



25 Atlantic Avenue Residences

Boston, Massachusetts

Chapter 91 License Application

March 31, 2016

submitted to **Department of Environmental Protection**

submitted by **J3 Design & Development, LLC**

prepared by **Fort Point Associates, Inc.**

in association with
Scott Simpson FAIA
Francke French Architects
Vanasse Hangen Brustlin, Inc.
Mintz Levin



Fort Point Associates, Inc.
Urban Planning Environmental Consulting Project Permitting

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Chapter 91 Application

TRANSMITTAL FORM



Enter your transmittal number

X267700

Transmittal Number

Your unique Transmittal Number can be accessed online: <http://mass.gov/dep/service/online/trasmfrm.shtml>**Massachusetts Department of Environmental Protection****Transmittal Form for Permit Application and Payment**

1. Please type or print. A separate Transmittal Form must be completed for each permit application.

2. Make your check payable to the Commonwealth of Massachusetts and mail it with a copy of this form to: DEP, P.O. Box 4062, Boston, MA 02211.

3. Three copies of this form will be needed.

Copy 1 - the original must accompany your permit application. **Copy 2** must accompany your fee payment. **Copy 3** should be retained for your records

4. Both fee-paying and exempt applicants must mail a copy of this transmittal form to:

MassDEP
P.O. Box 4062
Boston, MA
02211

*** Note:**
For BWSC Permits, enter the LSP.

A. Permit Information

BRP WW15c

Chapter 91 nonwater dependent, Full, Extended Term

1. Permit Code: 7 or 8 character code from permit instructions

Demolition of Existing Buildings, Construction of 6-Unit Residential Building

3. Type of Project or Activity

B. Applicant Information – Firm or Individual

J3 Design & Development, LLC

1. Name of Firm - Or, if party needing this approval is an individual enter name below:

2. **Last Name** of Individual

210 Commercial Street, # 3

3. **First Name** of Individual

4. MI

5. Street Address

Boston

MA

02109

617-878-4800

6. City/Town

7. State

8. Zip Code

9. Telephone #

10. Ext. #

Richard Walsh

rwalsh@walshbrothers.com

11. Contact Person

12. e-mail address (optional)

C. Facility, Site or Individual Requiring Approval

25 Atlantic Avenue Residences

1. Name of Facility, Site Or Individual

25 Atlantic Avenue

2. Street Address

Boston

MA

02109

3. City/Town

4. State

5. Zip Code

6. Telephone #

7. Ext. #

8. DEP Facility Number (if Known)

9. Federal I.D. Number (if Known)

10. BWSC Tracking # (if Known)

D. Application Prepared by (if different from Section B)*

Fort Point Associates, Inc.

1. Name of Firm Or Individual

31 State Street, 3rd Floor

2. Address

Boston

MA

02109

3. City/Town

4. State

5. Zip Code

617.357.7044

6. Telephone #

208

7. Ext. #

Richard Jabba

8. Contact Person

9. LSP Number (BWSC Permits only)

E. Permit - Project Coordination

1. Is this project subject to MEPA review? ☒ yes ☐ no
If yes, enter the project's EOE file number - assigned when an Environmental Notification Form is submitted to the MEPA unit:

15417

EOEA File Number

F. Amount Due**Special Provisions:**

1. ☐ **Fee Exempt** (city, town or municipal housing authority)(state agency if fee is \$100 or less).
There are no fee exemptions for BWSC permits, regardless of applicant status.
2. ☐ **Hardship Request** - payment extensions according to 310 CMR 4.04(3)(c).
3. ☐ **Alternative Schedule Project** (according to 310 CMR 4.05 and 4.10).
4. ☐ **Homeowner** (according to 310 CMR 4.02).

DEP Use Only

Permit No:

Rec'd Date:

Reviewer:

087108

Check Number

\$3,350.00

Dollar Amount

October 23, 2015

Date

THIS CHECK IS PROTECTED BY A VOID PANTOGRAPH, MICROPRINT SIGNATURE LINE AND A HEAT SENSITIVE PADLOCK ICON. ADDITIONAL SECURITY FEATURES ARE LISTED ON BACK.

WALSH BROTHERS, INCORPORATED

210 COMMERCIAL STREET
BOSTON, MA 02109

SalemFive
53-70892113

087108

PAY: *****Three thousand three hundred fifty dollars and no cents

DATE	AMOUNT
87108 October 23, 2015	\$*****3,350.00

TO THE
ORDER
OF
THE COMMONWEALTH OF MASS
DEPARTMENT OF REVENUE
PO BOX 7021
BOSTON, MA 02204

[Signature]
AUTHORIZED SIGNATURE



⑈087108⑈ ⑆211370558⑆ 0887422699⑈

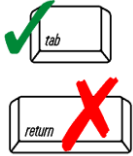
Chapter 91 Application

APPLICATION FORM

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Waterways Regulation Program
Chapter 91 Waterways License Application - 310 CMR 9.00
Water-Dependent, Nonwater-Dependent, Amendment

X267700
Transmittal No.

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



For assistance in completing this application, please see the "Instructions".

A. Application Information (Check one)

NOTE: For Chapter 91 Simplified License application form and information see the Self Licensing Package for BRP WW06.

Name (Complete Application Sections)	Check One	Fee	Application #
WATER-DEPENDENT -			
General (A-H)	<input type="checkbox"/> Residential with ≤ 4 units	\$215.00	BRP WW01a
	<input type="checkbox"/> Other	\$330.00	BRP WW01b
	<input type="checkbox"/> Extended Term	\$3,350.00	BRP WW01c
Amendment (A-H)	<input type="checkbox"/> Residential with ≤ 4 units	\$100.00	BRP WW03a
	<input type="checkbox"/> Other	\$125.00	BRP WW03b
NONWATER-DEPENDENT -			
Full (A-H)	<input type="checkbox"/> Residential with ≤ 4 units	\$665.00	BRP WW15a
	<input type="checkbox"/> Other	\$2,005.00	BRP WW15b
	<input checked="" type="checkbox"/> Extended Term	\$3,350.00	BRP WW15c
Partial (A-H)	<input type="checkbox"/> Residential with ≤ 4 units	\$665.00	BRP WW14a
	<input type="checkbox"/> Other	\$2,005.00	BRP WW14b
	<input type="checkbox"/> Extended Term	\$3,350.00	BRP WW14c
Municipal Harbor Plan (A-H)	<input type="checkbox"/> Residential with ≤ 4 units	\$665.00	BRP WW16a
	<input type="checkbox"/> Other	\$2,005.00	BRP WW16b
	<input type="checkbox"/> Extended Term	\$3,350.00	BRP WW16c
Joint MEPA/EIR (A-H)	<input type="checkbox"/> Residential with ≤ 4 units	\$665.00	BRP WW17a
	<input type="checkbox"/> Other	\$2,005.00	BRP WW17b
	<input type="checkbox"/> Extended Term	\$3,350.00	BRP WW17c
Amendment (A-H)	<input type="checkbox"/> Residential with ≤ 4 units	\$530.00	BRP WW03c
	<input type="checkbox"/> Other	\$1,000.00	BRP WW03d
	<input type="checkbox"/> Extended Term	\$1,335.00	BRP WW03e

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Waterways Regulation Program
Chapter 91 Waterways License Application - 310 CMR 9.00
Water-Dependent, Nonwater-Dependent, Amendment

X267700
Transmittal No.

B. Applicant Information Proposed Project/Use Information

1. Applicant:

Note: Please refer
to the "Instructions"

J3 Design & Development, LLC

Name

rwalsh@walshbrothers.com

E-mail Address

210 Commercial Street, # 3

Mailing Address

Boston

City/Town

MA

State

02109/02201

617-878-4800

Telephone Number

Fax Number

2. Authorized Agent (if any):

Fort Point Associates, Inc.

Name

rjabba@fpa-inc.com

E-mail Address

31 State Street, 3rd Floor

Mailing Address

Boston

City/Town

MA

State

02109

Zip Code

617-357-7044 x208

Telephone Number

617-357-9135

Fax Number

C. Proposed Project/Use Information

1. Property Information (all information must be provided):

Richard Walsh (221-227 Commercial Street)

Owner Name (if different from applicant)

0303546000

Tax Assessor's Map and Parcel Numbers

42° 21' 48.1"

Latitude

71° 03' 04.6"

25 Atlantic Avenue, Boston

Street Address and City/Town

MA

State

02109

Zip Code

2. Registered Land ☐ Yes ☐ No

3. Name of the water body where the project site is located:

Across street from Boston Inner Harbor

4. Description of the water body in which the project site is located (check all that apply):

Type

Nature

Designation

☐ Nontidal river/stream

☐ Natural

☐ Area of Critical Environmental Concern

☐ Flowed tidelands

☐ Enlarged/dammed

☐ Designated Port Area

☒ Filled tidelands

☐ Uncertain

☐ Ocean Sanctuary

☐ Great Pond

☐ Uncertain

☐ Uncertain

C. Proposed Project/Use Information (cont.)

Select use(s) from
Project Type Table
on pg. 2 of the
"Instructions"

5. Proposed Use/Activity description

Demolish two existing one-story structures, construct 6 unit residential building with structured parking.

