

ER

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT  
C.A. NO.

_____	)
EPIPHANY,	)
	)
Plaintiff,	)
	)
v.	)
	)
JAMES ARTHUR JEMISON II, in His Official	)
Capacity as Director of the BOSTON	)
REDEVELOPMENT AUTHORITY	)
d/b/a BOSTON PLANNING & DEVELOPMENT	)
AGENCY; and TRINITY SHAWMUT LIMITED	)
PARTNERSHIP C/O TRINITY ACQUISITIONS,	)
LLC,	)
	)
Defendants.	)
_____	)

**PLAINTIFF'S COMPLAINT**

**INTRODUCTION**

Plaintiff, Epiphany (“Plaintiff” or “Epiphany”), which is an accredited independent school, brings this action, pursuant to G.L. c. 121A and G.L. c. 249, § 4, seeking judicial review in the nature of certiorari of Defendant, Boston Redevelopment Authority (“BRA”) d/b/a Boston Planning & Development Agency’s (“BPDA”) Report and Decision, dated November 16, 2023 (the “Decision”), approving the application of Defendant, Trinity Shawmut Limited Partnership c/o Trinity Acquisitions, LLC’s (“Trinity”) to construct a new, multifamily, four-story structure that will contain almost 69,000 square feet with seventy-two (72) rental units as well as accessory off-street parking the (“Proposed Project”) on property located at 150 Centre Street, Dorchester in the city of Boston.

A true and accurate copy of the Decision is attached hereto as Exhibit A.

As is set forth herein, it is Epiphany's contention that the BPDA's determinations paving the way for the Proposed Project are erroneous as a matter of law; arbitrary and capricious; and not based on "substantial evidence". In particular, the BPDA's determination that the area where the Proposed Project will be constructed (the "Project Area") is a blighted, substandard, and decadent one is wholly without any merit, and therefore, on that ground alone, the Decision is legally untenable. But there is more. Acting as a quasi-zoning board, the BPDA granted zoning deviations to Trinity without making the necessary findings to justify such relief, and as such, abdicated its role as the permit granting authority in this context. Instead, the mere conclusions and determinations expressed in the Decision are unsupported by facts and amount to nothing more than conclusory statements that are belied by the facts. Indeed, after a problematic approval process in which the BPDA incorrectly concluded that the area and/or site of the Proposed Project is substandard, blighted and decadent within the meaning of G.L. c. 121A, § 1 – a faulty determination – the BPDA then simply rubber-stamped and approved various zoning relief without any proper fact finding or consideration of the significant adverse harms that will result from this Proposed Project. Even more troubling is the fact that at least two members of the Impact Advisory Group ("IAG") that the BPDA established to assess how the Proposed Project might impact the local community are commercial tenants of Trinity at other locations in the city of Boston thereby creating potential conflicts of interest.

As an immediate abutter to the Proposed Project, Epiphany will experience significant personalized harms and adverse impacts, including added density and a loss of open space; noise with associated disturbances and disruption to the students and educators at the school; an increase in traffic; increased risk of injury due to increased traffic; elimination of available on-

street parking; and added congestion that will result from the sudden existence a large four-story building situated on its doorstep. The Proposed Project will diminish the value of Epiphany's property and will overburden an easement that runs adjacent to the site of the Proposed Project which Epiphany uses and plans to develop. In fact, the site of the Proposed Project has, for over two decades, been used an autobody repair business during which time the easement that Epiphany granted to the autobody repair business has been infrequently, if at all. In stark contrast, the Proposed Project will certainly lead to an overburdening of the easement, including the introduction of increased vehicular traffic over and across Epiphany's parking lot which will endanger the students, their parents, their teachers, and the many community members who meet at the school.

Accordingly, for the reasons set forth herein, Epiphany seeks a judicial declaration that the BPDA's determination that:

- (i) the Proposed Project site is a sub-standard and/or decadent or blighted area is erroneous and not based on substantial evidence;
- (ii) the requested zoning deviations substantially derogate from the intent and purpose of the Boston Zoning Code, and therefore, the grant of such relief is improper;
- (iii) the Proposed Project conflicts with the Master Plan for the City of Boston;
- (iv) The developer does not have access to all of the land that it requires; and
- (v) The Proposed Project is not in the best interests of the local community.

Epiphany respectfully requests, based on the Court's findings above, that the Decision be annulled, or, in the alternative, that the matter be remanded back to the BPDA to reopen the public hearing process to address the shortcomings in the Decision regarding the lack of supportive facts to justify the zoning relief that was granted.

## PARTIES

1. Plaintiff, Epiphany School, which has a primary place of business at 154 Center Street, Dorchester, in the city of Boston, is accredited by the Association of Independent Schools in New England and operates as an independent school for children of economically disadvantaged families in Boston providing scholarships for all.

2. Defendant, Trinity Shawmut Limited Partnership c/o Trinity Acquisitions, LLC is, upon information and belief, a limited liability company duly formed and existing under the laws of the Commonwealth of Massachusetts, with a principal place of business at 75 Federal Street, 4<sup>th</sup> Floor, Boston MA 02110.

3. The Boston Planning and Development Agency (“BPDA”) is the planning and economic development agency for the City of Boston. It is the successor agency to the Boston Redevelopment Agency (“BRA”), created in 1957 under Massachusetts General Laws 121B, Section 4. In 2016, Boston Mayor Martin Walsh rebranded the “BRA” as the “BPDA.” The BPDA has its principal address One City Hall, 9<sup>th</sup> Floor, Boston, Suffolk County, Massachusetts 02201.

4. Defendant James Arthur Jemison II, named herein in his official capacity only, is, upon information and belief, the Chief of Planning and Director of the BPDA and a voting member of the Board, which approved Trinity’s application.

## RELEVANT FACTS

### *The Proposed Project*

5. The Proposed Project calls for the construction of a new transit-oriented development (“TOD”) project featuring a new, fully affordable multifamily structure and accessory off-street parking (also referred to as “Shawmut TOD”) at the Project Site.

6. The Proposed Project will contain approximately 86,800 SF (68,400 SF of residential living space, and 18,400 SF of parking space) in a four-story multifamily residential building, containing seventy-two (72) rental units that will all be made affordable.

7. A twenty-five (25) space below-grade parking garage will also be constructed in support of the Project.

8. Trinity proposes building its seventy-two rental unit building on the four (4) contiguous parcels which are zoned for eight (8) units (2F $\times$ 4) abutting the Epiphany parking lot.

9. The Proposed Project lacks green space, and with a proposed building height in excess of what the Code allows, it will loom over the abutters.

10. Trinity's shadow studies contain inaccuracies. In stark contrast, shadow studies prepared by those who are opposed to the Proposed Project demonstrate significant shadowing will result from the proposed structure.

11. The Proposed Project will generate a significant increase in traffic and will eliminate available parking compared to the existing use at the Proposed Project site.

***The Proposed Project Area***

12. The Project Area is situated at 150 Centre Street in Dorchester on an approximately 29,286 square foot, 0.67 acres, site, fronting Centre Street, with access from Centre Street and Sharp Street and bounded by Centre Street to the south, Sharp Street to the north, a parking lot to the east, and existing residential buildings to the west.

13. The parcels are located in a 2F zoning district between the Melville Park and St. Mark's Neighborhood Design Overlay Districts.

14. Overlay districts require new structures to protect the historic character and existing scale of the neighborhood.

15. The Project Area is 0.1 miles from the Shawmut Red Line Station and serviced by the MBTA.

16. The Project Area, which is located in a Multi-Family Residential Subdistrict in the Dorchester Neighborhood, is governed by Article 65, § 65-7 of the Code.

