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BOARD APPROVED

MEMORANDUM

SEPTEMBER 12, 2019

TO: **BOSTON REDEVELOPMENT AUTHORITY**
D/B/A BOSTON PLANNING & DEVELOPMENT AGENCY*
AND BRIAN P. GOLDEN, DIRECTOR

FROM: JONATHAN GREELEY, DIRECTOR OF DEVELOPMENT REVIEW
MICHAEL CHRISTOPHER, DEPUTY DIRECTOR FOR DEVELOPMENT
REVIEW/GOVERNMENT AFFAIRS
RAUL DUVERGE, SENIOR PROJECT MANAGER
MICHAEL CANNIZZO, SENIOR ARCHITECT/URBAN DESIGNER
MEERA DEEAN, SENIOR ARCHITECT/URBAN DESIGNER II
KRISTINA RICCO, SENIOR PLANNER

SUBJECT: 319-327 CHELSEA STREET, EAST BOSTON- CHANGE OF OWNERSHIP

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority ("BRA") d/b/a Boston Planning & Development Agency ("BPDA") authorize the Director to: (1) issue a Certification of Approval for the proposed development located at 319-327 Chelsea Street in East Boston (the "Proposed Project" as defined below), in accordance with Article 80E, Small Project Review of the Boston Zoning Code (the "Code"); (2) execute and deliver an Affordable Rental Housing Agreement and Restriction ("ARHAR") in connection with the Proposed Project, and take any other action and execute and deliver any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project

PROJECT SITE

The Proposed Project is located at 319-327 Chelsea Street, on the edge of the Eagle Hill section of East Boston. The site is currently occupied by the Magrath Funeral Home. The Proposed Project site consists of approximately 16,800 square feet of land with direct vehicular and pedestrian access from Chelsea and Bremen Street

* Effective October 20, 2016, the BRA commenced doing business as BPDA.

(the "Project Site"). The uses in the immediate area are primarily residential with some local commercial uses located along Chelsea and Bremen Street.

The Project Site is within a short walking distance of MBTA bus service and approximately a half-mile away from Blue Line subway service (Wood Island Station), providing access throughout the City of Boston (the "City") and the greater Boston area.

PROJECT BACKGROUND

The BRA Board originally approved the Proposed Project on December 13, 2013 (the "Original Approval"). Pat Buonopane, acting on behalf of 325 Chelsea Street Realty, LLC (the "Original Proponent") proposed to demolish the existing funeral home on the site and construct a new five (5) story, approximately 44,550 square feet mixed-use building with thirty eight (38) residential rental units, a roof deck, two (2) commercial/retail units, thirty (34) off-street vehicle parking spaces, and bicycle storage space for residents of the building. The approved building design included a three (3) story elevation along Chelsea Street and a five (5) story elevation along Bremen Street. The thirty-eight (38) residential units included twenty (20) two-bedroom units, thirteen (13) one-bedroom units, and five (5) studios.

CHANGE OF OWNERSHIP

The new owner, Chelsea Bremen, LLC (the "Current Owner") acquired ownership and development rights for the Proposed Project on May 22, 2017. The Current Owner filed a letter with the BPDA on August 2, 2019, notifying the BPDA of the change in ownership in order to execute documents necessary prior to commencing construction.

In addition to the change in ownership, the Current Owner summarized the adjustments that were made to the Proposed Project during the design review process pursuant to the Original Approval. These adjustments include, (i) updating the unit mix to include twelve (12) one-bedroom units, twenty (20) two-bedroom units, and six (6) three-bedroom units; (ii) consolidating the number of retail/commercial spaces from two (2) to one (1); (iii) increasing the number of off-street vehicle parking spaces within the Proposed Project to forty two (42), with the additional eight (8) parking spaces to be dedicated to the funeral home that will be located across from the Project Site at 336 Chelsea Street; (iv) decreasing the

building size from approximately 44,450 square feet of gross floor area to approximately 42,605 square feet of gross floor area; and (v) increasing the amount open space for residential units overlooking the courtyard.

DEVELOPMENT TEAM

The development team consists of:

Proponent: Chelsea Bremen, LLC
Joseph Donovan

Architect: Embarc
Dartagnan Brown, Tim Loranger

Legal Counsel: Law Offices of Richard C. Lynds
Richard Lynds, Esq.

