

# 41-43 Saratoga Street

East Boston, Massachusetts

Application for Article 80 Small Project Review  
**Boston Redevelopment Authority**  
July 25, 2013

Owner/Developer: **Pat Buonopane**  
Architect: **Roche-Christopher Architecture LLC**  
Legal Counsel: **McDermott, Quilty & Miller, LLP**

# 41-43 Saratoga Street

East Boston, Massachusetts

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McDERMOTT, QUILTY & MILLER LLP

131 OLIVER STREET - 5<sup>TH</sup> FLOOR  
BOSTON, MASSACHUSETTS 02110

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TELEPHONE: 617-946-4600  
FACSIMILE: 617-946-4624

July 25, 2013

**VIA HAND DELIVERY**

Peter Meade, Director  
Boston Redevelopment Authority  
One City Hall Square  
Boston, MA 02201  
Attn: Raul Duverge

**Re: Letter of Transmittal for Article 80 Small Project Review Application  
41-43 Saratoga Street, East Boston**

Dear Director Meade:

As counsel to Pat Buonopane, the owner-developer of the above referenced property (the "Project Proponent"), I am pleased to submit the enclosed application for Article 80 Small Project Review.

Located at 41-43 Saratoga Street in Boston's East Boston neighborhood, the proposed project seeks to remove two (2) existing residential buildings and a garage at 41-43 Saratoga Street and features the construction of a new four (4) story, 18 unit residential building with on-site parking and related improvements in open space, landscaping, and vehicular and pedestrian access to the site (the "Proposed Project"). The Proposed Project will consist of 18 residential rental units with 10 covered parking spaces and a roof deck. The two (2) existing residential buildings and the garage to be removed at the site are in a dilapidated condition and have no historic or architectural significance to the surrounding neighborhood.

The new residential building will be approximately 13,746 square feet of building, with 18 residential rental units on three (3) levels of building above a parking garage. Two (2) of the residential units will be designated affordable. The building will be architecturally designed to complement the neighborhood's character and unique elements. The trash storage will be located within the parking garage.

Prior to making this submission, the Project Proponent engaged in productive discussions with staff at the BRA as well as certain local elected and appointed officials regarding the Proposed Project. The Project Proponent has already met with its abutters

Director Peter Meade  
July 25, 2013  
Page Two

and members of the surrounding community as well as the Eagle Hill Civic Association, the applicable neighborhood interest group. A copy of the Building Department refusal letter and the Project Proponent's related appeals for the proposed project are included in this application.

Thank you for your consideration of this application, and I look forward to working with you towards a successful outcome.

Very truly yours,



Stephen V. Miller, Esq.  
Partner

cc: Pat Buonopane  
Corinne Petraglia, Mayor's Office of Neighborhood Services  
District City Councilor Sal LaMattina



## **41-43 Saratoga Street**

East Boston, Massachusetts

### **Development Team**

#### **Developer:**

Pat Buonopane  
154 Broadway  
Somerville, MA 02145  
617-628-4900

#### **Legal Consultant:**

McDermott, Quilty & Miller LLP  
131 Oliver Street, 5<sup>th</sup> Floor  
Boston, MA 02110  
Stephen V. Miller, Esq.  
617-946-4600

#### **Architect:**

Roche-Christopher Architecture LLC  
415 Neponset Avenue  
Dorchester, MA 02122  
William Christopher  
617-282-0030

# 41-43 Saratoga Street

East Boston, Massachusetts

## Project Description

Located at 41-43 Saratoga Street in Boston’s East Boston neighborhood, the proposed project seeks to remove two (2) existing residential buildings and a garage at 41-43 Saratoga Street and features the construction of a new four (4) story, 18 unit residential building with on site parking and related improvements in open space, landscaping, and vehicular and pedestrian access to the site (the “Proposed Project”). The Proposed Project will consist of 18 residential rental units with 10 covered parking spaces and a roof deck. The two (2) existing residential buildings and the garage to be removed at the site are in a dilapidated condition and have no historic or architectural significance to the surrounding neighborhood.

The new residential building will be approximately 13,746 square feet of building, with 18 residential rental units on three (3) levels of building above a parking garage. Two (2) of the residential units will be designated affordable. The building will be architecturally designed to complement the neighborhood’s character and unique elements. The trash storage will be located within the parking garage.

The following is a synopsis of the unit square footage and mix of unit types within the new building:

## Unit Mix

Unit Type A (3 Units @ 451 sq. ft. each)	Studio, 1 Bath
Unit Type B (3 Units @ 617 sq. ft. each)	1 Bedroom, 1 Bath
Unit Type C (3 Units @ 528 sq. ft. each)	Studio, 1 Bath
Unit Type D (3 Units @ 450 sq. ft. each)	Studio, 1 Bath
Unit Type E (3 Units @ 463 sq. ft. each)	Studio, 1 Bath
Unit Type F (3 Units @ 633 sq. ft. each)	1 Bedroom, 1 Bath

## Project Site/ Neighborhood Context

Located just outside of East Boston’s Central Square, the Proposed Project site consists of approximately 5,300 square feet of land with direct vehicular and pedestrian access from Saratoga Street. The uses in the immediate area are primarily residential with a large commercial building located diagonally across the street.

## Public Benefits: Affordable Housing and Job Creation

The proposed project will result in the demolition and residential conversion of a number of

## **41-43 Saratoga Street**

East Boston, Massachusetts

blighted and dilapidated structures. In particular, the project will provide much-needed residential rental housing in a manner that is consistent with and complimentary to the surrounding neighborhood, thereby enhancing the residential nature of the community. The rehabilitation and conversion of this property into much-needed residential housing will also designate two (2) of the residential units as affordable. In 2003, Mayor Menino announced the results of the highly successful *Leading the Way* initiative in which 7,913 new housing units were permitted exceeding the goal of 7,500 new housing units. In 2004 Mayor Menino launched a new housing plan – *Leading the Way II*. The new housing plan is a four year campaign that calls for the production of 10,000 new housing units. So far under the new plan, 10,484 new units of housing have been permitted, 2,111 of which are affordable. The proposed project will continue to build upon Mayor Menino’s *Leading the Way II* initiative by creating new housing units.

In addition to the creation of housing and designation of certain affordable units, the proposed project will create a number of construction jobs as well.

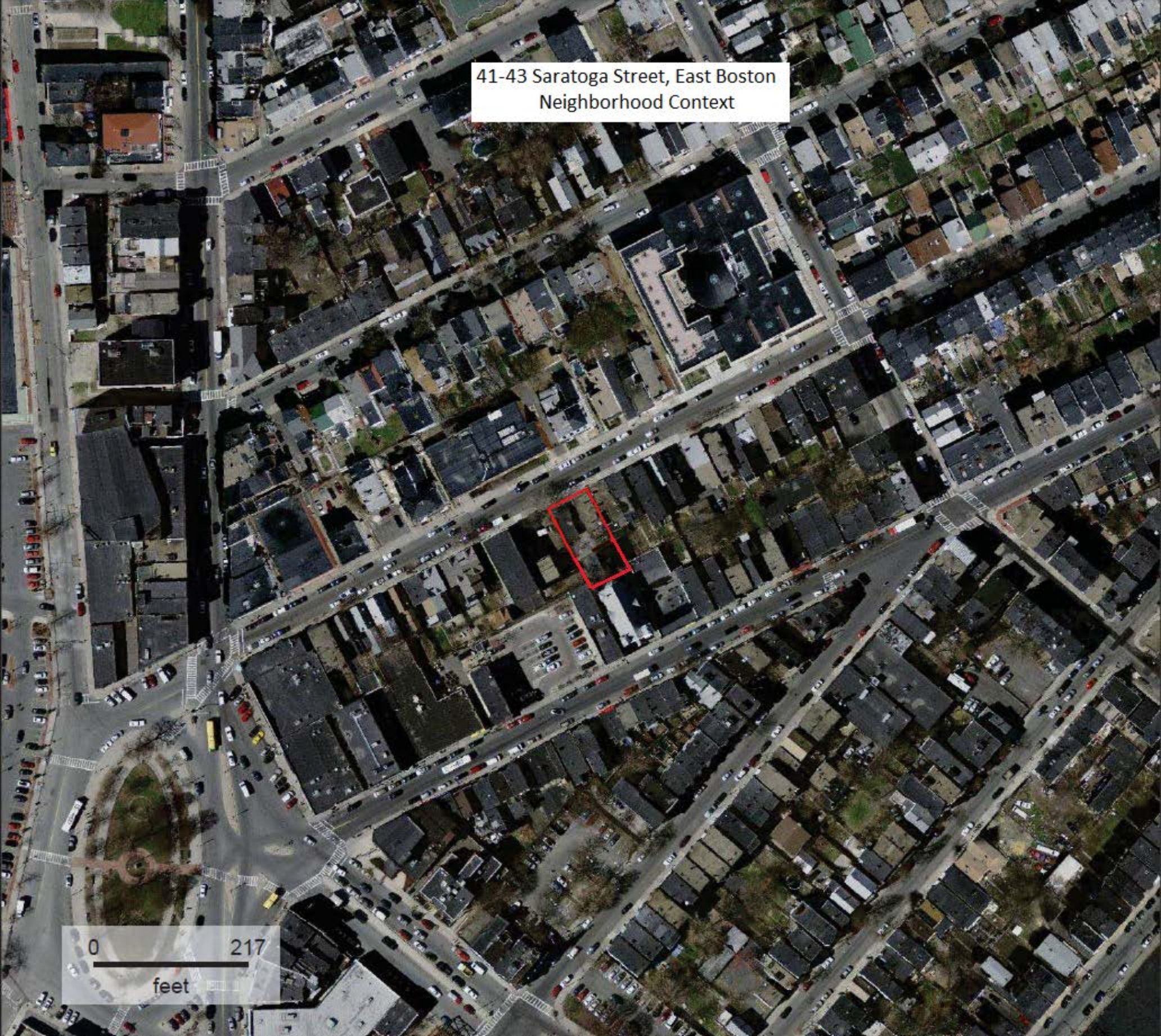
### **Traffic, Parking and Vehicular and Pedestrian Access**

As part of the proposed project, the new residential building will include off-street parking for 10 vehicles in order to mitigate potential parking and traffic issues associated with the project. The project site itself will be redeveloped with improvements in vehicular and pedestrian access to assure proper public safety and appropriate design.

