

September 21, 2017

VIA IN HAND DELIVERY

Brian Golden, Director Boston Planning & Development Agency Boston City Hall, 9th Floor Boston, MA 02201

RE: 135 Bremen Street, East Boston – Notice of Project Change

Dear Director Golden,

This office represents 135 Bremen Street, LLC (the "Proponent") with respect to the above referenced matter. On November 13, 2014, the Boston Redevelopment Authority authorized the issuance of a Certificate of Approval for the development pursuant to Article 80B (Large Project Review). A copy of the Board Memorandum and Vote is attached hereto. Pursuant to the Board Memorandum, the project proposed to construct a six-story market rate development (with affordable units provide in accordance with Boston's affordable unit policy) with ground floor commercial space.

The mixed use proposed project was approved for ninety-four (94) residential units and 8,300 square feet of commercial space along the ground floor of the building along Bremen Street. The development was approved with a mixture of unit types and sizes, including five (5) studio units, ten (10) one bedroom units, five (5) one bedroom plus/den units, fifty-four (54) two bedroom units, fifteen (15) two bedroom plus/den units, and five (5) three bedroom units. The project includes an underground parking facility that will house one hundred and ten (110) parking spaces and one hundred (100) bike racks for the residents and patrons at 135 Bremen Street. As originally approved, the proposed project provided twelve (12) of the ninety-four (94) units to be designated as affordable pursuant to the City of Boston's Inclusionary Development Policy ("IDP").

On May 5, 2015, the Boston Zoning Board of Appeal ("ZBA") (BOA449621) granted the necessary relief and approvals for the project. The Board subsequently signed the Zoning Decision on June 2, 2015. A copy of the Zoning Decision is attached.

Notice of Project Change – February 2017

The Proponent now proposes to change the Project, although the changes do not significantly modify the Project which was previously approved by the Boston Redevelopment Authority and the Zoning Board of Appeal.

Proposed Change

The Proponent now proposes to change the Project from a market rate rental project, to a market rate condominium homeownership project. The Proponent does not propose any changes to the previously approved uses, design, floor plan, unit breakdown, or unit sizes.

The purpose of this submission is to notify the Boston Planning & Development Agency ("BPDA") of the proposed changes to the project and to request that the BPDA determine that these modifications do not represent a material change. As a result of this determination of no material change, the Proponent requests that the BPDA make a determination that no further review is required under Article 80E, as the previous submission by the Proponent sufficiently addressed the proposed project.

The Proponent anticipates presenting the proposed change to the community, and will appear at a hearing before the BPDA Board of Directors if the BPDA so desires.

Thank you for your consideration and please feel free to reach out to this office should have any questions or require any further information.

Best regards,

Jeffrey R. Drago

MEMORANDUM

BOARD APPROVED

NOVEMBER 13, 2014

TO:

BOSTON REDEVELOPMENT AUTHORITY AND

BRIAN P. GOLDEN, ACTING DIRECTOR

FROM:

ERICO LOPEZ, DIRECTOR OF DEVELOPMENT REVIEW AND POLICY

MICHAEL CANNIZZO, SENIOR ARCHITECT/URBAN DESIGNER

CHRISTOPHER TRACY, PROJECT ANAGER

SUBJECT:

135 BREMEN ST, EAST BOSTON

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority ("BRA") authorize the BRA Director to: (1) issue a Scoping Determination waiving the requirement of further review pursuant to Article 80, Section 80B-5.3(d), of the Boston Zoning Code (the "Code") for the 135 Bremen St Project, located in East Boston (as further described below, the "Proposed Project"); (2) issue a Certification of Compliance under Section 80B-6 of the Code upon successful completion of the Article 80 review process for the Proposed Project; and (3) execute and deliver a Cooperation Agreement, an Affordable Rental Housing Agreement and Restriction, and 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 Article 80B review of the Proposed Project.

LOCATION AND SITE DESCRIPTION

The Proposed Project site is adjacent to the East Boston Greenway and across from a residential area within the Maverick Square neighborhood of East Boston. The East Boston Greenway is a linear park located along the old railroad right-of-way, connecting neglected portions of East Boston's historic waterfront to Piers Park, the Boston Park's stadium and two urban marshes. The current site was used as a trucking terminal in the past and also houses two billboards at the corner of Bremen and Porter Streets (the "Site").