ARTICLE 80 REVIEW PROCESS

On October 29, 2013, the Original Proponent filed an Application for Small Project Review with the BRA. The BRA sponsored a public meeting on November 21, 2013, at 6:00 p.m., at the East Boston Branch of the Boston Public Library, located on 365 Bremen Street in East Boston. The public comment period concluded on Monday, December 2, 2013. The public meeting was advertised in the *East Boston Times* on November 13, 2013. The Original Proponent also met with local elected officials and community stakeholders outside of the BRA sponsored public meeting.

On September 10, 2019, the Current Owner held a meeting in the neighborhood to inform area residents of the change in ownership and current plans to advance the Proposed Project.

INCLUSIONARY DEVELOPMENT COMMITMENT

The Proposed Project is subject to the Inclusionary Development Policy, dated September 27, 2007 ("IDP"). The IDP requires that 15% of the total number of market-rate residential units be designated as IDP units. In this case, six (6) units within the Proposed Project will be created as IDP rental units (the "IDP Units"), made affordable to households earning not more than 70% of the Area Median Income ("AMI"), as published by the BPDA and based upon data from the United

States Department of Housing and Urban Development (“HUD”). The proposed locations, sizes, income restrictions, and rents for the IDP Units are as follows:

Unit Number	Number of Bedrooms	Square Feet (“SF”)	Percent of Area Median Income	Rent	ADA/Group 2 Designation (if any)
Unit 102	One	820 SF	70%	\$1,318	Group 2
Unit 207	One	685 SF	70%	\$1,492	N/A
Unit 305	Two	950 SF	70%	\$1,318	N/A
Unit 309	Three	1135 SF	70%	\$1,672	N/A
Unit 311	One	650 SF	70%	\$1,318	N/A
Unit 405	Two	950 SF	70%	\$1,492	N/A

The location of the IDP Units will be finalized in conjunction with BPDA staff and outlined in the Affordable Rental Housing Agreement and Restriction (“ARHAR”), and rents and income limits will be adjusted according to BPDA published maximum rents and income limits, as based on HUD AMIs, available at the time of the initial rental of the IDP Units. IDP Units must be comparable in size, design, and quality to the market-rate units in the Proposed Project, cannot be stacked or concentrated on the same floors and must be consistent in bedroom count with the entire Proposed Project.

The ARHAR must be executed along with, or prior to, the issuance of the Certification of Approval for the Proposed Project. The Current Owner must also register the Proposed Project with the Boston Fair Housing Commission (“BFHC”) upon the issuance of the building permit. Preference will be given to applicants who meet the following criteria, weighted in the order below:

- (1) Boston resident; and
- (2) Household size (a minimum of one (1) person per bedroom)

Where a unit is built out for a specific disability (e.g., mobility or sensory), preference will also be available to households with a person whose need matches the build-out of the unit. The City of Boston Disabilities Commission may assist the BPDA in determining eligibility for such a preference.

The IDP Units will not be marketed prior to the submission and approval of an Affirmative Fair Housing Marketing Plan (the “Plan”) by the BFHC and the BPDA. An affordability covenant will be placed on the IDP Units to maintain affordability for a

period of up to fifty (50) years (this includes thirty (30) years with a BPDA option to extend for an additional period of twenty (20) years). The household income of the renter and rent of any subsequent rental of the IDP Units during this fifty (50) year period must fall within the applicable income and rent limits for each IDP Unit. IDP Units may not be rented out by the developer prior to rental to an income-eligible household, and the BPDA or its assigns or successors will monitor the ongoing affordability of the IDP Units.

As there is no partial unit payment required, the six (6) designated IDP Units fully satisfies the IDP requirements pursuant to the September 27, 2007, IDP.

MITIGATION & COMMUNITY BENEFITS

The Proposed Project will provide mitigation and public benefits to the East Boston neighborhood and the City as a whole, these include:

- New pedestrian and commercial activity along Chelsea Street and Bremen Street;
- Enhanced use of the site, more in keeping with the character of the surrounding area;
- Installation of new lighting along the building perimeter to improve visibility and pedestrian safety;
- Public realm improvements, including new landscaping, street trees, and other streetscape improvements in and around the Project Site;
- The creation of six (6) new IDP units; and
- Additional property tax revenue for the City.

The Proponent will provide the BPDA with evidence indicating that the above-referenced mitigation and community benefits have been satisfied.

