463 Rutherford Ave, Charlestown, MA



Application for Article 80 Small Project Review Boston Redevelopment Authority February 12, 2014

Developer: 463 Rutherford Ave, LLC

> 80 Loring Road Weston, MA 02493

Contact: Bruce B. Daniel, Manager

671-835-3197

Email: Bruce@Brucedaniel.com

Architect: Neshamkin French Architects, Inc.

> 5 Monument Square Charlestown, MA 02129 Contact: Jack French 617-242-7422

Email: Jwfrench@nfarchitects.com

463 Rutherford Ave, Charlestown, MA

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463 Rutherford Ave, Charlestown, MA

#### **Project Team**

Owner-Developer – 46 Rutherford Ave LLC is a Massachusetts Limited Liability Company with offices at 80 Loring Road, Weston, MA 02493. Bruce B. Daniel, Paul Adamson are the managers of the LLC. The members of the LLC are PR Realty LLC and Bromfield Development, LLC both Massachusetts Limited Liability Companies. The members of PR Realty LLC are various family members of Bruce B. Daniel. The members of Bromfield Development, LLC are Paul Adamson and Mark Cummins.

Bruce B. Daniel is a long established real estate developer in Charlestown and South Boston. Paul Adamson and Mark Cummins are long time business owners and real estate developers with offices in South Boston. All three have completed the rehabilitation and construction of many residential units in Charlestown and South Boston.

#### **Legal Counsel:**

Bruce B. Daniel 80 Loring Road Weston< MA 02493

Email: Bruce@Brucedaniel.com

Tel: 617-835-3197 Fax: 781-642-7234

#### **Architect:**

Neshamkin French Architects, Inc. 5 Monument Square Charlestown, MA 02129 Contact: Jack French

Tel: 617-242-7422

Email: Jwfrench@nfarchitects.com

463 Rutherford Ave, Charlestown, MA

#### **Project Description**

The project is located at 463 Rutherford Ave, Charlestown, MA, at the corner of Rutherford Ave and Baldwin Street.

There is presently an existing building on the site known as the DiPirro Building. It is 39'4" in height on the main building. The structure is a red brick, flat roof building with a footprint that covers approximately 96 percent of the lot. It has a present legal use of 10 apartments and 2 commercial units. The exterior of the building is in a deteriorated condition. It has boarded up and bricked up window openings, texture 111 over door and store front window openings and sagging and mismatched sills and lintels. A portion of the roof was replaced with rubber membrane but nearly half of it is a worn out tar and gravel roof that is leaking in many places.

The interior of the building is in worse condition than the exterior. The leaking roof has caused structural damage to the roof system and has damaged the ceilings, walls and floors on the upper two floors of the building. According to the previous owner, the interior was rehabbed in the 1970's with "3% HUD money". The work was done with materials that were standard for an economy rehab in that period, with suspended ceilings, paneled walls and carpeting on the floors. All of the units in the building are uninhabitable at moment due to deterioration and neglect that has led to many sanitary and building code violations. The residential units have not been occupied for over 20 years.

The first floor consists mainly of garage space in the main section of the building and an extension in the rear from Baldwin Street. There are 3 floor levels on the first floor and a bearing wall in the main building that make parking and maneuvering cars difficult. It is estimated that 16 to 18 cars could be parked in the existing structure if no other use was located on the 1<sup>st</sup> floor.

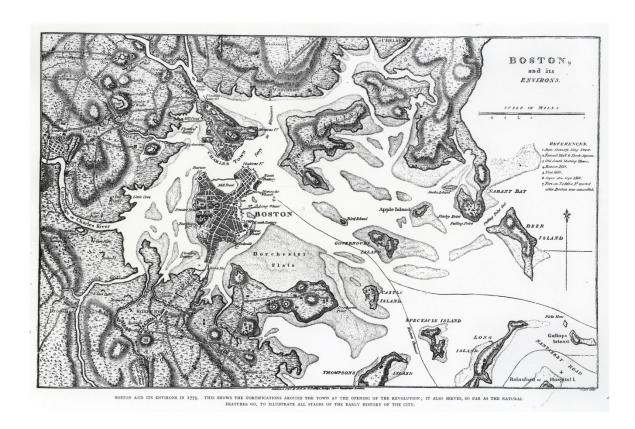
The development team proposes to raze the existing structure and construct a new building with 18 residential units and 26 garage parking spaces located on the 1<sup>st</sup> floor. The building will have an elevator to make the units accessible. There will be a mix of one, two and three bedroom units. The project will comply with the affordability guidelines established by the City of Boston for low/moderate income buyers. Below is a list of some of the planned elements of the proposed building:

- Plug in station for electric cars
- Energy Star high efficiency appliances
- Dual flush toilets
- Low flow shower heads
- Rain water recharge system
- High efficiency lighting
- Motion detector lighting switches in common areas
- High efficiency tank less hot water heaters
- Zero or low VOC paint
- Bike racks

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#### **Project Name**

The project name was selected to recognize the geographical history of Charlestown. As can be seen from the historical map below, in 1775 Boston Harbor came close to the front door of the site. Much like the tales of Paul Revere rowing across from the North End to the Warren Tavern, it is easy to imagine a Colonial boat landing nearby.



463 Rutherford Ave, Charlestown, MA

#### **Project Description -continued**

Unit Mix	Bedrooms	#of Units	Min. SF	Avg. SF	Total	
Unit Type A	1+Den	3	834	834	2,502	
Unit Type B	2	9	900	989	8,901	
Unit Type C	3	6	1137	1178	7,068	
Total		18		1026	18,471	

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#### **Project Site and Neighborhood Context**

The project site is located in a mixed use, transitional location along Rutherford Ave close to Sullivan Square. It is transitional in that the mixed use is one block away from the predominantly residential neighborhood on the North side of Main Street and equidistant from the industrial/commercial location on the South side of New Rutherford Avenue. It is directly contiguous to the site occupied by a branch of Santander Bank on the corner of Baldwin Street and Rutherford Ave. It is separated from Main Street by the Santander parking lot. Directly across Rutherford Ave is the Hood Business Park. Across Baldwin Street are residential town homes, built by a Charlestown non-profit in the 1980's.

Although the current building zoning allows for use with two commercial units, the development team believes that the site is not particularly suited for this use. The site is located about half way between the Community College stop and the Sullivan Square stop on the Orange Line. Rutherford Ave has a high volume of vehicular traffic and is not possible to cross completely at the site location. Additionally, it is difficult for a pedestrian to safely traverse the Sullivan Square rotary. It appears that foot traffic would gravitate toward the Community College stop since crossing to it is easier and safer. Other than the 6 townhouses on Baldwin Street directly across from the site, there are no other residential dwellings on Rutherford between the site and Sullivan Square. Vehicular traffic to the site is problematic as well. The site can only be accessed one way on Rutherford Ave since it is a divided highway. Additionally, Baldwin Street is one way onto Rutherford Ave. With limited parking on Rutherford Ave and the only feasible access to the garage of the existing building off of Baldwin Street, vehicular traffic would be forced on to Main Street and other neighborhood streets to access the site. This, in all likelihood, would create an adverse impact on the neighborhood. With a total residential use, trip generation would occur mostly in the morning work hours and the evening after work hours with little trip generation during the day.

As indicated above, the site lies between two Orange Line MBTA stops that are each lest than a 10 minute walk and is one block from the Main Street bus line, so access to public transportation is quick and easy.

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#### **Zoning Analysis**

The building is presently has a legal occupancy as 10 residential units and 2 commercial units per attached long form permit dated October 31, 1973. The existing building occupies, for all practical purposes, 100% of the 8293 square foot lot area. As stated previously, the building, which was apparently 2 attached buildings that were combined in 1973, is a state of disrepair and also does not lend itself to efficient parking on the first floor due to structural demising walls. The developer plans to demolish the existing structure and has applied to The Environment Department under Article 85 to do so.

The proposed building will take a similar shape to the existing structure but will be set back from the properties to meet building and zoning code set back requirements. ISD has issued a denial letter to the developers application number ERT 313174 and has sited the following zoning violations:

Article 62, Sec 29		Off street parking insufficient
Article 62, Sec 14	<b>Dimensional Regulations</b>	Floor Area Ratio excessive
Article 62, Sec 14	<b>Dimensional Regulations</b>	Building height excessive
Article 62, Sec 14	<b>Dimensional Regulations</b>	Rear yard insufficient

Each of these violations applies to the existing building as well. Due to the limitations of the existing structure, only eight car's cars can be parking on the first floor level. The floor area of the existing building is 2.44 and exceeds the allowed FAR of 2.0. The existing building height is 41.5' and there is no rear yard.

