

The Cloutier Law Firm, LLC

1990 Centre Street
West Roxbury, MA 02132

Kevin M. Cloutier

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September 16, 2025

VIA ISD PORTAL and EMAIL: Stephanie.Haynes@boston.gov

Sherry Dong
Chair
Zoning Board of Appeal
1010 Massachusetts Avenue
Boston, MA 02118

**RE: 5 Redlands Road, West Roxbury, Ward 20
ALT1748839
ZBA APPEAL**

Dear Chairwoman Dong,

On behalf of my client, Stephen Marsh ("Mr. Marsh"), please accept this correspondence as an appeal of the Inspectional Service Department's ("ISD") issuance of permit ALT1748839. This permit authorizes the property located at 5 Redlands Road in West Roxbury (the "Property") to be used and occupied as a congregate facility on floors two and three, with accessory offices and services on the first floor. Mr. Marsh, a direct abutter, files this appeal pursuant to Section 8 of the 1956 Enabling Act for the City of Boston.

As grounds for appeal, Mr. Marsh submits that the permit should have been denied for the following reasons:

1. A conditional use permit is required.
 - a. The proposed use is misclassified as "congregate living" when the actual use is "homeless shelter / transitional housing" which requires conditional use approval by the Zoning Board of Appeal ("ZBA").
 - b. Congregate living is an unconstitutionally vague use classification.

- c. Even if the use is properly classified as congregate living, a conditional use permit is still required for living space on the first floor.
2. The site lacks a compliant off-street loading bay.
3. There is insufficient off-street parking.
4. The site provides insufficient off-street parking design.

Mr. Marsh incorporates by reference letters submitted on his behalf dated July 3, 2025, July 25, 2025, and September 15, 2025 attached hereto as **Exhibits 1, 2, and 3**. These letters provide historical context regarding the property and zoning designation.

I. A CONDITIONAL USE PERMIT IS REQUIRED.

a. Misclassification as Congregate Living

The Owner's classification of the proposed use as congregate living, an allowed use, is incorrect and misleading. This property will be used, occupied, and operated as a **homeless shelter / transitional housing** facility - both conditional uses. The Owner has entered into a lease with the non-profit entity, Making Opportunities Count ("MOC") which will operate the shelter. MOC has publicly announced that it will serve up to forty-eight families under Massachusetts' Executive Office of Housing and Livable Communities' ("EOHLC") Emergency Assistance Family Shelter program. EOHLC defines the goal of its shelter program as ***"Shelter is a temporary place for your family to stay as you search for your next place to live."***¹

In its public materials and statements, MOC has characterized the site as "...part of the Commonwealth's strategic shift to transition away from hotels and ensure stable **shelter options for families experiencing homelessness**" (emphasis added).^{2,3} The Owner's public statements fit squarely within the zoning code's definitions of both "homeless shelter" and "transitional housing."⁴ The Owner should not be allowed to

¹See <https://www.mass.gov/info-details/what-is-emergency-assistance-ea-family-shelter>

² **Exhibit 4** - MOC document titled "Overview of West Roxbury Shelter Services." MOC distributed this flyer during the abutters' meeting on June 25, 2025.

³ **Exhibit 5** - June 25, 2025 Abutter's Meeting video during which the Owner indicated on numerous occasions that the site would be used and operated as a homeless shelter. <https://drive.google.com/file/d/1JHC-T0PWGP4NKzSLcHKidexS834eIwj/view> (incorporated in its entirety herein by reference).

⁴ Homeless Shelter and Transitional Housing have similar definitions and are grouped together in the Use Regulations in the Neighborhood Business

avoid zoning scrutiny simply by calling its intended use "congregate living."

b. Congregate Living is an Unconstitutionally Vague Use Classification

The term "congregate living" is undefined in the zoning code. This ambiguity allowed the Owner to recharacterize this homeless shelter / transitional housing facility as congregate living to avoid zoning. Courts have found such vagueness unconstitutional. See *Bd. of Appeals of Hanover v. Hous. Appeals Comm.*, 363 Mass. 339, 363-364 (1973) ("A vague zoning regulation, by permitting **untrammelled administrative discretion**, allows arbitrary and capricious decisions in violation of the Due Process clauses of the United States and Massachusetts Constitutions.") (emphasis added). Said more plainly but poignantly, "Laws should be written to give persons of ordinary intelligence a reasonable opportunity to know what is prohibited so that they may act accordingly." See *Graned v. City of Rockford*, 408 U.S. 104 (1972); *O'Connell v. Brockton Bd. of Appeals*, 344 Mass. 208 (1962).

The Owner's reliance on the building code's definition of congregate living is also misplaced. Building code use definitions are irrelevant to zoning code use definitions. Moreover, the building code classifies congregate living as an industrial use whereas the zoning code classifies congregate living as a residential use. This inconsistency further invalidates the Owner's misplaced reliance on the building code's definition of congregate living considering **the zoning code forbids all industrial uses in this subdistrict.**

c. First Floor Living Space is a Conditional Use

Even if congregate living were the correct classification, the application should still be denied. Under Art. 56, Table B, congregate living is a conditional use on the first floor. ISD properly denied the Owner's first application, ALT1724903,

Subdistricts, Art. 56, Table B. I will use these terms interchangeably throughout this letter. **Homeless Shelter** - A facility providing temporary housing for one or more individuals who are otherwise homeless. **Transitional Housing** - A building, or portion thereof, in which temporary residential accommodations are provided for persons or families who are not related to the owner, operator, or manager. Such residential accommodations shall be operated by a nonprofit organization, and shall include social services, on site or off site, to assist individuals or families living there. Transitional housing may contain a common kitchen and eating area and shared bathroom facilities.

because the plans identified living quarters on the first floor (formerly described as "lower level -1," "first floor," and "second floor").

In the present application, the Owner merely renamed the floors - what was previously called the first floor is now labeled the second floor while the location of the living quarters remains unchanged.

Supporting documentation has been retroactively altered to reflect this floor renaming. For example, in the Prestige Fire & Alarm Service narrative dated April 7, 2025, the building floors were described in SECTION 1 as "Ground, 1st, 2nd Floors" with two floors above grade and one floor below. In the current application, those sections were changed to "1st, 2nd, 3rd Floors" with all floors described as above grade. The file's metadata confirms that Alex Burk made these alterations on July 14, 2025.⁵

Similarly, the Fire Prevention Program Manager Acknowledgment Form (1.2 FPPM FORM) dated 4/25/25 originally described the building as "Lower Level & Floors 1-2." In the revised submission, the same form with the same date now describes "Floors 1-3."

These changes appear designed to avoid zoning scrutiny. Notably, the Owner now claims that the first floor, formerly the "lower level" is 34.82% below grade - just below the 35% threshold for classification as a basement. This 0.18% margin warrants heightened ZBA review.

II. INSUFFICIENT OFF-STREET LOADING

The building contains 23,514 square feet. Under Art. 56, Table J, buildings between 15,001 and 49,999 square feet require one off-street loading bay.

For the first time in its third submission, the Owner has designated a 10' x 25' "loading zone," which he attempts to pass off as a "loading bay." This loading zone suddenly appeared in the plans after ISD cited insufficient off-street loading in its July 31, 2025 refusal letter.