BPDA approved construction signage must be installed at the project construction site(s) before and during project construction. The signage must be in the form of panels at highly visible locations at the construction site(s) or around the construction site perimeter and must be adjacent to each other. The BPDA will work with the Proponent to provide high-resolution graphics that must be printed at large scale (minimum 8 feet by 12 feet).

ZONING

The Project Site is located within the East Boston Neighborhood District and the 3F-2000 Sub District and required zoning relief for the following: floor area ratio,

building height, multifamily use, off-street parking, useable open space, side yard, rear yard, and off-street parking maneuverability. Following the Original Approval, the Zoning Board of Appeal ("ZBA") granted relief under the Code granting the necessary variances for the Proposed Project to proceed, with the relief extended by the ZBA until April 30, 2020.

RECOMMENDATIONS

The Proposed Project complies with the requirements set forth in Section 80E of the Code for Small Project Review. Therefore, staff recommends that the Director be authorized to (1) issue a Certification of Approval for the Proposed Project at 319-327 Chelsea Street in East Boston (the "Proposed Project"); and (2) enter into an Affordable Rental Housing Agreement and Restriction ("ARHAR"), and take any other action and execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

Appropriate votes follow:

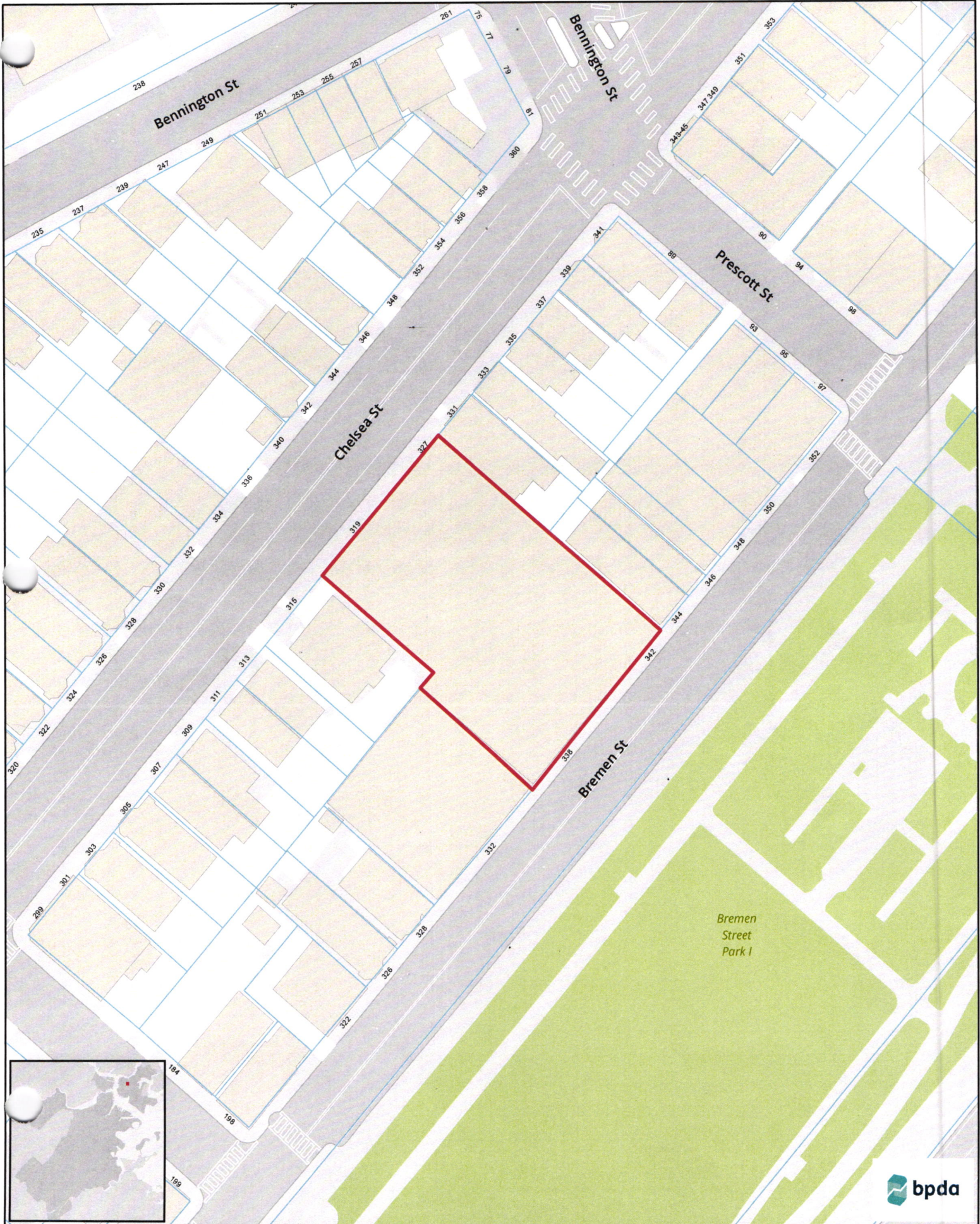
VOTED: That the Director be, and hereby is, authorized to issue a Certification of Approval, approving the development at 319-327 Chelsea Street in East Boston (the "Proposed Project") by Chelsea Bremen, LLC (the "Current Owner") in accordance with the requirements of Small Project Review, Article 80E, of the Boston Zoning Code, subject to continuing design review by the Boston Planning & Development Agency; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to execute an Affordable Rental Housing Agreement and Restriction for the creation of six (6) on-site IDP Units and execute any other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.