Additionally, the project’s close proximity to public transportation, including the Massachusetts Bay Transportation Authority’s (“MBTA”) stations and along its bus line, help to further alleviate any potential negative impact on parking and traffic. In particular, the project site is within walking distance from Maverick Station of the MBTA’s Blue Line and Bus Routes providing service options within the neighborhood and to points in downtown Boston. This close proximity to mass transit will help to mitigate any potential traffic impacts from the creation of the new housing units and also further the City’s goal of promoting transit oriented development.



41-43 Saratoga Street, East Boston  
Neighborhood Context



0 217  
feet



REV.	DATE	DESCRIPTION
1	X-XX-XX	XXX




**ROCHE - CHRISTOPHER**  
 ARCHITECTURE, LLC  
413 Newport Ave. | 17-282-6936  
 Davenport, Massachusetts 02122 | Fax: 617-282-1898

**Construction Managers &  
 Developers LLC**  
 41-43 Saratoga Street  
 East Boston, Ma 02128

PROJECT #  
 13-028  
 DATE: 6-19-13  
 REV:  
 SCALE:  
 NONE  
 DRAWN BY:  
 CD  
 CHECKED BY:  
 W. Christopher

PROPOSED RENDERING



# 41-43 Saratoga Street

East Boston, Massachusetts

## Zoning Analysis

District: East Boston Neighborhood District – 2F-2000

Uses: Multi-family dwelling is a forbidden use.

Setbacks:	<u>Required:</u>	<u>Provided:</u>
Front Yard:	5'	1' 6"
Side Yard:	5'	6" / 3' / 6" / 5'
Rear Yard:	30'	5'

FAR Allowed: .8  
FAR Provided: **2.59**

Site Area: 5,300 sq. ft.

Total Building Area Allowed: 4,240 sq. ft.  
Total Building Area Provided: 13,746 sq. ft.

Height Allowed: 35'  
Height Provided: **49'**  
Stories Allowed: 2 ½  
Stories Provided: **4** (Includes Garage – More than 50% out of ground)

Parking spaces required: 2.0 spaces/dwelling unit required for 10 or more units (16 market rate residential units requires 32 spaces)  
.7 spaces/affordable dwelling unit (2 affordable residential units requires 1 (1.4) spaces)  
**33 total required spaces.**

Parking spaces provided: **10** spaces  
Open Space Required: None  
Open Space Provided: N/A

# 41-43 Saratoga Street

East Boston, Massachusetts

## Community Outreach and Anticipated Permits/Approvals

Pursuant to the requirements of Small Project Review under Article 80 of the Boston Zoning Code, the proposed project shall undergo public comment and community process. The proponent has already conducted significant community outreach with both the local elected officials, its direct abutters and the local neighborhood organization, the Eagle Hill Civic Association. Specifically, a public meeting was held with the Eagle Hill Civic Association on June 19, 2013 and the group voted in favor of the proposed project. Additionally, as a result of this extensive outreach, certain modifications to the building have been made to improve the design of the building and alleviate certain neighborhood concerns.

### Anticipated Permits and Approvals

The table below lists the public permits and approvals that are anticipated to be required for the project.

AGENCY		APPROVAL	
City	Boston Redevelopment Authority	◆	Article 80 Small Project Review Application
	Boston Transportation Department	◆	Construction Management Plan (if required)
	Boston Water and Sewer Commission	◆	Site Plan approval for water and sewer connections
	Public Improvement Commission	◆	Specific repair plan approval Earth Retention System
	Zoning Board of Appeals	◆	Variances & Conditional Use
	Boston Public Works Department	◆	Curb Cut Permit (if required)

# **41-43 Saratoga Street**

East Boston, Massachusetts

## **Appendix A: Architectural Plans and Elevations**



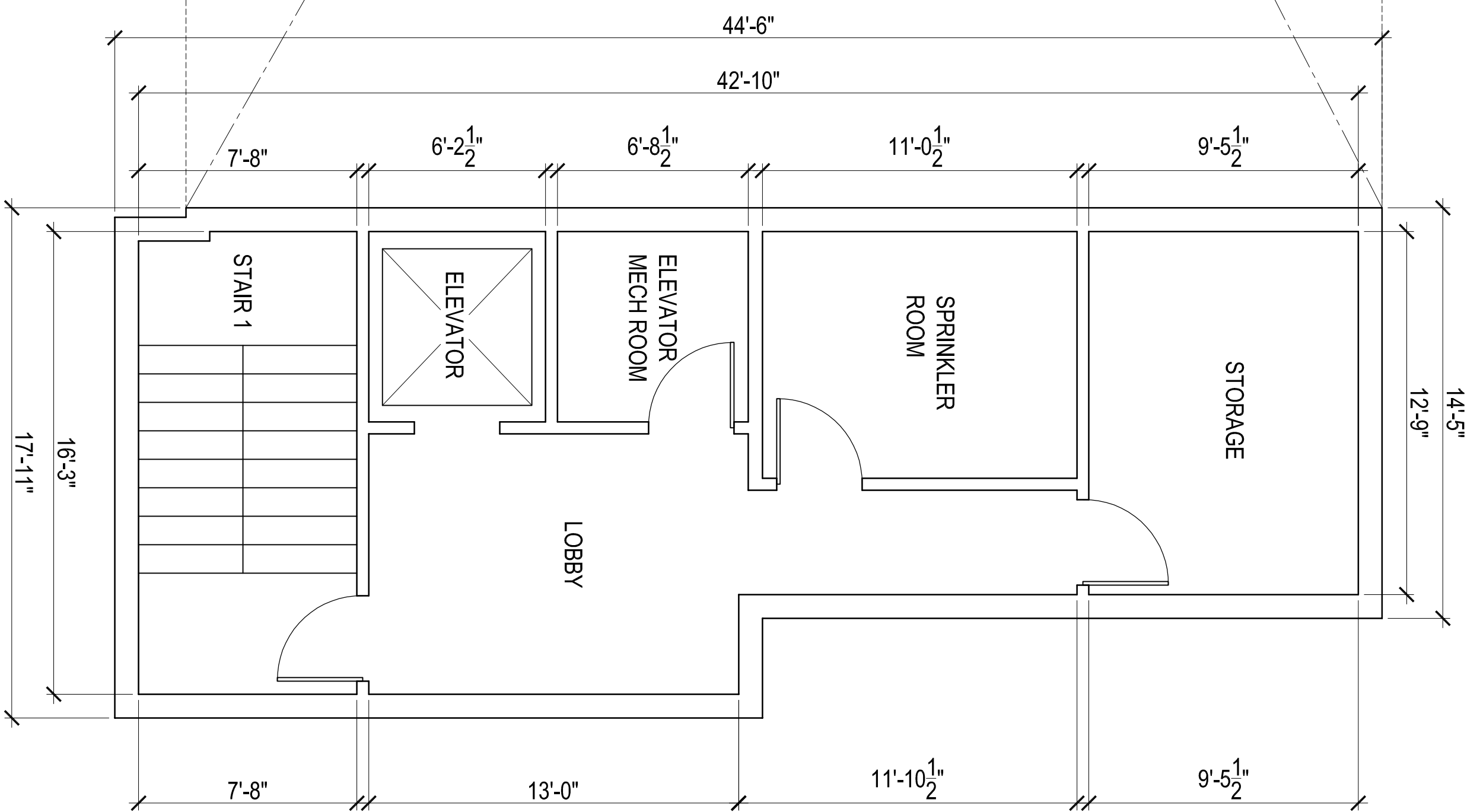
41-43 SARATOGA STREET  
EAST BOSTON, MA  
ZONING REVIEW

ITEM	
ZONING DISTRICT	2F-2000
EXISTING USE	
PROPOSED USE	18 RESIDENTIAL UNITS
LOT SIZE	5,300 S.F.

DIMENSIONAL REGULATIONS  
TABLE F

ITEM	REQUIRED	PROPOSED
MIN. LOT SIZE	2,000 S.F.	5,300 S.F.
MIN. LOT WIDTH	25'	50'
MIN. LOT FRONTAGE	25'	50'
MAX. FLOOR AREA RATIO	0.8	2.59 (13,746 S.F. *)
MAX. ALLOWABLE BUILDING HEIGHT	35'-0"	49'
MAX. BLDG. STORIES	2 1/2 STORIES	4 STORIES
MIN. FRONT YARD	5'	1'-6"
MIN. SIDE YARD	5'	6' / 3'-0" / 8' / 5'-0"
MIN. REAR YARD	30'	5'
MIN. USABLE OPEN SPACE	NONE	N/A

BASEMENT PLAN



REV.	DATE	DESCRIPTION
1	X-XX-XX	XXX

GENERAL NOTE:

VERIFY AND CONFIRM ALL CONDITIONS AND/OR DIMENSIONS SHOWN PRIOR TO COMMENCING CONSTRUCTION OR ORDERING MATERIALS. NOTIFY ARCHITECT OF ANY INCONSISTENCIES FOR REVIEW AND APPROVAL BEFORE PROCEEDING WITH CONSTRUCTION.

