

BRA APPROVAL: 9/25/08
ZC APPROVAL: 10/15/08
EFFECTIVE: 10/16/08

BOSTON REDEVELOPMENT AUTHORITY

SEPT. 25, 2008

Second Amended and Restated Development Plan
for
Planned Development Area No. 25
1241-1255 Adams Street, South Dorchester

Baker Square II Limited Partnership, Developer

BACKGROUND: The original Development Plan for Planned Development Area (“PDA”) No. 25, was filed and was approved in the 1980s and was for a more intensive 300-unit residential project. In 2001, an Amended and Restated Development Plan was approved for a much smaller project, involving at total build-out of some 177 units (of which 98 had been constructed and sold to unit owners as part of Phase I of the Baker Square project). This Second Amended and Restated Development Plan contemplates minor changes to the location of residential units and parking spaces, resulting in a reduction in the total number of residential units from 177 units to 176 (of which 98 already have been constructed as part of Phase I of the Baker Square project) and takes the place of the Amended and Restated Development Plan.

DEVELOPER: Baker Square II Limited Partnership.

ARCHITECT: The Architectural Team, Inc. of Chelsea, Massachusetts, or such other architects as may be designated by the Developer from time to time.

SITE DESCRIPTION: The site of the development is a parcel located in the South Dorchester district of Boston. The site is bounded on the south by the Neponset River, on the east by Adams Street and by certain adjoining land owned by various landowners, on the west by Central Avenue and on the north by the properties of various landowners and Taylor Terrace, a private way. The site is a long, narrow site having an aggregate frontage on the Neponset River of approximately 1,500 feet. The aggregate area of the site for ownership purposes is approximately 7.1 acres, of which approximately 5.5 acres are above the existing high water mark of the Neponset River, and 6.62 acres are counted within the definition of Lot Area under the Boston Zoning Code. Hereinafter, the site described above, and more particularly described in Exhibit I hereto, will be referred to as the “Site.”

LOCATION AND APPEARANCE OF STRUCTURES: The development is depicted on (i) plans captioned “Site Plan Baker Square- Phase II Condominiums Dorchester, MA” prepared by Nitsch Engineering, Inc. for The Architectural Team; and (ii) plans captioned “Planting 1-3, Baker Square II, 1241-1255 Adams Street, Dorchester Lower Mills, MA” prepared by The Architectural Team with the assistance of Bartsch & Radner Design, Inc. Schematic and Construction Drawings are also provided and are listed on Exhibit II annexed hereto. The drawings are generally reflective of the project as currently envisioned.

Exterior building materials will be consistent with the rehabilitation of the existing structures, with the primary materials continuing to be brick.

GENERAL DESCRIPTION OF PROPOSED DEVELOPMENT AND USE ALLOCATION:

The development for the Site is to consist of up to 78 residential units, of which between 39-40 units will be one-bedroom units and between 38-39 units will be two-bedroom units. These units are to be located as follows: approximately 58 residential units are to be constructed within the rehabilitated shell of the Baker Mill, these 58 units therefore being situated immediately adjacent to the Neponset River. This represents three fewer units within the Baker Mill than were contemplated in the Amended and Restated Development Plan approved in 2001 (the "Amended Application"). In addition, two residential units are to be constructed within the rehabilitated shell of the building known variously as the Old Garage, Refrigeration Plant, or Carriage House (the "Carriage House") in lieu of the 10 parking spaces proposed in the Amended and Restated Development Plan approved in 2001. Also, the 18 townhouses that were to be constructed in the narrow portion of the Site near the Site's boundary on Central Avenue have been eliminated. Instead, up to 18 residential units will be constructed in the building known variously as the Power House or Water Mill building (the "Water Mill"). There are 98 existing residential units located within the rehabilitated shells of the Forbes Mill and the former Machinery Building (now known as the Park Mill). Thus this Second Amended and Restated Development Plan involves one (1) fewer unit overall than the Amended and Restated Development Plan, for 176 units overall. A total of up to 303 parking spaces will be included in the development, of which 25 will be in the Forbes Mill, up to 21 will be in the Power House, and the remaining 257 will be elsewhere on the Site. Hereinafter, the foregoing construction will be referred to as the "Development."