17. Article 65 of the Code which, *inter alia*, expressly provides, in pertinent part, as follows:

a. Article 65-1

*The objectives of this article are to provide adequate density controls that protect established residential areas and direct growth to areas where it can be accommodated; [emphasis added].*

b. Article 65-3

*Zoning relief, in the form of exceptions from the provisions of this Article pursuant to 6A, is not available except to the extent expressly provided in this Article or Article 6A. Where conflict exists between the provisions of this Article and the remainder of the Code, the provisions of this article shall govern [emphasis added].*

*A proposed project shall be exempt from the provisions of this Article, and shall be governed by the rest of this Code, if application to the Inspectional Services Department for a building or use permit has been made prior to the first notice of hearing before the Zoning Commission for this Article, and (1) no Zoning Relief is required [emphasis added].*

c. Article 65-7 (2)

*The Two-Family Residential (2F) Subdistricts are established to preserve, maintain, and promote low-density one family neighborhoods, to preserve existing structures, to provide for new infill construction appropriate to the existing fabric, and to allow minor changes to occur as of right.*

d. Article 65-32 - Establishment of Neighborhood Design Overlay Districts

*The Neighborhood Design Overlay Districts are established to protect the historic character, existing scale, and quality of the pedestrian environment of these neighborhoods, which give Dorchester its unique architectural character . . .*

e. Article 65-32 (19) - St. Mark's/Mather Street Neighborhood Design Overlay District ("NDOD")

*...encompasses some architecturally significant late 19<sup>th</sup> – early 20<sup>th</sup> century housing. Particularly noteworthy are the Queen Anne/Colonial Revival triple-*

*deckers.*

- f. Article 65.37.1 - Applicability of Design Review:  
*To ensure that growth in the Dorchester Neighborhood District is compatible with the character of the existing buildings and urban design features, design review is required for certain proposed Projects through Large Project Review (Urban design component) or Small Project Review (Design Component), pursuant to Article 80 of this code.*
  
- g. Article 65-37.2 - Design Guidelines for the Dorchester Neighborhood District, including but not limited to:
  - (a) *New or rehabilitated residential buildings should reflect and complement the **patterns of height, siting, and architectural character of the surrounding residential structures** [emphasis added].*
  
  - (b) *New residential construction should reflect the traditional location and relationship of buildings on their sites. These includes setback from streets, spacing among buildings, and orientation of facades to the neighboring structures.*
  
  - (f) *New residential construction should respect the standards of scale of existing residential construction in order to maintain the subdistrict's special qualities. Overall building height and massing, relationships of primary buildings, and landscape elements all should be consistent with the surrounding architecture and environment.*
  
- h. Article 65-6 - Community Participation:  
*...the Boston Redevelopment Authority shall continue to involve the Dorchester Planning and Zoning Advisory Committee...and Dorchester civic associations, residents and business and trade groups in an ongoing role in advising the City on land use planning for Dorchester.*
  
- i. Article 65-33  
*Any proposed project within a Neighborhood Design Overlay District is subject to review by the Boston Landmarks Commission.*

18. The Proposed Project requires zoning relief for use, dimensional, and design requirements under Article 65 of the Code.

19. The specific zoning relief requested is included in Trinity's Chapter 121A Application as Appendix 10, including for multi-family dwelling use, excessive height, FAR, and encroachment into the side yard setback.

20. The Project Area is currently owned and operated by Fitzpatrick Brothers as an auto body and collision repair facility.

21. The Fitzpatrick business occupies four (4) lots, running from Centre Street to Sharp Street.

22. The surrounding area is residential, mostly one- and two-family houses with a few larger buildings of condominiums or apartments.

23. Across Sharp Street to the north is Epiphany School's main building which houses its middle school.

24. Epiphany School also owns the parking lot directly to the east, which it is planning to develop in order to expand its programs.

***Epiphany School***

25. Epiphany is a direct abutter to the Proposed Project site.

26. Epiphany is an independent school that admits children of diverse faiths, races, cultures, and cognitive profiles.

27. In close partnership with families and community partners, Epiphany is an innovative learning community that offers structured support to enable children to discover and develop the fullness of their individual gifts and to help their families thrive.

28. More particularly, Epiphany's Early Learning Center serves infants, toddlers and preschoolers through a rich, child-centered curriculum and whole-family program model to ensure kindergarten readiness and family self-sufficiency.



29. Its Middle School offers small classes, individualized curricula, and extended hours providing rigorous academic, moral and social instruction to children in grades five through eight.

30. The Graduate Support Program provides abiding educational, personal and career guidance and assistance to its graduates, ensuring they are prepared to contribute intelligently, morally, and actively to the society they will inherit.

31. Its Teacher Training Program supports aspiring urban teachers, including many of its own graduates.

32. Finally, its Impact Center shares best practices to improve educational outcomes on a broad scale.

33. On school days, the students tend to arrive at Epiphany as early as 7:00am. They receive breakfast, lunch, and dinner, and are immersed in a variety of subjects throughout the day as they pursue their education.

34. Epiphany's work with children from underprivileged homes has been widely praised.

35. The school's motto "Never Give Up On A Child" reflects its expressed primary objective, to wit: to prepare its students through educational courses of study and learning, advanced programing, community support, and guidance from various specialties, to be financially, academically and spiritually prepared for their respective futures.

36. Epiphany has legitimate, good faith and reasonable fact-based concerns that the Proposed Project will be disruptive to the students, and that it will have an adverse impact on its ability to provide these crucial services and programs to its students as they strive towards these objectives.

***The Article 80 Review Process***

37. On January 3, 2023, Trinity filed a Project Notification Form (“PNF”) with the BPDA pursuant to Article 80B of the Zoning Code.

38. The BPDA published notice of the filing in the Boston Herald on January 3, 2023, and was sent to BPDA mailing lists.

39. A Scoping Session for City and State officials was held on January 26, 2023.

40. The BPDA hosted virtual Impact Advisory Group (“IAG”) meetings on January 31, 2023, April 10, 2023, May 24, 2023, and October 3, 2023.

41. Among those persons nominated to the IAG are two members who are commercial tenants of Trinity at other locations in the city of Boston thereby creating an actual conflict of interest.

42. The IAG is supposed to be comprised of impartial members of the local community within the project’s area of impact.

43. Indeed, for this very reason, Trinity was opposed to Rev. John Finley of Epiphany from serving on the IAG.

44. A virtual public meeting was held on March 2, 2023. The PNF comment period ended on March 4, 2023.

45. Trinity filed a 121A application with the BPDA for authorization and approval of the 150 Centre Street Project under Massachusetts General Laws, Chapter 121A and Acts of 1960, Chapter 652 on September 22, 2023.

46. In Appendix 4 to its 121A application, Trinity describes the Fitzpatrick Automotive building as being blighted, substandard and/or decadent because the structures on the property are two “non-descript garage buildings” that are “over 70 years old” situated on

“impervious asphalt paving” that is “in poor condition”, and that the buildings are “out of character, scale and use of the neighborhood”. Trinity provides further that the buildings are in “significant disrepair with defective roofing, siding, broken windows, and other failing systems.”

47. This description of the Fitzpatrick Automotive property is simply inaccurate.

***The BPDA’s Decision***

48. Numerous individuals voiced opposition to the Proposed Project, including in writing and at public meetings.

49. The BPDA determined that the Proposed Project will not be in any way detrimental to the best interests of the public or the City of Boston or to the public safety and convenience, and is not inconsistent with the most suitable development of the Project Area’s neighborhood or the City.