The Proposed Project Site sits on a 35,998 square foot site at 135 Bremen Street, between Gove and Porter Streets in the East Boston neighborhood.

PROPOSED PROJECT

The Proposed Project will be constructed as a six-story residential market rate development (with affordable units provided in accordance with Boston's affordable unit policy) with ground floor commercial space. The Proposed Project is ideally situated within close proximity to Airport and Maverick Square MBTA stations' and the Sumner and Ted Williams Tunnels, making it convenient for future resident commuters. The Proposed Project will be in close proximity to the East Boston Greenway connector and Bremen Street Park, providing residents with significant of open and green spaces to utilize. The Proposed Project is also within walking distance to both Maverick and Central Squares, offering many neighborhood shops and restaurants to service the new residents of the development. The Proposed Project will include both residential units and neighborhood commercial space that will revitalize an otherwise abandoned location, and will utilize its central location and proximity to public transportation.

The mixed use Proposed Project will include 94 residential units and 8,300 square feet of commercial space along the ground floor of the building along Bremen Street. The residences will have a mixture of unit type and sizes, which will accommodate East Boston's diverse and growing population, including 5 studio units, 10 one bedroom units, 5 one bedroom plus/den units, 54 two bedroom units, 15 two bedroom/plus den units, and 5 three bedroom units. The Proposed Project will include an underground parking facility that will house 110 parking spaces and 100 bike racks for both residents and commercial patrons at 135 Bremen Street. The Proposed Project is unique to the community because it provides such a high number of private parking spaces for residents, and is within walking distance to two MBTA stations, which will minimize community impact from resident/patron parking spillover onto local streets.

The Proposed Project is estimated to cost approximately \$18-20 million. The construction period is expected to extend for approximately 12-14 months, beginning in the 3rd Quarter 2015 and reaching completion in the 3rd-4th Quarter of 2016

PROJECT TEAM

135 Bremen Street, LLC (the "Proponent") is comprised of two local real estate developers and investors, Mr. Joseph Ricupero and Mr. Michael Merullo. Both of these developers have purchased and developed both large and small projects in the East Boston Neighborhood, and also own a local business that services Boston and surrounding municipalities in Suffolk County.

The architect for the Proposed Project is Neshamkin French Architects, Inc.; legal counsel is Jeffrey R. Drago, Esq.; transportation consultation is provided by Nelson/Nygaard; McPhail Associates LLC are the team's geotechnical consultants; and DeCelle-Burke & Associates is providing civil engineering services.

ZONING

The Site is located in a CE (Corridor Enhancement) Sub District of the East Boston Neighborhood District, Article 53 of the Boston Zoning Code (the "Code"). The Site consists of 35,998 square feet of land with proposed improvements of 126,189 square feet of residential housing. Multi-family dwellings are an allowed use under Article 62, Table F.

The Proposed Project requires relief from the Boston Zoning Code by the Zoning Board of Appeal as outlined in Article 53. The proposed structure will have a floor area ratio ("FAR") of 3.5, exceeding the maximum allowable FAR of 2.0 set for the area. The Proposed Project at 69 feet exceeds the height limitations of the Code for the area, which is 35 feet. Although the proposed height is in keeping with other building heights in the vicinity along the Greenway, variances will be required. The commercial space on the first floor is a forbidden use under the Code, and will require zoning relief.

The Proposed Project will further require zoning relief for insufficient off-street parking and traffic visibility across a corner. Design elements of the project will be reviewed in accordance with Article 80 Large Project Review. The Site is located in a transition area between existing residential and industrial uses. As one proceeds east on Porter Street, the buildings are much taller and their uses range from hotel, loft-style residential and abandoned warehouse. The design team feels that given this location, and the structures influencing the design, the proposed building's height, mass and scale create an appropriate transition from the residential neighborhood to the larger scale buildings and elevated road structures beyond the Site.

ARTICLE 80 REVIEW

On June 7, 2013, the Proponent filed a Letter of Intent in accordance with the BRA's policy regarding Provision of Mitigation by Development Projects in Boston. On October 7, 2014, the Proponent filed a Project Notification Form ("PNF") 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 October 22, 2014, with the city's public agencies at which the Proposed Project was reviewed and discussed. The BRA convened a public meeting for the community's review and comment on October 23, 2014, at the Paris St Community Center in East Boston. The public meeting was advertised in the East Boston Times. Public comments were received on this proposal until November 10, 2014.

