsh Logue  
Tyrone Kindell, Jr.