50. The BPDA concluded further that the site of the Proposed Project is blighted, decadent and substandard, and that the development of the Proposed Project will revitalize the Project Area and the surrounding neighborhood.

51. The BPDA’s findings are merely conclusory without sufficient factual support for such a determination.

52. In fact, the Project Area is neither blighted, decadent, or substandard.

53. In fact, to the contrary, the Project Area consists of single and multi-family homes many of which are valued at over \$1m.<sup>1</sup>

54. The BPDA’s determination that the site of Proposed Project, including the buildings and asphalt parking lot that Fitzpatrick Autobody has used for decades, is blighted, decadent, and/or substandard, is misplaced.

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<sup>1</sup> For instance, according to Zillow, the property addressed as 17 Allston Street, Dorchester – an immediate abutter to the Proposed Project – is a historical building valued at \$1.5M.

55. The Decision is conclusory and fails to set forth sufficient facts to support such a misplaced conclusion.

56. Indeed, the Decision issued by the BPDA concluding that the Project Area is blighted, decadent, and/or substandard fails to include any facts that would support such a conclusion that the Fitzpatrick Autobody property is physically deteriorated, dilapidated, or in a state of disrepair.

57. To the contrary, the current owners, Fitzpatrick Autobody, are conscientious about maintaining the property in a clean, organized, and pristine condition, including mowing the lawn regularly and plowing and removing snow accumulation.

58. Indeed, several years ago, when graffiti appeared on a section of their fence, they had it painted over the same day.

59. The structures that are located on the subject property are not in a state of physical disrepair or otherwise deteriorating.

60. Put simply, the BPDA's determination that the area is blighted, decadent and/or substandard is arbitrary and capricious, and it deprives Epiphany of the opportunity to challenge the BPDA's unilateral decision to grant significant zoning relief to Trinity that in the normal course would never be granted because Trinity cannot establish that it is entitled to such relief.

61. The BPDA concluded further that the Proposed Project will provide a significant number of jobs during the construction phase and will help to meet the needs of the City for affordable housing.

62. The provision of jobs during construction is not justification for granting a large-scale development project that will adversely impact the neighbors.

63. The BPDA concluded further that the development of the Proposed Project will constitute a public use and benefit, because it will result in numerous public benefits, including the removal of an outdated and underutilized building; the creation of necessary housing for households at tiers of income up to 30%, 50%, 60%, 80%, and 120% AMI; revitalization of the Project Area; a reduction in the impervious area on the Project Area; the creation of construction jobs during the construction phase; and will bring a significant amount of much-needed landscaping, increased pervious surface, and streetscape enhancements to the neighborhood.

64. The BPDA concluded that the Proposed Project will eliminate the decadent conditions in the Project Area, including a parcel and building that have been underutilized for many years.

65. The BPDA determined that the Proposed Project is not feasible without the tax and zoning relief provided under Chapter 121A, including that the tax benefits sought by Trinity are critical to Trinity's plan to keep the overall Project rents as low as is consistent with proper maintenance of the Project, so as to preserve the affordability of the Project as a whole to persons of low income.

66. However, the BPDA overlooked the fact that there is an alternative proposal for the Project Site with broad neighborhood support including in excess of 1,000 signatures on a petition for such an alternative proposal.

67. The BPDA acknowledged that Trinity, in Appendix 10 of its Application requires zoning deviations for the Project.

68. Rather than provide supportive facts to justify and support the grant of zoning deviations and ensuring compliance with Article 65 of the Code and making specific findings of

fact that would justify and support the zoning relief requested by Trinity, the BPDA simply rubber-stamped Trinity's request by stating that it:

*"hereby finds and declares that the zoning deviations in Appendix 10 of the Application are necessary for carrying out the Project and are therefore granted", and that it "hereby finds and declares that permission for such zoning deviations may be granted without substantially derogating from the intent and purposes of the Boston Zoning Code."*

69. In doing so, the BPDA failed to engage in the necessary analysis and failed to find the necessary facts to justify and support the zoning relief that Trinity apparently needs to erect its massive building.

70. As such, the BPDA abdicated its role as the permit-granting authority and instead simply granted significant zoning relief that Trinity would not be entitled had the BPDA engaged in the type of analysis and fact-finding that typically is required before any variance is granted.

71. In particular, the BPDA neglected to ensure review by the Boston Landmarks Commission as is expressly required by Article 65-33 of the Code.

72. The BPDA lacked an accurate shadow study or an appropriate traffic analysis.

***The Harms to Epiphany from the Proposed Project***

73. The Proposed Project will result in significant harm for Epiphany and its student population.

74. As a direct abutter to the Proposed Project, Epiphany is presumed to have legal standing.

75. However, in addition to the presumption of standing, the Proposed Project will lead to adverse impacts to Epiphany.

76. Construction of the Proposed Project will impede and/or obstruct emergency vehicles from access to the school.

77. The Proposed Project will cast shadows onto Epiphany's building.

78. The Proposed Project, including the building that exceeds the Code height requirement, will create shadows, eliminate sunlight and create added density thereby eliminating open space.

79. The Proposed Project will cause additional traffic and eliminate available parking.

80. The increase in traffic will increase the risks of harm to the students, teachers and families associated with Epiphany.

81. The Proposed Project will lead to an overburdening of the Easement.

82. The Proposed Project will result in significant disruption and disturbance to Epiphany's students and teachers as it will be erected just feet from the students' classrooms.

**COUNT I - APPEAL FROM BPDA'S DECISION**

**Mass. Gen. Laws. c. 121A and c. 249, § 4**

83. The BPDA improperly and without adequate factual basis concluded that that site of the Proposed Project is blighted, decadent and substandard.

84. The BPDA improperly and without adequate factual support simply rubber-stamped Trinity's need for dimensional relief and proceeded to grant significant zoning relief to Trinity without making the necessary factual findings or considering the consequential harms and adverse impacts that will result therefrom, including granting zoning relief to permit multi-family dwelling use, to permit the building to be built with excessive height with a violative FAR, and encroachment into the side yard setback.

85. The BPDA improperly and without adequate factual support concluded that granting the requested zoning relief to Trinity will be beneficial to the Project Area, when, in fact, the Decision paves the way for a substantial development that will be injurious and harmful

to the Project Area and those who live, attend school, and work there, including causing harm to Epiphany and its student population.

86. The BPDA improperly and without adequate factual basis concluded that the Proposed Project does not conflict with the Master Plan for the City of Boston.

87. As set forth above, an actual controversy exists between the Parties concerning the Decision.

88. Epiphany has a beneficial interest in BPDA compliance with all applicable laws and Code provisions for projects at and near its property and has reasonable expectation that the BPDA will properly enforce all provisions of the applicable local bylaw.

89. The harms and injuries which will be directly caused by Proposed Project will adversely and substantially affect Epiphany's interests, and which interests are protected under the applicable local Code and Massachusetts law.

90. Epiphany has no other remedy or route of appeal other than by this action.

WHEREFORE, Epiphany respectfully requests that this Honorable Court enter a judicial declaration that the BPDA's determination that:

- (vi) the Proposed Project site is a sub-standard and/or decadent or blighted area is erroneous and not based on substantial evidence;
- (vii) the requested zoning deviations substantially derogate from the intent and purpose of the Boston Zoning Code, and therefore, the grant of such relief is improper;
- (viii) the Proposed Project conflicts with the Master Plan for the City of Boston;
- (ix) the developer does not have access to all of the land that is requires;
- (x) the Proposed Project is not in the best interests of the local community; and



that this Honorable Court, therefore, enter an Order annulling the Decision as being arbitrary, capricious, improper, and based on a legally untenable ground based on the Court's findings above, or, in the alternative, that the matter be remanded back to the BPDA to reopen the public hearing process to address the shortcomings in the Decision regarding the lack of supportive facts to justify the zoning relief that was granted.

