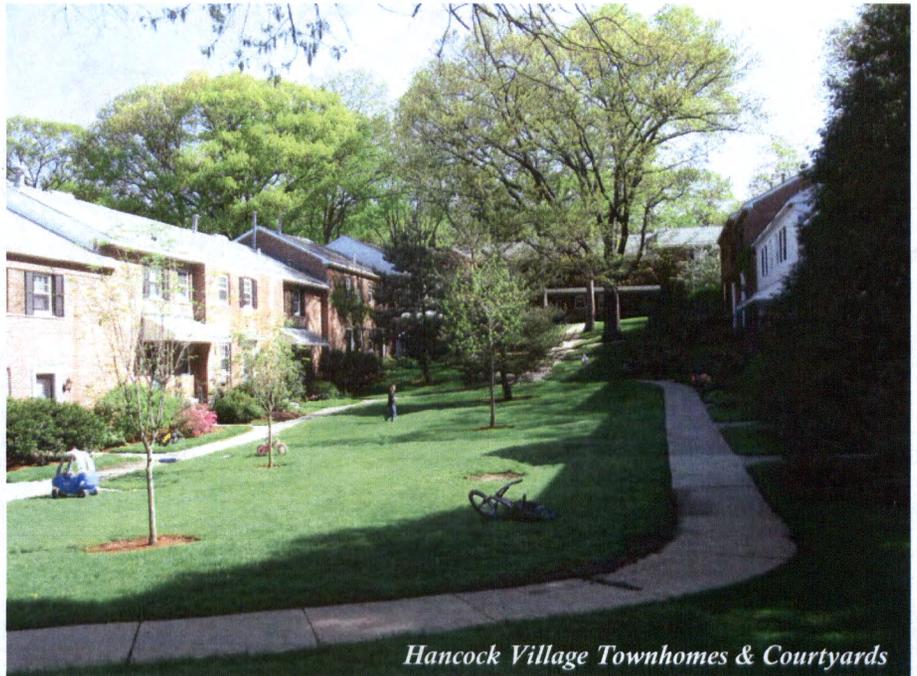


TOWN OF BROOKLINE



Russett Road



Hancock Village Townhomes & Courtyards



Greenbelt

Response to MassDevelopment with Respect to
The Residences at South Brookline
2013



TOWN OF BROOKLINE

Massachusetts

BOARD OF SELECTMEN

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August 29, 2013

By Hand Delivery

Anthony Fracasso, Senior Vice President
MassDevelopment
99 High Street – 11th Floor
Boston, MA 02110

RE: Chapter 40B Comprehensive Permit

Project Name: The Residences at South Brookline
Location: Independence Drive, Brookline, MA
Number of Proposed Units: 192
Subsidizing Agency: Massachusetts Development Finance Agency
Applicant: The Residences of South Brookline, LLC
Development Company: Chestnut Hill Realty