Boston Transportation Department ("BTD") guidelines require loading bays no less than 14' wide, 25' long, and 14' high

⁵ Please reference the plans submitted with ALT1748839 on July 15, 2025 that are incorporated herein and made a part of this record.

exclusive of maneuvering areas.⁶ The Owner's plans show no location that could function as a loading bay, nor does it provide for minimum width, length, clearance, or turning radius as required by the BTD. The plans show no opening into the building that could constitute a bay for loading and unloading. Per the BTD's guidelines, the BTD must approve a proposed loading bay pursuant to an engineered site plan and it seems that no such plan has been submitted to the BTD for its review.

Attorney Rufo's September 8, 2025 letter states that the "loading zone" (not "loading bay") measures 10'x25'x14' but these measurements correspond to the "loading zone" and not a loading bay. Even if correct, this width fails to meet the 14' minimum. Moreover, there is a fenced enclosure on-site that appears to intrude into the loading zone but that is not shown on the plans.



This enclosure is incompatible with the BTD's loading bay requirements.

ISD appears to have accepted the Owner's designation of a "loading zone" at face value without any further assessment of whether this loading zone bore any resemblance to a loading bay.

The site therefore lacks a compliant loading bay and requires ZBA relief.

⁶ Exhibit 6 - Guidelines by the Boston Transportation Department for use by the Zoning Board of Appeal. See also

III. INSUFFICIENT OFF-STREET PARKING

Under Article 56, Table I, and Art. 23, the site requires:

1. Residential Uses: 49 spaces.

- a. Plans provide for 42 rooms.
- b. Owner intends to house up to 130 people.
- c. Per Art. 56, Table I, FN2, every four beds = one dwelling unit.
- d. $130 \text{ people} = 130 \text{ beds} / 4 \text{ (group of beds)} = 32.5 \text{ dwelling units.}$
- e. $32.5 \text{ dwelling units} \times 1.5 \text{ spaces per dwelling unit} = 48.75 \text{ parking spaces (rounded up to 49).}$

2. Office Uses (Mixed Use): 13 spaces.

- a. Ground floor contains 6,478 sf of office space.
- b. Art. 23-4 requires one space per 500 sf.
- c. $\text{There is } 6,478 \text{ sf of office space on the ground floor. } 6,478 / 500 = 12.95 \text{ (rounded to 13).}$

Total required: 62 spaces.

Ironically, had the Owner properly classified the use as a homeless shelter / transitional housing, he would have a far more favorable off-street parking ratio of .25 spaces per dwelling unit.

By contrast, the Owner assumes one bed per room (42 occupants) and applies the affordable housing ratio of 0.7 spaces per unit. This analysis is flawed. First, the actual occupancy is 130 beds, not 42⁷. Second, this facility does not contain dwelling units, let alone affordable dwelling units. The fact that residents may qualify for affordable housing does not make this facility itself "affordable housing" subject to the 0.7 parking ratio.

Accordingly, this site requires a variance for its insufficient off-street parking.

⁷ The actual occupancy is debatable based upon ISD's margin comments in the current plans as well as inconsistent submission documents. Attorney Rufo's letter describes an occupancy of 130 people, the plans indicate 120 people. ISD's margin comments state that "final OCC counts to be recalculated by architect prior to issuance of COO for BLDG Dept. confirmation and approval. That said, there is no recalculation that will change the existing noncompliance.

IV. INSUFFICIENT OFF-STREET PARKING DESIGN

In its July 31, 2025 refusal letter, ISD noted a violation of Art. 36, Sec. 9 for insufficient off-street parking design: width of an unobstructed 10' driveway and clear maneuvering areas. The earlier site plan showed a 9-foot-wide driveway.⁸ No permit was issued to widen it, yet the revised plan now conveniently shows a 10-foot width. This unexplained change, like the grading alteration addressed in section (I)(c) above, raises serious concerns about the accuracy of the submission documents.

Accordingly, this site requires a variance for its insufficient off-street parking design.

V. CONCLUSION

For all the reasons stated above, Mr. Marsh respectfully requests the ZBA overturn ISD's issuance of permit ALT1748839.

Mr. Marsh reserves his right to supplement this appeal with additional claims, as they become known, and additional information, as it is acquired.

Sincerely,

Kevin M. Cloutier

Kevin M. Cloutier

Enc.

cc: State Senator Michael Rush (via email)
State Representative William MacGregor (via email)
City Councilor Ben Weber (via email)
Marc Joseph (via email)
Francesco D'Amato (via email)
Ben Tayag (via email)
Conor Newman (via email)
Stephanie Haynes (via email)

⁸ Exhibit 8 - Driveway

The Cloutier Law Firm, LLC

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Kevin M. Cloutier

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July 3, 2025

VIA EMAIL: Edward.Coburn@Boston.gov

Tania Del Rio
Commissioner
c/o Edward Coburn, Esq.
Boston Inspectional Services
1010 Massachusetts Avenue
Boston, MA 02118

**RE: Zoning Enforcement Request
5 Redlands Road, West Roxbury, Ward**

Dear Commissioner Del Rio,

I write on behalf of my client, Stephen Marsh, a direct abutter to property located at 5 Redlands Road, West Roxbury ("property"), to formally request that the Inspectional Service Department ("ISD") conduct a zoning code enforcement action concerning the imminent use of the property as a homeless shelter.

This request is urgent due to public announcements by the proposed shelter operator, Making Opportunities Count ("MOC") that it intends to begin moving families into the property and commence shelter operations in July 2025. These representations were most recently made during an abutters' meeting on June 26, 2025. If allowed to proceed prior to any adjudication by the Zoning Board of Appeal ("ZBA"), this occupancy will constitute an illegal and unpermitted use and must be prevented.

5 Redlands Road - "Property"

5 Redlands Road is a 25,033 square foot parcel located on a residential street off Centre Street in West Roxbury. Until its closure in 2022, the property was operated as served as the

Stonehedge Rehabilitation and Skilled Care Center ("Stonehedge"), a licensed nursing home. This use aligned with the existing Certificate of Occupancy which identifies the use as "Nursing Home."¹ Since Stonehedge's closure, the property has remained vacant.

In October 2024, Robert Burk ("Mr. Burk"), through his company, Berkshire Investments, LLC, purchased the property. Mr. Burk has since leased the property to MOC for the purpose of operating a homeless shelter.

Homeless Shelter Proposal

MOC has announced its intent to operate a homeless shelter on the property to serve up to forty-eight families. In its public materials and statements, MOC has characterized the site as "...part of the Commonwealth's strategic shift to transition away from hotels and ensure stable **shelter options for families experiencing homelessness**" (emphasis added).²

MOC, through Mr. Burk, has applied to ISD under permit application ALT1724903 to change the use and occupancy of the property from a Nursing Home to a "Nursing Home and Congregate Facility." This application was appropriately denied by ISD on June 6, 2025.³ Notably, MOC's classification omits the proposed use as a "Transitional Housing or Homeless Shelter" - a distinction that will be addressed in greater detail below.

Zoning and Use Classification

The property lies within a Neighborhood Shopping ("NS") subdistrict of the West Roxbury Neighborhood zoning district. Pursuant to Zoning Code, Art. 56, Table B, **"Transitional Housing or Homeless Shelter"** is a conditional use in this subdistrict. As such, MOC's intended use requires a condition use permit from the ZBA, which has not been granted.

MOC's proposed use is consistent with the Zoning Code's definitions of both "Homeless Shelter" and "Transitional Housing" under Art. 2.⁴ These uses are distinct from a "Nursing Home" and carry separate zoning implications.

¹ See Ex. 1 – COO dated 10/06/1988

² See Ex. 2 – MOC document titled "Overview of West Roxbury Shelter Services." MOC distributed this flyer during the abutters' meeting on June 26, 2025.