The proposed building will have 26 parking spaces or 1.44 spaces per unit (2 required by code), the building height will be reduced to 39'10" and the rear yard, although still insufficient to meet the code will be increased from the existing. Whereas the proposal reduces the foot print of the building, there is an increase in the FAR due to a proposed 3 stories where the one story addition presently exists. The proposed FAR is 2.97.

ISD also cited violations of the building code for the proposed building. Developer will revise the plans to comply with the building code and does not intend to seek a variance from the building code.

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**Zoning Analysis Existing Legal Use** 

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	SYNOPSIS DD 2A	Ĺ
	9 Baldwin Street	
	Lecadon, 463 -467 Ruthorford Avenue & District, Garlesbown Ward 2	
	Name of owner is? Wallian Fowen Address, Same	
	Name of architect or angineer is? B.R.A. a 14e No.	
	Material of building is? Brick Style of roof? Flat Construction of roof? T&G	1
	Size of building feet front? Mix ; less heart Mix ; teet deep? 52; No. of stories?	
Description	Size of L, feet long?; feet wide?; feet high?; No. of stories?; roof? stone	
of Present		
	No. of feet in height from sidewalk to highest point of roof? 34 Material of foundation?	
Bullderg	Thickness of external walls? 12" Party walls? 12" Physical value of building?	
	What was the building last used for? Trelvo (12) Apts & Sue(1) store Doc #279/02;#260/02	
	Front stairs? X Back stairs? X Fire escape? Con. balconics? Any other?	
	Is building equipped with automatic sprinkler system?	
	Type of construction? 2-3 Group occupancy? L-2, D-2, C Number of Employees?	à
ļ	Bellding to be occupied for. See Text Bellow efter alteration	ij
,	IF EXTENDED ON ANY SIDE.	)
1	,	
	Sire of extension, No. of feet long?; No. of feet wide?; No. of feet high above sidewalk?	
escription	No. of stories high?; style of roof?; meterial of roofing?;	
of (	Of what material will the extension be built? Foundation?	
extension )	If of brick, what will be the thickness of external walls?inches; and party wallsinches	
XILUSINA I	How will the extension be occupied? How connected with mein building?	J
	Distance from lot lines: Front? 1; right side?	4
'	Area of lot covered sites extension	3
	GENERAL DESCRIPTION OF THE PROPOSED WORK AND ITS LOCATION.	
	This brilding to be ombined with building numbered 15-23 Baldwin Street	
	for which separate application is made this date. Antiding to be remodeled & the	
	occupancy of the combined buildings will be Ten(10) Apts, canvas products mig.,	
	retail store, and garage for tenants. Plans to follow.	
		,
	CHANGE OF OCCUPANCY	-
	ATTEM OF COORTERS	
	22,000,00	
	Definated cost, \$ 23,900,00	
	Date October 50, 1973	
	The facts set forth above in this application and accompanying plans are a true statement to the best	
	of my knowledge and ballel. , 241-7200	
(	le blue I ameritan	
-	(Signature of Owner of Authorized Agent) (Address) 303 Main Street, Charlestown	
	Carried Street	
	(Nignature of Licensed Builder) (Hame of Contractor)	
	(Address) 154 From Eggs Company (Address) Southern Mass Smilders	
	131 FIGURE STATES WARRANT	
	126. 110	
	My ileane empires 8/28/74	

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Zoning Code Refusal

Below is the ISD Zoning Code Refusal of application number ERT313174:



#### **Boston Inspectional Services Department** Planning and Zoning Division

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

#### ZONING CODE REFUSAL

Gary P. Moccia Inspector of Buildings

BRUCE DANIEL 80 LAURING RD WESTON, MA 02493

January 30, 2014

Location: 463 NEW RUTHERFORD AV CHARLESTOWN, MA 02129

Ward:

Zoning District:

Charlestown

Zoning Subdistrict:

NS ERT313174

Appl. # : Date Filed: Purpose:

Violation

December 13, 2013 Erect 18 units apartment complex with 26 car garage parking.