319-327 Chelsea Street, East Boston

1:800



319-327 Chelsea Street, East Boston

1:800





Tammy Donovan <tammy.donovan@boston.gov>

Fwd: 319-327 Chelsea Street - Request for Update

1 message

Raul Duverge <raul.duverge@boston.gov>

Thu, Sep 12, 2019 at 11:41 AM

To: teresa.polhemus@boston.gov, tammy.donovan@boston.gov

FYI.

Regards,

Raul Duverge

Begin forwarded message:

From: Elena Bertkau <ekbertkau@gmail.com>
Date: September 11, 2019 at 10:06:53 PM EDT
To: "Richard C. Lynds, Esq." <rclyndsesq@lorcl.com>
Cc: Raul Duverge <raul.duverge@boston.gov>, Lina Tramelli <lina.tramelli@boston.gov>, Ricardo Patron <ricardo.patron@boston.gov>, kristina.ricco@cityofboston.gov, isd@boston.gov, btd@boston.gov
Subject: Re: 319-327 Chelsea Street - Request for Update

Good Evening Mr. Lynds,

I had to leave before last night's update meeting concluded, but I did want to follow-up on the concern that was raised about the contracts who damaged the properties surrounding [336 Chelsea Street](#) and opportunities for your client to improve his relationship with the neighbors.

Please send me the contact information and insurance information that you referenced during the meeting, so that I can help my neighbors pursue reimbursement for the damages caused. My understanding is that their calls have begun to not be answered and they are quite frustrated.

I do hope that the MG2 Developers will offer their support to these neighbors. MG2 should take responsibility for righting the wrongs committed by the contractors they hired to do the work at [336 Chelsea Street](#). on their behalf to their neighbors, This would be an opportunity for MG2 to repair some of the damage done to their reputation and their relationship with our block by the contractors who performed the work at [336 Chelsea Street](#).

Here are the incidents that I was made aware of:

- someone's car was damaged at least twice by construction vehicles at the site
- the neighbors were verbally assaulted by some of the workers
- the side of at least one house has damage
- a shed was damaged
- a garden was damaged
- trash and debris was left in multiple yards and in the street a

I was encouraged to hear that the contractors for [319-327 Chelsea Street](#) will not be the same individuals and that there won't be work done on Saturdays for this project, but this alone is not enough without MG2 taking responsibility for the damage done during the [336 Chelsea Street](#) Construction.

Below are opportunities for MG2 to attempt to repair the trust and relationship with the neighbors. This is primarily based on the comments and questions that were made during the meeting. These are all opportunities for your client to show good faith to the community given the extensive variances an extensions they have been granted by the ZBA for these two large projects that will have a major impact on our block:

1. Remove the roof deck planned for the Chelsea Street Side of the Project and increase the height of the planter separating it from the single family home next door.
 - If roof deck removal is not possible, please provide a guarantee that a locked/automatic curfew of 10pm on weeknights and 11pm on weekends will be enforced for the 1,000 sq foot roof deck accessible to 38 different units.
2. Work with BTM to bump out the sidewalks on the even side of Bremen Street where it meets Prescott & Putnam to improve pedestrian visibility, and support a signaled intersection at Chelsea Street and Putnam Street
3. Share the demolition plans at least 2 weeks in advance with the abutters, so that they can arrange for their own surveying and take pictures documenting the current state of their properties.
4. Work collaboratively with the BPDA Design Review Team to ensure the final building fits within the neighborhood. Share the final plans after the BPDA Design Review with the neighbors so that way we are aware of the changes that are made through that process and avoid any confusion around changes that may be made.
5. Share the final construction and traffic management plan with the community before starting demolition, so that expectations are set in regards to what the neighbors can expect.
6. Share with the neighbors the plan for Wake and Funeral Parking for McGrath's during the construction of [319-327 Chelsea Street](#)
 - You mentioned a plan for after completion, but that is not until January 2021 at the earliest
 - Is valet to the church still an option for the short-term?