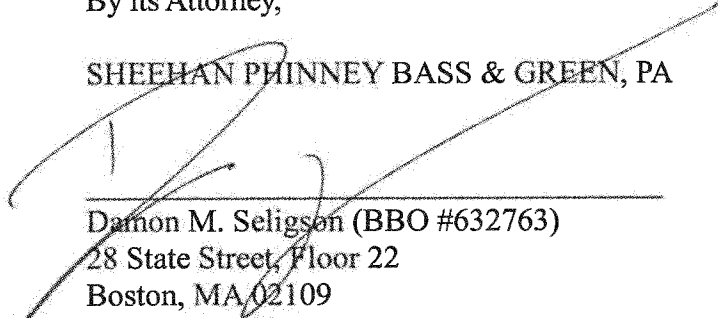
Respectfully submitted,

The Plaintiff,

EPIPHANY SCHOOL,

By its Attorney,

SHEEHAN PHINNEY BASS & GREEN, PA



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Date: January 12, 2024

# EXHIBIT A

## **CHAIR STATEMENT**

**November 16, 2023**

This is a public hearing before the Boston Redevelopment Authority doing business as the Boston Planning & Development Agency, being held in conformance with Massachusetts General Laws Chapter 121A Section 6 and Chapter 652 of the Acts of 1960 to consider the proposed project at 150 Centre Street in the Dorchester neighborhood of Boston.

The hearing was duly advertised on November 3, 2023, and November 10, 2023, in the Boston Herald.

This is a BPDA hearing on a proposed petition by the Agency, staff members will first present their case and are subject to questioning by members of the Agency. Thereafter, anyone who wishes to testify about the proposed project, will be afforded an opportunity. We are taking support and opposition at the same time. If you are planning to testify, please take time now to verify that your computer microphone is active, click the hand icon on your Zoom control panel. This will signal staff that you would like to speak. When your hand is raised, it will be blue. (If you are calling in to the meeting and would like to testify, please dial \*9 to raise your hand.) When I call for all testimony, staff will announce your name and allow you to talk, you must unmute your microphone, your webcam will not be active. In an effort, to accommodate all who would like to speak about this proposal, each person will be given up to two minutes to comment. BPDA staff will indicate when thirty seconds remain. At that time, please conclude your remarks so that the hearing may continue, and others may be heard. Finally, the proponents are allowed a period of five to ten minutes for rebuttal if they so desire.

Camille Platt will now begin the presentation.

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**MEMORANDUM**

**NOVEMBER 16, 2023**

**TO:** **BOSTON REDEVELOPMENT AUTHORITY**  
**D/B/A BOSTON PLANNING & DEVELOPMENT AGENCY (BPDA)**  
AND JAMES ARTHUR JEMISON II, DIRECTOR

**FROM:** MICHAEL CHRISTOPHER, DIRECTOR OF DEVELOPMENT REVIEW  
CASEY HINES, DEPUTY DIRECTOR FOR DEVELOPMENT REVIEW  
JOSEPH BLANKENSHIP, SENIOR TRANSPORTATION PLANNER  
MATT MARTIN, SENIOR ARCHITECT  
JILL ZICK, ASST. DEPUTY DIRECTOR OF PUBLIC REALM DESIGN  
EILEEN MICHAUD, PLANNER I  
FORD DELVECCHIO, PLANNER I  
CAMILLE PLATT, PROJECT MANAGER

**SUBJECT:** 150 CENTRE STREET, DORCHESTER, REQUEST FOR ARTICLE  
80 APPROVAL AND REQUEST FOR CHAPTER 121A  
APPROVAL

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**SUMMARY:** This Memorandum requests that the Boston Redevelopment Authority ("BRA") d/b/a Boston Planning & Development Agency ("BPDA") take the following actions in connection with the public hearing on the proposed 150 Centre Street Chapter 121A Project (defined below and also referred to herein as the "Proposed Project") in the Dorchester neighborhood of Boston: (1) adopt a Report and Decision on the Proposed Project under Massachusetts General Laws Chapter 121A and the Acts of 1960, Chapter 652, as amended (collectively, "Chapter 121A"); (2) issue a Scoping Determination waiving the requirement of further review pursuant to Section 80B-5.3(d) of the Boston Zoning Code (the "Code") determining that the Project Notification Form ("PNF") and supplemental information adequately addresses any impacts of the Proposed Project; (3) issue one or more Certifications of

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Compliance or Partial Certifications of Compliance pursuant to Section 80B-6 of the Code upon successful completion of the Article 80B Large Project review process, subject to continuing design review; and (4) execute a Cooperation Agreement which will include a provision requiring compliance with the Boston Residents Jobs Policy, a Regulatory Agreement under Section 18C of Chapter 121A, and take any and all actions and execute any and all other documents that the Director in his sole discretion deems necessary and appropriate and upon terms and conditions determined to be in the best interest of the BPDA in connection with the Proposed Project.

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**PROJECT SITE**

The Proposed Project, which is the subject of this Chapter 121A application, is situated at 150 Centre Street in Dorchester on an approximately 29,286 square foot ("SF"), 0.67 acres, site, fronting Centre Street, with access from Centre Street and Sharp Street and bounded by Centre Street to the south, Sharp Street to the north, a parking lot to the east, and existing residential buildings to the west (the "Project Site"). The Project Site is 0.1 miles from the Shawmut Red Line Station and serviced by the MBTA.

Fronting onto Centre Street to the south, the subject site is bounded by Sharp Street to the north, a parking lot to the east and residential properties to the west. The subject site consists of four (4) parcels of land occupying approximately 0.67-acres. Currently, the subject site is occupied by Fitzpatrick Brothers, a collision repair facility. A single-story structure with a basement occupies the southern portion of the subject site and is utilized as offices. A second single-story structure occupies the northern portion of the subject site and is utilized as an auto body repair and paint shop facility.

**DEVELOPMENT TEAM**

The Development Team for the Proposed Project consists of:

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**Applicant:** Trinity Shawmut Limited Partnership c/o  
Trinity Acquisitions, LLC  
75 Federal Street, 4<sup>th</sup> Floor  
Boston, MA 02110

**Architect:** Icon Architecture, Inc.  
101 Summer Street  
Boston, MA 02110

**Legal Counsel:** Robinson & Cole, LLP  
One Boston Place, 25<sup>th</sup> Floor  
Boston, MA 02108

**Transportation &  
Civil Engineer:** Samhita Saquib (Entitlement Permitting)  
Eric Meredith (Civil)  
Sean Manning (Transportation)  
Nicole Benjamin-Ma (Historic Resources)  
Heidi Richards (Air Quality & Noise Services)  
VHB  
99 High Street, 10<sup>th</sup> Floor  
Boston, MA 02110

**Energy Consultant:** New Ecology, Inc.  
Frank Stone  
15 Court Square #420  
Boston, MA 02108

**PROPOSED PROJECT**

The Proposed Project calls for the construction of a new transit-oriented development ("TOD") project featuring a new, fully affordable multifamily structure and accessory off-street parking (also referred to as "Shawmut TOD") at the Project Site. The Proposed Project will contain approximately 68,400 SF in a four-story multifamily residential building, containing seventy-two (72) rental units that will all

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be made affordable. A twenty-five (25) space below-grade parking garage will also be constructed in support of the Project.