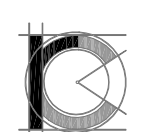


A1

PROPOSED BASEMENT PLAN

CHECKED BY:  
W. Christopher  
CD  
DRAWN BY:  
CD  
SCALE:  
1/4" = 1'-0"  
DATE: 6-11-13  
REV:  
PROJECT #  
13-028

Construction Managers &  
Developers LLC  
41-43 Saratoga Street  
East Boston, Ma 02128



ROCHE - CHRISTOPHER  
ARCHITECTURE, LLC

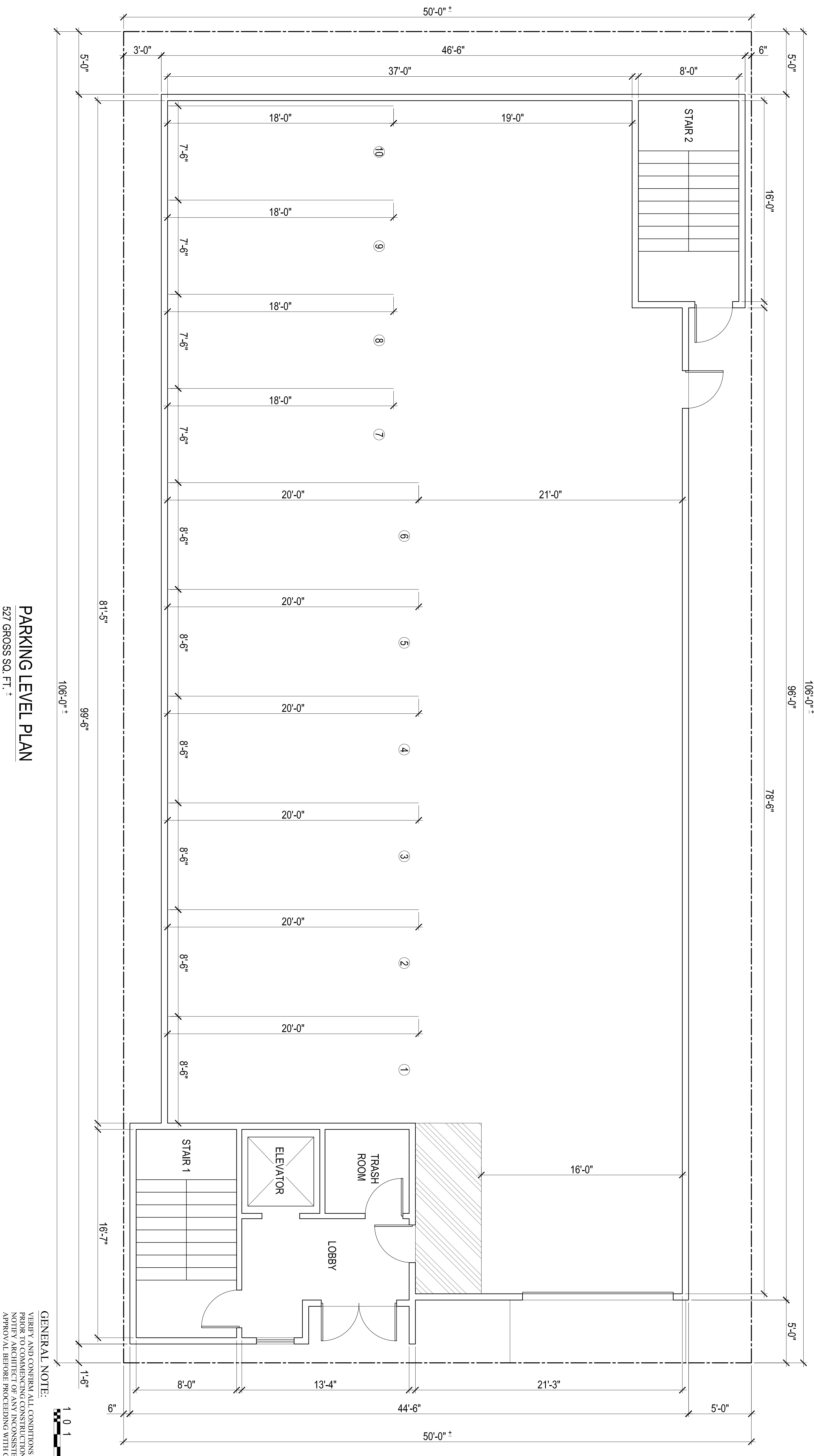
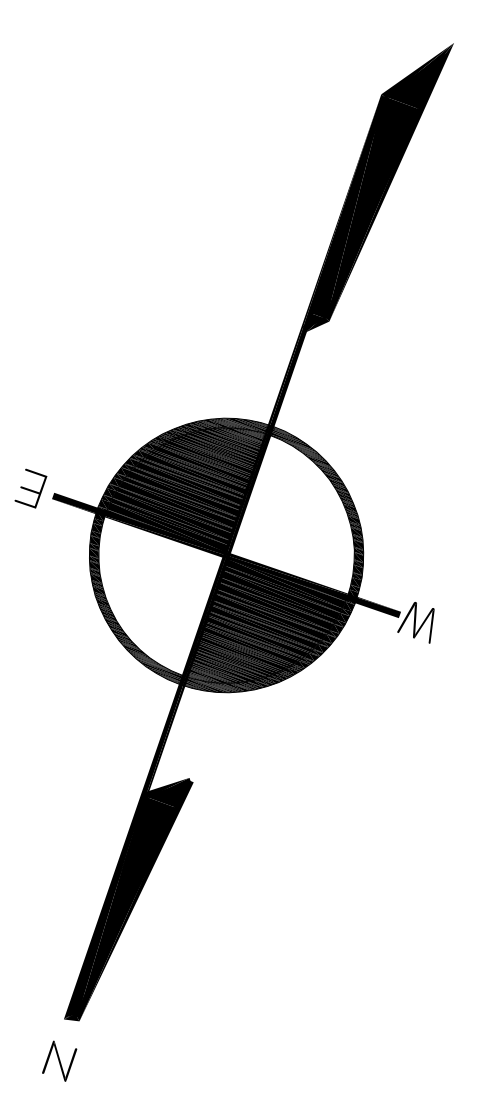
415 Neponset Ave. www.roche-christopher.com  
Dorchester, Massachusetts 02122

Telephone: 617-282-0030  
Fax: 617-282-1080

REV.	DATE	DESCRIPTION
1/A	X-XX-XX	XXX

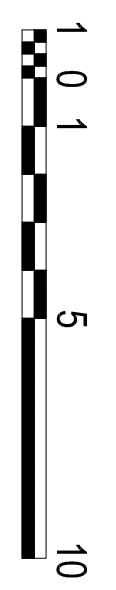
**SITE DATA SHOWN ON THIS PLAN**

PREPARED BY:  
**BOSTON SURVEY, INC.**  
P.O. BOX 290220  
CHARLESTOWN, MA 02129  
(617) 242-1313  
DATED: 1-30-13



SARATOGA STREET

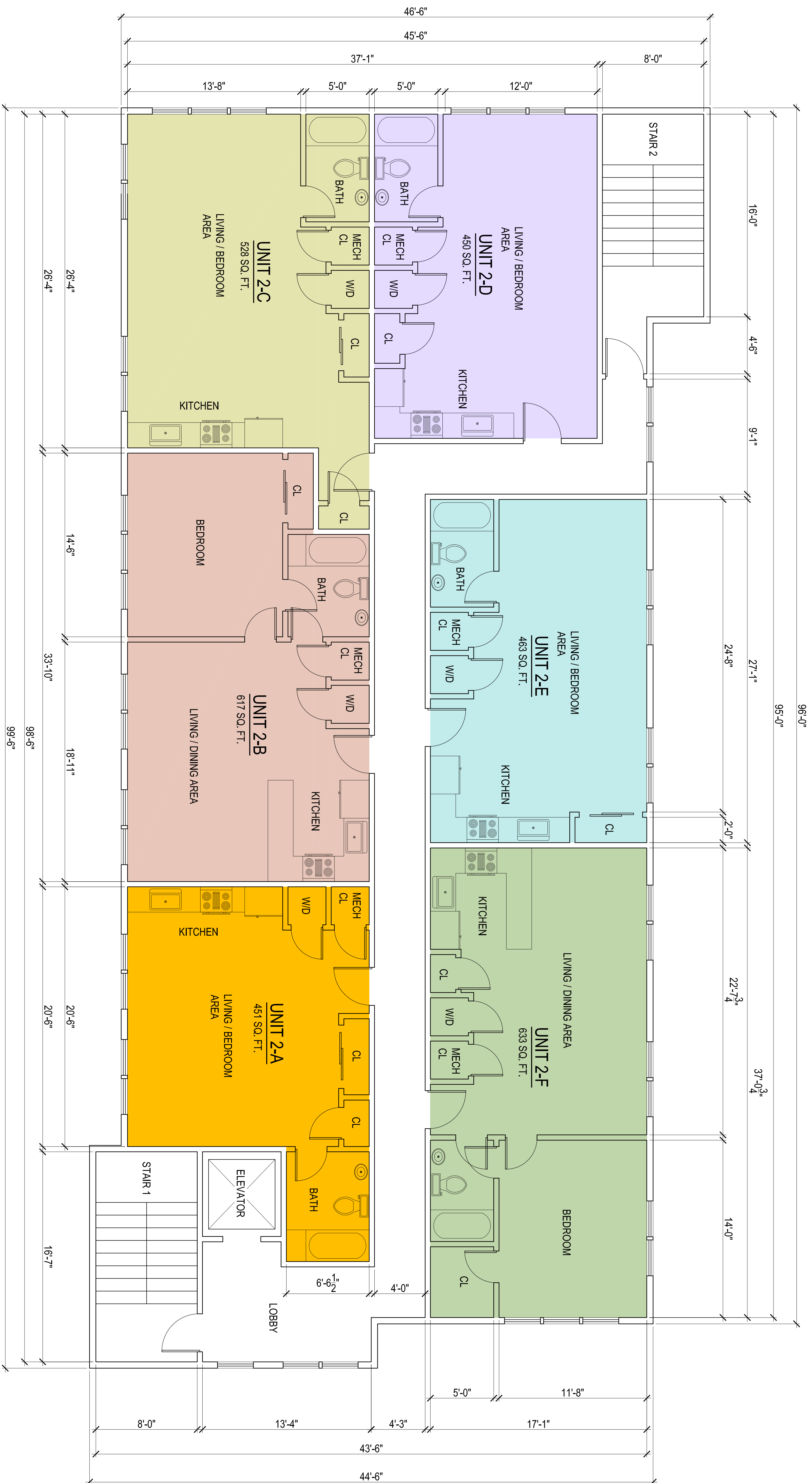
**GENERAL NOTE:**  
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**PARKING LEVEL PLAN**  
527 GROSS SQ. FT. ±