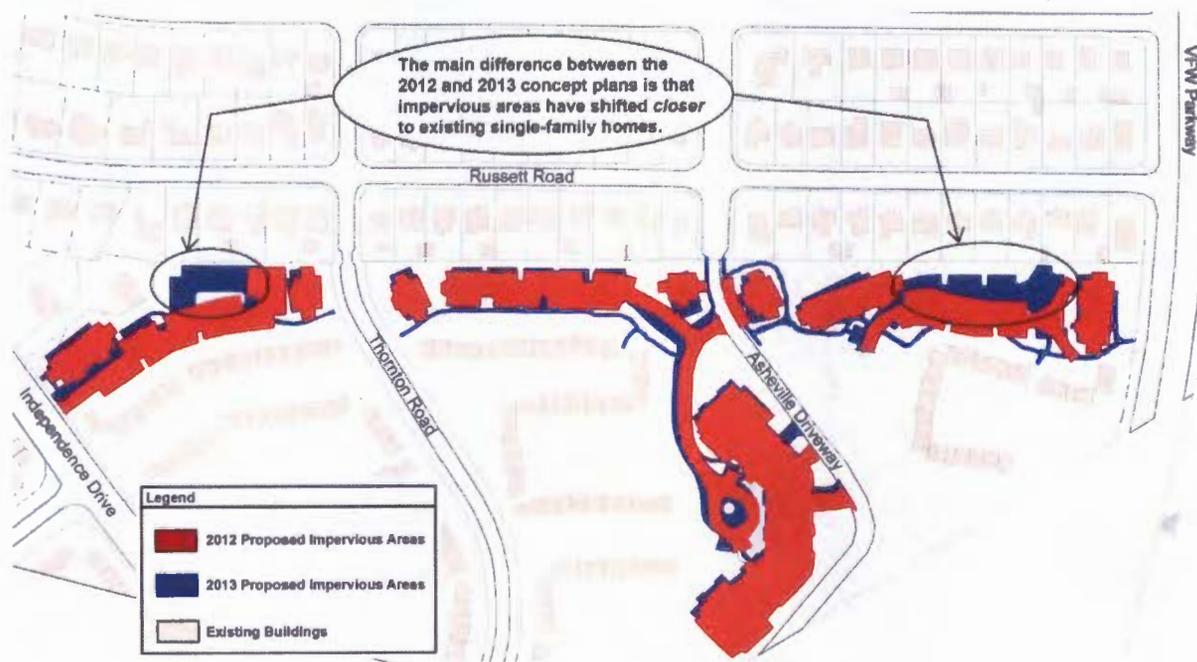
Dear Mr. Fracasso:

I am writing on behalf of the Town of Brookline Board of Selectmen in response to your letter dated July 9, 2013 concerning The Residences at South Brookline, a 192 unit apartment project proposed to be developed at Hancock Village in South Brookline pursuant to Massachusetts General Laws, Chapter 40B, Sections 20-23 (Chapter 40B). This letter and the material enclosed herewith constitute the "written comments from Local Boards" pursuant to 760 CMR 56.04(3).

The first part of this letter addresses certain specific assertions in the application. Part two of this letter addresses municipal actions previously taken to meet affordable housing needs in the Town, pursuant to 760 CMR 56.04(4)(b). The third part of this letter summarizes comments of the Local Boards concerning the appropriateness of the site for residential development, pursuant to 760 CMR 56.04(4)(b). The fourth part of this letter summarizes comments from the Local Boards as to the appropriateness of the conceptual project design pursuant to 760 CMR 56.04(4)(c). The fifth part of this letter contains comments and requests from the Local Boards as to the adequacy of the application submitted pursuant to 760 CMR 56.04(2).

I. INTRODUCTION

The application submitted by The Residences of South Brookline, LLC, dated June 10, 2013, is basically the same as the application it submitted last fall, which the Applicant subsequently withdrew. The number of units has been reduced from 271 to 192 and the buildings have been lowered by either a half story or, in the case of the largest building, one story; but the conceptual design has varied only slightly and negatively. The Applicant is now proposing additional buildings, 13 residential buildings instead of 12, and seven 4-space garages. It adds pavement, walls, and fill closer to the adjacent single-family homes and townhouses and it completely eliminates the only common open space used by all of the Hancock Village residents. The revised proposal offers only 39 affordable units.



The Applicant characterizes its proposal as a model of "smart growth through creative infill". In fact, the proposal is at odds with the tenets of smart growth. The proposed building sites are not on underutilized or vacant land. The greenbelt and puddingstone outcropping on which the Applicant proposes to build were designed to, and do, serve as parkland, play areas and visual, aural and physical buffers for the residents of Hancock Village and the adjacent single-family neighborhood. Contrary to the assertions of the Applicant, Hancock Village does not have public transportation infrastructure---it has one bus line that has been threatened with

elimination. The narrow Asheville Road driveway and Russett Road are not appropriate collector roads to absorb triple and double the traffic volume, respectively, that will result from the proposed development. The Applicant notes that the proposed development will benefit from the “still significant remaining open space” at Hancock Village and the protected open space at the adjacent D. Blakely Hoar Sanctuary, but the Applicant has not committed to preserving the 62.5 acres of open space in Hancock Village that it cites as being beneficial to the proposed development; and the 192 new units of housing and the associated re-grading are likely to negatively impact the D. Blakely Hoar Sanctuary.