Violation Description

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:

Violation Comments

Art. 62 Sec. 29 * Article 62, Section 14 **	Off street parking insufficient Dimensional Regulations	Floor Area Ratio Excessive.
Article 62, Section 14 **	Dimensional Regulations	Building Height Excessive.
Article 62, Section 14 **	Dimensional Regulations	Rear Yard Insufficient.
Notes		Please read:
		Small Project Review required.
		2. This Zoning review was completed with a preliminary
		set of construction drawings. When a complete set of
		drawings are recieved by this office additional items
		requiring relief may become apparent.
		3. The entrance lobby structure has an overhang that is over
		the propertyu line. This office has no authority to issue
		refuse any construction over abutting properties.
		4. The cover sheet also indicates an elevation with
		landscaping. Please note that this land showing landscaping
		appears to be on the abutting property and not part of this
		application.

463 Rutherford Ave, Charlestown, MA

Zoning Code Refusal

BRUCE DANIEL 80 LAURING RD WESTON, MA 02493

January 30, 2014

463 NEW RUTHERFORD AV CHARLESTOWN, MA 02129

Location: Ward:

Charlestown

Zoning District: Zoning Subdistrict: Appl. # : Date Filed:

NS ERT313174

Purpose:

December 13, 2013 Erect 18 units apartment complex with 26 car garage parking.

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

Kenneth Morin (617)961-3280 for the Commissioner

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

463 Rutherford Ave, Charlestown, MA

Zoning Code Appeal

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

#### Appeal Must Be Typed



	APPEAL					
	under Boston Zoning Code					
	Thomas M. Menino					
	Mayor Boston, Massachuseits February 17	20 .14				
	To the Board of Appeal in the Inspectional Services Department of the City of Boston:					
	The undersigned, being the Owner  The Owner(s) or authorized agent					
	of the lot at	*******************************				
	hereby appeal(s) under St. 1956, c. 665, s. 8, to the Board of Appeal in the Inspectional Services Depart	ment of the City				
	of Boston the action taken by the Inspectional Services Commissioner as outlined in the attached refusal	letter.				
	DESCRIBE IN DETAIL THE REASON(S) FOR THIS APPEAL.  This appeal seeks relief from the denial of the Building Commissioner to grant a permit to raze the existing structure containing 2 commercial units and 10 residential apartments and replacing same with a new 18 dwelling unit building with 26 parking spaces.					
STATE REASONS FOR THIS PROPOSAL  This proposal will replace a structurally unsafe building that is in a deteriorated condition and presently vacant, with needed housing for the community and Boston in general.						
PROVIDE REASONS WHY BOARD SHOULD GRANT RELIEF The proposal is in keeping with the character of the neighborhood, which is predominately residential, is not harmful or inimical to the community, is a reasonable use of the land and provides needed housing to the City of Boston.						
	COMMENTS					
	OWNER	ounceman.				
	ADDRESS 80 Loring Road					
	Weston, MA 02	2493				
	TELEPHONE 617-835-319					
	FAX 781-642-7234					

3-100

BD 50sa Sevical 1000

463 Rutherford Ave, Charlestown, MA

#### **Building Code Refusal**



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

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

#### **BUILDING CODE REFUSAL**

January 30, 2014

BRUCE DANIEL 80 LAURING RD WESTON, MA 02493

Application # : ERT313174
Date Filed: December 13, 3
Location: 463 NEW RUT
Ward: 02

Purpose:

December 13, 2013 463 NEW RUTHERFORD AV CHARLESTOWN, MA 02129 02 Erect 18 units apartment complex with 26 car garage parking.

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

780CMR, 8th ed.,705.2

Projections of EXTERIOR WALL

This is in referance to an overhang over the "0" lot line onto an abutting property. This office has no authority to approve any construction on an abutting property.

8th 780CMR705.8

Opening of EXTERIOR WALL

8th 780CMR705.8.1

Allowable openings

Please rend: This building code review was completed with a very minimal set of construction drawings. These drawings did not show details, type of construction, fire retings, mechanicals, electrical, fire, etc. When a complete set of construction drawings are received by this office additional items requiring relief may become apparent.

463 Rutherford Ave, Charlestown, MA

#### **Building Code Refusal**

Application #: ERT313174
Date Filed: December 13, 2013
Location: 463 NEW RUTHERFORD AV CHARLESTOWN, MA 02129
Ward: 02
Purpose: Erect 18 units apartment complex with 26 car garage parking.