An Impact Advisory Group ("IAG") was formed as part of the review process for the Proposed Project. An IAG meeting was held on October 22, 2014, at the Paris St Community Center.

In addition to these BRA-sponsored meetings, the Proponent attended numerous meetings with individuals and local groups, including with the Jeffries Point Neighborhood Association as well as an abutter's meeting hosted by the Mayor's Office of Neighborhood Services.

The Proponent made a presentation to the Boston Civic Design Commission ("BCDC") on October 28, 2014.

The Proponent submitted a "Supplemental Information to the PNF" packet to the BRA on November 10, 2014. This contained some slight changes (most notably a small change to the parking space number) that were made following the BCDC recommendations.

PUBLIC BENEFITS

The Proposed Project will offer the City of Boston and the surrounding community the following public benefits:

- Provide approximately 94 much needed, market rate rental residential units in East Boston;
- Supply approximately 12 new units of affordable housing, consistent with the Mayor' Executive Order related to affordable housing. Additionally the proponent will contribute \$52,000 to the IDP fund to supplement the 12 units;
- Revitalize an underutilized and abandoned former trucking terminal and creating a mixed use building that will add life to this underutilized Bremen Street Corridor;
- Create commercial retail space along the Bremen Street Corridor to accommodate East Boston's growing population of residents, which will allow residents to not only live but also shop and dine in the neighborhood;
- Removing two active billboards from the Project Site, thereby to meet a community objective to reduce the number of active billboards within the neighborhood;
- Construct a building that will incorporate access to the East Boston Greenway bike and walking path which will invite residents to utilize all of the open space that the Greenway has to offer;
- Encourage alternative modes of transportation through the use of bicycling and walking (including along the adjacent Greenway path), close proximity to the MBTA at Maverick and Airport stations, and access to zip car spaces inside the development's parking garage;

- Create 100 bike racks within the building to encourage bicycling as a mode of transportation, leading to less vehicular traffic;
- Create a new sidewalk and other streetscape amenities along Bremen Street, which is currently non-existent; and
- Create 20 full time jobs (commercial/retail). Creating 100 temporary construction and labor jobs; and
- A contribution to the Parks Commission of approximately \$30,000 will be given at the issuance of a building permit.

AFFORDABLE HOUSING COMPONENT

The Proposed Project will comply with the Mayor's Executive Order on Inclusionary Development through the provision of twelve (12) on-site affordable rental units (the "Affordable Units"). The Affordable Units will be dispersed throughout the residential building, will be identical in finishes and attributes to the market rate units in the building, and the rental rates for the Affordable Units will be set at seventy percent (70%) of Area Median Income ("AMI"). In addition to the 12 units, the proponent has agreed to make a contribution of \$52,000 to the IDP fund. This dollar amount is a result of the IDP program calculation for the 94 units.

An Affordable Rental Housing Agreement and Restriction ("ARHAR") must be executed prior to or simultaneously with the issuance of the Certification of Compliance for the Proposed Project. The Proponent must also submit an Affirmative Marketing Plan (the "Plan") for the ARHAR to the Boston Fair Housing Commission and the BRA, which shall be approved prior to the execution of the ARHAR. 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).

The Affordable Units will not be marketed prior to the submission and approval of the Plan. A deed restriction will be placed on the Affordable Units to maintain their affordability which will provide for an initial period of thirty (30) years with a BRA option to extend for an additional period of twenty (20) years, for a total of fifty (50) years.

RECOMMENDATION

Approvals have been requested of the BRA pursuant to Article 80, Section 80B, of the Code for the issuance of a Scoping Determination waiving the requirement of further review pursuant to Article 80, Section 80B-5.3(d) of the Code; for the issuance of a Certification of Compliance under Section 80B-6 upon successful completion of the Article 80 review process. In accordance with Section 80B-5.3(d) of the Code, the BRA may issue a Scoping Determination Waiving Further Review if the PNF, together with

any additional material and comments received by the BRA prior to the issuance of the Scoping Determination, are found to adequately describe the impact of the Proposed Project and offer appropriate mitigation of such impacts.