As set forth in the response from the Brookline Planning Department attached, the proposed development does not create a mixed-income community that addresses the Commonwealth’s Sustainable Development Principles. As detailed in Parts III and IV of this response, the proposed development is not in harmony with either Hancock Village as it currently exists, or the neighboring single-family residences. Given that all 789 units at Hancock Village constituted affordable housing when built in 1946 for returning veterans and then, subsequently, when subject to rent control (until 1996), it is ironic that the Applicant is proposing to offer the Town only 39 affordable units in exchange for completely abandoning the original garden village concept of Hancock Village as designed by the Olmsted firm.

II.

PREVIOUS MUNICIPAL ACTIONS

The Department of Housing and Community Development’s regulations for Comprehensive Permits under Chapter 40B direct that the Subsidizing Agency “tak[e] into consideration information . . . regarding municipal actions previously taken to meet affordable housing needs such as inclusionary zoning, [and] multi-family districts adopted under M.G.L. Chapter 40A. . . .” Brookline has a robust commitment to multi-family and affordable housing, which is evident in its zoning by-laws and its funding and other support of affordable housing. The Applicant does not provide a true picture of the overall commitment of the Town to affordable housing, including its extensive funding, preservation and rehabilitation efforts.

A. Multi-Family Housing in Brookline.

Unlike Dover and Weston, towns to which the application refers, Brookline has nineteen (19) zoning districts that permit multi-family housing (more than a two-family structure) covering approximately 18% of the Town’s land area. Most of these zoning districts are within walking distance of the MBTA’s Green Line B, C or D lines and the Town’s commercial districts (see attached Zoning – Transit Plan-**Figure 1**). This is in accord with the Commonwealth’s Sustainable Development Principles to “[b]uild homes near jobs, transit and where services are available”. The impact of the Town’s zoning is clear—approximately 20,360 units, or 77% of the Town’s housing units, are in multi-family buildings.