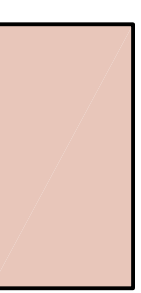



<b>A2</b>	<b>PROPOSED PARKING LEVEL PLAN</b>	CHECKED BY: W. Christopher CD	DRAWN BY: CD	SCALE: 1/4" = 1'-0"	DATE: 6-11-13 REV:	PROJECT # 13-028	Construction Managers & Developers LLC 41-43 Saratoga Street East Boston, Ma 02128	<b>ROCHE - CHRISTOPHER ARCHITECTURE, LLC</b> <small>415 Neponset Ave. www.roche-christopher.com Telephone: 617-283-0030  Dorchester, Massachusetts 02122 Fax: 617-282-1080</small>

REV.	DATE	DESCRIPTION
1/A	X-XX-XX	XXX

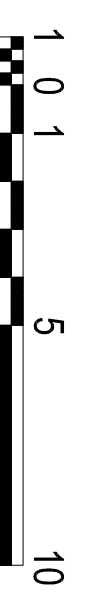


**SECOND FLOOR PLAN**  
4,223 GROSS SQ. FT. †

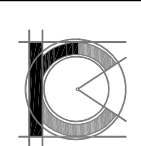
**UNIT LEGEND**

- |   |  |   |  |
|---|--|---|--|
|  | UNIT 2-A: 451 SQ. FT.<br>STUDIO<br>1 BATH    |  | UNIT 2-D: 450 SQ. FT.<br>STUDIO<br>1 BATH    |
|  | UNIT 2-B: 617 SQ. FT.<br>1 BEDROOM<br>1 BATH |  | UNIT 2-E: 463 SQ. FT.<br>STUDIO<br>1 BATH    |
|  | UNIT 2-C: 528 SQ. FT.<br>STUDIO<br>1 BATH    |  | UNIT 2-F: 633 SQ. FT.<br>1 BEDROOM<br>1 BATH |

**GENERAL NOTE:**  
VERIFY AND CONFIRM ALL CONDITIONS AND/OR DIMENSIONS SHOWN PRIOR TO COMMENCING CONSTRUCTION OR ORDERING MATERIALS. NOTIFY ARCHITECT OF ANY INCONSISTENCIES FOR REVIEW AND APPROVAL BEFORE PROCEEDING WITH CONSTRUCTION.



Construction Managers &  
Developers LLC  
41-43 Saratoga Street  
East Boston, Ma 02128



**ROCHE - CHRISTOPHER**  
ARCHITECTURE, LLC

415 Neponset Ave. www.roche-christopher.com  
Dorchester, Massachusetts 02122

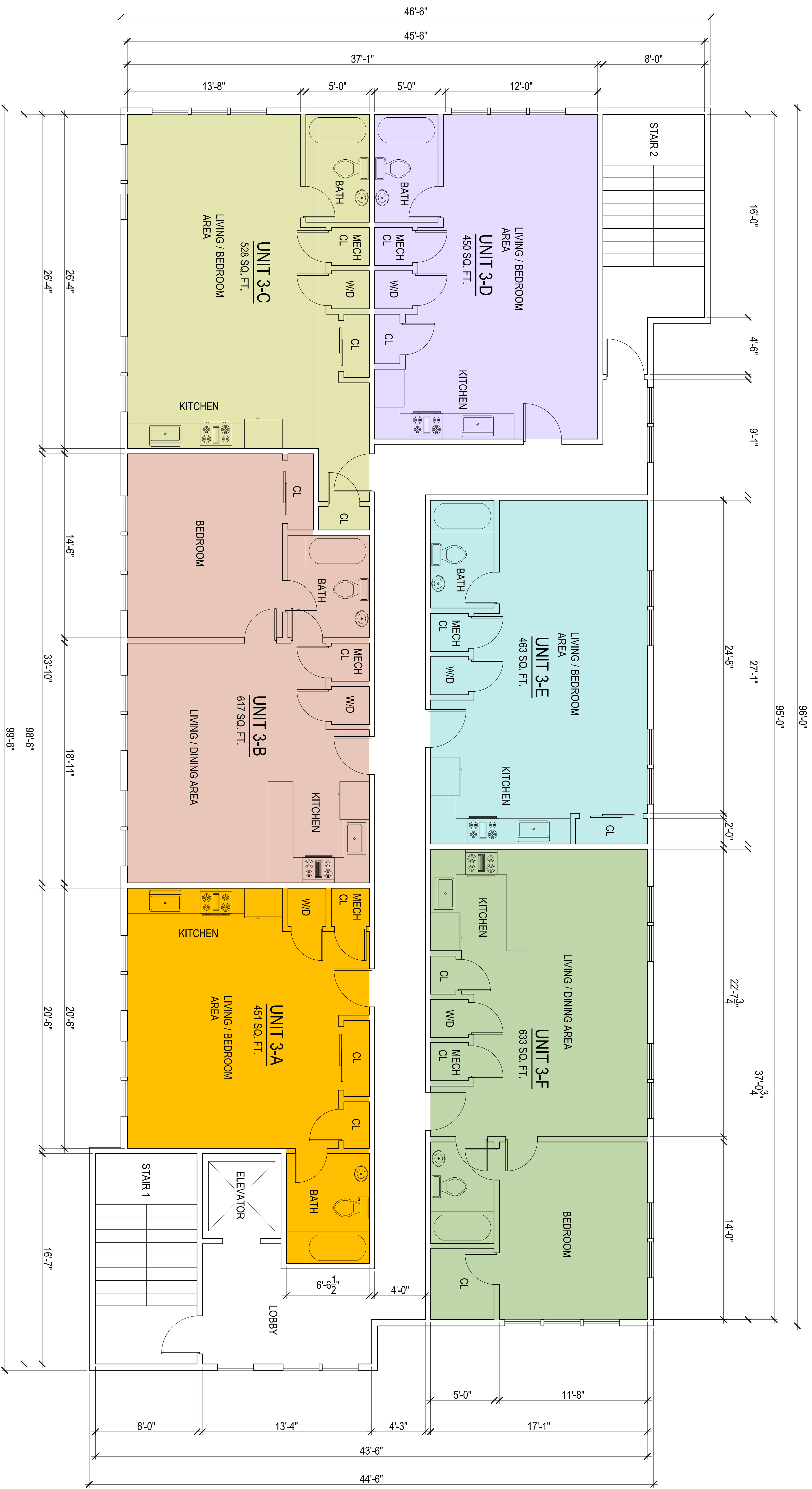
Telephone: 617-283-0030  
Fax: 617-282-1080

PROJECT #  
13-028  
DATE: 6-11-13  
REV:  
SCALE:  
1/4" = 1'-0"  
DRAWN BY:  
CD  
CHECKED BY:  
W. Christopher

PROPOSED SECOND  
FLOOR PLAN

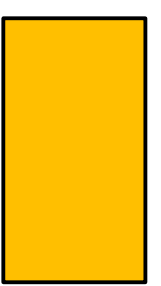
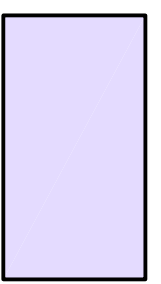
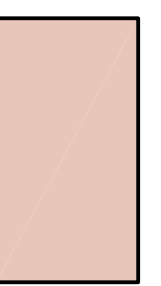

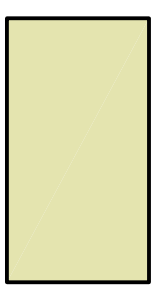
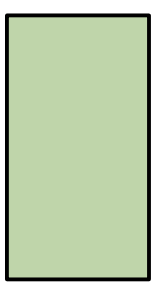
**A3**