³ See Ex. 3 – Zoning Code Refusal Letter

⁴ **Homeless Shelter** – A facility providing temporary housing for one or more individuals who are otherwise homeless. **Transitional Housing** (which is coupled with Homeless Shelter in the Use table for the NS subdistrict) - A

Despite this, MOC's permit application classifies the proposed use as a "Nursing Home and Congregate Facility." This description is inaccurate and misleading. The submitted plans contain no reference to the continued use of the property as a Nursing Home. This characterization has caused confusion, as noted by ISD Plans Examiner, Frank D'Amato, whose margin comments on the submitted plans provide that the intended occupancy was "unclear and TBD by the BOA."⁵

Considering that a Homeless Shelter and/or Transitional Housing use(s) require a conditional use permit, MOC's reliance on the Nursing Home and Congregate Facility appears to be intended to minimize the grant of relief necessary to commence operations.⁶ MOC reasoned, during the June 26th abutters' meeting, that its proposed use was an extension of the existing use, with the exception of "congregate living" on the first floor that mandated conditional use approval by the ZBA. By this reasoning, MOC asserted that it can, and will, begin housing families in portions of the property that MOC unilaterally determined constitutes an extension of the existing use. MOC's reasoning is flawed.

The property's last legal use was a Nursing Home. Pursuant to Zoning Code, Art. 56, Table B, a "Nursing Home" is a conditional use. Pursuant to Zoning Code, Art. 6-5, "non-use of a conditional use for a period of twenty-four months **shall terminate the right to use such structure for such conditional use**" (emphasis added). Because Stonehedge ceased Nursing Home operations in 2022, and the property has been vacant since, the conditional use approval (Nursing Home) has lapsed by operation of law.

Additionally, MOC has failed to disclose, in ALT's purpose designation, its intent to use portions of the basement for health care facilities described in the plans as "inpatient treatment" or "health care."⁷ Pursuant to Zoning Code, Art. 56, Table B, such a use would also require conditional use approval from the ZBA.⁸

building, or portion thereof, in which temporary residential accommodations are provided for persons or families who are not related to the owner, operator, or manager. Such residential accommodations shall be operated by a nonprofit organization, and shall include social services, on site or off site, to assist individuals or families living there. Transitional housing may contain a common kitchen and eating area and shared bathroom facilities.

⁵ Ex. 4 – I did not separately include the plans containing Mr. D'Amato's notes as they are in ISD's possession and can be easily referenced.

⁶ Congregate Living Complex is an allowed use in the NS subdistrict.

⁷ See Plans.

⁸ Art. 56, Table B does not provide any health care facility(s) as an allowed accessory use.

MOC's intended use - a use it publicly stated will commence in July, well before a ZBA hearing on the matter - would be illegal and contrary to the Zoning Code's requirement that "no land or structure shall be erected, **used**, or arranged or designed to be used, **in whole or in part**, except in conformity with this Article 8" (emphasis added).⁹ Accordingly, enforcement action by ISD is necessary to prevent this unlawful use.

Enforcement Action

Pursuant to Zoning Code, Art. 5-1, "It shall be the duty of the Building Commissioner to enforce the provisions of this Code." That duty includes the authority to issue all necessary orders to ensure compliance with the Building Code. 780 CMR § 104.3. On its website, ISD provides, as an example, illegal dwellings as being subject to ISD's enforcement authority. ISD's own materials cite unpermitted dwellings as examples of violations warranting enforcement action, noting:

"Illegal units are dwellings that do not have the required Certificate of Occupancy. This document certifies that a residential building complies with all state and local building codes and is safe to live in."¹⁰

Consistent with your lawful duty and authority, I respectfully request that ISD:

1. Investigate whether MOC's proposed use is properly classified in ALT1724903.
2. Issue an order prohibiting the occupancy of any portion of the property by individuals or families until all required permits and approvals have been obtained from ISD and/or ZBA; and
3. Ensure that no occupancy occurs until all relevant municipal and state inspections are completed and all code compliance is verified.

This request for zoning enforcement is not intended to

⁹ Article 8 is titled "Regulation of Uses."

¹⁰ See https://www.boston.gov/departments/inspectional-services/inspectional-services-constituent-services?utm_source=chatgpt.com#investigation-and-enforcement

address broader objections to the homeless shelter's appropriateness for this location. Those issues will be raised through the ZBA process and, if necessary, in court.

Timely action on this request is critical to preserve the integrity of the Zoning Code and to ensure that all uses within this neighborhood are lawful, safe, and properly permitted.

Please feel free to contact me with any questions. Given the time-sensitive nature of this issue, I am readily available by email and cell phone during this holiday period.

Thank you.

Sincerely,



Kevin M. Cloutier

Enc.

cc: State Senator, Michael Rush (via email, w/enc.)
State Representative, Bill MacGregor (via email, w/enc.)
District City Councilor, Benjamin Weber (via email, w/enc.)
Conor Newman, ONS (via email, w/enc.)
Ben Tayag, ONS (via email, w/enc.)
Sigurgeir Jonson, ONS (via email, w/enc.)

COPIES OF THIS CERTIFICATE MUST BE POSTED IN A CONSPICUOUS LOCATION IN EACH STORY OF THE BUILDING



CITY OF BOSTON
INSPECTIONAL SERVICES DEPARTMENT
FIFTH FLOOR
1010 MASSACHUSETTS AVE.
BOSTON, MA 02118

EXHIBIT

1

CERTIFICATE OF USE AND OCCUPANCY

IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 802, ACTS OF 1972, AS AMENDED, TO WIT, SECTION 119.0, A CERTIFICATE OF USE AND OCCUPANCY IS ISSUED FOR THE BUILDING LOCATED AT:

5 Redlands Road

DISTRICT Boston WARD 20 OF SUFFOLK COUNTY, THE COMMONWEALTH OF MASSACHUSETTS. THIS CERTIFIES THAT THE USE GROUP, THE FIRE GRADING, THE MAXIMUM LOAD AND THE OCCUPANCY LOAD COMPLY WITH THE COMMONWEALTH OF MASSACHUSETTS STATE BUILDING CODE BY ISSUE OF PERMIT 1465 ON 10/31/86 BY THE INSPECTIONAL SERVICES COMMISSIONER OF THE CITY OF BOSTON, THE ALLOWED USE AND OCCUPANCY IS: _____

Nursing Home.

CERTIFICATE NUMBER: 20669 ISSUED: 10/6/88

ALL PRIOR CERTIFICATES OF USE AND OCCUPANCY FOR THIS STRUCTURE ARE NULL AND VOID.

Ray P. Moccia
for COMMISSIONER, INSPECTIONAL SERVICES

(ISSUANCE OF THIS CERTIFICATE INDICATES THERE ARE NO OUTSTANDING VIOLATIONS AGAINST THIS PROPERTY.)

BD-522A

Overview of West Roxbury Shelter Services



Introduction

Making Opportunity Count (MOC) is a community action agency dedicated to empowering individuals and families across Massachusetts to achieve economic stability and independence. Each year, we serve more than 30,000 individuals through a comprehensive network of programs, including early education and childcare, workforce development, housing and homelessness services, behavioral health support, nutrition programs, and youth development initiatives. Our work is rooted in eliminating barriers, promoting equity, and building stronger communities.

Who We Are: Making Opportunity Count (MOC)

MOC has become a trusted partner in addressing homelessness. Our shelter programs are built on strong operational practices, successful outcomes, and a steadfast commitment to collaboration with communities. As we expand our services into West Roxbury, we are committed to working alongside local leaders and residents to ensure this shelter becomes a stabilizing, supportive asset to the neighborhood.