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

Violation Comments:

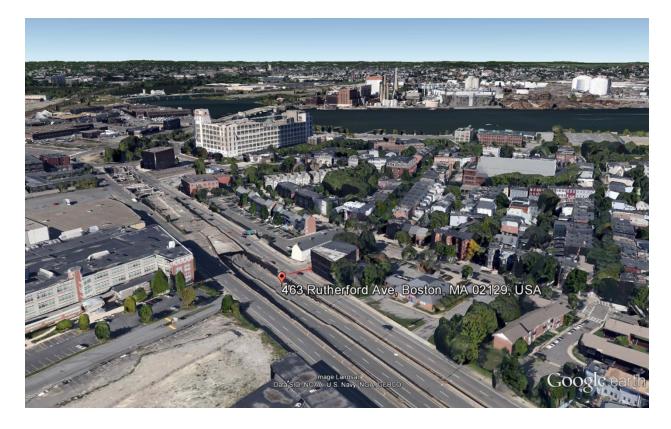
(617)961-3280

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

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463 Rutherford Ave, Charlestown, MA

#### **Maps and Photographs**



463 Rutherford Ave, Charlestown, MA

#### Existing Building – East from corner of Baldwin and Rutherford Ave



#### **Rutherford Ave -North**



463 Rutherford Ave, Charlestown, MA

#### Existing Building – Baldwin Street South



#### **Main Street Southwest**



463 Rutherford Ave, Charlestown, MA

#### **Anticipated Permits and Further Public Review**

Pursuant to the requirements of Small Project Review under Article 80 of the Boston Zoning Code, the proposed project shall undergo further public comment and community process.

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

#### AGENCY APPROVAL

Landmarks Commission Article 85 Demolition Delay; ISD Permits;

Boston Redevelopment Authority Article 80 Small Project Review

Charlestown Neighborhood Council

Zoning Board of Appeals Variances/Conditional Use (appeal attached)

Boston Public Works Department sidewalk bonds;

Boston Transportation Department Construction Management Plan (if required)

463 Rutherford Ave, Charlestown, MA

Architectural Plans

# 463 RUTHERFORD AVENUE

## CHARLESTOWN, MA

NFA #1333



## **Drawing List**

CS.1 COVER SHEET

### ARCHITECTURAL

A-101 GROUND/GARAGE FLOOR PLAN

A-102 SECOND FLOOR PLAN

A-103 THIRD FLOOR PLAN

A-104 FOURTH FLOOR PLAN

A-105 ROOF PLAN

A-301 BUILDING SECTIONS

A-401 BUILDING ELEVATIONS

A-402 BUILDING ELEVATIONS

## Developer

463 Rutherford Ave. LLC. 80 Loring Road Weston, MA 02493

Contact: Bruce Daniel, Manager

Tel: (617) 464-3510

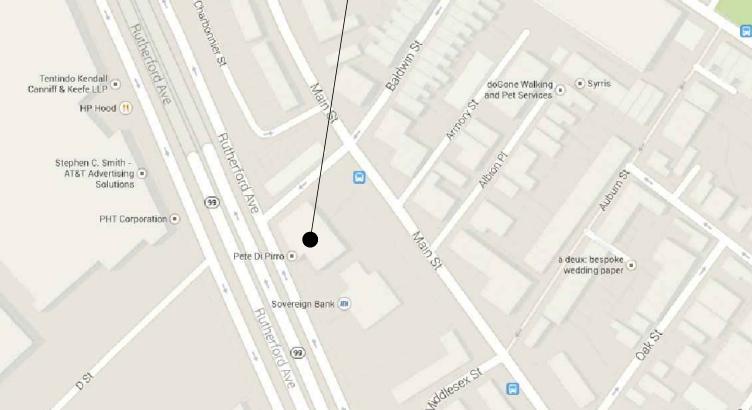
Email: bruce@brucedaniel.com

## Architect

Neshamkin French Architects, Inc. 5 Monument Square Charlestown, MA 02129 Contact: Jack French