REV.	DATE	DESCRIPTION
1/A	X-XX-XX	XXX



**THIRD FLOOR PLAN**  
4,223 GROSS SQ. FT. ±

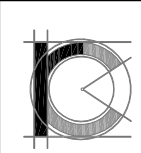
**UNIT LEGEND**

- |   |  |   |  |
|---|--|---|--|
|  | UNIT 3-A: 451 SQ. FT.<br>STUDIO<br>1 BATH    |  | UNIT 3-D: 450 SQ. FT.<br>STUDIO<br>1 BATH    |
|  | UNIT 3-B: 617 SQ. FT.<br>1 BEDROOM<br>1 BATH |  | UNIT 3-E: 463 SQ. FT.<br>STUDIO<br>1 BATH    |
|   | UNIT 3-C: 528 SQ. FT.<br>STUDIO<br>1 BATH    |   | UNIT 3-F: 633 SQ. FT.<br>1 BEDROOM<br>1 BATH |

**GENERAL NOTE:**  
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Construction Managers &  
Developers LLC  
41-43 Saratoga Street  
East Boston, Ma 02128



**ROCHE - CHRISTOPHER**  
ARCHITECTURE, LLC

415 Neponset Ave. www.roche-christopher.com  
Dorchester, Massachusetts 02122

Telephone: 617-283-0030  
Fax: 617-282-1080

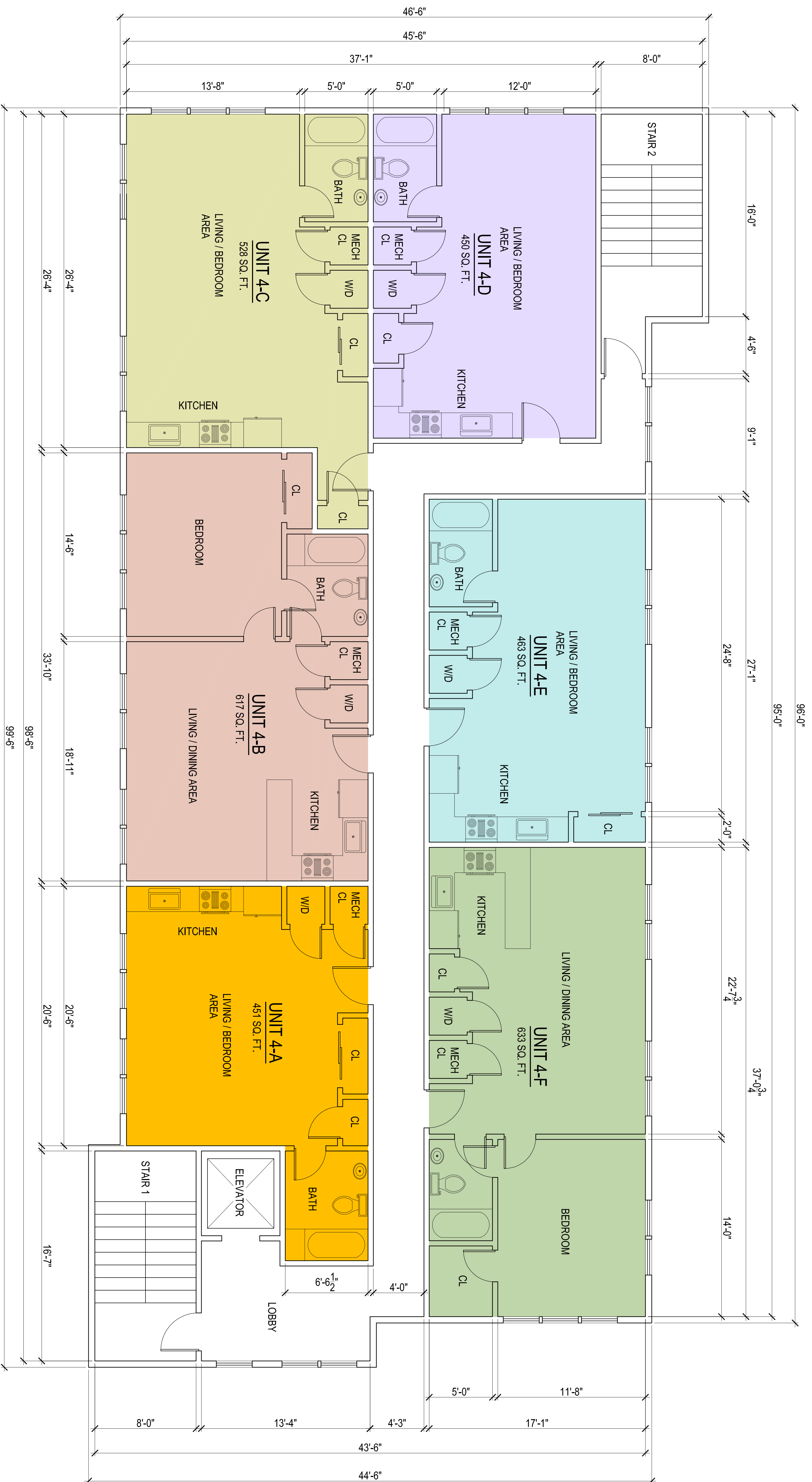
PROJECT #  
13-028  
DATE: 6-11-13  
REV:  
SCALE:  
1/4" = 1'-0"  
DRAWN BY:  
CD  
CHECKED BY:  
W. Christopher

PROPOSED THIRD  
FLOOR PLAN

**A4**



REV.	DATE	DESCRIPTION
1/A	X-XXX-XX	XXX

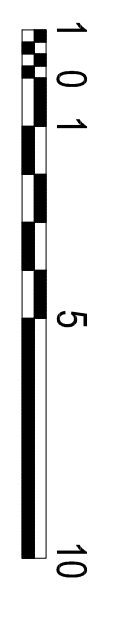


**FOURTH FLOOR PLAN**  
4,223 GROSS SQ. FT.

**UNIT LEGEND**

- UNIT 4-A: 451 SQ. FT.  
STUDIO  
1 BATH
- UNIT 4-B: 617 SQ. FT.  
1 BEDROOM  
1 BATH
- UNIT 4-C: 528 SQ. FT.  
STUDIO  
1 BATH
- UNIT 4-D: 450 SQ. FT.  
STUDIO  
1 BATH
- UNIT 4-E: 463 SQ. FT.  
STUDIO  
1 BATH
- UNIT 4-F: 633 SQ. FT.  
1 BEDROOM  
1 BATH

**GENERAL NOTE:**  
VERIFY AND CONFIRM ALL CONDITIONS AND/OR DIMENSIONS SHOWN PRIOR TO COMMENCING CONSTRUCTION OR ORDERING MATERIALS. NOTIFY ARCHITECT OF ANY INCONSISTENCIES FOR REVIEW AND APPROVAL BEFORE PROCEEDING WITH CONSTRUCTION.



**PROPOSED FOURTH FLOOR PLAN**

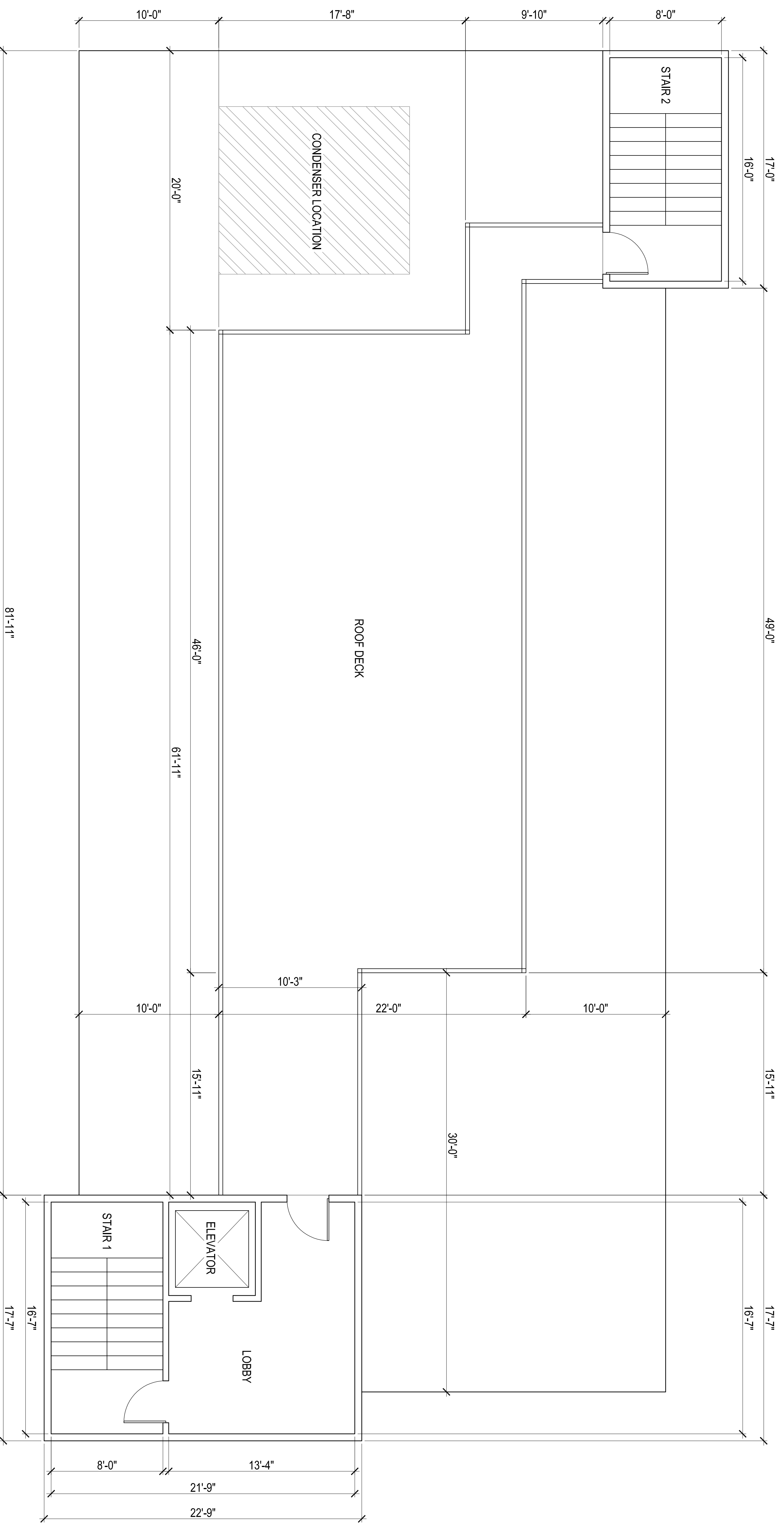
**A5**

PROJECT # 13-028  
DATE: 6-11-13  
REV:  
SCALE: 1/4" = 1'-0"  
DRAWN BY: CD  
CHECKED BY: W. Christopher