6. What is the estimated total cost of proposed work (including materials & labor)?

\$7.1 million

7. List the name & complete mailing address of each abutter (attach additional sheets, if necessary). An abutter is defined as the owner of land that shares a common boundary with the project site, as well as the owner of land that lies within 50' across a waterbody from the project.

Name

Address

Name

Address

Name

Address

D. Project Plans

1. I have attached plans for my project in accordance with the instructions contained in (check one):

☐ Appendix A (License plan)

☐ Appendix B (Permit plan)

2. Other State and Local Approvals/Certifications

☐ 401 Water Quality Certificate

☒ Wetlands

☐ Jurisdictional Determination

☒ MEPA

☒ EOE Secretary Certificate

☒ 21E Waste Site Cleanup

Date of Issuance

006-1448

File Number

JD-

File Number

15417

File Number

October 23, 2015

Date

3-28782

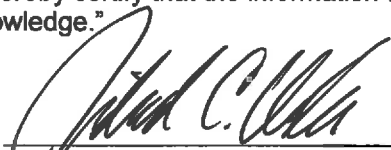
RTN Number

E. Certification

All applicants, property owners and authorized agents must sign this page. All future application correspondence may be signed by the authorized agent alone.

"I hereby make application for a permit or license to authorize the activities I have described herein. Upon my signature, I agree to allow the duly authorized representatives of the Massachusetts Department of Environmental Protection and the Massachusetts Coastal Zone Management Program to enter upon the premises of the project site at reasonable times for the purpose of inspection."

"I hereby certify that the information submitted in this application is true and accurate to the best of my knowledge."


Applicant's signature
RICHARD C. WALSH

3-24-16
Date

Property Owner's signature (if different than applicant)

Date


Agent's signature (if applicable)

3-29-2016
Date

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Waterways Regulation Program
Chapter 91 Waterways License Application - 310 CMR 9.00
Water-Dependent, Nonwater-Dependent, Amendment

X267700
Transmittal No.

G. Municipal Zoning Certificate

J3 Design & Development, LLC

Name of Applicant

25 Atlantic Avenue

Project street address

Boston Inner Harbor

Waterway

Boston

City/Town

Description of use or change in use:

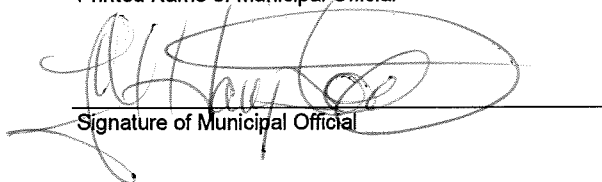
Demolish two existing one-story structures (commercial) to construct 6-unit residential building with structured parking (residential).

To be completed by municipal clerk or appropriate municipal official:

"I hereby certify that the project described above and more fully detailed in the applicant's waterways license application and plans is not in violation of local zoning ordinances and bylaws."

JEREMY W. HUNTER
Printed Name of Municipal Official

3/30/16
Date


Signature of Municipal Official

DEPUTY DIRECTOR
FOR TOWNS
Title

Boston
City/Town

* Proposed Project requires zoning relief in the form of a conditional use permit and 2 variances. See attached.





Boston Inspectional Services Department

Planning and Zoning Division

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

Martin J. Walsh
Mayor

ZONING CODE REFUSAL

Gary P. Moccia
Inspector of Buildings

KEVIN MCLAUGHLIN
210 COMMERCIAL STREET
BOSTON, MA 02109

February 16, 2016

Location: 25 ATLANTIC AV BOSTON, MA 02110
Ward: 03
Zoning District: North End N.D
Zoning Subdistrict: MFR
Appl. # : ERT560682
Date Filed: February 04, 2016
Purpose: Demolition of 2 existing 1 story brick Structures. Construct a new 5 story, Six (6) Unit Residential Condominium Building. Each Dwelling Unit will have access to a deeded Roof Deck. There will be Accessory Parking located at-grade, under Building. Building will be fully Sprinklered.

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

<u>Violation</u>	<u>Violation Description</u>	<u>Violation Comments</u>
Article 32 Section 6	GCOD Conditional Use	Groundwater Conservation Overlay District Applicability
Article 54, Section10	Dim Reg in Residential Dist.	Floor Area Ratio Excessive
Article 54, Section10	Dim Reg in Residential Dist.	Building Height Excessive

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.

Thomas White
(617)961-3275
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.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Waterways Regulation Program
Chapter 91 Waterways License Application - 310 CMR 9.00
Water-Dependent, Nonwater-Dependent, Amendment

X267700
Transmittal No.

H. Municipal Planning Board Notification

Notice to Applicant:

Section H should be completed and submitted along with the original application material.

J3 Design & Development, LLC

Name of Applicant

25 Atlantic Avenue

Project street address

Boston Inner Harbor

Waterway

Boston

City/Town

Description of use or change in use:

Demolish two existing one-story structures (commercial) to construct 6-unit residential building with structured parking (residential)

To be completed by municipal clerk or appropriate municipal official:

"I hereby certify that the project described above and more fully detailed in the applicant's waterways license application and plans have been submitted by the applicant to the municipal planning board."

Richard F. McGinniss

Printed Name of Municipal Official

3-29-16

Date

[Signature]

Signature of Municipal Official

Deputy Director for
Waterfront Planning

Title

Boston

City/Town

Note: Any comments, including but not limited to written comments, by the general public, applicant, municipality, and/or an interested party submitted after the close of the public comment period pertaining to this Application shall not be considered, and shall not constitute a basis for standing in any further appeal pursuant to 310 CMR 9.13(4) and/or 310 CMR 9.17.

Chapter 91 Application

PROJECT NARRATIVE

1 EXISTING CONDITIONS

The project site is located at 25 Atlantic Avenue, at the intersection of Commercial Street and Atlantic Avenue in the North End of Boston (see Figure 1, Locus Plan). The Site is surrounded by residential, office, and mixed-use buildings. The site includes two existing 1-story brick buildings, parking spaces for nine vehicles, and the adjacent sidewalks along Commercial Street and Atlantic Avenue ("Project Site") (see Figure 2, Existing Conditions Photographs). One building, which was formerly used as a Laundromat, is approximately 754 square feet and the other building, which was formerly part of a gas station, is approximately 649 square feet. Both buildings, which were originally built c. 1969 for gas station uses according to the City of Boston Inspectional Services Department permit records, have been vacant for several years.

Pedestrian access around the Site is in fair to poor condition and needs substantial upgrading. Many of the bricks in the sidewalks are either loose or missing, and some of the sidewalks are not ADA compliant due to constricted areas or poor pavement material.

The Project Site, which at elevation 9.5 feet (NAVD88) and is within the FEMA 100-year flood zone (AE 10) as depicted on the FIRM map, No. 25025C0081J, dated 7/9/2009.

There is an existing ingress/egress easement on the south side of the property (see Sheet 1 of 5 in Appendix B, License Plans). This easement allows vehicular access to and from the adjacent property.

2 CHAPTER 91 JURISDICTION

The Project Site is seaward of the Historic High Water Mark ("HHWM") and landward of the Historic Low Water Mark ("HLWM") and the existing Mean High Water ("MHW"). The Site was filled in the mid 1800's in accordance with the legislative authorizations, Chapter 115 of 1834 and Chapter 324 of the Acts of 1867. The historic high water mark, which is located more than 150 feet landward of the site, is based on the high water mark from the 1852 Chesbrough map (see Figure 3, 1852 Chesbrough Map Detail), which is the same line used in the Department of Environmental Protection's historic high water mark.

Chapter 91 jurisdiction on filled tidelands extends to the first public way from any flowed tidelands unless the tidelands are within 250 feet of the high water mark pursuant to 310 CMR 9.02. Although the Project Site is separated from the waterfront by Atlantic Avenue (a public way) and several other developed properties, the entire site is within 250 feet of the MHW, which is located along a stone seawall under Atlantic Avenue (see Figure 4, Layout of Atlantic Avenue and Sheet 1 of 5 in Appendix B, License Plans). Therefore, the 250-foot line establishes the Chapter 91 jurisdiction area for this Site in accordance with the Chapter 91 regulations. The portion of the Site owned by the applicant is private tidelands and the

portion owned by the City of Boston is Commonwealth tidelands (see Figure 5, Chapter 91 Jurisdiction).