The allocation of uses within the Site will be as follows: (a) the primary uses of the structures and areas previously rehabilitated will be multifamily dwellings, fitness center or gymnasium, a private club not serving alcohol, accessory fuel storage use, accessory parking, accessory storage of flammable liquids and gases (small), and an accessory swimming pool; (b) the primary uses of the structures and areas to be rehabilitated will be for multifamily dwellings, accessory parking, accessory storage of flammable liquids and gases (small), and (c) the primary use of certain spaces partially in public ownership and partially in private ownership will be open space, pedestrian walkway, water-dependent recreational facility, or public outdoor recreational facility, public boat ramp, and flood, water level or tidal control facility. Finally, various uses accessory or ancillary to the foregoing uses may be designed into the Development.

ESTIMATED CONSTRUCTION TIME: Review of the Development is expected to be completed on or about September, 2008. Construction of the first subphase of the Development is already underway with residential units being constructed in the rehabilitated shell of the Baker Mill, as approved in the Amended and Restated Development Plan in 2001. Construction of the residential units in the Carriage House will commence at such time as the building permit and other required permits have been issued, and will be completed approximately four (4) months thereafter. Finally, following completion of the Baker Mill units, the residential units will be constructed in the Power House commencing at such time as the building permit and other required permits have been issued (estimated for October, 2008), and will be completed approximately eight (8) months thereafter (estimated for June, 2009).

PROJECTED NUMBER OF EMPLOYEES: The development will involve approximately 120 jobs during the construction phase and approximately 2 jobs during the permanent phase. The Developer entered into a Boston Resident Construction Employment Plan, dated as of April 30, 2007, in accordance with the Mayor's Executive Order of July 12, 1985 and Chapter 12 as amended by Chapter 17 of the Ordinances of 1986, which is being amended to describe the reconfigured Development.

AFFIRMATIVE FAIR MARKETING PLAN: The Developer entered into an Affirmative Fair Marketing Plan Agreement for rentals and an Affirmative Fair Marketing Plan Agreement for condominiums with the Authority, dated as of October 15, 2007, for the eight affordable units within the development. This is being amended to describe the reconfigured Development. The Developer is not the subject of any outstanding Equal Opportunity/Fair Housing complaints.

AFFORDABLE HOUSING: The Developer entered into a Cooperation Agreement with the Authority, dated as of May 15, 2007, to provide affordable neighborhood housing on site in accordance with that agreement. This is being amended to describe the reconfigured Development. Although the Development is not in fact subject to the Development Impact Project Requirements set forth in Article 80 of the Boston Zoning Code, in response to indications from the staff of the BRA that the Authority believes that this project ought to include a financial commitment toward the creation of affordable housing, the Developer and the BRA entered into an Affordable Rental Housing Agreement and Restriction and Affordable Homeownership Housing Agreement, both dated as of April 30, 2007, whereby the Developer agreed with the BRA that the Baker Mill will include eight units of housing which will be affordable. These are being amended to describe the reconfigured Development. Three such units will be affordable by families whose income is at or below 120% of the median income for the Boston MSA, and three such units will be affordable by families whose income is at or below 100% of the median income for the Boston MSA and two such units will be affordable by families whose income is 80% of the median income for the Boston MSA. These units are in addition to the 15 units of affordable housing included in the Forbes building and Park Mill in the first phase, for a total of 23 units overall, representing 13% of the housing units included in the development.

BUILDING DIMENSIONS: The residential construction within the Baker Mill, the Carriage House and the Power House will be included largely within the existing shells, and therefore the building dimensions of those structures will remain substantially as they are today, although certain headhouses will be located on the Baker Mill which may project up to approximately 12 feet above the existing roof level.

TRANSPORTATION ACCESS PLAN: The Developer entered into a Transportation Access Plan Agreement with the Authority and the City of Boston, dated as of April 23, 2007, to provide adequate measures to mitigate transportation impacts from the development. This is being amended to describe the reconfigured Development.

PROPOSED TRAFFIC CIRCULATION: Traffic circulation through the Development will involve entrances and/or exits to and from Adams Street and Central Avenue, with an internal circulation pattern in the approximate location shown in the Site Plan and set forth in the Transportation Access Plan Agreement.

PARKING FACILITIES: Parking will be maintained at a ratio (inclusive of visitor parking) equal to or in excess of 1.5 parking spaces for each residential unit constructed during the various subphases of the development, as stated in the Transportation Access Plan Agreement, with the ultimate ratios achieved at the conclusion of each subphase to be approximately 0.94, 0.92 and 1.72, respectively, all inclusive of visitor parking.