The table below summarizes the Proposed Project's key statistics.

<u>Estimated Project Metrics</u>	<b>Proposed Plan</b>
<b>Gross Square Footage</b>	86,800
<b>Gross Floor Area</b>	68,400
<i>Residential</i>	68,400
<i>Office</i>	0
<i>Retail</i>	0
<i>Lab</i>	0
<i>Medical Clinical</i>	0
<i>Education</i>	0
<i>Hotel</i>	0
<i>Industrial</i>	0
<i>Recreational</i>	0
<i>Cultural</i>	0
<i>Parking</i>	18,400
<b>Development Cost Estimate</b>	\$47,000,000
<b>Residential Units</b>	72
<i>Rental Units</i>	72
<i>Ownership Units</i>	0
<i>IDP/Affordable Units</i>	72
<b>Parking spaces</b>	25

**PLANNING CONTEXT & CITY STAFF REVIEW**

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The Proposed Project is not located within the boundaries of a recent neighborhood planning initiative. BPDA Planning staff reviewed the project based on the Boston Zoning Code, the neighborhood context, city-wide plans including *Housing a Changing City: Boston 2030* and *Go Boston 2030*, as well as public feedback. Over the course of the Article 80 review process in response to staff review, greater sensitivity to site context, and community feedback, the Proposed Project changed in a number of significant ways, including height, setbacks, and accessibility. For example, staff's review focused on furthering transit oriented development planning goals of *Go Boston 2030*.

As this site is located less than a tenth of a mile to the Shawmut MBTA Red Line Station, the Proposed Project will enhance non-vehicular accessibility and mobility options by providing higher density housing near public transit, improvements on nearby streets, a Blue Bike station on the property, and a reduction in parking on site from 38 to 25 spaces, meeting the Boston Transportation Department's maximum parking ratio guidelines.

**ARTICLE 80 REVIEW PROCESS**

On January 3, 2023, the Proponent filed a Project Notification Form ("PNF") with the BPDA pursuant to Article 80B of the Zoning Code. The BPDA published notice of the filing in the Boston Herald on January 3, 2023, and was sent to BPDA mailing lists. A Scoping Session for City and State officials was held on January 26, 2023.

The BPDA hosted virtual Impact Advisory Group ("IAG") meetings on January 31, 2023, April 10, 2023, May 24, 2023, and October 3, 2023. A virtual public meeting was held on March 2, 2023. The PNF comment period ended on March 4, 2023.

The Applicant filed a 121A application with the BPDA for authorization and approval of the 150 Centre Street Project under Massachusetts General Laws, Chapter 121A and Acts of 1960, Chapter 652 on September 22, 2023.

The public meeting and IAG meetings were posted on the BPDA calendar and website, and email notifications were sent to all subscribers of the BPDA's



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Dorchester neighborhood email update list. Local elected officials and their staff were also notified of all meetings.

**CHAPTER 121A PROJECT AND APPLICANT**

The Proponent is seeking MGL Chapter 121A status for the Proposed Project. The proposed 121A entity for which consent of the BPDA is sought is Trinity Shawmut Limited Partnership, a Massachusetts limited partnership (also referred to herein as the "Proponent"), for the purpose of acquiring, demolition, and redevelopment of the property located at 150 Centre Street which currently operates as an automotive repair facility located in the Dorchester neighborhood of Boston, MA.

On October 22, 2023, the Proponent submitted to the BPDA an application entitled "APPLICATION OF TRINITY SHAWMUT LIMITED PARTNERSHIP TO THE BOSTON PLANNING & DEVELOPMENT AGENCY FOR AUTHORIZATION AND APPROVAL OF A PROJECT UNDER MASSACHUSETTS GENERAL LAWS, CHAPTER 121A AND ACTS OF 1960, CHAPTER 652 EACH AS AMENDED" (the "Application"). The Application requests approval and authorization from the BPDA for consent to form an Urban Redevelopment Limited Partnership operating under Chapter 121A for the purpose of undertaking the Proposed Project.

The project area that is subject to this Application encompasses an approximately 29,286 square foot site with a single building thereon located at 150 Centre Street in the Dorchester neighborhood of Boston (the "Project Area"). The existing building currently operates as an automotive repair facility. For the reasons set forth in the Application, the Report and Decision, and the materials, exhibits, and testimony, the BPDA finds and declares that the Project Area is substandard and decadent as set forth in Section 1 of Chapter 121A. The BRA finds and declares that without the benefit of governmental intervention by the approval of the Project under Chapter 121A, the development of the Project Area to overcome the existing conditions, and the public benefits which the Project would afford, would be unlikely to occur.

**SECTION 6A CONTRACT WITH THE CITY**

The Proponent is seeking certain tax relief under Chapter 121A for the Proposed Project as part of the Chapter 121A status, in recognition of the fact that the

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primary use will be affordable housing units which will be income-restricted in perpetuity, all seventy-two (72) rental housing units will be affordable at levels 30%, 50%, 60%, 80% and 120% of area median income ("AMI"). In addition, the Proposed Project could not be undertaken without considerable public financing from the Massachusetts Department of Housing and Community Development and the City of Boston Mayor's Office of Housing, as well as private equity raised through the sale of Low-Income Housing Tax Credits and Federal Housing Tax Credits.

The Proponent has been working with the City of Boston Assessing department (the "City") on the final formula for the Section 6A payment to be made to the City annually pursuant to Chapter 121A. The final agreement with the City of Boston regarding taxes will be memorialized in a 6A Contract, a draft of which was submitted as Appendix 6 of the Application.

**TERM OF THE CHAPTER 121A DESIGNATION**

The Proponent is requesting an exemption from property taxation under Sections 10 and 18C of Chapter 121A, based on the use of governmental subsidies to assist in the construction of the Proposed Project for the purpose of adding to the supply of quality affordable housing within the Project Area and the City. The BRA hereby approves a total term of fifteen (15) years for the Project's period of tax exemption pursuant to applicable provisions of Chapter 121A.

**FINANCING**

It is anticipated that the total cost of the Proposed Project will be approximately \$47 million. The Proposed Project funding sources are expected to include investor equity raised through the sale of Federal and State Low Income Housing Tax Credits, Department of Housing and Community Development financing, and financing from the Mayor's Office of Housing. A more detailed description of the anticipated financing for the Project is included in Section 4 of the Application and attached as Appendix 5 of the Application.

**ZONING**

In order to carry out the Proposed Project, the Proponent is seeking relief from the

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Boston Zoning Code under Chapter 121A with respect to certain aspects of the Proposed Project. The Project Site is located in a Multi-Family Residential Subdistrict in the Dorchester Neighborhood, which is governed by Article 65, Section 65-7 of the Code. The Project Site is also located within the St. Mark's/Mather Street Neighborhood Design Overlay District (NDOD) established by Article 65 of the Code, Section 65-32.19 of the Zoning Code. The Proposed Project requires zoning relief for use, dimensional, and design requirements under Article 65 of the Code. The specific zoning relief requested is included in the Chapter 121A Application as Appendix 10.