2.1 License History

There are no known licenses for this Site other than the previously referenced authorizations for the creation and expansion of Lewis Wharf.

3 PROJECT DESCRIPTION

The Project Site is 7,877 square feet, which includes 4,525 square foot parcel and the adjacent sidewalks along Commercial Street and Atlantic Avenue. The use and improvement of the sidewalks is required to meet Chapter 91 open space requirements (see Figure 6, Chapter 91 Site Plan).

The purpose of this Chapter 91 license application is to obtain an authorization for the proposed structure that will be located on filled private tidelands, as explained in Section 2, Chapter 91 Jurisdiction. The license will be issued to construct a 5-story, approximately 19,455 gross square foot building with six residential units (see Figure 7, Project Site Plan, Figure 8, Rendered View from Atlantic Avenue, Figure 9, Ground Floor Plan, and Figure 10, Elevation at Atlantic Avenue). Parking for approximately eight vehicles plus entries into the residential units will be located at grade level. There will be no basement. One of the most inviting features of the Project will be a broad sidewalk that faces Atlantic Avenue, which will be repaved and designed to include street trees and lighting.

Public Benefits

The Project improves the aesthetic character and utilization of the site, which currently includes two small vacant buildings and impervious surface used for parking. At approximately 4,525 square feet, the parcel is quite small, but is located at an important intersection of Commercial Street and Atlantic Avenue. The neighborhood context is a rich mix of architectural styles and materials, and it is an active pedestrian environment. The Project will provide the following public benefits (see Figure 7, Project Site Plan).

- The Project will substantially improve the degraded sidewalk with new pavement to match the existing brick sidewalk to the extent possible, make the sidewalk ADA accessible, and relocate the existing granite curbs to align with the proposed vehicular uses.
- The Project will provide pedestrian access through the site between Commercial Street and Atlantic Avenue with a passageway.
- The Project will increase tax revenues through new residential use.

- The Project creates six sustainably designed housing units, which are much in demand in a constrained housing market.
- New street trees will enhance the pedestrian and street experience.
- The existing lights will be replaced with new lights in accordance with City of Boston standards.

4 PROJECT PERMITTING

The Applicant submitted an Environmental Notification Form for the Project on September 15, 2015. The Secretary of the Executive Office of Energy and Environmental Affairs issued a Certificate on October 23, 2015. An Order of Conditions was issued by the Boston Conservation Commission on December 21, 2015.

5 COMPLIANCE WITH CHAPTER 91 STANDARDS

According to City of Boston Building Department records, the existing structure has been used as a gas station beginning in approximately 1969 and as a laundromat and gas station since 1988. The buildings have been vacant for several years. A Chapter 91 license is needed due to the proposed change in use and structural alterations.

The Project Site is not located within the boundary of the City of Boston Municipal Harbor Plan, and therefore is not required to comply with the standards regarding municipal harbor plans.

The proposed structure is a nonwater-dependent use pursuant to 310 CMR 9.12(1) of the waterways regulations because it does not require direct access to tidal waters. This Project complies with the applicable Chapter 91 regulations as described below.

310 CMR 9.31 – Public Purpose

The Project is required to serve a proper public purpose pursuant to applicable Chapter 91 regulations, 310 CMR 9.31(2)(b), for a nonwater-dependent use projects. The Project serves a proper public purpose by complying with 310 CMR 9.51, 9.52, and 9.53.

310 CMR 9.32 – Categorical Restrictions on Fill and Structures

The Project is eligible for a license as it is restricted to fill or structures that accommodate specific uses listed in 310 CMR 9.32. The proposed Project meets the applicable requirements for structures on previously filled tidelands.

310 CMR 9.34(1) – Conformance with Municipal Zoning

Pursuant to 310 CMR 9.34(1), the project must conform to applicable zoning ordinances of the municipality. The Project is located in the North End Neighborhood District.

Residential uses up to 55 feet in height are allowed pursuant to Article 54 of the Boston Zoning Code. The entire building will be for residential use and will conform to the use and dimensional requirements of the zoning code.

310 CMR 9.34(2) – Conformance with Municipal Harbor Plans

Pursuant to 310 CMR 9.34(2), a project must comply with the provisions of the applicable municipal harbor plan. The Project Site, however, is not within the boundary of the municipal harbor plan, which extends landward to the centerline of Atlantic Avenue, and therefore, this standard is not applicable.

310 CMR 9.35 – Standards to Preserve Water-Related Public Rights

In accordance with 310 CMR 9.35(1), the project must preserve any rights held by the Commonwealth in trust for the public to use tidelands, along with any public rights for access that are associated with such use. To comply with the applicable rights, this Project must preserve access to waterways and tidelands.

Since the Project Site is not located on or near the water and will not impact the public's rights to navigation, the requirements of the standard at 310 CMR 9.35(2) do not apply.

In compliance with 310 CMR 9.35(3)(b), the Project includes reasonable measures to provide on-foot passage for public pedestrian access with inclusion of the public sidewalks, which will be improved with new street trees, pavement, and lights. All of the sidewalks adjacent to the Project Site are in fair to poor condition and will be made ADA accessible.

Pursuant to 310 CMR 9.35(5), a long-term management plan will be provided as part of the Chapter 91 licensing process. The plan will define the hours of use, signage, structures, and other conditions that support public use while minimizing conflict with other interests including the protection of private property.

310 CMR 9.36 – Standards to Protect Water-Dependent Uses

In accordance with 310 CMR 9.36, the project must preserve the availability and suitability of tidelands that are in use for water-dependent purposes, or which are reserved primarily as a location for maritime industry or other specific types of water-dependent uses. Since the Project Site does not have a Project Shoreline or a Water-Dependent Use Zone, this standard does not apply.

310 CMR 9.37 – Engineering and Construction Standards

In accordance with 310 CMR 9.37, the Project will be constructed in a manner that is structurally sound according to a Registered Professional Engineer. Because the Project is within a 100-year flood plain, the Project incorporates a number of resiliency features. The ground floor is generally comprised of interior parking spaces, mechanical space, a trash

room, and entry vestibules. Most mechanical equipment is raised above the ground floor. The electric meters, which will be located at the ground floor, will be elevated approximately 3-feet above the ground floor elevations, providing a buffer above the 100-year flood elevation. Similarly, the heating units will generally be placed above the ground floor near the individual residential units. In the event that heating units need to be placed on the ground floor, those units will be placed on pads to elevate them above the ground floor. Further adding to the resiliency aspects, the garage doors can be opened on both sides in events of flowing flood waters, allowing water to not create excessive hydrostatic pressures on the structure.

310 CMR 9.51 – Conservation of Capacity for Water-Dependent Use

In accordance with 310 CMR 9.51, the project shall not unreasonably diminish the Site's capacity to accommodate water-dependent use. The standards for 310 CMR 9.51(3)(a), (b), (c), (d), and (e) are either met or do not apply as described below:

310 CMR 9.51(3)(a) – Structures on Piles

The standard for structures on piles for nonwater-dependent uses (310 CMR 9.51(3)(a)) is not applicable since the Project Site is located away from the shoreline.

310 CMR 9.51(3)(b) – Facilities of Public Accommodation

The requirement for facilities of public accommodation ("FPA") (310 CMR 9.51(3)(b)) does not apply since the entire building is more than 100 feet from the nearest shoreline.

310 CMR 9.51(3)(c) – Water-Dependent Use Zone

The standard for Water-Dependent Use Zone ("WDUZ") is not applicable to the existing Project Site since it is not located along a shoreline.

310 CMR 9.51(3)(d) – Open Space

The standard for open space requires that at least one square foot of the Project Site at ground level shall be reserved as open space for every square foot of tideland within the combined footprint of buildings containing nonwater-dependent use on the Project Site.

The Project Site, which includes the parcel and the adjacent sidewalks along Commercial Street and Atlantic Avenue, is 7,877 square feet in size. The proposed building footprint to the drip line is 3,892 square feet. The resultant open space area is 3,985 square feet or more than 50 percent, and therefore meets the requirements for providing at least 50 percent open space (see Sheet 3 of 5 in Appendix B, License Plans).

310 CMR 9.51(3)(e) – Building Height

In accordance with 310 CMR 9.51(3)(e), the heights of new or expanded buildings are required to be 55 feet or less when located within 100 feet of the high water mark and within Chapter 91 jurisdiction. Landward of the 100-foot line, buildings can be stepped up on a 1:2 slope.

Although the Project is more than 110 feet from the mean high water, the proposed building roof will be 56 feet above the existing grade, and will therefore meet the requirements of this standard (see Figure 10, Elevation at Atlantic Avenue).