ACCESS TO PUBLIC TRANSPORTATION: Access to public transportation in the area is excellent. There is an existing Massachusetts Bay Transportation Authority station located on the southerly side of the Neponset River off Adams Street approximately 250 feet from the Adams Street entrance to the proposed Development. In addition, there is a second existing MBTA station located on the southerly side of the Neponset River west of Central Avenue, approximately 250 feet from the Central Avenue entrance to the proposed Development. In addition, public transportation facilities include three MBTA bus routes which pass through Pierce Square: Route 27 between Mattapan and Ashmont station, Route 217 between Ashmont and Wollaston Beach, and Route 240 between Avon Circle (Avon) and Ashmont. In addition, the Developer will request that the Baker Square Condominium Trust do the following: (i) post informational materials on MBTA services on a community bulletin board in a common area within the condominium; (ii) coordinate the ordering of MBTA trolley and bus passes for residents to simplify and encourage the utilization of public transit, and (iii) contact "Caravan for Commuters," a City of Boston service that offers assistance to commuters who are interested in ridesharing, and post information on such community bulletin board to solicit interest among the condominium residents.

OPEN SPACES AND LANDSCAPING: Most of the portions of the Site not devoted to building footprints, or to the internal vehicular and pedestrian traffic circulation systems, will be devoted to landscaped open spaces. The proposed scheme increases the amount of such space on the Site.

Furthermore, easements for access by the public to certain portions of the Site have been conveyed to the Commonwealth of Massachusetts, acting through the Department of Conservation and Recreation as successor to the Metropolitan District Commission. Such easements include both an easement associated with the extension of the proposed DCR multi-purpose path onto the site, and an easement through Baker Court to the DCR multi-purpose path intended to meet certain public access requirements under M.G.L., chapter 91. The former easement was conveyed in exchange for consideration of \$450,000, and the latter was conveyed without monetary consideration. Such easements also provide for public access sunrise to sunset along the northerly edge of the Neponset River and through Baker Court, subject to the Developer's reasonable needs to limit or interrupt such use during construction, and subject further to reasonable rules and regulations as to behavior of the public.

COMPLIANCE WITH APPROVED DRAWINGS: Developer will construct the development in accordance with the Schematic and Construction Drawings for the development, more specifically described on an Exhibit II to this plan.

DESIGN REVIEW PROCEDURES: The Schematic and Construction Drawings listed in Exhibit II hereto have been submitted to the Authority for its approval. Those drawings are generally reflective of the project as currently envisioned. The design and dimensional

requirements of the proposed development as approved in the Schematic Drawings when approved may be subject to minor modification as the result of continuing development review. Final Working Drawings and Specifications approved by the Authority shall be conclusively deemed to be in conformity with this Development Plan.

PROPOSED USES: The Site currently is located in the Multifamily Residential Subdistrict of the Dorchester Neighborhood District of the Boston Zoning Code. The allocation of uses within the Site will be as follows: (a) the primary uses of the structures and areas previously rehabilitated will be multifamily dwellings, fitness center or gymnasium, a private club not serving alcohol, accessory fuel storage use, accessory parking, accessory storage of flammable liquids and gases (small), and an accessory swimming pool; (b) the primary uses of the structures and areas to be rehabilitated will be for multifamily dwellings, accessory parking, accessory storage of flammable liquids and gases (small) and (c) the primary use of certain spaces partially in public ownership and partially in private ownership will be open space and pedestrian walkway, water-dependent recreational facility, or public outdoor recreational facility public boat ramp, flood, water level or tidal control facility. Finally, various uses accessory or ancillary to the foregoing uses may be designed into the Development. Zoning relief required for the uses referred to above is set forth hereinafter.

