

CHAIRMAN STATEMENT

JULY 16, 2015

DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT AREA NO 102  
45 WEST THIRD STREET, SOUTH BOSTON

This is a public hearing before the Boston Redevelopment Authority, being held in conformance with Article 80 of the Boston Zoning Code, to consider that the Development Plan for Planned Development Area No. 102 for the 45 West Third Street Project in South Boston. The Project will include approximately 132,850 square feet of gross development area, including approximately 3,400 square feet of ground floor commercial space, up to 105 residential condominium units, and approximately 109 below grade parking space. The hearing was duly advertised on July 7, 2015 in the Boston Herald.

In a Boston Redevelopment Authority hearing on a proposed petition by the Authority, staff members will first present their case and are subject to questioning by members of the Authority. Thereafter, others who wish to speak in favor of the proposed petition are afforded an opportunity to do so under the same rules of questioning. Following that, those who wish to speak in opposition may do so, again under the same rules of questioning. Finally, the proponents are allowed a period of five to ten minutes for rebuttal if they so desire.

In an effort to accommodate all who would like to speak about this proposal, each person will be given up to two minutes to comment. BRA staff will indicate when thirty seconds remain. At that time, please conclude your remarks so that the hearing may continue and others may be heard.

Gary Uter will present.

## MEMORANDUM

JULY 16, 2015

**TO:** BOSTON REDEVELOPMENT AUTHORITY AND  
BRIAN P. GOLDEN, DIRECTOR

**FROM:** ERICO LOPEZ, DIRECTOR OF DEVELOPMENT REVIEW & POLICY  
DAVID CARLSON, SENIOR ARCHITECT/URBAN DESIGNER  
GARY UTER, PROJECT ASSISTANT

**SUBJECT:** PUBLIC HEARING TO CONSIDER THE DEVELOPMENT PLAN FOR  
PLANNED DEVELOPMENT AREA NO. 102 FOR 45W3 PROJECT AT 45  
WEST THIRD STREET, SOUTH BOSTON

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**SUMMARY:** This Memorandum requests that the Boston Redevelopment Authority ("BRA") authorize the Director to: (1) approve the Development Plan for Planned Development Area No. 102 for 45W3 Project (the "Proposed Project") at 45 West Third Street, South Boston (the "PDA Plan"), which is proposed by SSI West Third Boston, LLC, an affiliate of Spaulding & Slye Investments, (the "Proponent") pursuant to Section 80C of the Boston Zoning Code (the "Code") and the associated map amendment; (2) petition the Boston Zoning Commission to approve the PDA Plan pursuant to Section 3-1.A.a. and Section 80C-6 of the Code, and the associated map amendment; (3) issue a Scoping Determination waiving the requirement of further review pursuant to Section 80B-5.3(d) of the Code for the Proposed Project; (4) issue one or more Certifications of Compliance or Partial Certifications of Compliance for the Proposed Project pursuant to Section 80B-6 of the Code, upon successful completion of the Article 80 Large Project Review process; (5) issue one or more Certifications of Consistency or Partial Certifications of Consistency for the Proposed Project pursuant to Section 80C-8 of the Code, upon successful completion of Article 80C Planned Development Area Review; and (6) take any and all actions and execute any and all documents deemed necessary and appropriate by the Director in connection with the foregoing, including without limitation, executing and delivering a Cooperation Agreement, an Affordable Housing Agreement, a Boston Residents Construction Employment Plan, along with any and all other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project and the PDA Plan.

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## LOCATION AND SITE DESCRIPTION

The Proposed Project is to be constructed on an approximately 43,567 square foot site located in South Boston and bounded by A Street on the west, West Third Street on the north, the depressed Haul Road on the east, and Athens Street on the south with the exception of two out parcels: 85-87 A Street, located on the corner of A Street and West Third Street, and 66 Athens Street, located on the corner of A Street and Athens Street (the "Project Site"). The Project Site currently includes 36 surface parking spaces, a small residential building located at 68 Athens Street, and a one-story, approximately 30,000 square feet brick industrial building. The site is located within one-quarter mile of the MBTA Broadway station.

## PROPOSED PROJECT

The Proposed Project is being proposed by SSI West Third Boston LLC, an affiliate of Spaulding & Slye Investments (the "Proponent"). The Proponent is proposing to construct a maximum 132,850 gross floor area, mixed use building, including up to 105 residential condominium units and approximately 3,400 square feet of ground floor retail/commercial space. The Proposed Project contains approximately 109 partially below-grade parking space. The residential units will be a variety of sizes to meet a number of different housing needs. Access and egress for the partially below-grade parking garage will be at the northeast corner of the Project site on West Third Street. The Proposed Project shall not be greater than 55 feet in height, and shall step down to a height of no greater than 45 feet along the Haul Road.

The Proposed Project has an estimated construction cost of approximately \$45 million and will result in the creation of approximately one hundred and eighty (180) construction jobs and fifteen (15) permanent jobs.

## DEVELOPMENT TEAM

The development team consists of:

Proponent & Developer: SSI West Third Boston LLC, an affiliate of  
Spaulding & Slye Investments  
Daniel St. Clair

Architect: Hacin + Associates  
David J. Hacin, FAIA  
Scott Thompson, AIA

Permitting Consultant: Epsilon Associates, Inc.  
Laura Rome

Geoff Starsiak

Legal Counsel: William F. Coyne, Jr., Esq.  
Kevin P. Kerr, Esq.