BRA staff believes that the PNF meets the criteria for the issuance of a Scoping Determination Waiving Further Review. It is therefore recommended that the BRA authorize the Director to: (1) issue a Scoping Determination waiving the requirement of further review pursuant to Article 80, Section 80B-5.3(d) of the Code for the Proposed Project; (2) issue a Certification of Compliance under Section 80B-6 for the Proposed Project upon successful completion of the Article 80 review process; and (3) execute and deliver a Cooperation Agreement, an Affordable Rental Housing Agreement and Restriction, and a Boston Residents Construction Employment Plan in connection with the Proposed Project.

Appropriate votes follow:

VOTED:

That the Director be, and hereby is, authorized to issue a Scoping Determination under Section 80B-5.3(d) of the Boston Zoning Code (the "Code"), which (i) finds that the Project Notification Form adequately describes the potential impacts arising from the 135 Bremen St project, located in East Boston (the "Proposed Project"), and provides sufficient mitigation measures to minimize these impacts; and (ii) waives further review of the Proposed Project under Section 80B-5 of the Code, subject to the Authority's continuing design review; and

FURTHER

VOTED:

That the Director be, and hereby is, authorized to issue a Certification of Compliance for the Proposed Project upon the successful completion of all Article 80 processes; and

FURTHER

VOTED:

That the Director be, and hereby is, authorized to execute a Cooperation Agreement, an Affordable Rental Housing Agreement and Restriction, and 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, all upon terms and conditions determined to be in the best interests of the Authority.



City of Boston Board of Appeal

Inspectional Services Department 1010 Massachusetts Avenue, 4th Floor Boston, MA 02113 617-635-4775

Members
Christine Araujo - Secretary
Bruce Bickerstaff
Mark Fortune
Peter Chin
Michael Monahan
Anthony Pisani, AIA
Robert Shortsleeve - Chairman

NOTICE OF DECISION
CASE NO. BOA 449621
PERMIT # ERT424235
APPEAL SUSTAINED
WITH PROVISOS

In reference to appeal of

Linda Neshamkin

concerning premises

135 Bremen Street, Ward 01

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

Decision has been filed in the office of the Commissioner of the Inspectional Services Department, 1010 Massachusetts Avenue, fifth floor, Boston, MA 02118, and is open for public inspection. Date of entry of this decision in the Inspectional Services Department was 6/25/2015.

FOR THE BOARD OF APPEAL

Derric Small

Principal Administrative Assistant

Derrie Small VH



OFFICE OF THE BOARD OF APPEAL

May 5, 2015 DATE

Decision of the Board of Appeal on the Appeal of

Linda Neshamkin

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

135 Bremen Street, Ward 1

For the terms of the Boston Zoning Code (see Acts of 1956, c. 665) in the following respect: Conditional Use & Variance

Article(s): 53(53-36) 53(53-37:Height Floor Area Ratio Excessive, Rear Yard Insufficient)

Construction of a 6 story, mixed-used building. Parking garage & designed for 106 parking spaces and 100 buke racks for residents beneath building & there will be a 8:30 sf restaurant at gournd level. There will be ninety four residential (94) dwelling units on the upper floor levels.

In his formal appeal, the Appellant states briefly in writing the grounds of and the reasons for his appeal from the refusal of the Building Commissioner, as set forth in papers on file numbered BOA 449621 and made a part of this record.

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

THE BOSTON HERALD on Tuesday, April 16, 2015

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

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

After hearing all the facts and evidence presented at the public hearing held on Tuesday, May 5, 2015 in accordance with notice and advertisement aforementioned, the Board finds as follows:

The Appellant appeals to be relieved of complying with the aforementioned section of the Boston Zoning Code, all as per Application for Permit# ERT424235 and November 5, 2014 plans submitted to the Board at its hearing and now on file in the Building Department.



OFFICE OF THE BOARD OF APPEAL

Decision of the Board of Appeal on the Appeal of

135 Bremen Street, Ward 1 BOA - 449621 Date of Hearing: May 5, 2015

Permit: # ERT424235

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This appeal seeks permission to erect a six story, mixed use building. There will be ninety-four (94) residential units on the five upper floor levels and 8,300 square feet of restaurant/neighborhood commercial space at ground level. Additionally, this project will create two levels of parking for 110 parking spaces and 100 bike racks and a bike repair shop for residents beneath the building

The purpose of this Appeal is to allow the Appellant to erect a six story, mixed use building with ninety-four residential units on the upper floors and restaurant/neighborhood commercial space at the ground level. The overall objective of this project is to allow the Appellant to have reasonable use of the property, while creating some much needed market rate housing in the East Boston community. The project is located within a Corridor Enhancement District (CE). The appeal is necessary as the requested relief requires relief from the terms of the Boston Zoning Code (Code). The specific relief required in furtherance of the proposed project is as follows: Article 53, Section 36 Restaurant Use: Conditional; Article 53, Section 37 Dimensional Regulations (Floor Area Ratio Excessive); Article 53, Section 37 Dimensional Regulations (Height Excessive); Article 53, Section 37 Dimensional Regulations (Rear Yard Insufficient).