MOC has decades of experience operating successful shelter programs in partnership with local communities. Our sites have been recognized by public officials and peer organizations, including walkthroughs by Congresswoman Lori Trahan and visits by organizations such as CTI, Ascentria, and Commonwealth Care Alliance to model their own programs after ours.

At the heart of our approach is individualized care and empowerment. Each family we serve receives comprehensive case management services that focus on addressing barriers to stability and moving families toward long-term housing solutions.

West Roxbury Shelter Project Overview

- **Location:** 5 Redlands Road, West Roxbury
- **Opening Target:** July 2025
- **Capacity:** Up to 48 families
- **Staffing:** 24/7 onsite staffing and security; the site will be supported by a dedicated team including management, case managers, direct care staff, and a full-time maintenance professional assigned to the site.
- **Population:** Families with children and pregnant individuals enrolled in the Commonwealth's Emergency Assistance (EA) program
- **Services Provided:** Intensive case management focused on stabilization, employment, and rapid rehousing; dedicated volunteer-staffed space to support trauma-informed play in collaboration with Horizons for Homeless Children

This site is not adding new capacity to the system but is part of the Commonwealth's strategic shift to transition away from hotels and ensure stable shelter options for families experiencing homelessness.

Overview of West Roxbury Shelter Services

Client Profiles: Stories of Resilience and Success

At MOC shelters, families find not only a safe place to stay, but a pathway forward. A few examples of the individuals we have supported include:

- **Building a New Beginning:** A mother of three entered one of our shelters after fleeing domestic violence while struggling with postpartum depression. With intensive support from our case management and direct care teams, she regained her mental health, secured stable employment, and is now preparing to move into a subsidized apartment where she and her children will thrive.
- **Preventing a Return to Homelessness:** A family at risk of shelter exit without stable housing was able to remain safely sheltered after MOC negotiated a bridge lease extension just two days before their exit date. This rapid intervention prevented them from re-entering homelessness and preserved the family's stability.
- **Workforce Integration:** Through our partnerships, including with Wachusett Mountain and Concord Public Schools, many of our shelter clients have secured meaningful employment. For example, a group of residents with construction backgrounds were connected with a local painting company, resulting in immediate job offers and financial independence.

Community Safety and Impact

- **Security:** All MOC shelters are staffed 24/7 with professional security procedures tailored to each site.
- **Police and Fire Partnerships:** We collaborate closely with local police and fire departments, who provide regular safety checks, fire drills, community education workshops, and rapid response when needed.
- **Crime Impact:** There has been no increase in crime following the opening of our shelters. In Gardner, police and EMTs reported a decrease in overdose-related calls after MOC transitioned a hotel into family shelter use.

Proven Outcomes and Community Contribution

- **Housing Stability:** 78% of families exiting MOC shelters transition successfully into stable, permanent housing, with a current fiscal year-to-date success rate of 88%.
- **Employment:** 34% of active adult shelter clients are employed during their shelter stay, thanks in part to our partnerships with local employers.
- **Community Engagement:** Families are connected to summer camps, afterschool programs, libraries, museums, and job training programs, ensuring they are active contributors to their new communities.

Commitment to Partnership and Local Engagement

We recognize the importance of ongoing dialogue with the community. Our commitments for the West Roxbury site include:

- Establishing a Community Advisory Group for local feedback and collaboration.
- Providing a dedicated point of contact for neighborhood concerns, questions, and ideas.
- Participating in regular meetings with neighborhood associations and community leaders to ensure operations are transparent, responsive, and aligned with local priorities.

Conclusion

We understand that welcoming a shelter into a neighborhood raises important questions and concerns. Making Opportunity Count is committed to operating the West Roxbury shelter with the highest standards of care, transparency, and community partnership. We are honored to work alongside the West Roxbury community to support families in crisis and to build stronger, safer neighborhoods for all.



Michelle Wu
Mayor

Boston Inspectional Services Department Planning and Zoning Division

1010 Massachusetts Avenue Boston, MA 02118 Telephone: (617) 635-5300

EXHIBIT

3

exhibitsticker.com

ZONING CODE REFUSAL

Marc A. Joseph
Inspector of Buildings

ROBERT BURK
11 WALNUT HILL ROAD
CHESTNUT HILL, MA 02467

06/06/2025

Location: 5 REDLANDS RD WEST ROXBURY, MA 02132
Ward: 20
Zoning District: West Roxbury Neighborhood
Zoning Subdistrict: NS
Appl. #: ALT1724903
Date Filed: May 27, 2025
Purpose: Change of occupancy from Nursing home to Nursing home and Congregate Facility Purpose of this applications review is for Zoning approval only.No construction work being done on this permit
***I-2 use to mixed use I-2 and I-1? (Congregate Living Facility –capable of self-preservation (2021 IBC §308.2).**
**** SEE full Submission documents**

YOUR APPLICATION REQUIRES RELIEF FROM THE BOARD OF APPEAL AS SAME WOULD BE IN VIOLATION OF THE BOSTON ZONING CODE TO WIT: CHAPTER 665, ACTS OF 1956 AS AMENDED:

<u>Violation</u>	<u>Violation Description</u>	<u>Violation Comments</u>
Art. 09 Sec. 02	Nonconforming Use Change	Nursing home conditional use
Art. 56, Section 15 **	Use: Conditional	Congregate living use conditional on the 1st story in an NS subdistrict

THIS DECISION MAY BE APPEALED TO THE BOARD OF APPEAL WITHIN FORTY-FIVE (45) DAYS PURSUANT TO CHAPTER 665 OF THE ACTS OF 1956, AS AMENDED. APPLICATIONS NOT APPEALED WITHIN THAT TIME PERIOD WILL BE DEEMED ABANDONED. IF YOU HAVE INQUIRIES REGARDING THE NEIGHBORHOOD PROCESS AND PUBLIC PARTICIPATION, PLEASE CONTACT THE MAYOR'S OFFICE OF NEIGHBORHOOD SERVICES AT 617-635-3485. For more information visit boston.gov/zba-appeal.

Frank

Digitally signed by Frank

D'Amato

Date: 2025.06.06 08:43:36

D'Amato

04'00'

Francesco D'Amato

Frank.DAmato@Boston.Gov / (617)961-3265
for the Commissioner

Refusal of a permit may be appealed to the Board of Appeal within 45 days. Chapter 802, Acts of 1972, and Chapter 656, Acts of 1956, Section 19.

The Cloutier Law Firm, LLC

1990 Centre Street
West Roxbury, MA 02132

Kevin M. Cloutier

kcloutier@cloutierlawfirm.com

July 25, 2025

VIA EMAIL: Edward.Coburn@Boston.gov

Tania Del Rio
Commissioner
c/o Edward Coburn, Esq.
Boston Inspectional Services
1010 Massachusetts Avenue
Boston, MA 02118

**RE: Zoning Enforcement Request
5 Redlands Road, West Roxbury, Ward 20
ALT1748839**

Dear Commissioner Del Rio,

Once again, I write on behalf of my client, Stephen Marsh, a direct abutter to property located at 5 Redlands Road, West Roxbury. The owner of 5 Redlands Road has resubmitted an application to "Change the occupancy from Nursing Home to Congregate Living Facility on Floors 2-3 and Accessory Uses (Accessory: Offices/Services" on Floor 1."¹ This application represents the proponent's second attempt to convert this property into a **homeless shelter**. For the reasons provided below, I respectfully request that ISD deny this application.