Transportation Consultant: Howard/Stein-Hudson Associates, Inc.  
Guy Busa  
Michael Santos

Civil Engineer & Land Surveyor: Nitsch Engineering  
John Schmid, PE  
Alexander Diotte, PLS

Geotechnical & Environment  
Consultant: Haley & Aldrich, Inc.  
Mark Haley

MRP/FR Engineer: Allied Consulting Engineering Services, Inc.  
John Wood

Structural Engineer: Souza, True and Partners, Inc.  
Terry A. Louderback

Landscape Architect: Warner Larson, Inc.  
David Warner

Sustainability Consultant: Soden Sustainability Consulting  
Colleen Soden

Wind Consultant: Rowan Williams Davies & Irwin Inc.  
Jordan Gilmour

## ZONING

The Proposed Project is located in an M-2 restricted manufacturing zoning district, and restricted parking district, on a 43,567 square foot parcel at 45 West Third Street in the South Boston neighborhood of the City of Boston. Because the Proposed Project contains more than 50,000 gross square feet of floor area, Large Project Review is required under Article 80 of the Code. The adoption of the proposed PDA Plan will provide zoning relief from dimensional, use, and open space requirements. Zoning relief through the Planned Development Area process would allow the Proposed Project as approved by the Impact Advisory Group ("IAG") and the community in the robust public review process.



## **ARTICLE 80 REVIEW**

On January 17, 2014, the Proponent filed a Letter of Intent in accordance with the BRA's policy regarding Provision of Mitigation by Development Projects in Boston.

On February 12, 2014, the Proponent filed an Expanded Project Notification Form (the "EPNF" or "PNF") for the Proposed Project with the BRA pursuant to Article 80B of the Code.

The PNF notice and the PNF were sent to the City's public agencies by the BRA pursuant to Section 80A-2 of the Code. Pursuant to Section 80B-5.3(c) of the Code, a scoping session was held on March 19, 2014 with the City's public agencies at which the Proposed Project was reviewed and discussed.

The BRA sponsored and held a public meeting on March 20, 2014 at the Mass Bay Credit Union in South Boston. The public meeting was advertised in the South Boston Online, as well as placed on the BRA's calendar. Notification of the meeting was also sent to elected officials and local community groups for distribution amongst their members and email lists.

Six (6) IAG meetings were held on this Proposed Project at various locations in South Boston during the period of February 2014 to March 2015. Upon approval of the revised Proposed Project design, by the IAG, as presented on March 25, 2015, the BRA subsequently held a second BRA sponsored public meeting on April 6, 2015 at the Artists for Humanity in South Boston. At this April 6, 2015 meeting, the IAG approved the Proposed Project design as presented. The public meeting was advertised in the South Boston Online, as well as placed on the BRA's calendar. Notification of the meeting was also sent to elected officials and local community groups for distribution amongst their members and email lists.

On March 4, 2014, the Proponent presented the Proposed Project to the Boston Civic Design Commission ("BCDC"), and as a result the Proposed Project was reviewed at the March 25, 2014 and April 21, 2015 BCDC Design Committee meetings. On May 5, 2015, the Proposed Project received a vote of approval from the BCDC.

## **PDA DEVELOPMENT PLAN REVIEW**

On May 28, 2015 the Proponent filed the PDA Plan for the Proposed Project with the BRA pursuant to Section 80C of the Code. The Proposed Project as described in PDA Plan is consistent with the project supported by the IAG on March 25, 2015 and presented at the public meeting on April 6, 2015. Further, the Proposed Project is consistent with the guidelines for a PDA Plan including a large-scale, complex development providing numerous uses appropriate for the immediate area and

surrounding neighborhood, providing significant mitigation and infrastructure and other public benefits for the immediate area and surrounding neighborhood, and requiring significant zoning relief as determined by the BRA. The filing of the PDA Plan was advertised in the Boston Herald on June 1, 2015. The BRA advertised and placed on the BRA calendar, a public meeting held at Artists for Humanity on June 24, 2015 concerning the PDA Plan and the Proposed Project described therein.

## **PUBLIC BENEFITS**

The Proposed Project will include numerous benefits by developing an underused site with a sustainably designed building and provide new housing in South Boston with ground floor retail space to activate the Project Site. These benefits include, job opportunities, expanded retail or restaurant options, and additional tax revenues. By transforming an underutilized Project Site into a vibrant mixed-use building the Proposed Project will substantially contribute to the surrounding pedestrian environment through urban design and public realm improvements. The Proposed Project will also result in the creation of thirteen (13) on-site affordable housing units as described in further detail below:

### **Public Benefits - Article 80B Large Project Review application process:**

- Financial payments of \$150,000 including redesign of Flaherty Park, support for a program formed by Father Joe White addressing substance abuse issues, and an art fence on Dorchester Avenue near Broadway Station, as recommended by the IAG.
- Up to 105 new residences will increase the supply of available housing stock for ownership in the City of Boston.
- Onsite affordable housing (15% of market rate unit equivalent to 13+ units).
- Transit oriented development with subway and bus station located less than a 5 minute walk away at Broadway Station.
- Proposed Project will provide a significant tax increase to the City of Boston.
- New public realm including new widened sidewalks with landscaping, street furniture, street lights in accordance with Boston's Complete Streets guidelines.
- New retail/commercial space to accommodate local businesses and provide needed services to the growing residential and professional population.
- Activation of A street with retail/commercial use(s).
- Activation of West Third Street with townhouse walk up entrances to residential units.
- LEED certified design at silver or gold level.  
Climate change resilient design.
- Landscaping improvements and maintenance at the Haul Road buffer.

Enhanced Public Benefits – Planned Development Area application process:

- The Proposed Project is a large-scale, complex development providing significant mitigation and public benefits, and requiring significant zoning relief from the current manufacturing zoning.
- The Proposed Project provides multiple uses and public infrastructure improvements appropriate for the immediate area and surrounding neighborhood consistent with the current evolution of the area and significantly shaped by a robust community review process.
- Enhanced financial payments of \$150,000.
- New public realm including new widened sidewalks with landscaping, street furniture, street lights in accordance with Boston's Complete Streets guidelines.