The requested relief will allow the Appellant to have full and reasonable use of the property. The Appellant wishes to erect a six story, mixed use building on a 36,000 square foot lot. This project will include the creation of ninety-four market rate residential units and a restaurant/neighborhood commercial space at the ground level. Additionally, this project will create 110 parking spaces and 100 bike racks, which will ease the burden for on street parking. The proposed unit breakdown for this project includes five studio units, ten one-bedroom and den units, fifty-six two-bedroom units, eighteen two-bedroom and den units, and five three-bedroom units. Vehicular access to the parking garage will be along Bremen Street and pedestrian access will be from both Bremen Street and Porter Street sides.

The site of this development is a former industrial trucking terminal. This project will remove two active billboards, create necessary greenspace, provide new sidewalks for pedestrian access, and is located along the East Boston Greenway, and will provide light and vibrancy to this otherwise abandoned corridor. The exterior of the structure will be made up of a brick façade, and rear balconies, and there will also be a courtyard with ample green space on the interior. This proposal will once again make use of this underutilized parcel of land in an appropriate



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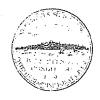
manner. Additionally, this structure will improve the aesthetics of this specific lot as well as the neighborhood as a whole. This project scored silver LEED rating at the BRA, and had extensive design review by the Boston Design Commission. Furthermore, it will create much needed housing units for the community of East Boston, in an area that has consistently faced housing shortages. Finally, this proposal will not adversely affect the community or create any detriments, but rather will serve as a benefit and will allow for the full utilization of this vacant land. For these reasons, the requested relief may be granted in harmony with the general purpose and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The Appellant had extensive community outreach for this project. The outreach included, an abutters meeting, where they discussed the proposal and answered questions from members of the neighborhood. The Appellant also attended an Impact Advisory Group (IAG) meeting comprised of members of the community selected by the local elected officials and the BRA to advise the developer on the project. The project and went through Article 80 Large Project Review process, and had a required BRA sponsored meeting that took public comment into consideration. The Project received overwhelming support from the community at large, and received praise for its high number of off street parking spaces, brick exterior, and large interior and exterior green space.

At the Zoning Board of Appeals hearing on May 5, 2015, Claudia Correa of the Mayor's Office of Neighborhood Services and City Councilor LaMattina spoke in support of the project. Additionally, there were several letters of support for the project from neighbors and abutters as well as letters from Representative Carlo Basile and State Senator Anthony Petruccelli on file with the Board. There was no opposition voiced at the hearing and there is none on file with the Board. This showing of approval from the community further supports the Board's finding that the requested relief will have no negative impact on the surrounding area, and is in harmony with the general purpose and intent of the Code.

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

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



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Decision of the Board of Appeal on the Appeal of

135 Bremen Street, Ward 1 BOA - 449621 Date of Hearing: May 5, 2015

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are peculiar to such land or structure but not the neighborhood, and that said circumstances or conditions are such that the application of the provisions of this Code would deprive the appellant of the reasonable use of such land or structure; and

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

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

The Board of Appeal also makes the following findings:

- a) The specific site is an appropriate location for such use;
- b) The use will not adversely affect the neighborhood;
- c) There will be no serious hazard to vehicles or pedestrians from the use;
- d) No nuisance will be created by the use; and
- e) Adequate and appropriate facilities will be provided for the proper operation of the use.

The Board is of the opinion that all conditions required for the granting of a variance under Article 7, Section 7-3 and a Conditional Use Permit under Article 6, Section 6-3 of the Zoning



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Code have been met, and that the varying of the terms of the Zoning Code as outlined above will not conflict with the intent and spirit of the Zoning Code.

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

APPROVED AS TO FORM:

Assistant Corporation Counsel

PROVISOS:

- 1. Subject to design review by BRA.
- 2. Continued work with the Parks Department.

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BRUCE BICKEPSTAFF	11		-
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