For historical reference, please refer to my prior letter dated July 3, 2025, which I incorporate herein by reference. I commend ISD's response to that letter which resulted in the applicant withdrawing ALT1724903 and replacing it with the pending ALT1748839. While this has provided temporary relief

¹ I have not appended the entire ALT application as it is on ISD's possession. I am in possession of an 83-page application with plans and additional supporting documents. I will refer throughout this letter to this submission as the "Application."

from the applicant's stated opening of July 11th, the ongoing activity at the site suggests that the applicant believes approval is a foregone conclusion. On behalf of my client and concerned residents, I once again urge ISD to enforce the Zoning Code and deny the application.

There are four primary reasons this application should be denied:

1. The proposed use is misclassified as "congregate living" when it is in fact "homeless shelter / transitional housing."
2. The applicant has revised the building's floor labeling in an effort to appear zoning compliant.
3. The site lacks sufficient off-street parking.
4. The site lacks the required off-street loading bay.

Misclassification as Congregate Living

The applicant proposes to convert the property into a homeless shelter / transitional housing.² The applicant has an existing lease with the non-profit company, Making Opportunities Count ("MOC") which will operate the shelter. Recognizing that homeless shelters and transitional housing are conditional uses, and knowing that is exactly what MOC proposes, the applicant is attempting to circumvent zoning by classifying the use as "congregate living" which is allowed by-right in this subdistrict.

MOC's attempt to classify the proposed use as congregate living is incorrect. MOC has publicly stated its intent to operate the site as a homeless shelter. It cannot hide from its own words in an obvious attempt to avoid zoning.³ In its public materials and statements, MOC has characterized the site as "...part of the Commonwealth's strategic shift to **transition** away

² Homeless Shelter and Transitional Housing have similar definitions and are grouped together in the Use Regulations in the Neighborhood Business Subdistricts, Art. 56, Table B. I will use these terms interchangeably throughout this letter. **Homeless Shelter** - A facility providing temporary housing for one or more individuals who are otherwise homeless. **Transitional Housing** - A building, or portion thereof, in which temporary residential accommodations are provided for persons or families who are not related to the owner, operator, or manager. Such residential accommodations shall be operated by a nonprofit organization, and shall include social services, on site or off site, to assist individuals or families living there. Transitional housing may contain a common kitchen and eating area and shared bathroom facilities.

³ See my July 3, 2025 letter for an in-depth discussion of MOC's public announcements of its intent to utilize this property as a homeless shelter.

from hotels and ensure stable ***shelter options for families experiencing homelessness***" (emphasis added). These statements fall squarely within the Zoning Code's definitions of both "homeless shelter" and "transitional housing" which provide ISD clear, unambiguous, guidance on the proper use classification. Proper application of these definitions mandates denial of the current application.

Additionally, the term "congregate living" is undefined in the Zoning Code. This ambiguity allows applicants to label any conditional or forbidden use as "congregate living" to evade zoning scrutiny. Courts have found such vagueness unconstitutional. See *Bd. of Appeals of Hanover v. Hous. Appeals Comm.*, 363 Mass. 339, 363-364 (1973) ("A vague zoning regulation, by permitting untrammelled administrative discretion, allows arbitrary and capricious decisions in violation of the Due Process clauses of the United States and Massachusetts Constitutions."). Said more plainly but poignantly, "Laws should be written to give persons of ordinary intelligence a reasonable opportunity to know what is prohibited so that they may act accordingly." See *Granel v. City of Rockford*, 408 U.S. 104 (1972); *O'Connell v. Brockton Bd. of Appeals*, 344 Mass. 208 (1962).

Any person of ordinary intelligence that has listened to MOC and read MOC's materials, knows that MOC intends to operate a homeless shelter at this site and these same people know that a homeless shelter is not allowed. I trust ISD also knows this.

The applicant's reliance on the Building Code's definition of congregate living is also misplaced. Building code use definitions are irrelevant to zoning code use definitions. Moreover, the building code classifies congregate living as an industrial use whereas the Zoning Code classifies congregate living as a residential use. This inconsistency further invalidates the applicant's misplaced reliance on the building code's definition of congregate living considering the zoning code forbids all industrial uses in this subdistrict.

Amended Flooring Description

Even assuming *arguendo* that congregate living is the correct classification, the application must still be denied. Under Art. 56, Table B, congregate living is a conditional use on the first floor. ISD properly denied MOC's first application, ALT1724903, because the original floor plans identified living

quarters on the first floor (formerly described as "lower level -1," "first floor," and "second floor").

In the new application, the applicant simply renamed the floors as first floor, second floor, and third floor. The location of the living quarters remains unchanged - they are still on what was previously labeled the first floor - but the floor is now named "second" to avoid the conditional use requirement.

Supporting documentation has been retroactively altered to reflect this floor renaming. For example, in the Prestige Fire & Alarm Service narrative dated April 7, 2025, the building floors were described in SECTION 1 as "Ground, 1st, 2nd Floors" with two floors above grade and one floor below. In the current application, those sections were changed to "1st, 2nd, 3rd Floors" with all floors described as above grade. The file's metadata confirms that Alex Burk made these alterations on July 14, 2025.

Another example of this self-serving alteration, is the "Fire Prevention Program Manager Acknowledgment Form" (1.2 FPPM FORM) dated 4/25/25. In the first application, it described the building as "Lower Level & Floors 1-2." In the current submission, the identical form bears the same date but describes the building as "Floors 1-3."

Further confusing and complicating this altered floor sequencing is sheet A1 in the pending application. This sheet is named "First Floor Plan" but the plans and table shown on this sheet are labelled "Lower Level." The corresponding mislabeling appears in sheets A2 and A3.

With this change in the floor sequencing, I strongly urge ISD to carefully examine the elevation pages which now claim that the first floor, previously known as the "lower level" is 34.82% below grade - just below the 35% threshold that would classify it as a basement. Given the applicant's intent to avoid zoning, its altered documents, and its use misclassification, this narrow 0.18% margin deserves heightened scrutiny.

Insufficient Off-Street Parking

The site's three off-street parking spaces are insufficient. The zoning code requires one off-street parking space for every four beds. Considering MOC's plan to house up to forty-eight families in this homeless shelter, the minimum off-street parking would far exceed three spaces.

The applicant appears to claim that a prior variance excuses this deficiency noting in the zoning table "per prior variance - 3 spaces provided." However, that variance was tied to the prior conditional use (nursing home) which lapsed under Art. 6-5 due to twenty-four months of nonuse. Accordingly, this application must be denied for failure to meet the zoning code's minimum off-street parking requirement.

Insufficient Off-Street Loading

The building is 23,514 square feet. Art. 56, Table J requires one off-street loading bay for buildings between 15,001 and 49,999 square feet. This site has no loading bays. This alone requires denial of the application.

Enforcement Action

Pursuant to your enforcement authority, I respectfully request that ISD:

1. Classify the proposed use as "homeless shelter or transitional housing";
2. Deny the application because this use requires a conditional use permit;
3. Closely review the altered floor classifications and determine whether the lower level is a basement or first floor;
4. Deny this application because it violates the Zoning Code's minimum off-street parking requirement;
5. Deny this application because it violates the Zoning Code's minimum off-street loading requirement; and
6. Issue an order prohibiting the occupancy of any portion of the property by individuals or families, including office staff, until all required permits and approvals have been obtained from ISD and/or ZBA.