AFFORDABLE HOUSING

In accordance with the Inclusionary Development Policy, as amended through September 27, 2007, effective October 3, 2007 (as so amended, the "IDP"), the development of the Proposed Project requires the creation of an amount of affordable housing units equal to fifteen percent (15%) of the market-rate housing units included in the Proposed Project. Based upon a total dwelling unit count of 105, the Proponent will provide thirteen (13) on-site affordable units, which will be proportionally split between 80% and 100% of Area Mean Income ("AMI") and shall depend on the final Proposed Project unit count and allocation and on the calculation used for the on-site affordable unit price. The final count, size, location, square footage, finishes and attributes of the Affordable Units may be approved by the BRA staff in accordance with the IDP. Based upon a total unit count of 105, the Proponent will provide seven (7) of the units at 80% of AMI and the remaining six (6) affordable units at 100% of AMI. The Proponent will also contribute approximately \$139,130.44 towards the City's Housing Fund as a portion of an affordable unit owed as calculated based on final market rate unit count at a rate of \$200,000 per affordable unit.

The Proponent will enter into an Affordable Housing Agreement with the BRA for the on-site Affordable Units and the Affordable Housing Contribution to the IDP Fund. The Proponent has agreed to submit an Affirmative Marketing Plan to the Boston Fair Housing Commission and the Authority for the on-site Affordable Units. Preference for the Affordable Units will be given to applicants who meet the following criteria, weighted in the order below:

- (1) Boston resident;
- (2) Household size (a minimum of one (1) person per bedroom); and
- (3) First-time homebuyer.

The Affordable Units will not be marketed prior to the submission and approval of the Affirmative Marketing Plan. A deed restriction will be placed on the Affordable Units to maintain affordability for a total period of fifty (50) years (this includes thirty (30) years with a BRA option to extend for an additional period of twenty (20) years). The income household of any subsequent tenant of the Affordable Units during this fifty (50) year period must fall within the applicable income limit for each Affordable Unit.

### **RECOMMENDATION**

Based on the foregoing, staff recommends that the BRA: (1) approve the PDA Plan, as proposed by the Proponent pursuant to Section 80C of the Code and the associated map amendment; (2) authorize the Director of the BRA to petition the Boston Zoning Commission to approve the PDA Plan pursuant to Section 3-1.A.a. and Section 80C-6 of the Code, and the associated map amendment; (3) authorize the Director of the BRA to issue a Scoping Determination waiving the requirement of further review pursuant to Section 80B-5.3(d) of the Code for the Proposed Project; (4) authorize the Director of the BRA to issue one or more Certifications of Compliance or Partial Certifications of Compliance for the Proposed Project pursuant to Section 80B-6 of the Code, upon successful completion of the Article 80 Large Project Review process; (5) authorize the Director of the BRA to issue one or more Certifications of Consistency or Partial Certifications of Consistency for the Proposed Project pursuant to Section 80C-8 of the Code, upon successful completion of Article 80C Planned Development Area Review; and (6) authorize the Director of the BRA to take any and all actions and execute any and all documents deemed necessary and appropriate by the Director in connection with the foregoing, including without limitation, executing and delivering a Cooperation Agreement, an Affordable Housing Agreement, a Boston Residents Construction Employment Plan, along with any and all other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project and the PDA Plan.

Appropriate votes follow:

**VOTED:** That, in connection with the Development Plan for Planned Development Area No. 102 for 45W3 Project at 45 West Third Street, South Boston project (the "PDA Plan") describing the 45W3 Project (the "Proposed Project") presented at the public hearing, duly held at the offices of the Boston Redevelopment Authority (the "BRA") on July 16, 2015, and after consideration of evidence presented at and in connection with the hearing on the PDA Plan and the Proposed Project, the BRA finds in accordance with Section 80C-4 of the Boston Zoning Code (the "Code") that: (a) such PDA Plan is not for a location or Proposed Project for which Planned Development Areas are forbidden by the underlying zoning; (b) the Proposed Project in such PDA Plan complies with the provisions of the

underlying zoning that establish use, dimensional, design and other requirements for Proposed Projects in Planned Development Areas; (c) such PDA Plan complies with any provisions of underlying zoning that establish planning and development criteria, including public benefits, for Planned Development Areas; (d) such PDA Plan conforms to the plan for the district, subdistrict or similar geographic area in which the Planned Development Area is located, and to the general plan for the City as a whole; and (e) on balance, nothing in such PDA Plan will be injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens; and

**FURTHER**

**VOTED:** That the BRA hereby approves, pursuant to Sections 3-1.A.a and 80C of the Code, the PDA Plan and the associated map amendment, all in substantial accord with the versions as presented to the BRA at its public hearing on July 16, 2015 ; and

**FURTHER**

**VOTED:** That the Director be, and hereby is, authorized to petition the Boston Zoning Commission for approval of the PDA Plan and the accompanying map amendment, pursuant to Sections 3-1A.a and 80C of the Code, all in substantial accord with the versions as presented to the BRA at its public hearing on July 16, 2015; and

**FURTHER**

**VOTED:** That the Director be, and hereby is, authorized to issue a Scoping Determination waiving the requirement of further review pursuant to Section 80B-5.3(d) of the Code in connection with the Proposed Project; and

**FURTHER**

**VOTED:** That the Director be, and hereby is, authorized to issue one or more Certifications of Compliance or Partial Certifications of Compliance for the Proposed Project pursuant to Section 80B-6 upon successful completion of the Article 80 Large Project review process; and

**FURTHER**

**VOTED:** That the Director be, and hereby is, authorized to issue one or more Certifications of Consistency or Partial Certifications of Consistency for the Proposed Project pursuant to Section 80C-8 of the Code, when appropriate; and