Tel: (617) 242-7422

Email: Jwfrench@nfarchitects.com

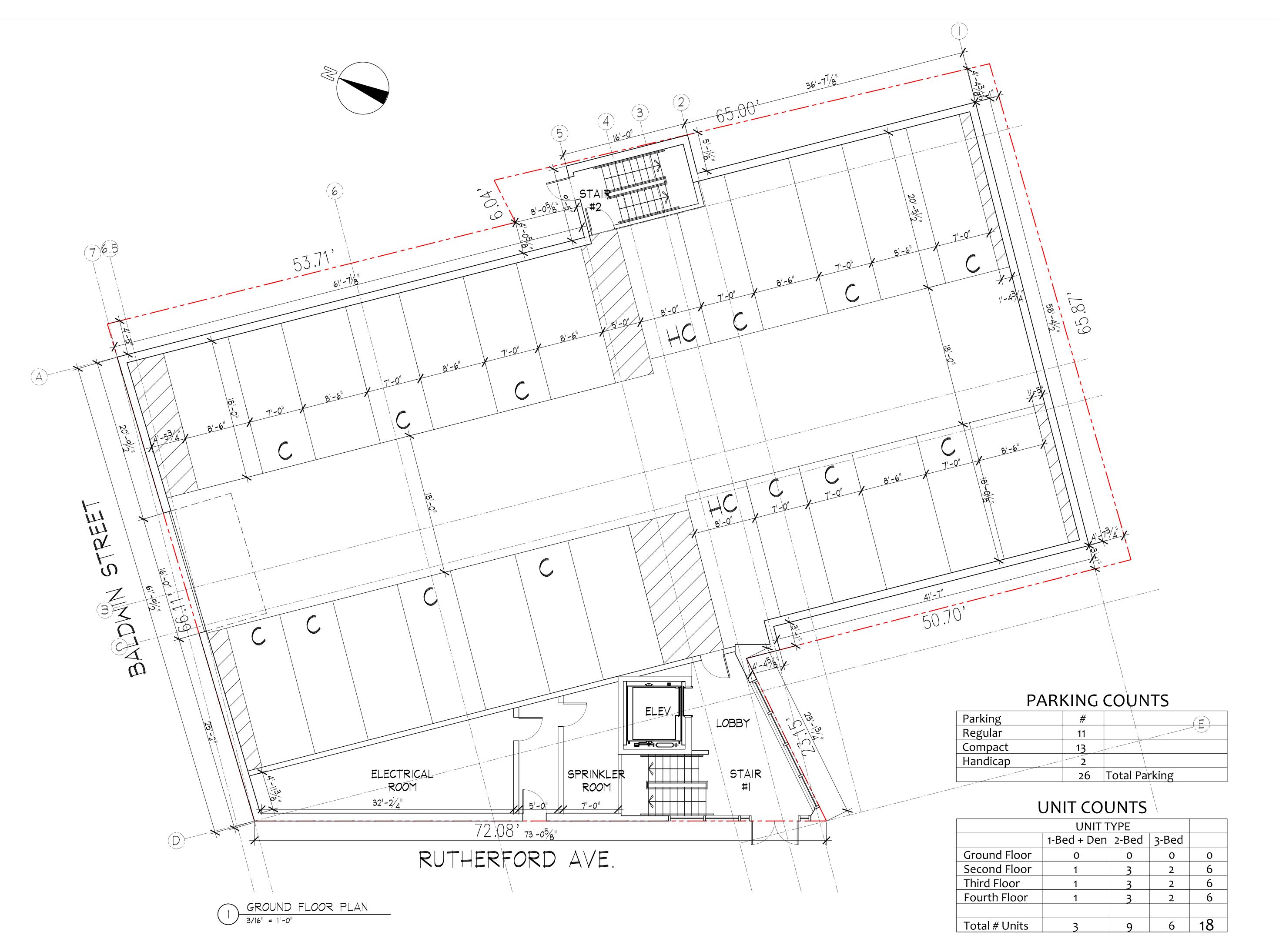


-463 RUTHERFORD AVE.