As I shared at the meeting, I am most frustrated by the constant follow-up that I have had to do to gain information about these two projects only to find out too late or just in time that you and your client are already working in the background to gain additional approvals from ZBA and BLC and then only providing the community with a few days notice of meetings.

Best,
Elena

On Sep 4, 2019, at 1:44 PM, Richard C. Lynds, Esq. <rclyndsesq@lorcl.com> wrote:

Elena

I wanted to let you know that we will be hosting a community update on Tuesday, September 10, 2019 at 6:00 pm at the YMCA on Bremen Street. We will be providing a project update along with an anticipated timeline for construction.

A flyer will be distributed to the neighborhood as well.

Feel free to contact me with any questions.

RCL

On Mon, Aug 26, 2019 at 11:30 AM Elena Bertkau <ekbertkau@gmail.com> wrote:

Good Morning-

I know that Mr. Lynds was scheduled to return today, Monday, August 26th based on his out-of-office reply.

I'm writing to followup and find out when a meeting will be scheduled to provide the abutters with an update that meets the promises made based on the additional floor added to [336 Chelsea St.](#)

I was disappointed to see that the Change of Ownership plans posted to BPDA for the project from August 2, 2019-<http://www.bostonplans.org/getattachment/023195fb-fc0c-4e8b-b023-402b3cdc43c7> appear to suggest that there are only minor changes. I respectfully disagree and I am disappointed that this was submitted without a community update meeting happening, as was promised.

I request that demolition not be permitted to begin until the updated plans have been shared with the community, as you all know the old plans were approved in 2013.

https://www.boston.gov/news/demolition-delay-application-319-327-chelsea-street-east-boston?utm_source=ONS+-+Fenway+%2F+Mission+Hill&utm_campaign=East+Boston+8%2F9&utm_medium=email

Thank you,
Elena

On Fri, Aug 16, 2019 at 1:58 PM Raul Duverge <raul.duverge@boston.gov> wrote:
Hi Elena:

Thanks for the note. Representatives from the development team are currently away but a community update meeting by the development team will be scheduled in next month or so. Once we are notified of a date/time and location, we will let you know.

Have a great weekend!

On Fri, Aug 9, 2019 at 11:51 AM Elena Bertkau <ekbertkau@gmail.com> wrote:
Good Afternoon-

I just saw that there a demolition application was submitted for [319-327 Chelsea Street](#). I'm writing to request an update on the meeting that was promised to be scheduled with abutters with an update to the project. The funeral home sign is now in place at [336 Chelsea Street](#), so I assume the move is happening shortly.

Has an update to the plans been submitted to BPDA with the promised changes based on the variance granted to increase the height and number of units at [336 Chelsea Street](#)?

Demolition Delay Announcement:

https://www.boston.gov/news/demolition-delay-application-319-327-chelsea-street-east-boston?utm_source=ONS+-+Fenway+%2F+Mission+Hill&utm_campaign=East+Boston+8%2F9&utm_medium=email

Thank you,
Elena

Ekbertkau@gmail.com

On Fri, Apr 12, 2019 at 9:17 AM Richard C. Lynds, Esq. <rclyndsesq@lorcl.com> wrote:

I will likewise let you know when that meeting is scheduled.

RCL

On Mon, Apr 8, 2019 at 10:02 PM Elena Bertkau <ekbertkau@gmail.com> wrote:
Good Evening Mr. Lynds,

I heard that you will be planning an update for the 319-327 Chelsea St abutters regarding the Parking Increase promised with the increase in units at [336 Chelsea st](#). Please let me know when you know the timing of this update so that I can share it with my neighbors.

Thank you,
Elena Bertkau

Ekbertkau@Gmail.com

203-895-4995

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**boston planning &
development agency**

Raul Duverge

Senior Project Manager

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