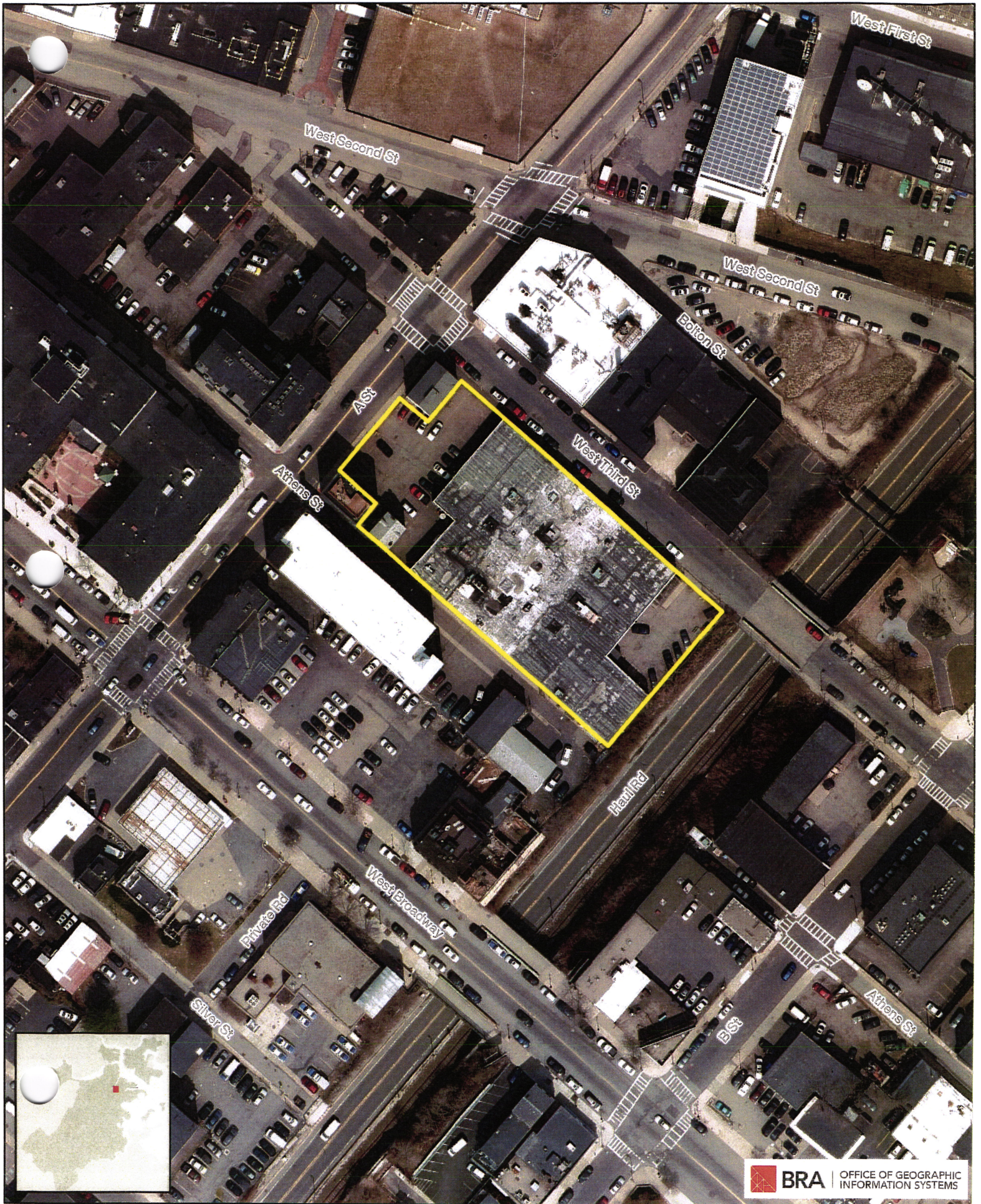
**FURTHER  
VOTED:**

That the Director be, and hereby is, authorized to take any and all actions and to execute any and all documents deemed necessary and appropriate in connection with the foregoing, including without limitation, a Cooperation Agreement, an Affordable Rental Housing Agreement and Restriction, a Boston Residents Construction Employment Plan, and any and all other documents, as may be deemed necessary and appropriate by the Director, and upon terms and conditions determined to be in the best interest of the BRA, in connection with the Proposed Project and the PDA Plan.



# 45 West Third Street, South Boston

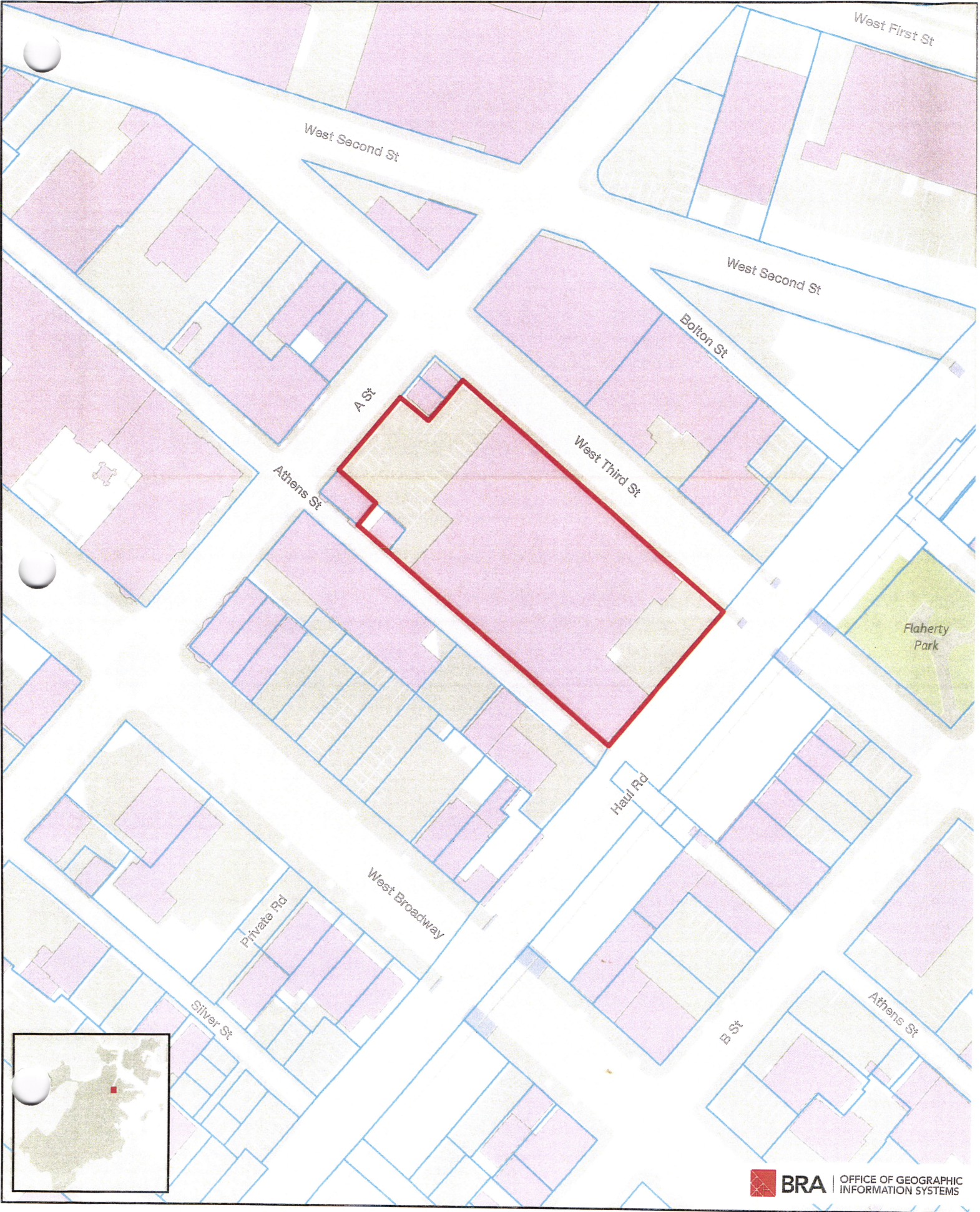
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# 45 West Third Street, South Boston