**SMART UTILITIES**

The buildings and site plan will comply with the Smart Utilities requirements found in Article 80B of the Code. The Project shall incorporate best practice green infrastructure standards within the public realm, when applicable. These elements include but are not limited to porous curb extensions, bio-retention strategies and/or rain gardens. The Proposed Project will also include smart streetlights standards for new sidewalks, including city shadow conduit and dual handholes in accordance with PIC requirements. The Proposed Project will also adhere to the City of Boston's EV readiness program and shall have 25% of parking spaces EVSE-Installed and the remaining 75% EV-Ready for future installation. Utilities in any City right of way will be designed to conform with Public Works Department standards and will undergo further review to ensure they are not in conflict with any landscape design feature such as tree pits and/or other green infrastructure elements. The Proposed Project will also provide access for local telecom and fiber providers to ensure broadband equity and possible future deployment of smart technologies.

The Proponent agrees to complete the Smart Utilities review prior to obtaining a Certificate of Occupancy. The items to be reviewed include:

- Review of horizontal infrastructure and landscape features to ensure proper distances have been maintained from tree-pits and relevant green infrastructure.
- The project's Smart Street Light integration. The project team shall include city shadow conduit in accordance with sidewalk reconstruction and PIC review. This includes review of broadband, fiber optic cabling, and shadow

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conduit in order to preserve broadband equity and other dependent smart technologies.

- Verification of compliance with the City of Boston EV Readiness Policy for New Developments, including EV chargers and needed infrastructure.
- Location of transformers and critical infrastructure so as to ensure coordination with Eversource and “right sized” infrastructure.
- A plan to address relevant conflicts reported through COBUCS if/as relevant. The project team and the contractor will continue to work with BT&D and Smart Utilities as needed.
- Coordination of the landscape design to ensure the utilization of low impact design strategies for stormwater retention.

### SUSTAINABILITY

The Proposed Project has been planned and designed to support Boston green building and carbon neutral goals and to meet the City's proposed standards for Zero Net Carbon including the following commitments:

- Designed and constructed to achieve LEED Gold (75 points) certifiable, per the USGBC's LEED green building rating system.
- Optimized for solar renewable energy with an approximately 50 kWh array.
- Urban Heat Island mitigation-installation of high albedo roofing materials for a minimum of 75% of the Proposed Project hardscape.
- A 30% indoor water use reduction, based on plumbing fixture designed flow rates.
- All electric for heating/cooling and domestic hot water.
- Low carbon residential building with Building 2035 pCEI's at or below 1.279 kgCO<sub>2</sub>/sf-yr prioritizing building enclosure solutions including continuous insulation, low infiltration and efficient window to wall ratio.
- Continue to investigate the inclusion of Boston Community Choice Electricity “Green 100” (100% renewable electricity).

### INCLUSIONARY DEVELOPMENT POLICY (“IDP”)

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Projects financed as one entity and where at least forty (40) percent of the units are income restricted are exempt from the Inclusionary Development Policy, dated December 10, 2015. The Proposed Project is financed as one entity and contains seventy-two (72) income restricted units, or 100 percent of the total units, surpassing 40 percent of the total units. As such, the Proposed Project is exempt from the Inclusionary Development Policy.

As currently proposed, all seventy-two (72) units within the Proposed Project will be made affordable to households earning between 30% and 120% of the Area Median Income ("AMI"), as published by the United States Department of Housing and Urban Development ("HUD"). These seventy-two (72) units include sixteen (16) units at 30% AMI, eight (8) units at 50% AMI, twelve (12) units at 60% AMI, sixteen (16) units at 80% AMI, and twenty (20) units at 120% AMI, and of these units, twelve (12) units will be studios, thirty-seven (37) will be one-bedrooms, twenty-one (21) will be two-bedrooms, and two (2) will be three-bedroom units. The affordability of the project will be finalized through the public funding process and the ongoing affordability of the project will be monitored under a MassDocs agreement.

**AFFIRMATIVE FURTHERING FAIR HOUSING ("AFFH")**

The Proposed Project will incorporate the following Affirmatively Furthering Fair Housing (AFFH) Interventions:

Article 80 Interventions

- Provide more affordable income restricted units than are required under the IDP;
- Deepen the affordability of affordable income restricted units more than required under the IDP;
- Provide all the project's affordable income restricted units on-site;
- Increase building density to directly increase affordable units for and available to people in protected classes and;
- Agree to apply to host Project Based Vouchers or Rental Assistance Demonstration units onsite, in addition to exceeding the IDP.

Marketing and Housing Access Interventions

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- Follow best practices related to the use of CORI, eviction, and credit records in the tenant screening and selection process; and
- Follow best practices in marketing the market-rate units that are inclusive of and welcoming to members of protected classes.
- Work exclusively with local, multilingual, and culturally competent leasing agents;
- Market all residential units in all of Boston's dominant languages;
- Market all units across media types (print, social, audio, digital, etc.); and,
- Describe the income restricted units and link to MetroList and/or other listings for those units on the Project's marketing website.

### **COMMUNITY BENEFITS AND MITIGATION**

The Proposed Project will provide a number of benefits to the Dorchester neighborhood and the City of Boston, including:

- Provide affordable residences within walking distance of the MBTA Shawmut Station, increasing the supply of transit-oriented development;
- Improve streetscape surrounding the site, including signalization and the street calming measures;
- Provide affordable rental units, further increasing the housing stock in Dorchester;
- Create approximately 150 construction jobs and 2 permanent jobs;
- Design and installation of two raised crosswalks – one at Centre Street and Clementine Park and one at Mather Street – to better and more safely connect residents and visitors to the MBTA Shawmut Station. This design will be reviewed and require approval by the Public Improvement Commission and installation of these two raised crosswalks shall be complete prior to issuance of Certificate of Occupancy;
- Formalization of existing daylighting elements at Wainwright St, Allston St, and Melbourne Street. This will be reviewed and require approval by the Public Improvement Commission, and installation shall be complete prior to issuance of Certificate of Occupancy.

### **RECOMMENDATIONS**

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BPDA staff has examined the Application and all of the materials submitted in connection therewith, has heard representations made by the Proponent, and finds that all such information contains sufficient evidence in support of the Proposed Project to permit the BPDA to make the findings and determinations necessary to proceed with the Proposed Project. The Proposed Project will provide 72 much-needed affordable housing units for Boston's residents while greatly improving the Project Site.

Therefore, the staff recommends that the BPDA take the following actions: (1) adopt a Report and Decision approving the Proposed Project and Applicant under Chapter 121A; (2) authorize the Director to issue a Scoping Determination, waiving the requirement of further review pursuant to Section B-5.3 (d) of the Code determining that the PNF and supplemental information adequately address any impacts of the Proposed Project; (3) authorize the Director to issue one or more Certifications of Compliance or Partial Certifications of Compliance, when appropriate pursuant to Section 80B-6 of the Code, upon successful completion of the Article 80 review processes subject to continuing design review; and (4) authorize the Director to enter into and execute a Cooperation Agreement which will include a provision requiring compliance with the Boston Residents Jobs Policy, a Regulatory Agreement under Section 18C of Chapter 121A, and take any and all actions and execute any and all other related instruments, agreements and documents which the Director in his sole discretion deems appropriate and necessary, and upon terms and conditions determined to be in the best interests of the BPDA.