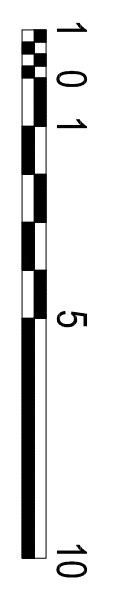
Construction Managers & Developers LLC  
41-43 Saratoga Street  
East Boston, Ma 02128

**ROCHE - CHRISTOPHER ARCHITECTURE, LLC**  
415 Neponset Ave. www.roche-christopher.com Telephone: 617-283-0030  
Dorchester, Massachusetts 02122 Fax: 617-282-1080

REV.	DATE	DESCRIPTION
1	X-XX-XX	XXX



**ROOF PLAN**  
553 GROSS SQ. FT. ±



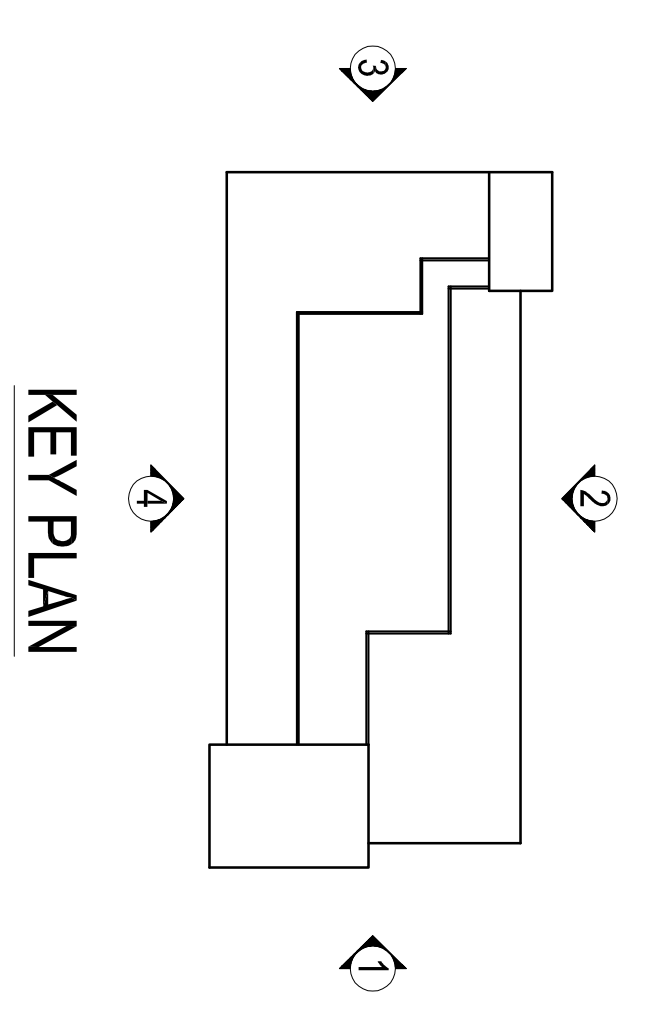
**GENERAL NOTE:**  
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<h1 style="font-size: 2em; margin: 0;">A6</h1>	<h2 style="margin: 0;">PROPOSED ROOF PLAN</h2>	<p>CHECKED BY: W. Christopher</p> <p>DRAWN BY: CD</p> <p>SCALE: 1/4" = 1'-0"</p> <p>DATE: 6-11-13</p> <p>PROJECT # 13-028</p>	<p><b>Construction Managers &amp; Developers LLC</b> 41-43 Saratoga Street East Boston, Ma 02128</p>	<p><b>ROCHE - CHRISTOPHER</b> ARCHITECTURE, LLC</p> <p><small>415 Neponset Ave. www.roche-christopher.com Telephone: 617-283-0030 Dorchester, Massachusetts 02122 Fax: 617-282-1080</small></p>
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REV.	DATE	DESCRIPTION
1/A	X-XX-XX	XXX