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Map Amendment Application No. 669  
Planned Development Area No. 102  
Boston Redevelopment Authority  
Map 4, South Boston

TO THE ZONING COMMISSION OF THE CITY OF BOSTON:

The Boston Redevelopment Authority hereby petitions the City of Boston Zoning Commission to approve the Development Plan for Planned Development Area No. 102, 45W3 Project at 45 West Third Street, South Boston, dated July 16, 2015, and to amend "Map 4, South Boston," of the series of maps entitled "Zoning Districts City of Boston," dated August 15, 1962, as amended, as follows:

1. By adding the designation "D", indicating a Planned Development Area overlay district, to approximately 43,567 square feet (approximately 1.00 acre) of land generally located bound by West Third Street, the Haul Road, Athens Street and A Street, South Boston, as shown on Exhibit A and described on Exhibit B attached hereto.

Petitioner: Boston Redevelopment Authority

By: Brian P. Golden, Director

Address: City Hall/9<sup>th</sup> Floor

Boston, MA 02201-1007

Tel. No.: (617) 722-4300, ext. 4308

Date: As authorized by the BRA Board on July 16, 2015.

**BOSTON REDEVELOPMENT AUTHORITY  
DEVELOPMENT PLAN FOR  
PLANNED DEVELOPMENT AREA NO. 102  
For 45W3 Project  
at 45 West Third Street, South Boston  
Dated: July 16, 2015**

**1. Development Plan**

Pursuant to Section 3-1A and Article 80C of the Zoning Code of the City of Boston, Massachusetts (the "Code"), this plan constitutes the Development Plan for Planned Development Area No. 102 (the "Plan") for the development of the 45 West Third Street ("45W3") project (the "Project") to be located on an approximately one acre site (the "Site") located at 45 West Third Street in South Boston, Massachusetts. The Site is described in Exhibit A attached hereto and is shown on the map and depicted on the Site Plans attached hereto as Exhibit B.

As described in more detail below, the Proponent intends to develop a mixed-use project including residential space, commercial or retail space, and parking.

This Plan sets forth information on the Project including the proposed location and appearance of structures, open spaces and landscaping, proposed uses of the area, densities, proposed traffic circulation, parking and loading facilities, and access to public transportation, and proposed dimensions of structures. Upon approval, this Plan shall constitute the zoning for the Site in accordance with Section 3-1A and Article 80C of the Code.

This Plan consists of 8 pages of text plus attachments designated Exhibits A through E. All references to this Plan contained herein shall refer only to such pages and exhibits. The Project is subject to final design, environmental, and other development review by the Boston Redevelopment Authority ("BRA") and by other governmental agencies and authorities, and minor changes may occur to the Project's design, subject to BRA design review, without the need to amend this Plan, provided that in all events the Project is consistent with the use, dimensional and other limitations described below and shown in this Plan.

**2. Developer/Proponent**

The Proponent is SSI West Third Boston LLC, an affiliate of Spaulding & Slye Investments, with an address of One Post Office Square, 28th Floor, Boston, MA 02109.

Members of the Project Team are identified on Exhibit C attached hereto.

neighborhoods with buildings ranging in height from one to six stories, the Project consists of several differently scaled components. Each component is designed to integrate into its surroundings. Replacing the surface parking lots with a covered, partially below grade garage faced with active uses will improve the streetscape and create a pedestrian friendly environment.

The proposed Project is situated in a transitional zone between several distinct neighborhoods including the high density, high traffic West Broadway district to southwest, the burgeoning 100 Acres/Fort Point/Innovation District to the north, and the finer grained, lower scale St. Vincent Neighborhood across the Haul Road to the southeast. The proposed Project aspires to integrate and invigorate these varied contexts with an appropriate urban transition.

The design of the proposed Project acknowledges the complex, episodic relationships to the surrounding neighborhoods. The architecture responds to specific contextual conditions to enhance and improve the proposed Project's integration into the public realm in the following ways:

- (i) Widen sidewalk along West Third Street: The existing sidewalk on West Third Street is eight feet wide. The proposed Project will widen this sidewalk to create a more appropriately scaled pedestrian zone and comply with the City of Boston's Complete Streets Initiative.
- (ii) Townhouses, residential lobby and retail entries activate A Street and West Third Street: Active uses with distributed entries promote a vibrant street life and provide the crucial dimensions of visual interest and passive security ("eyes on the streets").
- (iii) Step down massing toward the St. Vincent neighborhood: The proposed Project steps down to provide an appropriate scale transition to the lower scale of the St. Vincent neighborhood to the South East.