As stated in my prior letter, this request for zoning enforcement is not intended to address broader objections to the homeless shelter's appropriateness for this location. Those concerns will be raised through the ZBA process and, if necessary, in court. However, I note that substantial local

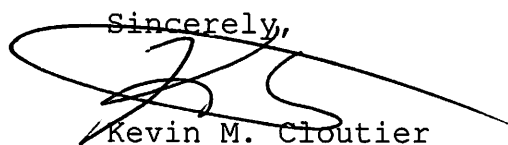
opposition to this project exists, and those voices deserve to be heard in the proper forum.

Timely action on this request is critical to preserve the integrity of the Zoning Code and to ensure that all uses within this neighborhood are lawful, safe, and properly permitted.

Please do not hesitate to contact me with any questions.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to be 'K. Cloutier', written over the word 'Sincerely,'.

Kevin M. Cloutier

Enc.

cc: Marc Joseph (via email)
Francesco D'Amato (via email)
Ben Tayag (via email)
Conor Newman (via email)

The Cloutier Law Firm, LLC

1990 Centre Street
West Roxbury, MA 02132

Kevin M. Cloutier

kcloutier@cloutierlawfirm.com

September 15, 2025

VIA EMAIL: Edward.Coburn@Boston.gov

Tania Del Rio
Commissioner
c/o Edward Coburn, Esq.
Boston Inspectional Services
1010 Massachusetts Avenue
Boston, MA 02118

**RE: 5 Redlands Road, West Roxbury, Ward 20
Proposed Homeless Shelter**

Dear Commissioner Del Rio,

I write, once again, on behalf of my client, Stephen Marsh, a direct abutter to property located at 5 Redlands Road, West Roxbury. For context, please refer to my prior letters dated July 3, 2025 and July 25, 2025 in which I detailed legal irregularities in permit application(s), ALT1724903 and ALT1748839. Those letters prompted a withdrawal of ALT1724903 and a Zoning Code Refusal for ALT1748839.

It has come to my attention that today, ISD issued a permit to change the use and occupancy of the property pursuant to an amended ALT1748839 application. I hereby **DEMAND** that ISD issue a stay on this permit and **REFRAIN** from issuing a certificate of occupancy until my client and other interested parties have had an opportunity to review the approved permit and supporting application documents. At the time of this writing, no additional documentation has been made available to my office; nonetheless the urgency of this matter requires immediate written action to protect my client's, and the community's interests.

It is important to note that the applicant and ISD provided **NO NOTICE** to abutters and concerned stakeholders that an amended



permit application was under consideration. This lack of notice is particularly egregious given the formal requests for transparency with this proposal from United **States Congressman Stephen Lynch, State Senator Michael Rush, State Representative William MacGregor, and City Councilor Ben Weber**¹ and numerous local residents.

The approval of this permit enables an **illegal use** - a **homeless shelter** - on the property. Granting this approval without providing any opportunity for public comment is an affront to the legitimate concerns raised by many West Roxbury residents; and stands in direct conflict with the City's commitment to transparency and community engagement in local development decisions.

To ensure my client may exercise his lawful right of appeal pursuant to Section 8 of the Enabling Acts of 1956, please provide my office with the following documents as soon as possible:

1. Approved permit;
2. Application for the approved permit; and
3. All documents submitted in support of the application for the approved permit.

Thank you for your prompt attention to this urgent matter. Please call my office with any questions or concerns.

Sincerely,

Kevin M. Cloutier

Kevin M. Cloutier

Enc.

cc: State Senator Michael Rush (via email)
State Representative William MacGregor (via email)
City Councilor Ben Weber (via email)
Marc Joseph (via email)
Francesco D'Amato (via email)
Ben Tayag (via email)
Conor Newman (via email)
Stephanie Haynes (via email)

¹ Letters from elected officials attached.



COMMONWEALTH OF MASSACHUSETTS
THE GENERAL COURT
STATE HOUSE, BOSTON 02133-1053

July 29, 2025

The Honorable Edward M. Augustus, Jr.
Secretary, Executive Office of Housing and Livable Communities
100 Cambridge Street, Suite 300
Boston, MA 02114

Secretary Augustus,

We are writing to request timely updates from your office regarding the proposed Emergency Assistance (EA) shelter located at 5 Redlands Road in the West Roxbury section of the City of Boston. In particular, we are seeking information regarding Making Opportunity Count's recently withdrawn, and now resubmitted application with the City of Boston's Inspectional Services Department (ISD). It is our understanding that their original application was rejected by ISD.

Neighbors have expressed significant concerns that MOC may be attempting to move forward with this project despite ISD's prior Zoning Code Refusal, potentially bypassing necessary zoning oversight and limiting further public input. Our offices urge you as Secretary to ensure that there are no further developments until the City of Boston provides the necessary zoning approval to do so. Since the outset of this proposal, our offices have repeatedly emphasized the need for transparent communication and meaningful community engagement from both your office and MOC. These expectations remain unchanged. It is imperative that the voices of neighbors and abutters are fully considered before any decisions are finalized, along with the necessary zoning modifications required by the city.

We respectfully request that you provide us with updated information regarding these concerns. Thank you for your prompt attention to this matter and we look forward to receiving information we can share with our constituents.

Sincerely,

Handwritten signature of Mike Rush in black ink.

Mike Rush
State Senator
Norfolk and Suffolk District

Handwritten signature of Bill MacGregor in black ink.

Bill MacGregor
State Representative
10th Suffolk District

cc: Colby O'Brien- Vice President of Programs, Making Opportunity Count
Kevin Reed- Executive Director, Making Opportunity Count
Her Excellency Maura T. Healey, Governor of the Commonwealth of Massachusetts
The Honorable Michelle Wu, Mayor of the City of Boston



COMMONWEALTH OF MASSACHUSETTS
THE GENERAL COURT
STATE HOUSE, BOSTON 02133-1053

The Honorable Edward M. Augusts, Jr.
Secretary, Executive Office of Housing and Livable Communities
100 Cambridge Street, Suite 300
Boston, MA 02114

March 28, 2025

Secretary Augustus,

We are writing to you in our capacity as the legislative delegation representing the West Roxbury neighborhood of the City of Boston regarding the Emergency Assistance Shelter being proposed by your agency at 5 Redlands Road in West Roxbury. Since being made aware earlier this month of EOHLC's proposal to enter into a lease agreement at the property in consultation with the operator "Making Opportunities Count", we have not received any updates from your office.

With no information, and to our knowledge no public engagement, we are requesting a meeting with you to discuss this proposal further within the next week. Please let our offices know of your best availability for an in-person meeting to discuss this matter so that we can be ensured to have all necessary information regarding this proposal. We will also continue to advocate that the public have the ability to provide input on the proposal before any lease agreement is signed.

Thank you for your attention to our concerns and request and we look forward to having the opportunity to meeting with you in the near future.

Sincerely,

Handwritten signature of Mike Rush in black ink.

Mike Rush
State Senator
Norfolk & Suffolk District

Handwritten signature of Bill MacGregor in black ink.

Bill MacGregor
State Representative
10th Suffolk District

Handwritten signature of Ben Weber in black ink.

Ben Weber
City Councilor
District 6



COMMONWEALTH OF MASSACHUSETTS
THE GENERAL COURT
STATE HOUSE, BOSTON 02133-1053

Edward M. Augustus, Jr.
Secretary, Executive Office of Housing and Livable Communities
100 Cambridge St, Suite 300
Boston, MA 02114

February 28, 2025

Dear Secretary Augustus,

This week, the Executive Office of Housing and Liveable Communities ("EOHLC") made us aware of plans to place an Emergency Assistance shelter in West Roxbury at 5 Redlands Road. We were informed on Tuesday, February 25, that planning for the Emergency Assistance shelter had been undertaken for months and that preparations to move people begin today.