Appropriate votes follow:

**VOTED:** That the document presented at this meeting entitled "REPORT AND DECISION ON THE APPLICATION OF TRINITY SHAWMUT LIMITED PARTNERSHIP TO THE BOSTON PLANNING & DEVELOPMENT AGENCY FOR AUTHORIZATION AND APPROVAL OF A PROJECT UNDER MASSACHUSETTS GENERAL LAWS, CHAPTER 121A AND ACTS OF 1960, CHAPTER 652 EACH AS AMENDED" be, and hereby is, adopted subject to the applicant entering into a Section 6A contract with the City of Boston with terms and conditions acceptable to the Commissioner of Assessing; and

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**FURTHER  
VOTED:**

That the Director be, and hereby is, authorized to issue a Scoping Determination waiving the requirement of further review pursuant to Section 80B-5.3(d) of the Boston Zoning Code (the "Code") in connection with the proposed 150 Centre Street development (the "Proposed Project"); and,

**FURTHER  
VOTED:**

That the Director be, and hereby is, authorized to issue one or more Certifications of Compliance or Partial Certifications of Compliance for the Proposed Project pursuant to Section 80B-6 of the Code upon successful completion of the Article 80 Large Project Review process; and

**FURTHER  
VOTED:**

That the Director be, and hereby is, authorized to take any and all actions and execute any and all documents deemed necessary and appropriate by the Director in connection with the foregoing, including, without limitation, executing and delivering Cooperation Agreement(s), which will include provisions requiring compliance with the Boston Residents Jobs Policy, a Regulatory Agreement under Section 18C of Chapter 121A, along with any and all other agreements and documents that the Director deems appropriate and necessary in connection with the Proposed Project.



# 150 Centre Street



# 150 Centre Street

1:600



NOVEMBER 16, 2023

BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON THE APPLICATION OF TRINITY  
SHAWMUT LIMITED PARTNERSHIP TO THE BOSTON PLANNING  
& DEVELOPMENT AGENCY FOR AUTHORIZATION AND APPROVAL  
OF A PROJECT UNDER CHAPTER 121A OF THE GENERAL LAWS  
AND ACTS OF 1960, CHAPTER 652, EACH AS AMENDED, KNOWN  
AS THE 150 CENTRE STREET CHAPTER 121A PROJECT

A. The Hearing. A public hearing (“Hearing”) was held at 5:30 p.m. on November 16, 2023, televised on Boston City TV (Xfinity Channel 26, RCN Channel 13, and Verizon Fios Channel 962) and live-streamed on boston.gov, livestreamed by the Boston Redevelopment Authority (“BRA”) d/b/a the Boston Planning & Development Agency (“BPDA”) on an application filed with the BRA dated October 22, 2023 (the “Application”), for authorization and approval of a redevelopment project, as described herein (“Project”) under Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, both as amended (respectively hereinafter referred to as “Chapter 121A” and “Chapter 652”) to undertake and carry out the Project pursuant to said Chapter 121A and Chapter 652. Due notice of said Hearing was given previously by publication on November 2, 2023 and November 10, 2023 in the Boston Herald, a daily newspaper of general circulation published in Boston, and by mailing, postage prepaid, in accordance with Rule 4 of the Rules and Regulations of the BRA for securing approval of a project under Chapter 121A (“Rules and Regulations”), and in accordance with Section 13 of Chapter 652. Priscilla Rojas, Dr. Theodore C. Landsmark, Carol Downs, Brian Miller, and Raheem Shepard, members of the BRA, were present at the Hearing.

B. Authority Action. In passing upon the Application, the BRA has considered the Application itself, all documents, plans, exhibits and supplemental information filed therewith or referred to herein, the oral evidence presented at the Hearing, the exhibits offered in evidence at the Hearing, and arguments and statements made at the Hearing.

C. The Applicant. The 121A entity approved by the BRA to undertake the Project is TRINITY SHAWMUT LIMITED PARTNERSHIP, a Massachusetts limited partnership organized under Chapter 109 of the Massachusetts General (the “Applicant”). The general partner of the proposed 121A entity is Trinity Shawmut GP LLC, a Massachusetts limited liability company, which general partner is owned directly or by entities controlled by James G. Keefe and Patrick A. T. Lee. The limited partner of the proposed 121A entity will be a low-income housing tax credit investor and admitted into the limited partnership as part of the Project financing. The Applicant is an affiliate of Trinity Financial, Inc., a Massachusetts corporation.

D. The Project Area. The Project Area is situated at 150 Centre Street in Dorchester on an approximately 29,286 square foot, 0.67 acres, site, fronting Centre Street, with access from Centre Street and Sharp Street and bounded by Centre Street to the south, Sharp Street to the north, a parking lot to the east, and existing residential buildings to the west. The Project Area is 0.1 miles from the Shawmut Red Line Station and serviced by the MBTA. The Project Area is

currently owned and operated by Fitzpatrick Brothers as an auto body and collision repair facility.

E. The Project. The Project calls for the construction of a new transit-oriented development project featuring a new, fully affordable multifamily structure and accessory off-street parking at the Project Area. The Project will contain approximately 68,400 square feet in a four-story multifamily residential building, containing seventy-two (72) rental units that will all be made affordable. A twenty-five (25) space below-grade parking garage will also be constructed in support of the Project. All of the 72 units will be affordable and reserved for families at tiers of income up to 30%, 50%, 60%, 80%, and 120% of Area Median Income. The Project will also have amenities for the residents, including convenient and abundant bicycle storage, a roof deck and outdoor patio space, onsite property management space, and a resident lobby and lounge area. The Project Area will be attractively landscaped with much more of its area rendered pervious than the existing use. The building is designed and will be constructed to be highly energy efficient and environmentally friendly to Passive House standards, with photovoltaic panels located on the roof. In addition, the Project includes substantial neighborhood improvements, including streetscape enhancements on both Centre Street and Sharpe Street, pedestrian and bicycle safety improvements at several locations in the neighborhood, and improvements to the Shawmut Station Plaza.

F. Cost of the Project; Ownership Structure. In the opinion of the BPDA, the approximately \$47 million cost of the Project has been realistically estimated in the Application, and the Project is practicable. Project funding is anticipated to include investor equity raised through the sale of Federal and State Low Income Housing Tax Credits, Department of Housing and Community Development financing, and financing from the Mayor's Office of Housing. A more detailed description of the anticipated financing for the Project is included in Section 4 of the Application and attached as Appendix 5 of the Application.

G. Consistency with Master Plan. The Project does not conflict with the Master Plan for the City of Boston. The Project Area is appropriate for the residential and related uses contemplated for low-income households who will be served by the Project. Because the Project is not located within the boundaries of a recent neighborhood planning initiative, Planning Division staff considered the Zoning Code for Dorchester, the neighborhood context, adopted citywide plans including Housing a Changing City: Boston 2030 and Go Boston 2030, and public feedback to review the Project. The Project is consistent with the Housing a Changing City: Boston 2030 and Imagine Boston 2030 plans, the City's Executive Order Relative to Speeding the Production of Affordable Housing issued by the Mayor on October 6, 2022 each of which have identified the production of new, more affordable, and more deeply affordable housing as among the most difficult challenges and highest priorities for the City. The Project is also consistent with Boston Zoning Code Article 65, Section 65-1 and its statement of purpose for the Dorchester Neighborhood Zoning Article seeking to direct growth to areas where it can be accommodated and promoting the development of affordable housing compatible with adjacent areas.

H. Effect of the Project. The BRA finds that the Project will not be in any way detrimental to the best interests of the public or the City of Boston or to the public safety and

convenience, and is not inconsistent with the most suitable development of the Project Area's neighborhood or the City. The blighted, decadent and substandard condition of the Project Area has been a matter of concern. The BPDA finds that the development of the Project will revitalize the Project Area and the surrounding neighborhood, will provide a significant number of jobs during construction of the Project, and will help to meet the needs of the City for affordable housing.