## **5. Proposed Location and Appearance of Structures**

As stated above, the Site consists of approximately one acre (43,567 square feet) and most of the city block bounded by A Street on the west, West Third Street on the north, the depressed Haul Road on the East, and Athens Street on the south.

The Project will include one building with differentiated components of varying height up to four stories above the single level partially below grade parking garage. The Project's building shall not be greater than 55 feet in height, and shall step down to a height no greater than 45 feet along the Haul Road. The building will include two outdoor amenity areas or courtyards for residents on the roof of the parking garage along Athens Street. The building will include up to 105 residential condominium units in about 129,450 square feet of space. The residential units will include a variety of types and sizes to meet a number of different needs. Approximately 3,400 square feet of retail/commercial space shall be included on the ground floor and approximately

In addition, the Proponent will seek Massachusetts Department of Transportation approval to landscape and maintain appropriately the strip of Haul Road embankment directly adjacent to the Site. Generally, the Proponent proposes removing overgrowth and augmenting the desirable existing trees with more low-maintenance evergreen trees and landscaping for a year-round buffer.

The Proponent will also provide funds for design improvements to the near-by Flaherty Park with the expectation such funding will be the catalyst for an expedited refurbishment of that public park.

Significant open space and landscaping will also be provided on the Site, including the two resident amenity courtyard spaces along Athens Street on the parking garage roof, an on-site dog run located along the Haul Road near the service vehicle entrance, and a deck for common use by the project residents on the roof over the third residential level at the building corner near the intersection of the Haul Road and West Third Street. There will also be private roof decks on the building for the use of individual residential units.

## **7. Proposed Uses of the Area**

As indicated above, the Project will include up to 105 residential units, commercial/retail space, an off-street parking garage, and accessory uses. Proposed uses are listed on Exhibit E attached hereto, and the Project may be used for any of the uses described in this Plan and set forth on Exhibit E.

## **8. Proposed Traffic Circulation/Parking and Loading Facilities**

Primary pedestrian access to the main residential component will be provided by an entrance along West Third Street, with emergency egress provided along Athens Street and through the parking garage. Pedestrian access to the retail portion of the site will be provided along A Street.

Access to the Site's parking garage and loading/service facility will be provided by a single driveway located along West Third Street in the same general location of the existing curb cut on West Third Street approximately 300 feet east of A Street. All other existing curb cuts along West Third Street and A Street will be closed improving pedestrian safety and convenience and providing additional curb side parking along West Third Street. Currently, no roads extend into or across the Site. The Project will not introduce any new roads into or across the Site. No vehicular access to the Site will be provided from A Street or Athens Street.

The approximately 34,000 square foot parking garage will be located partially below-grade and will contain approximately 109 parking spaces for the uses on the site. Loading and service, including trash, recycling, and deliveries will occur on-site at

### **13. Green Building Measures**

The Proponent is committed to pursuing a Leadership in Energy and Environmental Design (LEED) certified Project. Compliance with Article 37 of the Code shall be confirmed by issuance of a Certification of Compliance pursuant to Section 80B-6 of the Code.

### **14. Public Benefits**

The Project includes the redevelopment of an underused site with a sustainably designed building and provides new housing in South Boston and new ground floor commercial/retail space to activate the site. The Project will include numerous benefits to the neighborhood and the City of Boston, including but not limited to:

- ◆ The Project will create up to 105 new residential units proximate to public transportation.
- ◆ The Project will include on-site affordable units in compliance with the Mayor's Executive Order on Inclusionary Development.
- ◆ Approximately 180 construction jobs and 15 permanent full- and part-time jobs will be created.
- ◆ The Project will substantially increase annual property taxes over the tax levied on the underdeveloped Project site.
- ◆ The Project will provide a creative variety of unit designs for individuals, couples, and today's families.
- ◆ In addition, the Proponent has agreed with the Project's Impact Advisory Group proposals to fund a package of community benefits that will be further detailed in the Cooperation Agreement between the BRA and the Proponent.

The proposed Project will provide a variety of urban design benefits to the surrounding neighborhood, including:

- ◆ The Project will activate A Street with new ground floor retail.
- ◆ The amenity space on the roof of the parking garage will include landscaped areas that will reduce storm water runoff from the site.
- ◆ Improved streetscape will be created along the major streets abutting the site with widened sidewalks, lighting and street trees.

### **15. Applicability**

In accordance with Section 80C-9 of the Code, upon issuance of a Certification of Consistency, the Project shall be deemed in compliance with the dimensional, use and other requirements of the underlying zoning to the extent such requirements have been addressed in this Plan. To the extent that any aspect of proposed uses and proposed

Exhibit A  
(Legal Property Description)

The land in Boston, Massachusetts, with the buildings thereon situated on West Third Street and Athens Street in that part of Boston called South Boston, and bounded and described as follows:

NORTHEASTERLY on West Third Street as shown on the plan hereinafter referred to, 192.42 feet;

SOUTHEASTERLY by land now or formerly of Catherine A. O'Brien et al, as shown on said plan, 90.50 feet;

NORTEASTERLY by land now or formerly of said Catherine A. O'Brien and now or formerly of Timothy Crowley, as shown on said plan, 48 feet;

SOUTHEASTERLY by land now or formerly of New York, New Haven and Hartford Railroad Company as shown on said plan, 55 feet;

SOUTHWESTERLY on Athens Street, 216 feet;

NORTHWESTERLY by land now or formerly of Michael McDermott, as shown on said plan, 55 feet;

SOUTHWESTERLY by land now or formerly of Michael McDermott, as shown on said plan, 24.17 feet;

NORTHWESTERLY by land now or formerly of Ellen O'Mara and Michael Foley, as shown on said plan, 90.50 feet.

The premises are shown on a plan by Schein and Levine dated October 1, 1927 recorded with Suffolk Deeds, Book 4947, Page 545, and contain 29,274.8 square feet according to said plan.