Part of our role as the elected representatives for the area is to ensure the community is informed and consulted about decisions that will impact them. Informing elected officials only days before preparations begin directly conflicts with our ability to carry out those responsibilities. To date, we have not received any documentation explaining how long the shelter will be used, any details regarding preparations at the site, or an explanation of how potential impacts on the neighborhood or the City of Boston will be mitigated.

We understand that our shelter system is under immense strain, and the most vulnerable members of our population deserve to be housed and feel safe. However, we want to ensure that we, as leaders in the Commonwealth, do our due diligence. We cannot support this decision without community input. Our constituents have every right to participate in a public process and comment on this decision. We are calling for a full stop on this process until constituents are engaged in a robust community process.

We thank you for your consideration and look forward to our continued collaboration. We look forward to hearing from you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Wm. F. MacGregor".

William F. MacGregor
State Representative
10th Suffolk District

A handwritten signature in blue ink, appearing to read "Mike Rush".

Michael F. Rush
State Senator
Norfolk & Suffolk District

A handwritten signature in blue ink, appearing to read "Stephen Lynch".

Stephen Lynch
United States Congressman
MA 8th District



COMMONWEALTH OF MASSACHUSETTS
THE GENERAL COURT
STATE HOUSE, BOSTON 02133-1053

Priscilla Rojas, Chair
City of Boston Planning Department
One City Hall, Ninth Floor
Boston, MA 02201

March 24, 2025

Chair Rojas,

We are writing to you in our capacity as the legislative delegation for the neighborhood of West Roxbury regarding the recent proposal of an Emergency Assistance Shelter through the state's Executive Office of Housing and Livable Communities (EOHLC) at 5 Redlands Road in West Roxbury. The EOHLC made us aware this past week that they are beginning the process of potentially entering into a lease agreement with the property owners of 5 Redlands Road, in consultation with "Making Opportunity Count" (MOC) to operate this shelter, which may potentially involve the renovation of the facility to support nearly 40 family units. Our concern is that this project is moving forward without a community process or review by your department.

5 Redlands Road is no stranger to the necessary Article 80 process typically required for large projects. Most recently, as of Fall 2024, the Boston Planning Department reviewed a potential project at this site for the purpose of creating a 30-unit residential building. We have been advised, however, that the Boston Planning Department has not been consulted regarding the current proposal and we are seeking your advice as to why that is the case.

The prior proposal was similar in size to the proposed EA shelter and went through multiple phases of public meetings and comment periods before ultimately recognizing that it was not the right fit for the neighborhood. We wish to ensure that EOHLC is not side-stepping the Planning Department's jurisdiction and to emphasize the need for the EOHLC to engage with the community and the Planning Department before moving forward..

Thank you for your attention to our request and we appreciate your consideration of the need for a proper public process through the City of Boston Planning Department for this proposal at 5 Redlands Road in West Roxbury. Please do not hesitate to contact our offices with any questions you may have, and we look forward to hearing back from you.

Sincerely,

Handwritten signature of Mike Rush in black ink.

Mike Rush
State Senator
Norfolk & Suffolk District

Handwritten signature of Bill MacGregor in black ink.

Bill MacGregor
State Representative
10th Suffolk District

Handwritten signature of Ben Weber in black ink.

Ben Weber
City Councilor
District 6



Introduction

Making Opportunity Count (MOC) is a community action agency dedicated to empowering individuals and families across Massachusetts to achieve economic stability and independence. Each year, we serve more than 30,000 individuals through a comprehensive network of programs, including early education and childcare, workforce development, housing and homelessness services, behavioral health support, nutrition programs, and youth development initiatives. Our work is rooted in eliminating barriers, promoting equity, and building stronger communities.

Who We Are: Making Opportunity Count (MOC)

MOC has become a trusted partner in addressing homelessness. Our shelter programs are built on strong operational practices, successful outcomes, and a steadfast commitment to collaboration with communities. As we expand our services into West Roxbury, we are committed to working alongside local leaders and residents to ensure this shelter becomes a stabilizing, supportive asset to the neighborhood.

MOC has decades of experience operating successful shelter programs in partnership with local communities. Our sites have been recognized by public officials and peer organizations, including walkthroughs by Congresswoman Lori Trahan and visits by organizations such as CTI, Ascentria, and Commonwealth Care Alliance to model their own programs after ours.

At the heart of our approach is individualized care and empowerment. Each family we serve receives comprehensive case management services that focus on addressing barriers to stability and moving families toward long-term housing solutions.

West Roxbury Shelter Project Overview

- **Location:** 5 Redlands Road, West Roxbury
- **Opening Target:** July 2025
- **Capacity:** Up to 48 families
- **Staffing:** 24/7 onsite staffing and security; the site will be supported by a dedicated team including management, case managers, direct care staff, and a full-time maintenance professional assigned to the site.
- **Population:** Families with children and pregnant individuals enrolled in the Commonwealth's Emergency Assistance (EA) program
- **Services Provided:** Intensive case management focused on stabilization, employment, and rapid rehousing; dedicated volunteer-staffed space to support trauma-informed play in collaboration with Horizons for Homeless Children

This site is not adding new capacity to the system but is part of the Commonwealth's strategic shift to transition away from hotels and ensure stable shelter options for families experiencing homelessness.

Overview of West Roxbury Shelter Services

Client Profiles: Stories of Resilience and Success

At MOC shelters, families find not only a safe place to stay, but a pathway forward. A few examples of the individuals we have supported include:

- **Building a New Beginning:** A mother of three entered one of our shelters after fleeing domestic violence while struggling with postpartum depression. With intensive support from our case management and direct care teams, she regained her mental health, secured stable employment, and is now preparing to move into a subsidized apartment where she and her children will thrive.
- **Preventing a Return to Homelessness:** A family at risk of shelter exit without stable housing was able to remain safely sheltered after MOC negotiated a bridge lease extension just two days before their exit date. This rapid intervention prevented them from re-entering homelessness and preserved the family's stability.
- **Workforce Integration:** Through our partnerships, including with Wachusett Mountain and Concord Public Schools, many of our shelter clients have secured meaningful employment. For example, a group of residents with construction backgrounds were connected with a local painting company, resulting in immediate job offers and financial independence.

Community Safety and Impact

- **Security:** All MOC shelters are staffed 24/7 with professional security procedures tailored to each site.
- **Police and Fire Partnerships:** We collaborate closely with local police and fire departments, who provide regular safety checks, fire drills, community education workshops, and rapid response when needed.
- **Crime Impact:** There has been no increase in crime following the opening of our shelters. In Gardner, police and EMTs reported a decrease in overdose-related calls after MOC transitioned a hotel into family shelter use.

Proven Outcomes and Community Contribution

- **Housing Stability:** 78% of families exiting MOC shelters transition successfully into stable, permanent housing, with a current fiscal year-to-date success rate of 88%.
- **Employment:** 34% of active adult shelter clients are employed during their shelter stay, thanks in part to our partnerships with local employers.
- **Community Engagement:** Families are connected to summer camps, afterschool programs, libraries, museums, and job training programs, ensuring they are active contributors to their new communities.

Commitment to Partnership and Local Engagement

We recognize the importance of ongoing dialogue with the community. Our commitments for the West Roxbury site include:

- Establishing a Community Advisory Group for local feedback and collaboration.
- Providing a dedicated point of contact for neighborhood concerns, questions, and ideas.
- Participating in regular meetings with neighborhood associations and community leaders to ensure operations are transparent, responsive, and aligned with local priorities.