310 CMR 9.52 – Utilization of Shoreline for Water-Dependent Purposes

The waterways regulations require that any nonwater-dependent use project located on tidelands “devote a reasonable portion of such lands to water-dependent use, including public access in the exercise of public rights in such lands.”

310 CMR 9.52(1) only applies to projects that have a WDUZ. Since this Project Site does not have a WDUZ as defined in 310 CMR 9.51(3)(c), this standard does not apply.

Pursuant to 310 CMR 9.52(2), projects that do not have a WDUZ shall provide connecting public walkways or other public pedestrian facilities as necessary to ensure that a site containing a WDUZ will not be isolated from, or poorly linked with, public ways or other public access facilities to which any tidelands on the Project Site are adjacent.

Although this Site does not have a WDUZ, there is an approximately 12 to 20-foot wide sidewalk that runs along Atlantic Avenue and an approximately 5-foot wide sidewalk along Commercial Street. These existing sidewalks will be made ADA accessible and substantially improved with new pavement, street trees, and lights in order to provide an enjoyable pathway for pedestrians to travel to and from the waterfront located across Atlantic Avenue.

To improve the pedestrian linkage to and from the waterfront, a passageway will be created between the south side of the building and the adjacent property. This passageway will provide a connection between the sidewalks along Atlantic Avenue and Commercial Street, which will be a more direct route to water-dependent use area on the east side of Atlantic Avenue. A portion of the passageway will be covered by the building and another portion will run through an existing vehicular easement on the Site, which runs from Commercial Street to the adjacent property, but not through the site to Atlantic Avenue.

310 CMR 9.53 – Activation of Commonwealth Tidelands for Public Use

The sidewalks adjacent to the Site are owned by the City of Boston, and are therefore considered Commonwealth tidelands. As such, the Project will meet the standard to promote public use and enjoyment of such lands to a degree that is fully commensurate

with the proprietary rights of the Commonwealth. In accordance with 310 CMR 9.53, the Project will substantially improve the existing degraded sidewalks with new street trees, pavement, and lights, and make them ADA accessible. All of these improvements will provide a more inviting, accessible pathway to and from the Harborwalk, which is across Atlantic Avenue.

6 CONSISTENCY WITH COASTAL ZONE MANAGEMENT POLICIES

310 CMR 9.54 – Consistency with Coastal Zone Management Policies

The nonwater-dependent use Project is consistent with the applicable policies of the Massachusetts Coastal Zone Management (CZM) Program pursuant to 310 CMR 9.54. The CZM Program was established to protect and manage the development and use of the coastal zone under the provisions of the Federal Coastal Zone Management Act of 1972. Protection and management of the coastal zone is accomplished by reviewing proposed developments in the coastal zone in terms of consistency with the applicable CZM Coastal Program Policies, which include Growth Management, Public Access, and Water Quality. The consistency of the Project with these policies is described below.

GROWTH MANAGEMENT

GROWTH MANAGEMENT PRINCIPLE #3

Encourage the revitalization and enhancement of existing development centers in the coastal zone through technical assistance and financial support for residential, commercial, and industrial development.

The Project Site is within Boston's North End, which is a densely developed urbanized neighborhood. It is located on a corner lot at the intersection of Commercial Street and Atlantic Avenue, and has two small vacant 1-story buildings. The Project will revitalize this underutilized site with a new 5-story residential building, which will be consistent with the character of and uses within this part of the City.

PUBLIC ACCESS

PUBLIC ACCESS POLICY #1

Ensure that development (both water-dependent or nonwater-dependent) of coastal sites subject to state waterways regulation will promote general public enjoyment of the water's edge, to an extent commensurate with the Commonwealth's interests in flowed and filled tidelands under the Public Trust Doctrine.

PUBLIC ACCESS POLICY #2

Improve public access to coastal recreation facilities and alleviate auto traffic and parking problems through improvements in public transportation and trail links (land or water-based) to other nearby facilities. Increase capacity of existing recreation areas by facilitating multiple use and by improving management, maintenance, and public support facilities. Ensure that adverse impacts of developments proposed near existing public access and recreation sites are minimized.

Although the Project Site is across Atlantic Avenue from the waterfront, the Project will substantially improve existing public access to and from the water's edge, and make the pedestrian access more enjoyable. These improvements will be accomplished by creating a pedestrian passageway between Atlantic Avenue and Commercial Street, providing new street trees and lighting, and by repairing all of the degraded brick sidewalks within the Project Site and making them ADA accessible. Other than some minor access restrictions during construction, there will not be any adverse impacts from the development.

WATER QUALITY**WATER QUALITY POLICY #2**

Ensure that implementation of nonpoint pollution controls to promote the attainment of water quality standards and protect designated uses and other interests.

The Project has developed a stormwater strategy for the construction term and post construction activities. Best Management Practices (BMPs) will be implemented to ensure that disturbances from the Site during construction are minimized. As deemed necessary, erosion and sedimentation controls, such as catch basin filters, will be used. Post-construction stormwater from the rooftop will be collected and directed toward an on-site recharge system, located beneath the floor slab, for treatment prior to overflow discharge to the Boston Water and Sewer Commission system.

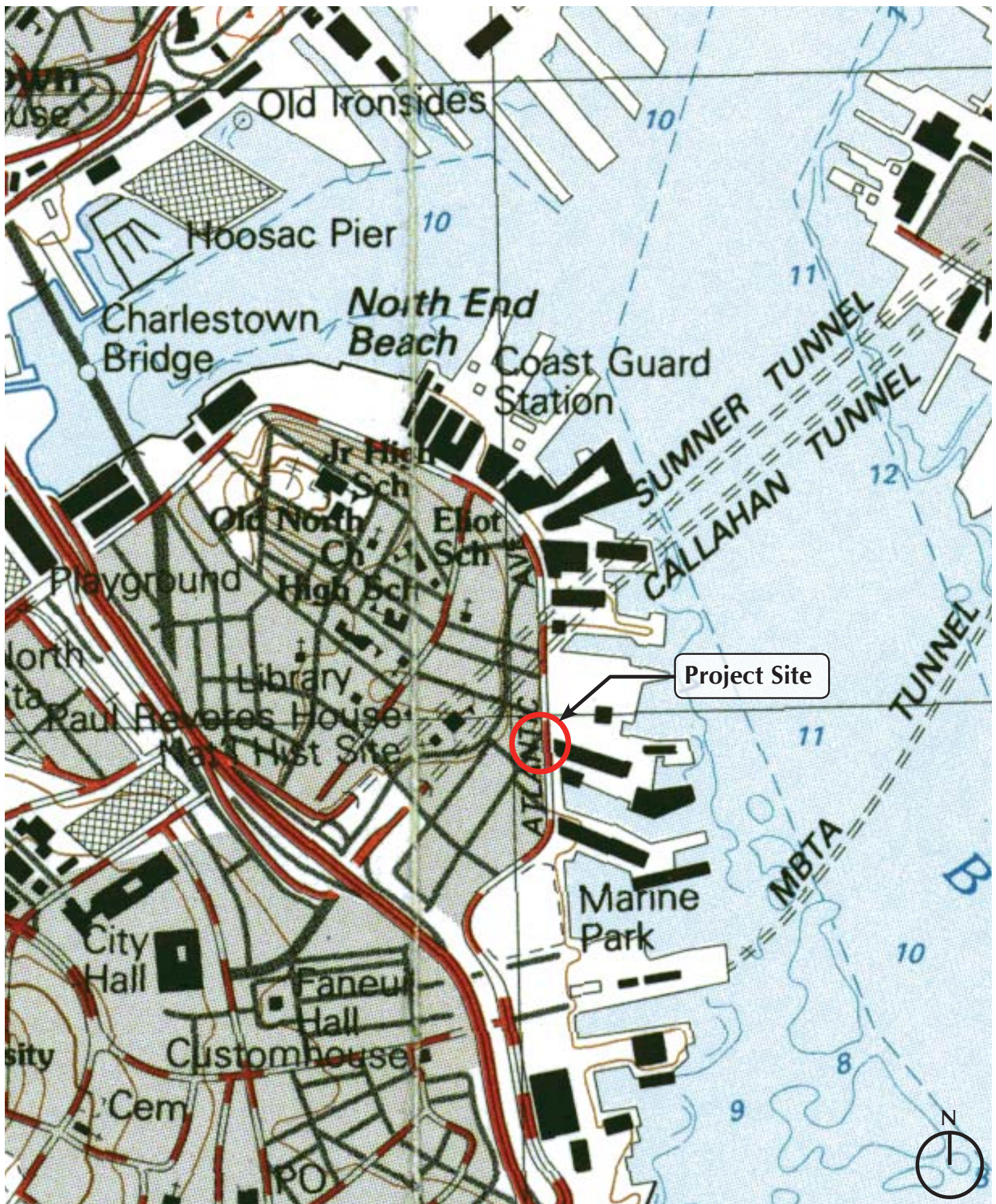
7 EXTENDED TERM LICENSE

Pursuant to the Waterways Regulations at 310 CMR 9.15, this Application requests an extended term (65-year) license for the Project. As described above, the Project will provide benefits to its residents and the public with substantial improvements to the site and along the public sidewalks. After consultation with DEP, a pedestrian passageway between Commercial Street and Atlantic Avenue was added to the

project design, which will maintain access to the waterfront from the North End neighborhood.