Also, eight parcels of vacant land in that part of Boston, County of Suffolk and Commonwealth of Massachusetts known as South Boston, as shown on a plan of the City of Boston's Assessors Office as part of Ward Six and

SOUTHEASTERLY by land now or formerly of one McDermott, twenty-five (25) feet;

NORTHEASTERLY by land now or formerly of Milligan, thirty (30) feet; and

NORTHWESTERLY by land now or formerly of Murtagh, twenty-five (25) feet.

The Northwesterly boundary line of the parcel hereby conveyed is parallel to and distant forty-two feet, or about forty-two feet, Southeasterly from A Street, and the house on said parcel is numbered sixty-eight. Being the same premises shown on a Plan by N.J. Holland, C.E. dated October 16, 1915 and recorded with Suffolk Deeds with a deed from Mary E. Jordan to Pauline L. Hutchins under the name of Pauline L. Davis, October 22, 1915, and recorded with said Deeds, Libro 3914, Page 272. Being all the land conveyed by deed of Anthony Baracewicz to Stanley Przybylosky et al. dated August 14, 1929 recoded in Suffolk County Registry of Deeds Book 5123, Page 578.

All of the above-described parcels of land are shown on a plan to be recorded in Suffolk County Registry of Deeds entitled "Proposed Plan Development Area Plan, 45 West Third Street, Boston, Massachusetts" dated May 7, 2015, prepared by Nitsch Engineering, and have according to such plan an area of about 43,567 square feet.

Exhibit C  
(Project Team)

Owner: SSI West Third Boston LLC

Developer: Spaulding & Slye Investments  
One Post Office Square, 28th Floor  
Boston, MA 02109  
(617) 531-4244  
Daniel St. Clair

Architect: Hacin + Associates  
112 Shawmut Avenue, Studio 5A  
Boston MA, 02118  
(617) 426-0077  
David J. Hacin, FAIA  
Scott Thomson, AIA

Legal Counsel: Kevin P. Kerr, ESQ.  
587 East Broadway #1  
South Boston, MA 02127  
(617) 269-3329

Permitting Consultants: Epsilon Associates, Inc.  
3 Clock Tower Place, Suite 250  
Maynard, MA 01754  
(978) 897-7100  
Geoff Starsiak  
Laura Rome

Government and  
Neighborhood Affairs: William F. Coyne, Jr., ESQ, P.C.  
11 Beacon Street, Suite 415  
Boston, MA 02108  
(617) 367-1610



Exhibit D  
(Project Materials)

Banking and postal uses, including, but not limited to, automatic teller machine, bank, or post office.

#### Entertainment and Recreational Uses

Fitness center, yoga studio, or gymnasium, theater, museum, library, and cinema.

#### Accessory Uses

Accessory uses reasonably incident to a lawful main use are allowed, subject to the provisions of Article 10. Without limitation, such accessory uses include: (i) accessory loading; (ii) a parking garage and surface loading/service area, including parking spaces, for residents, occupants, employees and visitors of the Project; (iii) accessory services and amenities for residents, including, but not limited to, resident lobbies and common areas, concierge facilities, mail and package facilities, accessory health club/fitness center facilities, accessory amusement games and accessory ATM; (iv) accessory and/or ancillary food service/cafeteria use and/or accessory outdoor café use; (v) the storage of flammable liquids and gases incidental to a lawful use; and (vi) any use ordinarily incident to a lawful main use, provided that any such use shall be subject to the same restrictions.

**BRA**

2015 JUL -2 P 12: 15

Peter Lively  
125 B St. Unit 3D  
Boston, MA 02127  
petromagne@gmail.com  
617-512-2666

BRA Board  
One City Hall Square  
Boston, MA 02201

Re: PDA for Planned Development at 45 West Third St, South Boston

BRA Board,

My wife and I attended the recent community meeting about the planned development at 45 West Third St. and their application for a PDA. I also attended a previous meeting of the St Vinnie's Neighborhood association that talked about the PDA. I am getting into the process rather later than many of my neighbors, but a number of things about the planned development and the BRA process are concerning to me.

The first thing that would strike anyone attending the meeting is the level of hostility directed towards the developer. The concern focused on the application for the PDA, which is seen by many as a disingenuous subversion of the good faith negotiations that had occurred up to this point—especially considering that the developer suddenly discovered an error in their survey that meant they were just above the acre requirement instead of just below.

Of greater concern to me, however, was that the members of the BRA who attended the meeting seemed to have already chosen to side with the developer instead of approaching this as a neutral party. Some of this appearance was undoubtedly because they were endeavoring to keep the meeting calm, which meant opposing those who were shouting the loudest. But even taking that into account, the BRA members present were clearly in favor of granting the PDA, and approving the proposed project as it stands. The BRA members present did more defending of the PDA (or granting zoning variances) than did the developer.

The only reasoning the BRA members offered as to why to grant the PDA (or a zoning variance), was because the zoning is outdated, so something has to be done. A better solution is to fix the zoning, rather than kludge together a solution piecemeal. There are many issues with a piecemeal solution, including delaying a comprehensive solution, establishing bad/conflicting precedence, overwhelming the community with too many meetings, and deceiving owners of existing properties as to what will occur on neighboring plots.

I think everyone can agree that a comprehensive rezoning makes much more sense than granting waivers to nearly every development that goes in. From what I've observed over the

years, it seems that every development gets some or even many waivers. The rationale that it's because the zoning is so antiquated that it doesn't work, simply isn't acceptable. Every time a builder/developer applies to obtain zoning relief and gets it, that simply saps the impetus for comprehensive reform. If there is a work-around people will always prefer that than finding a real solution. If the developers were told there would be no more variances and they would have to build within current zoning or wait for the new zoning rules to be approved, they would work with the city to expedite the zoning reform. The community would also work with the city to work out zoning that everyone can live and work with. Alternatively, instead of an absolute suspension of variances, put a one or two year hiatus which would really force the community to accept some changes to the zoning.