ELEVATION 1

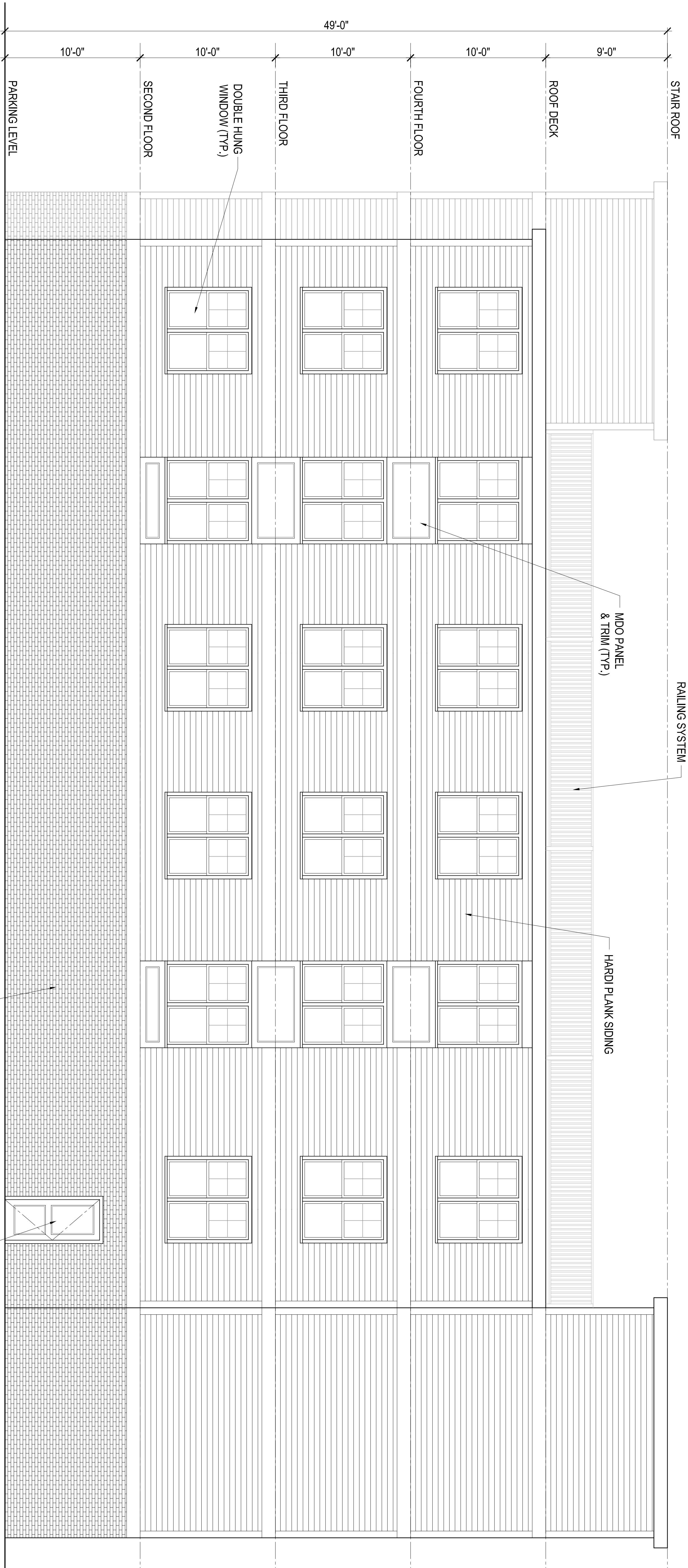


KEY PLAN

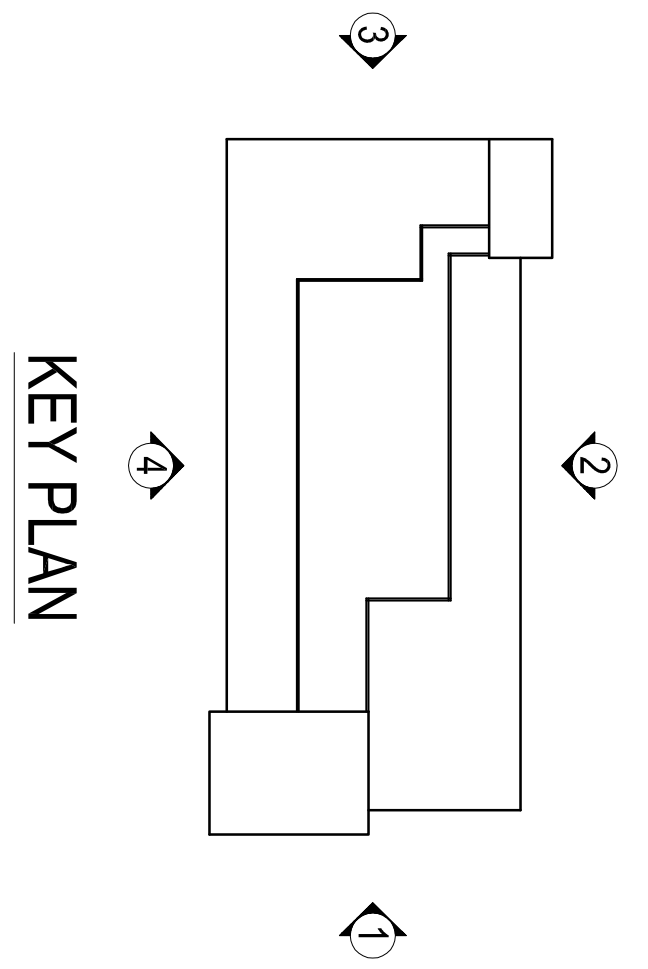
GENERAL NOTE:  
 VERIFY AND CONFIRM ALL CONDITIONS AND/OR DIMENSIONS SHOWN  
 PRIOR TO COMMENCING CONSTRUCTION OR ORDERING MATERIALS.  
 NOTIFY ARCHITECT OF ANY INCONSISTENCIES FOR REVIEW AND  
 APPROVAL BEFORE PROCEEDING WITH CONSTRUCTION.

<b>A7</b>	<b>PROPOSED ELEVATION</b>	CHECKED BY: W. Christopher DRAWN BY: CD SCALE: 1/4" = 1'-0"	PROJECT # 13-028 DATE: 6-11-13 REV:	<b>Construction Managers &amp;          Developers LLC</b> 41-43 Saratoga Street East Boston, Ma 02128	<b>ROCHE - CHRISTOPHER          ARCHITECTURE, LLC</b> <small>415 Neponset Ave. www.roche-christopher.com Telephone: 617-283-0030          Dorchester, Massachusetts 02122 Fax: 617-282-1080</small>
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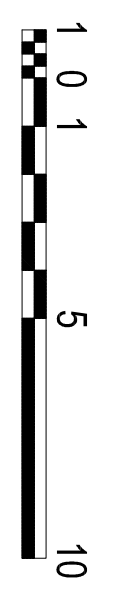
REV.	DATE	DESCRIPTION
1/A	X-XX-XX	XXX



ELEVATION 2



KEY PLAN



GENERAL NOTE:  
 VERIFY AND CONFIRM ALL CONDITIONS AND/OR DIMENSIONS SHOWN  
 PRIOR TO COMMENCING CONSTRUCTION OR ORDERING MATERIALS.  
 NOTIFY ARCHITECT OF ANY INCONSISTENCIES FOR REVIEW AND  
 APPROVAL BEFORE PROCEEDING WITH CONSTRUCTION.

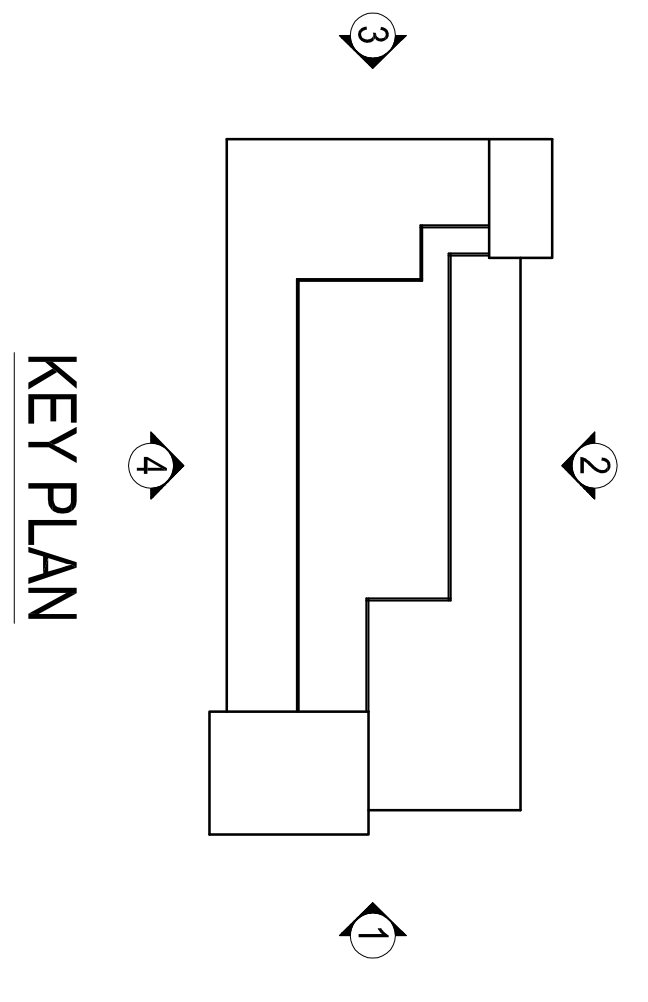
<h1 style="font-size: 2em; margin: 0;">A8</h1>	<h2 style="margin: 0;">PROPOSED ELEVATION</h2>	CHECKED BY: W. Christopher DRAWN BY: CD SCALE: 1/4" = 1'-0" DATE: 6-11-13 PROJECT # 13-028	<b>Construction Managers &amp;          Developers LLC</b> 41-43 Saratoga Street East Boston, Ma 02128	 <b>ROCHE - CHRISTOPHER          ARCHITECTURE, LLC</b> <small>415 Neponset Ave. www.roche-christopher.com Telephone: 617-283-0030          Dorchester, Massachusetts 02122 Fax: 617-282-1080</small>
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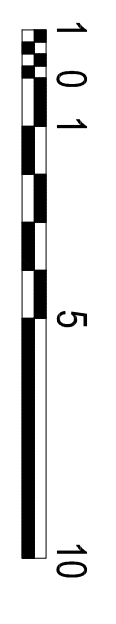
REV.	DATE	DESCRIPTION
1/A	X-XX-XX	XXX



ELEVATION 3



KEY PLAN



GENERAL NOTE:  
 VERIFY AND CONFIRM ALL CONDITIONS AND/OR DIMENSIONS SHOWN  
 PRIOR TO COMMENCING CONSTRUCTION OR ORDERING MATERIALS.  
 NOTIFY ARCHITECT OF ANY INCONSISTENCIES FOR REVIEW AND  
 APPROVAL BEFORE PROCEEDING WITH CONSTRUCTION.

**ROCHE - CHRISTOPHER**  
 ARCHITECTURE, LLC

415 Neponset Ave. www.roche-christopher.com Telephone: 617-283-0030  
 Dorchester, Massachusetts 02122 Fax: 617-282-1080

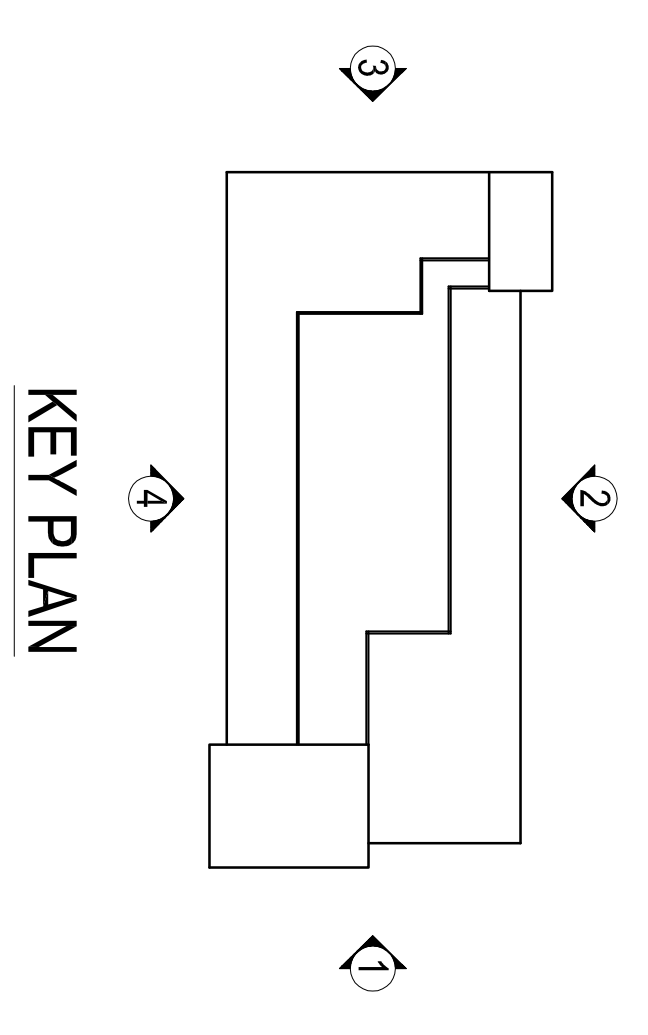
Construction Managers &  
 Developers LLC  
 41-43 Saratoga Street  
 East Boston, Ma 02128

PROJECT #  
13-028  
 DATE: 6-11-13  
 REV:  
 SCALE:  
1/4" = 1'-0"  
 DRAWN BY:  
CD  
 CHECKED BY:  
W. Christopher

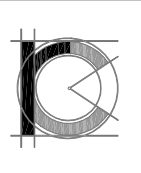
PROPOSED ELEVATION

**A9**

REV.	DATE	DESCRIPTION
1/A	X-XX-XX	XXX



GENERAL NOTE:  
 VERIFY AND CONFIRM ALL CONDITIONS AND/OR DIMENSIONS SHOWN  
 PRIOR TO COMMENCING CONSTRUCTION OR ORDERING MATERIALS.  
 NOTIFY ARCHITECT OF ANY INCONSISTENCIES FOR REVIEW AND  
 APPROVAL BEFORE PROCEEDING WITH CONSTRUCTION.