The building has been designed to last more than 65 years with scheduled maintenance and replacement of key building systems (see Appendix A, Letters). A license term of 65 years will improve financing options and marketability of the development. Furthermore, the improvements to the public ways and public access to tidelands will be maintained by the Project or entity responsible for the management and maintenance of the site.

Accordingly, a 65-year license term is warranted to support the expected life of Project structure. Two letter regarding the design life of the building and the required financing support the need for an extended term license (see Attachment A, Letters).



Boston, Massachusetts

Figure 1
Locus Plan

Source: USGS, Fort Point Associates, Inc., 2015



View of the Site looking south from Commercial Street



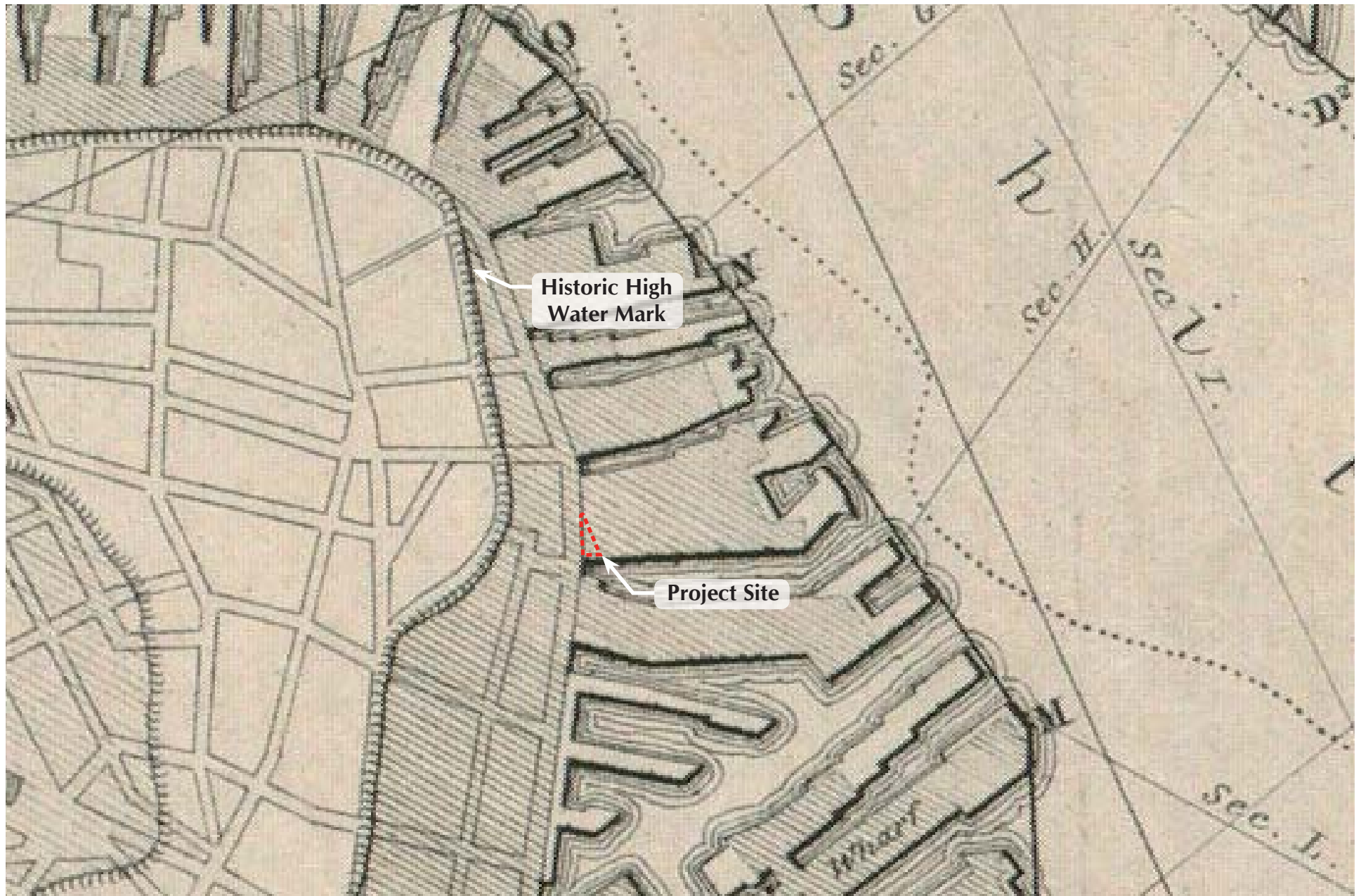
View looking North along Atlantic Avenue Sidewalk