ZONING: The present district designation is as outlined above in section captioned "Proposed Uses." The entire Site has been designated as a Planned Development Area or "D" Overlay District. Without limitation, the project will require the following relief from the Boston Zoning Code: (a) variances under Section 7-1 of the Boston Zoning Code as set forth on Exhibit III annexed hereto; (b) exceptions under Sections 6A-1 of the Boston Zoning Code as set forth on Exhibit III annexed hereto; and (c) permits for all conditional uses under Section 6-1 of the Boston Zoning Code as set forth on Exhibit III annexed hereto. Furthermore, in accordance with Section 80C-9 of the Code, upon issuance by the Director of the Authority of a Certificate of Consistency for the development under Planned Development Area Review, the project shall be deemed to be in compliance with the requirements of the underlying zoning to the extent that such requirements have been addressed in this Second Amended and Restated Development Plan. There are 98 existing residential units located within the rehabilitated shells of the Forbes Mill and the former Machinery Building (now known as the Park Mill) that were approved, permitted, and constructed under the Code in effect at that time. If the Code is interpreted as requiring additional zoning relief for those buildings under the Boston Zoning Code as part of this Second Amended and Restated Development Plan, said buildings shall be deemed conclusively to be in compliance with the requirements of the underlying zoning. Additional zoning relief may be sought to the extent necessary by reason of the adoption of amendments to the Boston Zoning Code adopted prior to the issuance of necessary building permit(s) for the development.

EXHIBIT I
TO DEVELOPMENT PLAN FOR
PLANNED DEVELOPMENT AREA NO. 25

Beginning at a point in the easterly line of Central Avenue at the northerly bank of the Neponset River, at mean high water mark;

THENCE by Central Avenue, ninety-six (96) feet, more or less, to a point at land now or formerly of the Boston Edison Company;

THENCE by land now or formerly of the Boston Edison Company North 75° 26' 42" East, a distance of one hundred fifteen and 47/100 (115.47) feet to a point;

THENCE by land now or formerly owned by the Boston Edison Company South 16° 19' 47" East, a distance of fourteen and 28/100 (14.28) feet to a point;

THENCE by land now or formerly owned by the Boston Edison Company North 77° 41' 00" East, a distance of forty-eight and 14/100 (48.14) feet to a point;

THENCE by land now or formerly owned by Boston Edison Company North 15° 47' 18" West, a distance of eighteen and 17/100 (18.17) feet to a point;

THENCE by land now or formerly of Paul J. Martino North 65° 10' 36" East, a distance of one hundred seventy-eight and 31/100 (178.31) feet to a point;

THENCE by land now or formerly of Glen A. Oxtan North 67° 33' 11" East, a distance of fifty-three and 69/100 (53.69) feet to a point;

THENCE by land now or formerly owned by Joseph L. Botti, Jr., including the southerly terminus of Taylor Terrace, a private way, North 79° 48' 58" East, a distance of one hundred sixty and 56/100 (156.56) feet to a point;

THENCE by land now or formerly of the Dorchester Lower Mills Knights of Columbus North 81° 31' 47" East, a distance of ninety and 74/100 (90.74) feet to a point;

THENCE by land now or formerly owned by High Voltage Engineering South 19° 42' 13" East, a distance of twenty-seven and 04/100 (27.04) feet to a point;

THENCE by land now or formerly owned by High Voltage Engineering North 68° 48' 43" East, a distance of two hundred seventy-nine and 00/100 (279.00) feet to a point;

THENCE by land now or formerly of High Voltage Engineering, Inc. South 21° 11' 17" East, a distance of twenty-seven and 12/100 (27.12) feet to a point;

THENCE by land now or formerly owned by High Voltage Engineering North 68° 48' 43" East, a distance of seventy-two and 02/100 (72.02) feet to a point;

THENCE by land now or formerly of High Voltage Engineering South $21^{\circ} 11' 17''$ East, a distance of twelve and 00/100 (12.00) feet to a point;

THENCE by land now or formerly of High Voltage Engineering North $68^{\circ} 48' 43''$ East, a distance of one hundred thirty-six and 52/100 (136.52) feet to a point;

THENCE by land now or formerly of Lower Mills Associates Limited Partnership South $00^{\circ} 37' 01''$ West, a distance of eleven and 08/100 (11.08) feet to a point;

THENCE by land now or formerly of Lower Mills Associates Limited Partnership South $34^{\circ} 37' 23''$ East, a distance of fifty-nine and 43/100 (59.43) feet to a point;

THENCE by land now or formerly of Lower Mills Associates Limited Partnership North $55^{\circ} 22' 37''$ East, a distance of one hundred forty-six and 73/100 (146.73) feet to a point;