Conclusion

We understand that welcoming a shelter into a neighborhood raises important questions and concerns. Making Opportunity Count is committed to operating the West Roxbury shelter with the highest standards of care, transparency, and community partnership. We are honored to work alongside the West Roxbury community to support families in crisis and to build stronger, safer neighborhoods for all.

Guidelines by the Boston Transportation Department for use by the Zoning Board of Appeal

Guidelines are project specific conditions to review prior to the approval of a project and are to be administered as deemed appropriate by the Zoning Board of Appeal. These guidelines are intended to promote a more sustainable pattern of development, efficient use of land, maintain a proposed project's economic value and long-term desirability as places to live and work. The developer shall be responsible for implementing the guidelines as directed by the Zoning Board of Appeal.

List of Guidelines

1. BICYCLE PARKING

- A. Residential Uses
- B. Non-Residential Uses
- C. Standards

2. SERVICE AND LOADING

- A. Curbside
Boston Transportation Department Approval – Loading Zones
- B. Internal
Onsite Service/Loading Requirements

3. DRIVEWAYS

- A. Use of Premises Permit
- B. Requirements for Curb Ramps with Flared Sides
- C. Agencies and Specifications Driveways shall be in Accordance With
- D. Commercial Driveways – Minimum and Maximum Width
- E. Residential Driveways – Minimum and Maximum Width
- F. Private Driveways

4. PARKING GARAGES and SURFACE LOTS

- A. Parking Garages and Surface Lots with 20 Spaces or Greater
- B. Parking Garages and Surface Lots with 50 Spaces and Greater
- C. Boston Transportation Department – Rules and Regulations

5. PARKING RATIOS

- A. Onsite Parking Compliance
- B. Recommended Maximum District-Based Parking Goals and Guidelines

TRANSPORTATION ACCESS PLAN AGREEMENT

Guidelines by the Boston Transportation Department for use by the Zoning Board of Appeal

2. Service and Loading

A. Curbside

Boston Transportation Department Approval – Loading Zones

Curbside truck loading zones are only for the active loading and unloading of commercial vehicles and can only be approved and permitted by the Boston Transportation Department.

If a use requires designated curbside loading, a letter of approval must be received from the Boston Transportation Department.

B. Internal

Onsite Service/Loading Requirements

Any project subject to or electing to comply with Article 80 Large or Small Project Review should accommodate associated service/loading activity onsite.

Any project seeking to accommodate off-curb loading must submit to the Boston Transportation Department for approval a loading management plan that includes, but is not limited to:

- Facilities that have bays, maneuvering areas and appropriate means of vehicular access and egress to and from a street.
- Facilities designed to not constitute a nuisance or a hazard or an unreasonable impediment to traffic.
- Loading bays that are located entirely on the site that are no less than fourteen (14) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height, exclusive of maneuvering areas and access drives. (Note: These dimensions are minimums. Actual dimensions will be determined by the Boston Transportation Department in concert with proposed land use, design vehicles, loading operations, etc. as detailed by the proponent's plans.)

Guidelines by the Boston Transportation Department for use by the Zoning Board of Appeal

3. Driveways

A. Use of Premises Permit

Changes to driveways for either commercial or residential use requires a Use of Premises Permit approved by both the Public Works Department and the Inspectional Services Department.

B. Requirements for Curb Ramps with Flared Sides

According to the ADA Accessibility Guidelines, if a curb ramp is located where pedestrians must walk across the ramp, or where it is not protected by handrails or guardrails, it shall have flared sides (Architectural Access Board, 521 CMR).

C. Agencies and Specifications Driveways shall be in Accordance With*

The Boston Transportation Department, the Department of Public Works, and Inspectional Services Department

D. Commercial Driveways – Minimum and Maximum Width

The minimum recommended distance a driveway for commercial use is permitted from an unsignalized or signalized intersection is one-hundred (100) feet.

The minimum two-way operational driveway width for a commercial use is twenty (20) feet.

The maximum two-way operational driveway width for a commercial use is twenty-four (24) feet.

E. Residential Driveways - Minimum and Maximum Width

The minimum recommended distance a driveway for residential use is permitted from an unsignalized intersection is twenty (20) feet.

The minimum distance a driveway for residential use is permitted from a signalized intersection is forty (40) feet.

The minimum driveway width for a residential use is ten (10) feet.

The maximum driveway width for a residential use is twelve (12) feet.

F. Private Driveways

New driveways added at residential dwellings need to accommodate a minimum of two (2) vehicular spaces for every one (1) public on-street parking space that will be removed as a result of the new driveway. A new driveway accommodating three (3) vehicular spaces for every one (1) public on-street parking space is the preferred ratio.

* The Manual on Uniform Traffic Control Devices (MUTCD), 2000 – Millennium Edition

American Association of State Highway and Transportation Officials' (AASHTO) Policy on Geometric Design of Highways and Streets

521 CMR (promulgated by the Architectural Access Board pursuant to authority granted by M.G.L. c. 22, § 13A)

The Americans With Disabilities Act (ADA) and the Draft Guidelines for Accessible Public Rights-of-Way (June 17, 2002) prepared by the U.S. Access Board



Off-Street Loading Guidelines

Below are the Boston Transportation Department's (BTD) 'Off-Street Loading Guidelines.'

The Guidelines will ensure safe and efficient loading access, minimize adverse impacts on traffic-flow and pedestrian safety, and provide consistent guidelines for developers.

1. Developer shall propose and obtain BTD approval for the design vehicle size.
2. Developer shall submit a site plan with truck turning path plotted on a 1:20 scale site plan for the design vehicle approved by BTD (as required in Section 3 of the Transportation Access Plan Agreement). Plans shall be signed and stamped by a P.E.
3. Developer is required to answer the questions below.

Truck Trips

- Summarize the daily truck trips by trip purpose and truck type.

Access

- Have the turning radius, truck length, angle of approach and departure, truck width (with mirrors), and overhead clearance, all been taken into consideration?
- Is the loading space(s) accessible so trucks can access the space by means of one continuous parking maneuver?
- Are access points located to provide optimum driver sight distance, and least disruption to traffic on the public street system?
- A truck driving in reverse on a city street in order to access a loading bay should be avoided. If approved in special circumstances, backing movements should not exceed 100' in length.

Loading Bays

- What is the number of loading bay(s)? What criteria were used to determine the number of loading bay(s) relative to building use?
- What are the minimum width, minimum length, and minimum vertical clearances of the loading bay(s)?
- Is the service area enclosure adjacent to the building's service drive and loading bay?
- Does the loading bay efficiently service the building internally (i.e.: placement of elevators)? Products wheeled from trucks should be avoided.
- If a loading bay accommodates more than one truck, then the developer must demonstrate that more than one truck can be accommodated at the same time.
- An explanation shall be given if internal loading bays are not provided.

Dumpsters/Containers

- What is the size(s), both horizontal and vertical, and depth of the dumpster(s)/container(s)?
- Is the dumpster/container located to provide for safe and efficient vehicular access and not located in the loading bay?
- Are the quantity, size, and type of dumpsters/containers compatible with the building use and size?
- If a larger dumpster is needed due to volume or special needs, are they horizontal compactors?
- If there is a dumpster pad, is it positioned so that the truck can approach the containers head on?
- Are recycling containers and dumpsters located on the same pad and enclosure?

5 Redlands Road - Driveway

EXHIBIT

8