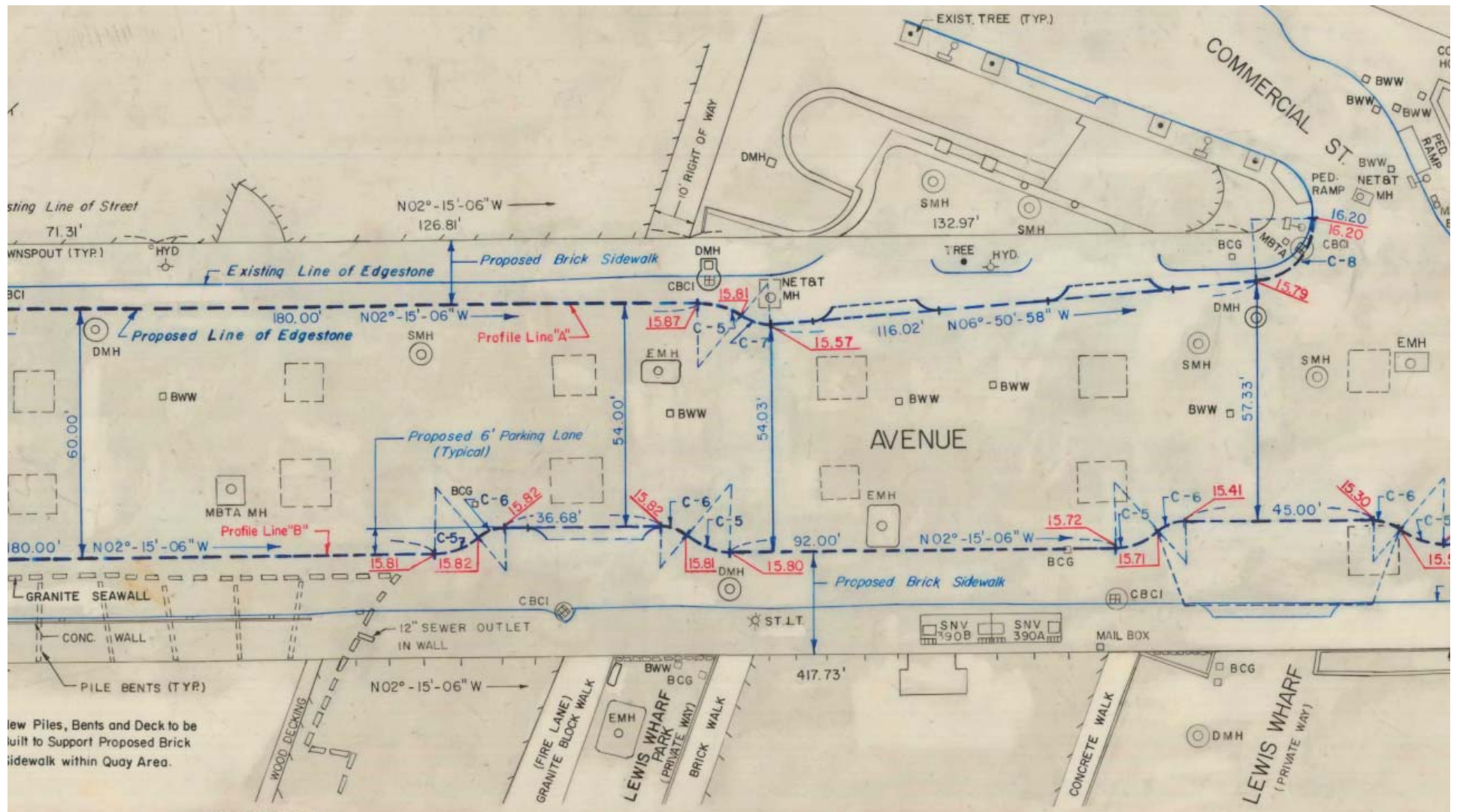


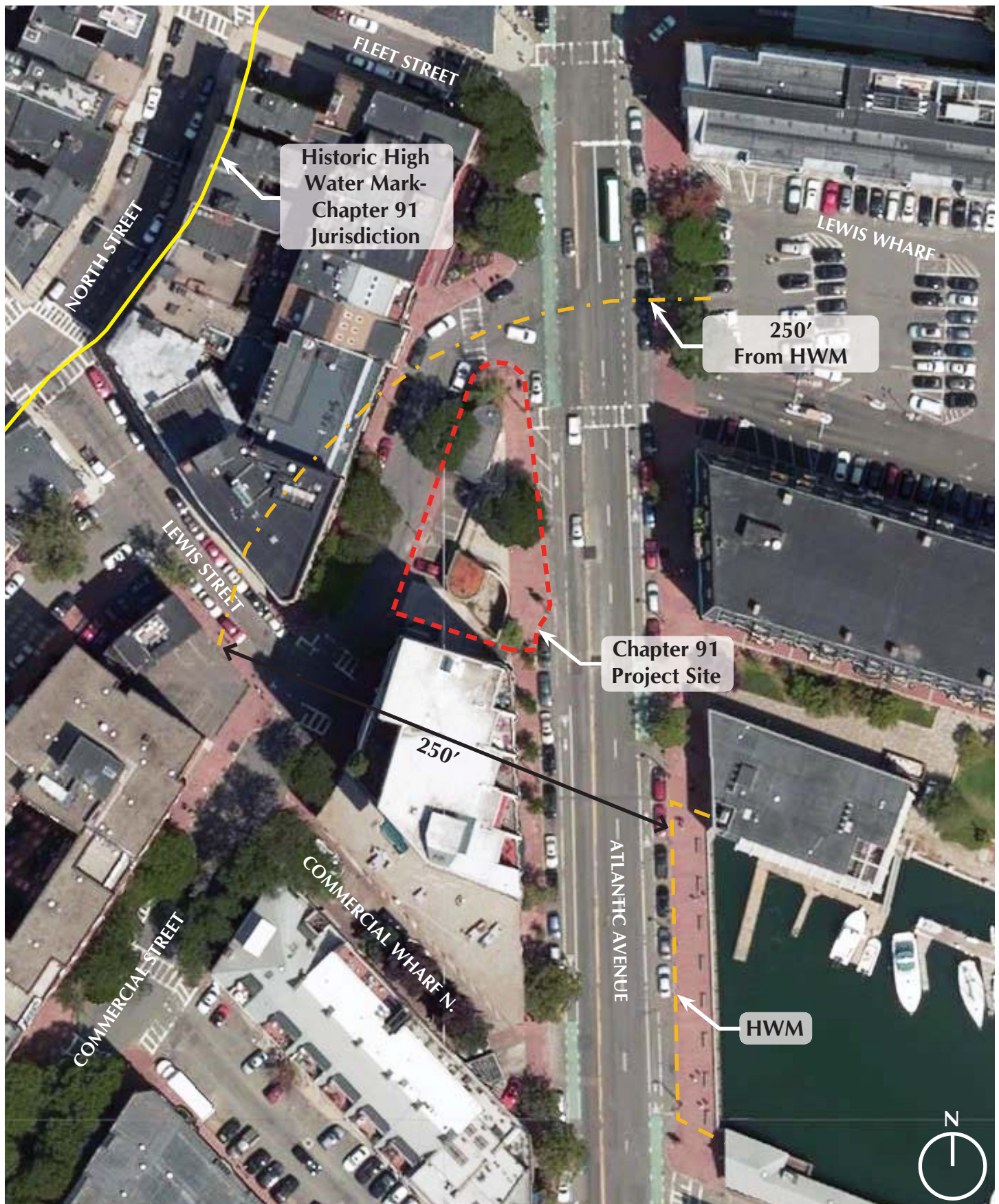
View of the Site looking northwest from Atlantic Avenue