THENCE by land now or formerly owned by Bertram R. Paley, as Trustee of Walter Baker Realty Trust, South $51^{\circ} 33' 46''$ East, a distance of one hundred sixty-four and 45/100 (164.45) feet to a point in the westerly sideline of Adams Street;

THENCE by the westerly sideline of Adams Street by a curve having a radius of four hundred twenty (420) feet, a distance of ninety-six and 89/100 (96.89) feet to a point;

THENCE along the westerly sideline of Adams Street by a curve having a radius of three hundred forty and 77/100 (340.77) feet, a distance of one hundred twenty-one and 70/100 (121.70) feet to a point on the dividing line between Boston and Milton;

THENCE by the dividing line between Boston and Milton a distance of approximately six hundred ninety four and 00/100 (694.00) feet to a point at land formerly of Durell;

THENCE by land formerly of Durell, about sixty-five (65) feet to the northerly bank of the Neponset River at mean high water mark; and

THENCE by said mean high water mark, seven hundred (700) feet, more or less, to the point of beginning.

Excluding herefrom any land taken in fee by the Commonwealth of Massachusetts pursuant to that Order of Taking dated October 25, 1962, recorded in Book 7697, Page 235, which land is more particularly described in said Order as Parcel II shown on Land Taking Plans numbered N.R.F.C.-1 to N.R.F.C.-5, inclusive, entitled "Commonwealth of Massachusetts, Metropolitan District Commission, Construction Division, Neponset River Flood Control, July 19, 1962, Frederick W. Gow, Chief Engineer," being Plans Accession Nos. 58603, 58604, 58605, 58606 and 58607, copies of which were recorded with said Order of Taking said Parcel II being described as follows therein:

"Parcel II (Suffolk County): Beginning at a point at the southwesterly corner of said parcel, as shown on Plan Accession No. 58603, at the County line between Suffolk and Norfolk Counties, thence north $18^{\circ} 01' 00''$ west sixty-six (66) feet more or less to a point;

Thence north 73° 12' 30" east sixteen and 8/10 (16.8) feet more or less to a point;

Thence south 16° 47' 30" east eighteen and 5/10 (18.5) feet to a point;

Thence north 73° 12' 30" east three and 6/10 (3.6) feet to a point;

Thence south 18° 01' 00" east forty-six (46) feet more or less to a point;

Thence generally westerly along said County line twenty (20) feet more or less to the point of beginning."

Such parcel of land also includes all right, title and interest, if any, to the soil under Adams Street and Central Avenue, so far as the same is included within the sidelines of the parcel described extended to the center lines of said streets, and together with all of the right, title and interest of the Developer in land southerly of the aforesaid retaining wall and in the bed of the Neponset River adjacent to the above-described land, as well as any other right, title and interest in and to said land within the aforesaid boundaries as may be hereinafter acquired by reason of boundary line adjustments, easements or the like.

EXHIBIT II
 TO AMENDED AND RESTATED DEVELOPMENT PLAN FOR
 PLANNED DEVELOPMENT AREA NO. 25

Schematic and Construction Drawings

| Title | Number |
|---|-----------------------|
| SITE PLAN BAKER SQUARE- PHASE II CONDOMINIUMS | 1 and 2 |
| PLANTING PLAN BAKER SQUARE II | L2.1- L2.3 |
| CARRIAGE HOUSE FLOOR PLANS | ASK 64A R3 and 64B R3 |
| CARRIAGE HOUSE ELEVATIONS | ASK 64H R1 |
| CARRIAGE HOUSE BUILDING SECTIONS | ASK 64I R3 |
| WATER MILL FLOOR PLANS | A2.00-A2.04 |
| WATER MILL ELEVATIONS | A4.01-A4.03 |
| WATER MILL BUILDING SECTIONS | A4.04-A4.05 |