The BRA further finds that the development of the Project will constitute a public use and benefit, because it will result in numerous public benefits, including the removal of an outdated and underutilized building; the creation of necessary housing for households at tiers of income up to 30%, 50%, 60%, 80%, and 120% AMI; revitalization of the Project Area; a reduction in the impervious area on the Project Area; the creation of construction jobs during the construction phase; and will bring a significant amount of much-needed landscaping, increased pervious surface, and streetscape enhancements to the neighborhood.

The Project will eliminate the decadent conditions in the Project Area, a parcel and building that have been underutilized for many years. The Project is not feasible without the tax and zoning relief provided under Chapter 121A. The tax benefits sought by the Applicant are critical to the Applicant's plan to keep the overall Project rents as low as is consistent with proper maintenance of the Project, so as to preserve the affordability of the Project as a whole to persons of low income.

I. Environmental Considerations. The BPDA has reviewed the environmental impact of the Project through the Article 80 review process. Pursuant to the provisions of Section 61 of Chapter 30 of the General Laws, the BPDA finds and declares that the Project will not result in damage to or impairment of the environment, and that all practicable and feasible means and measures have been taken or will be utilized to avoid or minimize damage to the environment.

J. Minimum Standards. The minimum standards for financing, construction, maintenance and improvement of the Project as set forth in Section 3(e) of the Application, are hereby adopted and imposed as Rules and Regulations applicable to the Project for the same period as the Project is subject to the provisions of Chapter 121 A and Chapter 652. Any other future financing or refinancing of the Project shall not be implemented until the BPDA has approved such financing or refinancing in writing. In addition to such minimum standards, the BPDA hereby requires that the Applicant, prior to filing any building permit application for the Project: (1) enter into a Regulatory Agreement with the BPDA pursuant to the requirements of Chapter 121A, Section 18C, in similar form as the Regulatory Agreement attached as Appendix 7 to the Application, with such changes as the Director of the BPDA may in his discretion deem necessary and appropriate ("Regulatory Agreement"), (2) enter into a 6A Contract with the City of Boston under Chapter 121A, Section 6A, in similar form as the 6A Contract attached as Appendix 6 to the Application, the terms and conditions of which must be acceptable to the Commissioner of Assessing ("6A Contract"); (3) submit to the BPDA for its review and approval all plans and specifications for the Project as the BPDA may require and accept such changes and modifications thereto as the BPDA may deem necessary or appropriate, and (4) adhere to such design review requirements as the BPDA in its discretion impose.



The carrying out of the Project will not require a permit for the erection, maintenance and use of a garage within five hundred (500) feet of one or more buildings occupied in whole or in part as a public or private school, or as a public or private hospital or as a church.

K. Deviations from Codes and Ordinances. As set forth in Appendix 10 of the Application, the Applicant requires zoning deviations for the Project. The BPDA hereby finds and declares that the zoning deviations in Appendix 10 of the Application are necessary for carrying out the Project and are therefore granted, and the BPDA hereby finds and declares that permission for such zoning deviations may be granted without substantially derogating from the intent and purposes of the Boston Zoning Code.

L. Duration of Period of Tax Exemption. The Applicant requests a tax exemption pursuant to applicable provisions of Chapter 121A. For the reasons set forth in Section 4(e) of the Application, the BPDA hereby finds and declares that the Project will provide public amenities of affordable housing which justify the exemption requested and, accordingly, grants for a total term of fifteen (15) years for the Project's period of property tax exemption.

M. Decision. For all of the reasons set forth in the foregoing, the BPDA hereby approves the undertaking of the Project and the formation of the Applicant to undertake the Project, pursuant to Chapter 121A and Chapter 652, in the manner described in the Application and subject to and with the benefits of the provisions set forth in the Application, to the extent approved herein. If there are any conflicts or inconsistencies between the Application and this Report and Decision, the provisions of this Report and Decision shall apply and govern.

Without limitation of the foregoing, the BPDA makes and grants the following determinations, agreements, findings and approvals in addition to those set forth above.

(1) The BPDA specifically waives any requirements of the BPDA's Rules and Regulations with which the Application is not in conformity and grants all approvals needed for the Project and all consents needed for the formation of the Applicant to undertake and carry out the Project, as set forth in the Application.

(2) The BPDA agrees that (i)(a) the Applicant, (b) the parties comprising the Applicant, including, without limitation, the above-named general partner thereof, and (c) their respective partners, beneficiaries, shareholders, officers, directors, employees and agents and their respective successors and assigns (including, without limitation mortgagees) and any person or entity directly or indirectly holding any interest in any of the foregoing, shall not have any personal liability hereunder or under any agreement or undertaking related hereto, or required hereby, and (ii) the vote of the BPDA approving the Application shall be final when such vote is taken, the Mayor's approval is obtained and the BPDA has filed such vote as approved with the City Clerk (such filing date with the City Clerk being the "Approval Date"), but further such approval shall not become effective until the date (the "Effective Date") on which the Applicant enters into the Regulatory Agreement with the BRA, the 6A Contracts with the City of Boston, and the ground leases for the Project Area from the BHA to the Applicant. Upon the occurrence

of the Effective Date, the Applicant shall give the BPDA written notice and shall provide a copy thereof to the Commissioner of Assessing.

(3) The BPDA hereby (i) authorizes the Director to take any action and to execute in the name of, and on behalf of the BPDA, the Regulatory Agreement, required by Section J of this Report and Decision, which may be on such terms and conditions as the Director deems, in his discretion to be necessary or desirable, his execution and delivery of such Regulatory Agreement or taking of any such action to be conclusive of his determination of the authority granted to him hereunder; and (ii) approves the Entity Organizational Documents of Applicant and of the general partner thereof attached to the Application as Appendix 8. The Applicant shall file with the BPDA any and all amendments, modifications or other changes to the Certificate of Limited Partnership promptly upon execution, whether or not the same are required by applicable law to be filed with the Secretary of State.

(4) The BPDA acknowledges and agrees that the obligations of the Applicant are conditioned in all respects upon (i) the execution of an Agreement between the Applicant and the BHA and the ground lease for the Project Area from the BHA or an entity owned and operated by the BHA to the Applicant; and (ii) the issuance of all permissions, variances, permits and licenses that may be required with respect to the construction of the Project. If any of the conditions in clauses (i) or (ii) above is not met at any time during the term of the Applicant's designation under Chapter 121A, then the Applicant shall have the right to seek the termination of the designation of the Project and the Project Area under Chapter 121A and the termination of all approvals granted pursuant to this Report and Decision and all agreements entered into in connection herewith. The effective date of any such termination, if approved, shall be the date of the Applicant's request to the BPDA in respect of such termination. The Applicant shall not be held in any way liable for delays which may occur in the construction, repair and maintenance of the Project or the failure to perform its obligations under the Application or otherwise, by reason of scarcity of materials or labor, labor difficulties, damage by fire or other casualty or any other cause beyond the reasonable control of the Applicant, including, without limitation, delays due to the presence of hazardous materials in, on or under the Project Area or any portion thereof. The Applicant shall use due diligence to secure all such permissions, variances, permits and licenses and to overcome any such delays.

(5) If any of the provisions of the Application or the approval or consent granted pursuant thereto or any of the agreements entered into in connection therewith are held invalid, the remainder of such provisions shall not be affected thereby.

(6) The respective rights and remedies of the parties hereunder or under the approval and consent granted pursuant to the Application or under any of the agreements entered into in connection therewith or at law shall be cumulative, and the exercise of any one or more of such rights or remedies shall not preclude the exercise, at the same or different times, of any other rights or remedies.