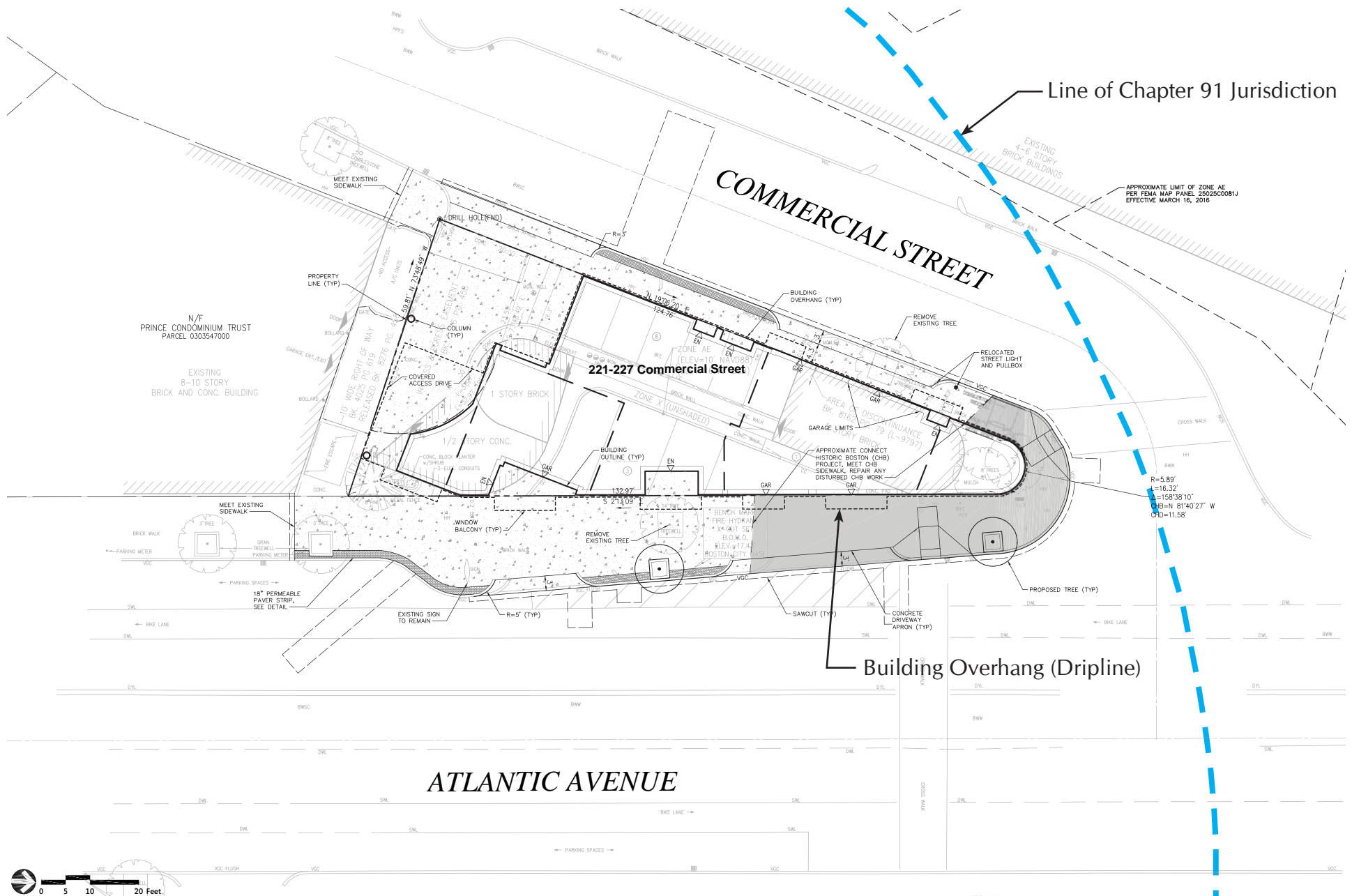


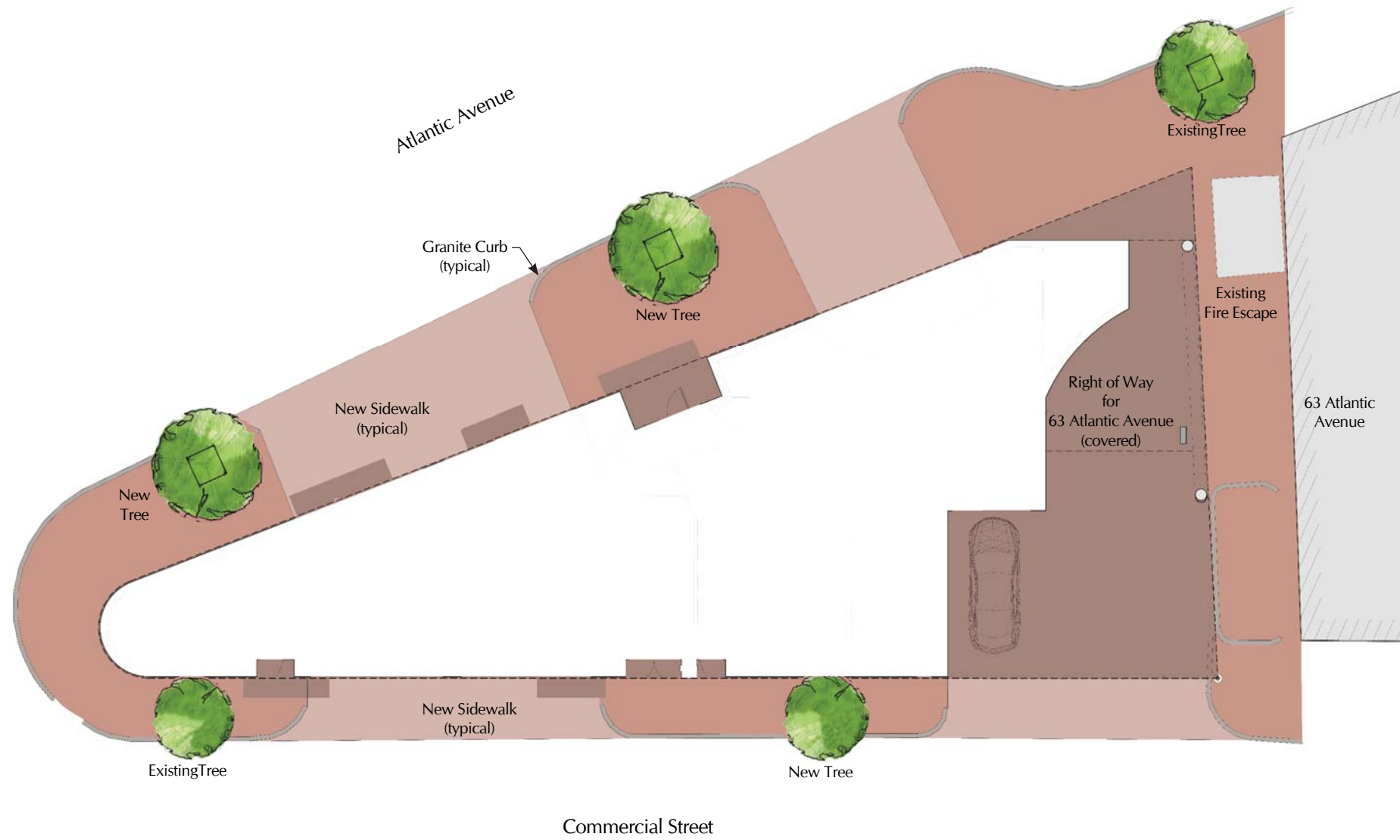
View of the Site looking east from Commercial Street











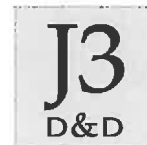






Appendix A

LETTERS



October 26, 2015

Mr. Ben Lynch, Program Chief
Department of Environmental Protection
Waterways Regulations Program
1 Winter Street, 6th floor
Boston, MA 01208

Re: 221-227 Commercial Street
Design Life Assessment

Dear Mr. Lynch:

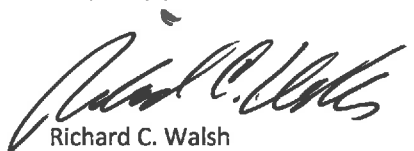
I have been asked to provide the Department with an assessment of the design life of the proposed new building at 221-227 Commercial Street in Boston's North End. This assessment is to support the approval of an extended term license for the project.

The proposed new building is a five story structure containing six residential condominiums from levels two through five and thirteen parking spaces on grade at level one. There will be no basement in the proposed building. The new building structure will be composed of 100% reinforced, cast-in-place concrete and the façade will consist of masonry. Our architect, Mr. Scott Simpson FAIA, and our structural engineer, Mr. Alan Simon PE, have indicated that the primary structure will have a useful life of at least ninety nine years.

Like the primary structure, the exterior wall system, the fenestration, the roof and other components must be constructed properly and in accordance with the construction documents and will require normal and proper maintenance. Such normal maintenance shall include, but not necessarily limited to, periodic replacement of the roof and other building components or systems. Under these circumstances, it is the professional opinion of our design team (aforementioned) that the building will have a useful lifespan of at least ninety nine years.

If you have any questions, please feel free to call me at (617) 878-4800. Thank you.

Very truly yours,



Richard C. Walsh
Owner, J3 Design & Development



WALSH BROTHERS

Since 1901

October 26, 2015

Department of Environmental Protection Waterways Regulations Program
1 Winter Street, 5th Floor
Boston, MA 01208
Attn: Ben Lynch, Program Chief

RE: Chapter 91 License Term

Dear Mr. Lynch:

As CFO of Walsh Brothers, Incorporated I am writing to provide justification to the Department of Environmental Protection for an extended term for a Chapter 91 License for a development located at 221-227 Commercial Street in Boston, MA. The proposed project, which has a 5-story structure with 6 residential units, is seeking a 65 year license term.

There has been a significant investment in the property in order to develop the project. Any near term limitations or uncertainty surrounding the entitlements or usability of an asset can negatively impact the value of the asset. This could in turn negatively impact any future investment in the project.

The proposed project will be sold as condominium units. The security of a 65 year license is necessary to provide the maximum reassurance to potential buyers of the units. The success of the project is dependent upon conveying units to a sufficient number of qualified buyers. Residential mortgages will be required and must meet the standards for sale in the secondary mortgage market.

If you have any questions or comments please call at 617-878-4800.

Very truly yours,

James M. Brosnan
Chief Financial Officer

Appendix B

LICENSE PLANS

DATE



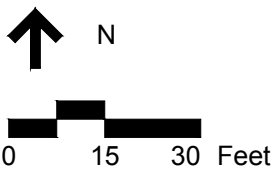
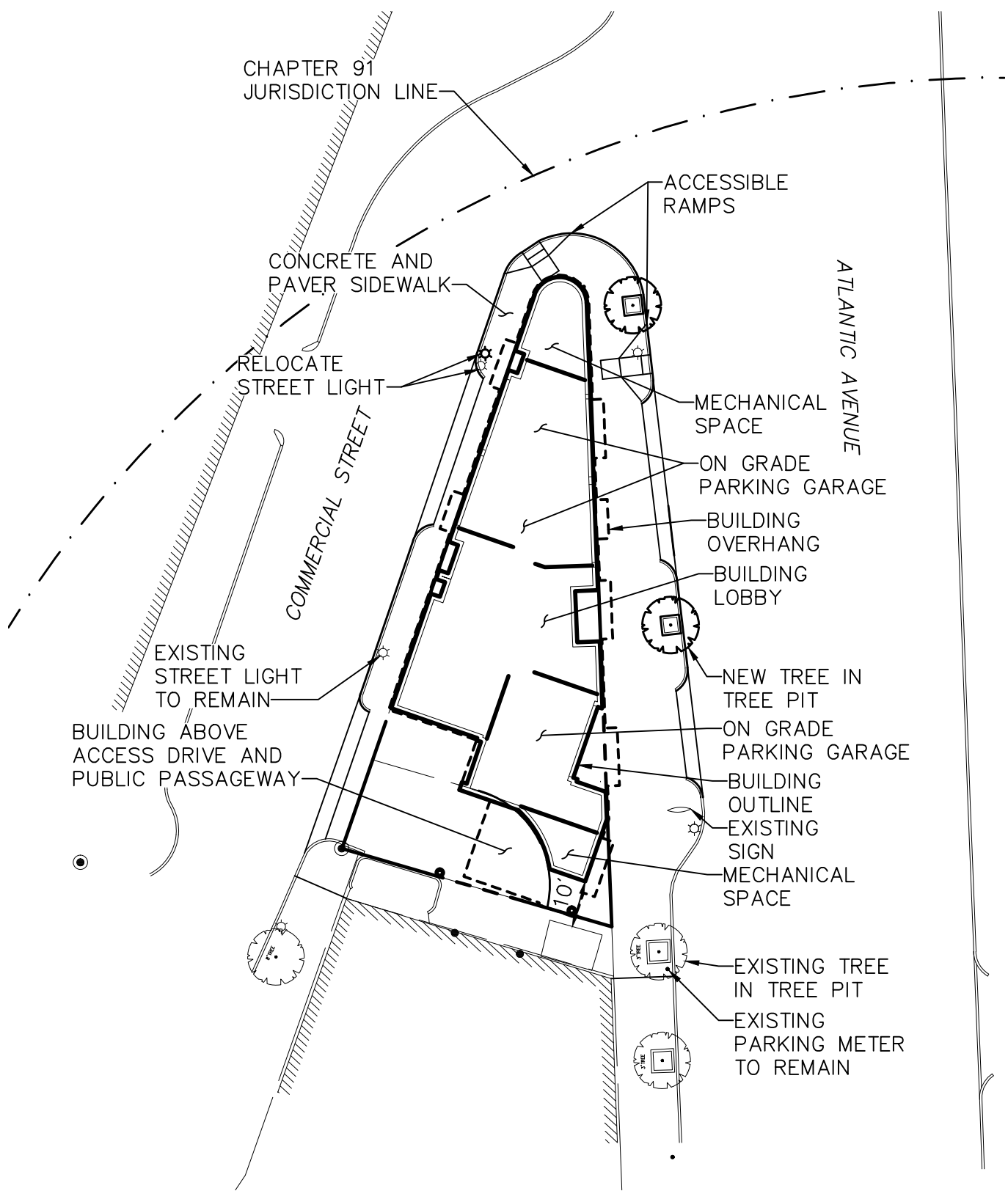
**TOTAL PARCEL
AREA = 4,525 SQ. FT.
(0.104 ACRES)**