<h1>A10</h1>	PROPOSED ELEVATION	CHECKED BY: W. Christopher DRAWN BY: CD SCALE: 1/4" = 1'-0" DATE: 6-11-13 PROJECT # 13-028	<b>Construction Managers &amp;          Developers LLC</b> 41-43 Saratoga Street East Boston, Ma 02128	 <b>ROCHE - CHRISTOPHER          ARCHITECTURE, LLC</b> <small>415 Neponset Ave. www.roche-christopher.com Telephone: 617-283-0030          Dorchester, Massachusetts 02122 Fax: 617-282-1080</small>
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## **41-43 Saratoga Street**

East Boston, Massachusetts

### **Appendix B: Permitting Applications and Appeals**

(See attached ISD Zoning and Building Code Refusals and Appeals regarding Permit Application # ERT241727.)

This form must be completed and signed by the owner-of-record, their attorney and/or authorized agent. If form is not signed by property owner, please attach a signed letter of authorization designating the authorized agent.



**APPEAL**  
under Boston Zoning Code

\$ 900

z 733

Boston, Massachusetts May 29, 2013

To the Board of Appeal in the Inspection Services Department of the City of Boston:  
the authorized agent

The undersigned, being .....  
The Owner(s) or authorized agent

of the lot at .....  
41-43 Saratoga Street One East Boston  
number street ward district

hereby appeal(s) under St. 1956, c. 665, s. 8, to the Board of Appeal in the Inspectional Services Department of the City of Boston the action taken by Inspectional Services Commissioner as outlined in the attached refusal letter.

**DESCRIBE IN DETAIL THE REASON(S) FOR THIS APPEAL**

This appeal seeks permission to erect a new building for fifteen (15) residential units by combining two parcels, Lot 1 of 1,575 square feet of land and Lot 2 of 3,725 square feet of land to be a total of 5,300 square feet of land.

**STATE REASONS FOR THIS PROPOSAL**

The allowance of the within appeal will enable the Appellant to appropriately and reasonably re-develop the subject premises by combining two (2) parcels of land for the purpose of erecting a new residential building containing fifteen (15) units.

**PROVIDE REASONS WHY BOARD SHOULD GRANT RELIEF**

Appellant submits that the Board should grant the requested relief, as to do so will create no detrimental effect on the surrounding neighborhood, but rather provide quality residential units to the East Boston neighborhood.

**COMMENTS**

For these and other reasons more precisely enumerated at the public hearing before the Board, the Appellant respectfully requests the allowance of the within appeal.

OWNER Patrick Buonopane

AUTHORIZED AGENT *Karen D. Simao*  
Karen D. Simao, Esq.

ADDRESS McDermott, Quilty & Miller, LLP  
131 Oliver Street, 5th Floor  
Boston, Massachusetts 02110

TELEPHONE (617) 946-4600

FAX (617) 946-4624





Thomas M. Menino  
Mayor

## Boston Inspectional Services Department Planning and Zoning Division

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

### ZONING CODE REFUSAL

Gary P. Moesia  
Inspector of Buildings

ANTHONY VIRGILIO  
172 SALEM STREET  
BOSTON, MA 02113

May 17, 2013

**Location:** 41-43 SARATOGA ST EAST BOSTON MA 02128  
**Ward:** 01  
**Zoning District:** East Boston  
**Zoning Subdistrict:** 2F-2000  
**Appl. # :** ERT241727  
**Date Filed:** May 07, 2013  
**Purpose:** Erect New Building for Eighteen Residential Units by combining two parcels; lot one of 1575 sf and lot 2 of 3725 sf to be a total of 5300 sf land.

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

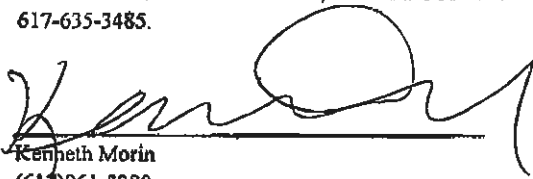
<u>Violation</u>	<u>Violation Description</u>	<u>Violation Comments</u>
Article 53 Section 56	Off street Parking	Off Street Parking Insufficient.
Article 53 Section 8	Uses	Multifamily Use, Forbidden
Article 53 Section 9	Dimensional Regulations	Front Yard Insufficient.
Article 53 Section 9	Dim Reg Applic in Res Sub Dist	Floor Area Ratio Excessive.
Article 53 Section 9	Dim Reg Applic in Res Sub Dist	Rear Yard Insufficient.
Article 53 Section 9	Dim Reg Applic in Res Sub Dist	Building Height (Stories & Feet) Excessive.
Article 53 Section 9	Dim Reg Applic in Res Sub Dist	Side Yard Insufficient.
Notes		<ol style="list-style-type: none"> <li>1. This building is required to have sprinkler protection.</li> <li>2. All of the units will be required to meet 521 CMR Access Regulations Group 1 Dwelling Units. This will need to be confirmed before the permit can be issued.</li> <li>3. The submitted drawings were insufficient to complete a State Building Code review. When a complete set of construction drawings are received additional items requiring relief may become apparent.</li> </ol>

ANTHONY VIRGILIO  
172 SALEM STREET  
BOSTON, MA 02113

May 17, 2013

**Location:** 41-43 SARATOGA ST EAST BOSTON MA 02128  
**Ward:** 01  
**Zoning District:** East Boston  
**Zoning Subdistrict:** 2F-2000  
**Appl. # :** ERT241727  
**Date Filed:** May 07, 2013  
**Purpose:** Erect New Building for Eighteen Residential Units by combining two parcels; lot one of 1575 sf and lot 2 of 3725 sf to be a total of 5300 sf land.

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

  
Kenneth Morin  
(617) 961-3280  
for the Commissioner

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

3



Thomas M. Menino  
Mayor

**Boston Inspectional Services Department  
Building and Structures Division**

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

*\$150wf*

Gary P. Moccia  
Inspector of Buildings

**BUILDING CODE REFUSAL**

May 17, 2013

ANTHONY VIRGLIO  
172 SALEM STREET  
BOSTON, MA 02113

*B-33*

Re: Application # : ERT241727  
Date Filed: May 07, 2013  
Location: 41-43 SARATOGA ST EAST BOSTON MA 02128  
Ward: 01  
Purpose: Erect New Building for Fifteen Residential Units by combining two parcels; lot one of 1575 sf and lot 2 of 3725 sf to be a total of 5300 sf land.

Your application requires Building Code Relief, as same would be in violation of Massachusetts State Building Code 780 CMR - Eighth Edition, Chapter 802, acts of 1972, as amended to wit:

Violation:	Violation Description:	Violation Comments:
§th 780CMR705.8	Opening of EXTERIOR WALL	Openings in sides of the building violate the maximum openings allowed in Table 705.8.
Note:		The drawings for submitted with this application are only preliminary and cannot be used for a complete State Building Code review. When a complete set of construction drawings are submitted additional items requiring relief may become apparent.

*G.M.F.L.S.*

Kenneth Morin  
for the Commissioner  
(617)961-3280

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

This form to be filed in duplicate with the Inspectional Services Department  
(Form A)



APPEAL

Boston,

May 29

2013

TO THE INSPECTIONAL SERVICES COMMISSIONER OF THE CITY OF BOSTON:

The undersigned hereby appeals to the Board of Appeal from the following decision of the Inspectional Services Commission made May 17 19 2013

Re: Application Number ERT 241727

Date Filed: May 7, 2013

Location: 41-43 Saratoga Street, East Boston, MA 02128, Ward 1

Purpose: To erect a new building for fifteen (15) residential units by combining two (2) parcels, lot 1 of 1,575 square feet of land and lot 2 of 3,725 square feet of land to be a total of 5,300 square feet of land.

Your application requires Building Code Relief, as same would be in violation of Massachusetts State Building Code 780 CMR - Eight Edition, Chapter 802, acts of 1972, as amended to wit: 780 CMR 705.8 Opening of EXTERIOR WALL: Openings in sides of building violate the maximum openings allowed in Table 705.8.

The appellant Patrick Buonopane here states briefly the grounds of and reasons for his appeal from the decision of the Inspectional Services Commissioner above referred to The Appellant hereby appeals the referenced violations, as the scope of the work associated with this appeal is the most practical, appropriate and safe means to design and erect the subject structure. In this regard, the Appellant submits that the proposed work is consistent with the spirit and intent of the Building Code, and is aimed at designing and developing a contextually appropriate building that will become part of the fabric of the neighborhood. For these and other reasons more precisely enumerated at the public hearing before the Board, the Appellant respectfully requests the allowance of the within appeal.

Signature *Karen D. Simao*  
Karen D. Simao, Esq. / McDermott, Quilty & Miller, LLP  
Authorized Agent for Patrick Buonopane  
Address 131 Oliver Street, 5th Floor.....  
Boston, MA 02110

450 - STUDIO  
625 - 1Br  
850 - 2Br  
B-33  
Eagle Hill Civic Assoc