Sheet No. CS. 1

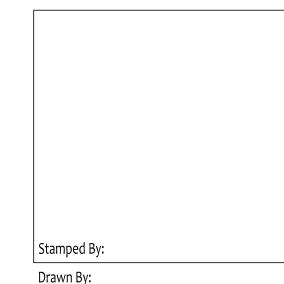
DEC. 12, 2013



## 463 RUTHERFORD **AVENUE**

BOSTON, MA





Checked By: 12/10/2012

Dat	te: 12/10/20 <sup>2</sup>	
Rev	risions	

1333 Project No. File Name:

Drawing Title:

GROUND FLOOR PLAN

A-101

3/16" = 1'-0" Scale:





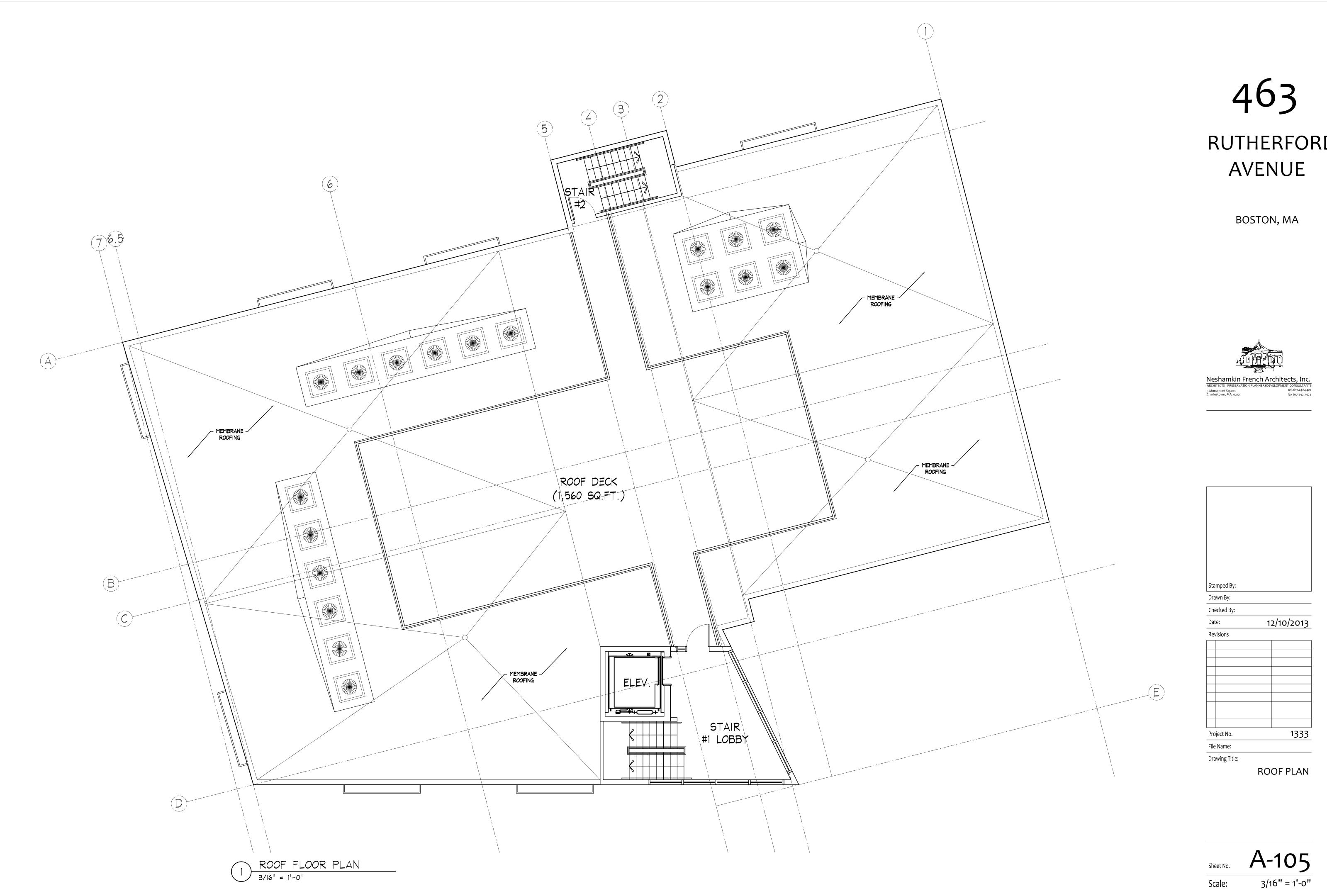
RUTHERFORD

Scale:



RUTHERFORD

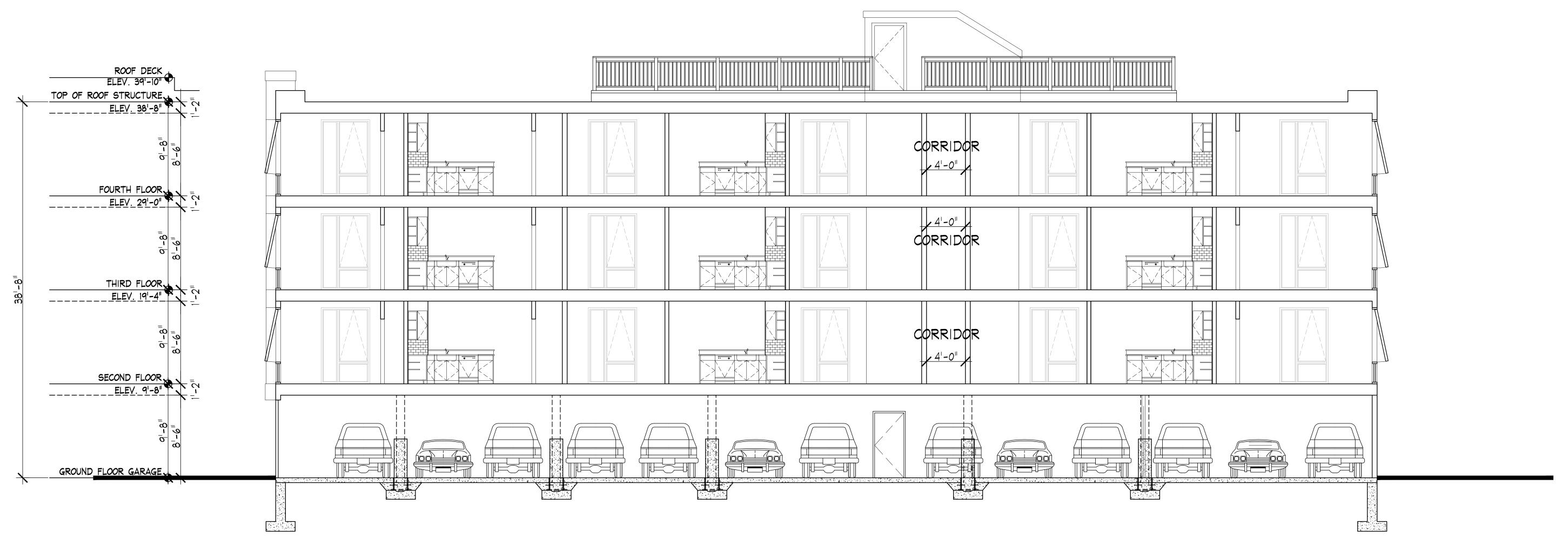
Scale:



RUTHERFORD

# RUTHERFORD **AVENUE**

BOSTON, MA



BUILDING SECTION

3/16" = 1'-0"

Stamped By: Checked By: Date: 12/10/2013 Revisions 1333 Project No. File Name:

Scale:

BUILDING SECTION

3/16" = 1'-0"



RUTHERFORD AVE. ELEVATION

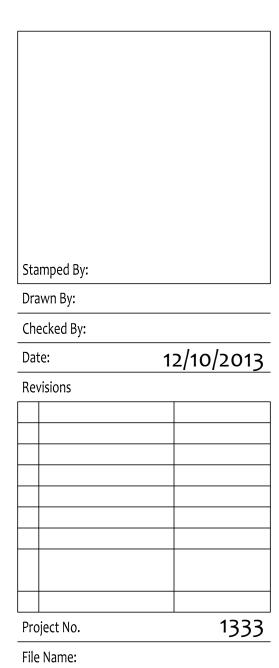
3/16" = 1'-0"



463
RUTHERFORD
AVENUE

BOSTON, MA





heet No. A-40

**EXTERIOR** 

**ELEVATIONS** 

Scale: 3/16" = 1'-

Drawing Title:

2 REAR BUILDING ELEVATION

3/16" = 1'-0"



RUTHERFORD **AVENUE** 

BOSTON, MA





Stamped By: Checked By: 12/10/2013

File Name: Drawing Title: **EXTERIOR** 

**ELEVATIONS** 

1333