SHEET 1 OF 5
DATE: JANUARY 15, 2016

I CERTIFY THAT THIS PLAN, AS PREPARED,
CONFORMS TO THE RULES AND REGULATIONS
OF THE REGISTERS OF DEEDS OF THE
COMMONWEALTH OF MASSACHUSETTS.

SIGNATURE

DATE



SITE PLAN

I CERTIFY THAT THIS PLAN, AS PREPARED,
CONFORMS TO THE RULES AND REGULATIONS
OF THE REGISTERS OF DEEDS OF THE
COMMONWEALTH OF MASSACHUSETTS.

SIGNATURE

DATE



CHAPTER 91
JURISDICTION LINE

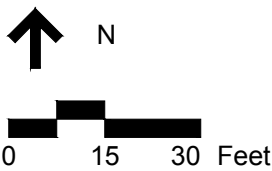
COMMERCIAL STREET

ATLANTIC AVENUE

3,937 SF OF BUILDING
FOOTPRINT WITHIN CHAPTER
91 JURISDICTION

3,940 SF OF OPEN
SPACE WITHIN
CHAPTER 91
JURISDICTION

-  BUILDING FOOTPRINT AREA = 3,937 SQUARE FEET
-  OPEN SPACE AREA = 3,940 SQUARE FEET

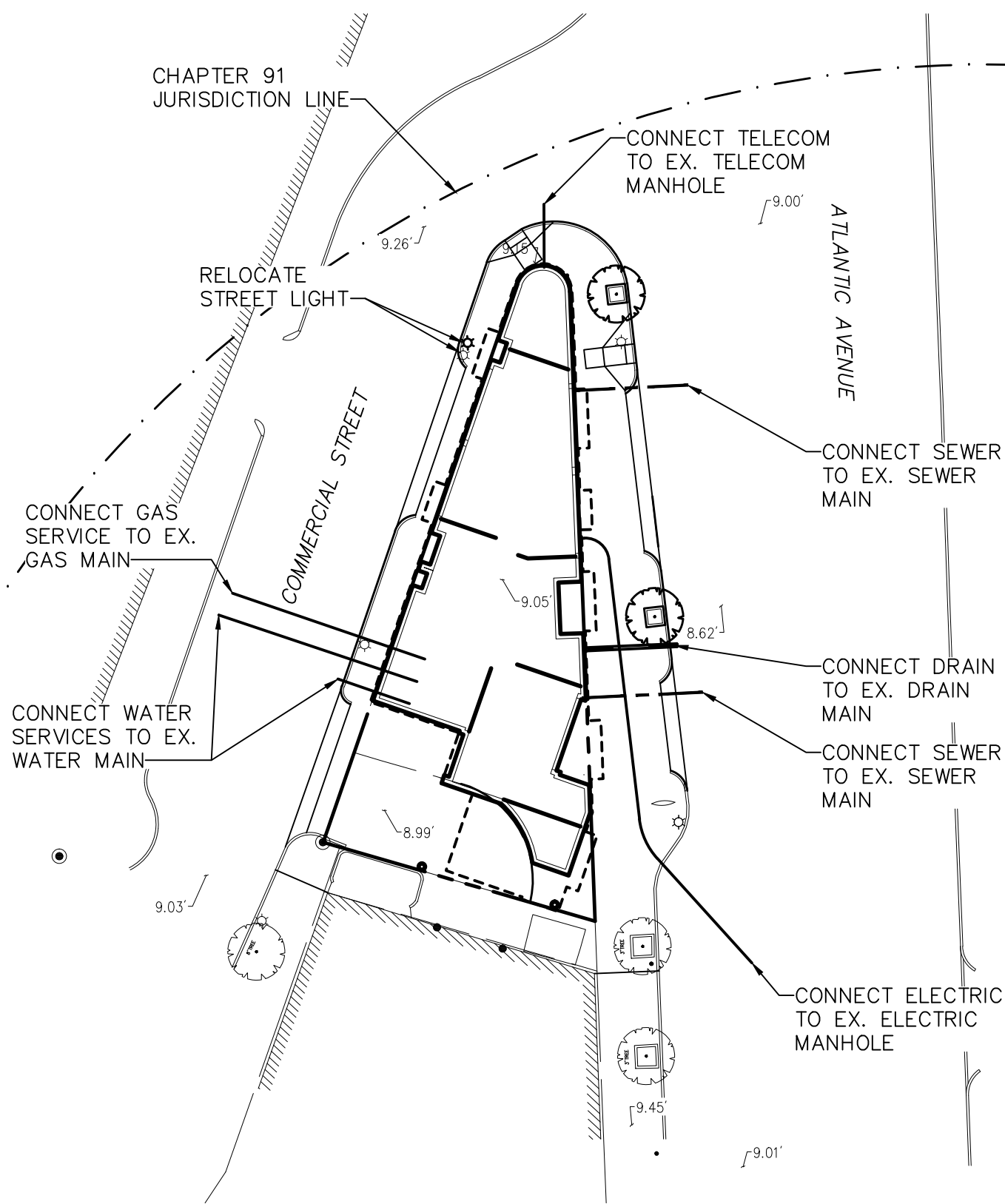


OPEN
SPACE PLAN
SHEET 3 OF 5
DATE: JANUARY 15, 2016

I CERTIFY THAT THIS PLAN, AS PREPARED,
CONFORMS TO THE RULES AND REGULATIONS
OF THE REGISTERS OF DEEDS OF THE
COMMONWEALTH OF MASSACHUSETTS.

SIGNATURE

DATE



N

0 15 30 Feet

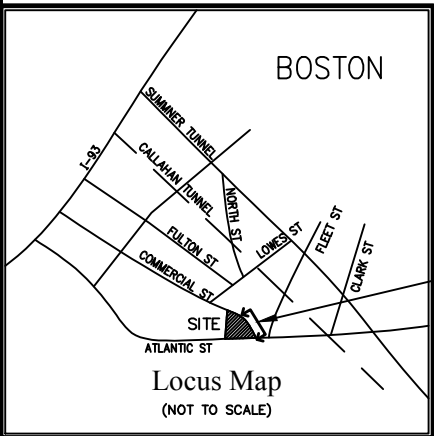
UTILITY PLAN

SHEET 4 OF 5
DATE: JANUARY 15, 2016

I CERTIFY THAT THIS PLAN, AS PREPARED,
CONFORMS TO THE RULES AND REGULATIONS
OF THE REGISTERS OF DEEDS OF THE
COMMONWEALTH OF MASSACHUSETTS.

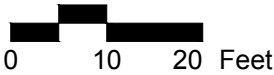
SIGNATURE

DATE



DATUM CONVERSIONS:

TO CONVERT FROM BCB TO NAVD88:
 $15.6' \text{ BCB} - 6.46' = 9.24' \text{ NAVD88}$



BUILDING SECTION

SECTION PLAN

SHEET 5 OF 5
DATE: JANUARY 15, 2016