EXHIBIT III
TO DEVELOPMENT PLAN FOR
PLANNED DEVELOPMENT AREA NO. 25

Section 65-8

Uses

| <u>Use Item</u> | <u>MFR</u> |
|---|--------------------|
| Fitness center or gymnasium | F |
| Private club not serving alcohol | F |
| Open Space | A |
| Multifamily Dwelling | A* |
| *Provided that Dwelling Units are forbidden in basements | |
| Open space, pedestrian walkway, water-dependent recreational facility, or public outdoor recreational facility | F |
| Flood, water level or tidal control facility | [] Blank in Table |
| Accessory parking as an accessory use subject to the limitations and restrictions of Article 10, any use ancillary to, and ordinarily incident to, a lawful main use. | A* |
| * Provided that such use is not specifically forbidden as a main use for in such district and is designated as A or C in the accessory use table | |
| Public boat ramp | F |
| Accessory storage of flammable liquids and gases (Small) as an accessory use subject to the limitations and restrictions of Article 10, any use ancillary to, and ordinarily incident to, a lawful main use. | F* |
| * Provided that such use is not specifically forbidden as a main use for in such district and is designated as A or C in the accessory use table. | |
| Accessory swimming pool or tennis court as an accessory use subject to the limitations and restrictions of Article 10, any use ancillary to, and ordinarily incident to, a lawful main use. | A* |
| * Provided that such use is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet; provided further that such use is not specifically forbidden as a main use for in such district and is designated as A or C in the accessory use table. | |
| Ancillary use as an accessory use subject to the limitations and | C* |

Use Item

MFR

restrictions of Article 10, any use ancillary to, and ordinarily incident to, a lawful main use.

*Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is ancillary; provided further that such use is not specifically forbidden as a main use for in such district and is designated as A or C in the accessory use table.

Note: F = Forbidden
C = Conditional
A = Allowed
N/A = Not Applicable

Conditional use permits may be sought for conditional uses either instead of or in addition to variances and exceptions.

Required

Provided

Section 11-2
On-Premise
Signs

Only specified on-premise signs are allowed. Such allowable signs include government signs for regulatory purposes and historical or scenic markers approved by a recognized historical or conservation agency.

There will be signage required by a Chapter 91 License and signage required by DCR regarding the DCR walkway.

Section 25-5
Flood Hazard
Districts

Basements of all structures within the flood hazard district shall be elevated to or above the base flood elevation, or Board of Appeal must grant permission for reconstruction, structural change or extension thereof, provided that nonconformity is not increased. New construction in floodway may not increase flood levels during base flood discharge.

Variance or exception will be required only if the Baker Mill is interpreted to have a basement within the flood hazard district. The first occupied floor of the Baker Mill is elevated to or above the base flood elevation. The story below the first occupied floor of the Baker Mill is not to be occupied, but instead will merely contain footings for stairways and elevator shafts. In addition, this story is only partially walled off, and is only partially floored, and the portion which is so floored and walled ends at the sluiceway (and thus is not vertically above the special flood hazard district). This story does, however, appear to qualify as a basement under the Code, as it appears that the story is more than 35% of the height of the story below grade. New construction in floodway may increase flood levels during base flood discharge. A variance or exception will be required.

Section 65-4
Prohibition of
Planned
Development
Areas

No PDAs are permitted except as expressly provided for in Section 65-28. Section 65-28 does not include PDA No. 25. Section 65-3 states that relief in the form of exceptions is not available except to the extent expressly provided in Article 65 or Article 6A.

The existing PDA No. 25 is not within an area where PDAs are permissible under Section 65-28, but predated adoption of Article 65. Exceptions have historically been granted as part of zoning relief for the prior phase, and are sought as to this phase as well.

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| Section 65-9.1 Minimum Lot Area | 1,000 square feet per unit for a total of 176,000 square feet or approximately 4.04 acres. | The Lot Area is approximately 6.62 acres. |
| Section 65-9.1 Minimum Lot Frontage | Minimum Lot Frontage required is 30 feet. | Lot frontage is approximately 241.13 feet on Adams Street. |
| Section 65-9.1 Floor Area Ratio | A maximum floor area ratio of 1.0 is allowed. | The overall FAR will be approximately 0.54 for the future construction (0.42 including land under water), and will be approximately 1.20 (0.93 including land under water) for both past and future construction. |
| Section 65-9.1 Maximum Height of Buildings | A maximum building height of 3 stories or 45 feet is allowed. | Structures to be rehabilitated to contain dwellings in the preexisting buildings will contain up to seven stories (six stories with a loft level) above a basement level and will be up to 93 feet, 7 inches in height above grade, inclusive of stairway headhouses and parapets and exclusive of chimney stacks. The Maximum Height of Buildings will be exceeded. |
| Section 65-9.1 Minimum Usable Open Space | A minimum of 400 square feet of Usable Open Space per Dwelling Unit plus 25% of excess above Minimum Lot Area is required, for a total 28,092 square feet. | There will be 98,043 square feet of Usable Open Space. |
| Section 65-9.1 Front Yards | A minimum front yard of 5 feet in depth is required. | Dwellings will not meet the front yard requirement, having front yards as little as approximately 3 feet in depth.* |

* Unless there exist two or more Buildings on the Block fronting on the same side of the Street, Minimum Front Yard depth shall be in conformity with the Existing Building Alignment on the Block.