Another problem with piecemeal solutions is that they set precedents. The precedents go for other buildings seeking variances and later for the comprehensive reform. Rather than establishing what is acceptable zoning through a well thought out process, individual hearings establish acceptability. These individual hearings do not go through the full scrutiny that a comprehensive plan would, relying on a subset of individuals to decide what is acceptable and what is not. If one zoning review board finds that 50 ft of height is acceptable, then it's that much easier for the next builder to say, they got 50ft, why shouldn't my project? There is also the danger of establishing conflicting precedents, or precedents that are easily misleading because they make sense in one location but not in others.

Then there is the problem with meeting fatigue. Many of the people at the recent meeting were complaining about the number of meetings they attend in order to deal with all of the new developments, all of them seeking variances. If there was a new comprehensive zoning plan that the community could trust would not result in endless variances, then the fatigue of attending meeting after meeting would be alleviated. Then people could attend meetings to see what their neighbors are planning, not fighting to prevent a new building from shadowing their building, or clogging the streets with extra cars because inadequate parking places were created.

When I bought my condominium, the developer told me the neighboring property was zoned for a certain height, etc. Instead, the new building exceeded those heights and violated the parking spots per unit, and pretty much every other zoning requirement. For me it isn't so terrible because the new building is on the opposite side of my building, but some of my building neighbors found their views suddenly obscured when they were assured the zoning wouldn't permit it. This ends up affecting their unit resale value, and might have affected their decision to buy. Lots of people buy property in good faith based on the existed zoning. Granting endless variances perverts/destroys that faith. The purpose of government is to protect people's rights, and part of that is enforcing the laws or fixing the laws that aren't working, not circumventing them.

As for the project itself, there are a number of issues that I have with the project and the PDA, although most of my objections to the PDA are included above in the discussion of comprehensive versus piecemeal zoning.

Of particular concern to me is the relative lack of parking for the development. They currently are showing 4 more parking spaces than residential units. Considering that a significant proportion of the units will have more than one person living in them, there is a good chance of having significantly more cars than parking spaces. Even in a city that is as pedestrian/public transportation centered as Boston, people still have cars. With all the recent development that went in without adequate parking, the street parking is becoming critical. It's especially critical in the winter, where people had spaces blocked off for the majority of last winter (well past the limited period currently allowed after a storm). The PDA also does not mention whether all 109 parking spots will be deeded to residential spaces, or whether some of them will be for building services, and/or commercial/retail spaces. It also says "approximately" and not "at least", indicating that the number could be reduced. Between these uncertainties, it is easy to surmise that the parking spaces could drop below one per residence, when in reality it should be something more like one per bedroom.

Another concern is the height of the new building. It exceeds that of the neighboring buildings and will establish a dangerous precedent. One of the abutters raised the point that her building will become engulfed and overshadowed by the new building, and her roofdeck will have neighbors looking down rather than across at her. When her building was constructed they were not granted the ability to build to such height, and they have the exact same zoning. A second point is the "step" down in height on Haul road is nonsense in wording. It says that it will step down towards Haul Road but makes no mention of the setback of that step down. Is it 20 feet? 10 feet? 1 foot? Further, under section .10, it clearly states that the only dimensional restrictions are the 55 ft in total height, the floor area and floor area ratio. The setback is only listed under the proposed appearance, and not required by the proposed zoning.

At the meeting, a member of the BRA said that in addition to being over an acre in size and eligible for a PDA, that the site must now provide infrastructure improvements and be economical advantageous to the area. What makes a proposal economically advantageous is up for considerable debate. Under that description, why not put a casino in place, or a mini-mall, or a strip club? Any of those would provide employment, tax revenue, etc, but none of them would fit with the character of the neighborhood. I realize those examples are ad absurdum, but they do demonstrate how vague or potentially meaningless the economic advantage can be, since really anything that isn't derelict would be advantageous compared to what is currently there.

As for infrastructure improvements, the plan calls for widening the sidewalk and upgrades to Flaherty park. The current width of the sidewalk is not an issue, at 8 feet there is plenty of width. The current state of the sidewalk, however, is deplorable, which is the responsibility of the city anyway. Also the proposed plan presented for the wider sidewalk, doesn't actually

widen the space for pedestrians, since it adds considerable landscaping on both sides, meaning while potentially prettier, the sidewalk isn't any wider. As for improvements to the park, that does little good in real terms. The size of the park will remain the same, which means the number of children than can use the space remains the same. However there will be dozens of new children utilizing the park, which in effect decreases the value of the park. So, the infrastructure improvements are cosmetic only, and do little for the neighborhood as a whole.

There has been a strong public showing of opposition to this development as stated and the PDA in particular. The reason for the opposition has largely been lost in arguments about nitty details, such as the actual area (is it really an acre parcel, is it eligible, etc.). The fact is the development is being opposed because it imposes too much on the neighborhood, in terms of height and density (including number of residents, and the added cars on the street), while offering very little in return. It also doesn't fit with the neighborhood personality that many in are trying to preserve.

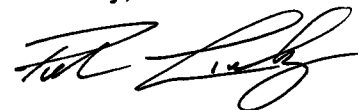
In addition, it's being opposed because of a perceived level of dishonesty from the developer and the perception that the BRA has already decided to go ahead with the development, i.e. that the 45 day comment period is a formality. In fact, at the meeting when the concern was raised that a decision would be made a mere 4 days after the end of the comment period, the BRA representative shrugged it off saying, "we're very efficient". I would rather they actually take the time to consider the comments, and perhaps ask for clarification, than merely be efficient. I would also appreciate the BRA members showing some decorum and respect for the community instead of condescending in such a flippant manner.

I do support tearing down the building currently on the property and replacing it with a residential/retail development. In fact, if anything I would support a greater percentage of retail space to help offset all of the recent residential development.

I am also in favor of the development being primarily condominiums, which is what has been negotiated previously with community input. Condominium owners are more invested in the building and environs than commercial, manufacturing or residential rentals. I believe it would make more sense to change the zoning from manufacturing to residential tacking the plot onto the St. Vincent's zoning region, than establishing a PDA.

Thank you would reviewing my concerns. I would be happy to discuss or elaborate on them if you wish.

Sincerely,



Peter Lively

cc: Mayor Walsh