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| Section 65-9.1 Side Yards | A minimum side yard of 5 feet in width is required. | The Forbes Building will have a side yard of approximately 6 feet in one location. The Baker Mill, Carriage House and Power House will have no side yard on the Neponset River and therefore those Dwellings will not meet the requirement unless 10 feet of land under the Neponset River can be counted. |
| Section 65-9.1 Rear Yards | The Rear Yard must be a minimum of 30 feet in depth. | There will be no rear yard between the Baker Mill and the Carriage House and the rear yard between the Carriage House and the existing Water Mill will be approximately 14 feet. The Dwellings will not meet the requirement. |
| Section 65-9.2 Location of Main Entrance | The main entrance of a Dwelling must face the Front Lot Line. | None of the Dwellings will meet the requirement. |
| Section 65-28 Areas Within Which Planned Development Areas Permitted | PDAs are permitted within the South Bay Community Commercial Subdistrict and the Applegrove Conservation Protection Subdistrict and are not permitted elsewhere in the Dorchester Neighborhood District. Section 65-3 states that relief in the form of exceptions is not available except to the extent expressly provided in Article 65 or Article 6A. | The existing PDA No. 25 is not within an area where PDAs are permissible under Section 65-28, but predated adoption of Article 65. Exceptions have historically been granted as part of zoning relief for the prior phase, and are sought as to this phase as well. |
| Section 65-39.2 Screening and Buffering of Parking, Loading and Storage Areas | Any off-street parking facility or lot, off-street loading area, or accessory storage area that abuts a public street, a public park, a Residential Subdistrict or Residential Use shall be screened from view as provided in Section 65-39.2. | The off-street parking and off-street loading area will not meet the screening and buffering requirements. There are electrical transformers that will not meet the screening and buffering requirements. |

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| Section 65-39.3 Interior Landscaping of Parking Areas | Parking areas must be broken up with landscaping by planting a landscape island (with certain minimum requirements as provided in Section 65-39.3) for every 10 contiguous parking spaces. | The landscaping of the parking areas will not meet the minimum requirements for interior landscaping of parking areas. |
| Section 65-39.4 Screening of Disposal Areas and Certain Equipment | Disposal areas, dumpsters, and ground-mounted mechanical equipment that abut a public street, a public park, or a Residential Subdistrict or Residential Use shall be screened from view as provided in Section 65-39.4. | The disposal areas, dumpsters, and ground mounted equipment will not meet the minimum requirements for screening. |
| Section 65-39.5 Roof-Mounted Mechanical Equipment | Roof-mounted mechanical equipment shall be located in the center of the roof and be painted to blend with adjacent or nearby building materials, or shall be screened by wood, brick, or similar material. | Certain roof-mounted mechanical equipment is not located in the center of the roof and will also not meet the screening requirements. |
| Section 65-39.7 Specifications for Plantings | Section 65-39.2 provides specifications for landscaping required by Section 65-39 for shrubs, trees, ground cover, existing mature shrubs and trees, and the use of bulbs, perennials, and annuals. | The landscaping will not meet the specifications for plantings. |
| Section 65-41 and Article 80 Off-Street Parking and Loading | Off-Street Parking and Loading Requirements determined under Article 80. | 303 off-street parking spaces will be provided, in the approximate configuration shown on the Site Plan; no loading bays will be provided. |
| Section 65-42.13 Two or More Dwellings on the Same Lot | Distance between two Dwellings must be at least twice the minimum Side Yard Depth required for such other Dwelling or Main Building (10 feet); requirements with respect to Lot Area, Lot Width, Lot Frontage, Usable Open Space, Front Yard, Rear Yard and Side Yards shall apply as if such Dwelling were on separate lot. | Variable distances of 14 to 57 feet will be provided between the Dwellings. Deviations from the other requirements are listed under Section 65-9.1 and also constitute deviations from this Section. Various requirements for such separate lots will not be met. |

Section 65-43
Nonconformity
as to
Dimensional
Requirements

A Building existing on the effective date of Article 65 and not conforming to the applicable dimensional requirements may nevertheless be altered or enlarged provided that such nonconformity is not increased and any enlargement itself conforms to such dimensional requirements.

The Buildings all existed on the effective date of Article 65. No nonconformity will increase and there are no enlargements.

Second Amended and Restated Development
Plan for Planned Development Area No. 25,
1241-1255 Adams Street, Dorchester (Baker
Chocolate Mill)

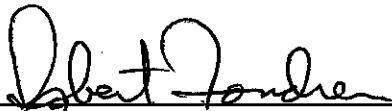
Boston Redevelopment Authority on behalf of
Baker Square II Limited Partnership

SECOND AMENDED AND RESTATED DEVELOPMENT PLAN
FOR
PLANNED DEVELOPMENT ARA NO. 25
1241-1255 ADAMS STREET, DORCHESTER


The Zoning Commission of the City of Boston, acting under Chapter 665 of the Acts of 1956, as amended, after due report, notice and hearing, does hereby approve the Second Amended and Restated Development Plan for Planned Development Area No. 25, 1241-1255 Adams Street, Dorchester, dated September 25, 2008, and approved by the Boston Redevelopment Authority on September 25, 2008.

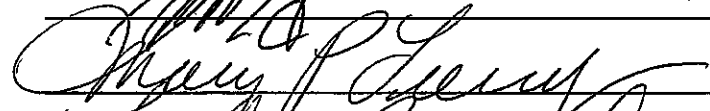
Said Second Amended and Restated Development Plan amends "Amended and Restated Development Plan for Planned Development Area No. 25, 1235-1245 Adams Street, South Dorchester," approved by the Authority on January 21, 2001, and approved by the Zoning Commission on April 4, 2001, effective, April 9, 2001. Planned Development Area No. 25 was designated on "Map 8, South Dorchester" of the series of maps entitled "Zoning Districts City of Boston" dated August 15, 1962, as amended, by Map Amendment No. 200, adopted by the Zoning Commission on May 5, 1987, effective June 1, 1987.

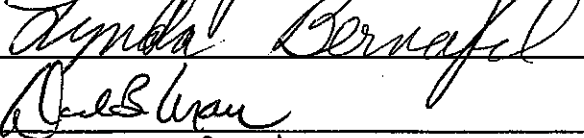
Second Amended and Restated Development Plan for Planned Development Area No.
25, 1241-1255 Adams Street, Dorchester



Chairman



Vice Chairman




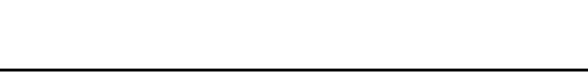






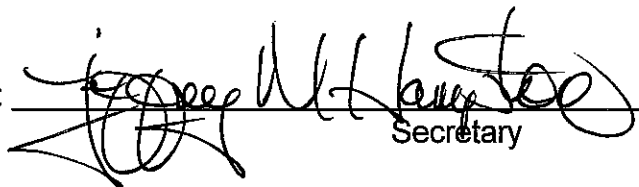






In Zoning Commission

Adopted: October 15, 2008

Attest: 
Secretary

Second Amended and Restated Development Plan for Planned Development Area No. 25,
1241-1255 Adams Street, Dorchester

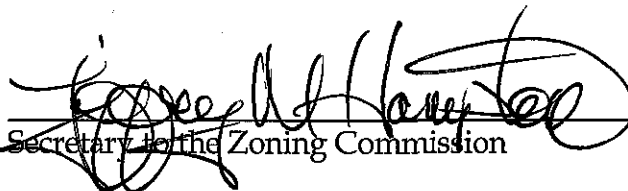


Mayor, City of Boston

Date: 10/16/08

The foregoing Second Amended and Restated Development Plan for Planned Development Area No. 25, 1241-1255 Adams Street, Dorchester, was presented to the Mayor on ~~OCTOBER 15, 2008~~ and was signed by him on ~~OCTOBER 16, 2008~~ whereupon it became effective on ~~OCTOBER 16, 2008~~, in accordance with Section 3 of Chapter 665 of the Acts of 1956, as amended.

Attest:



Secretary to the Zoning Commission