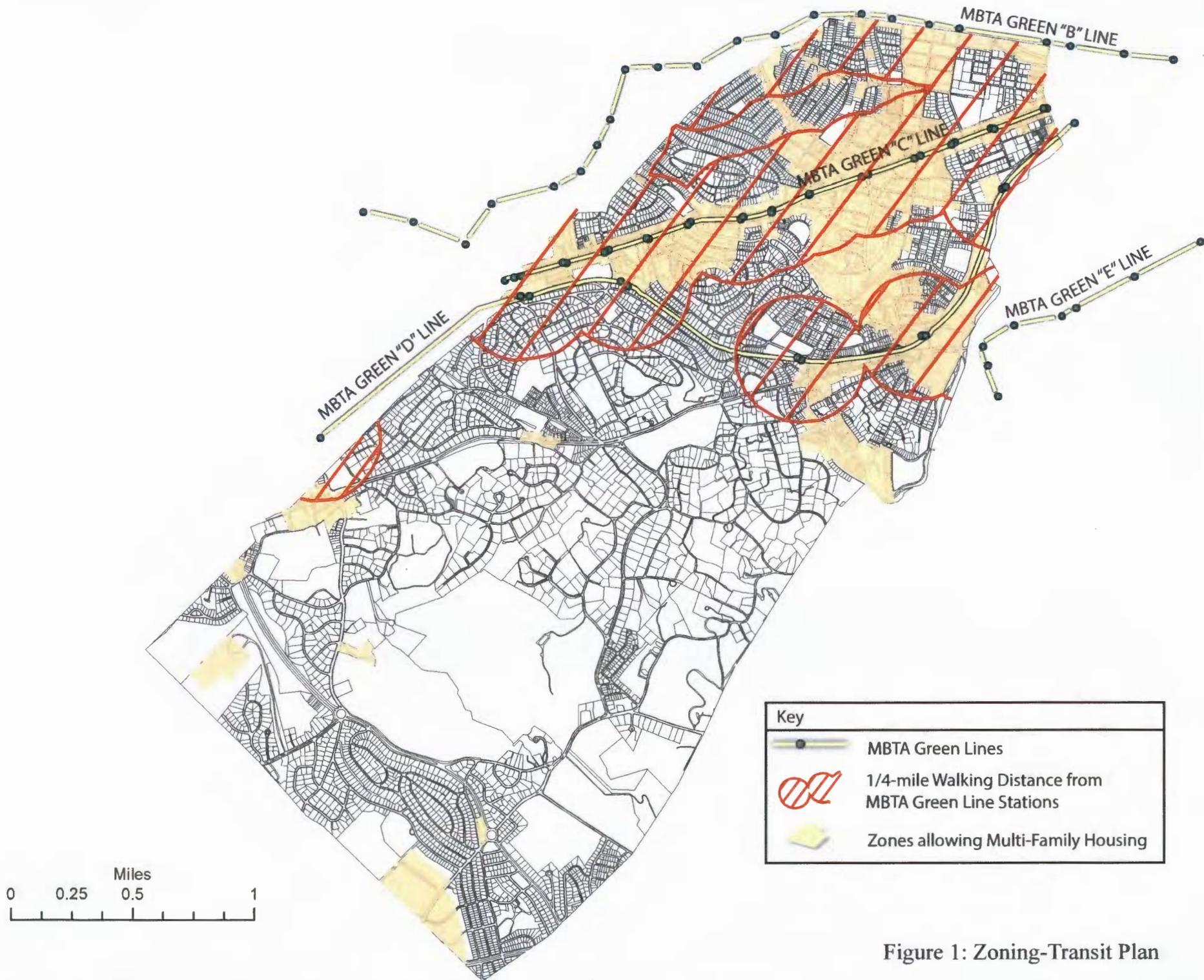


Figure 1: Zoning-Transit Plan

Approximately half of Brookline households rent their homes. Of these renters, approximately 50% pay less than 30% of household income for gross rent. This rate is comparable to that of the entire Boston – Quincy – Cambridge Metropolitan Statistical Area and the state average. Notably, Hancock Village is the largest rental complex in Brookline with 530 units in Brookline.

B. Affordable Housing in Brookline.

Brookline has a longstanding commitment to affordable housing and has often been cited by state officials as an exemplar community for creating and preserving opportunities for affordable and multi-family housing that address the goals of Chapter 40B. As of August, 2013, approximately 2,118 of the Town's 26,201 dwelling units (US Census, 2010), or just over 8%, qualified for the Subsidized Housing Inventory, with another 78 units completed or in the pipeline that are Chapter 40B eligible, as well as an additional 73 occupied affordable units serving households with incomes between 80% and 110% of area-median income. The current 40B-eligible units include 923 units owned by the Brookline Housing Authority; 403 subsidized rental units owned by private investors; 707 subsidized rental units owned or controlled by non-profit organizations; and 85 owner-occupied homeownership units. Of the Chapter 40B-eligible units, 233 contain three or more bedrooms.

The Town has expended substantial municipal resources in support of all of its affordable housing programs and initiatives, facilitating the development and preservation of affordable housing, as more fully discussed below. Since 1992, the Town has spent more than \$20 million of Town appropriations, Housing Trust Funds, and Town controlled resources to support affordable housing. This is in addition to the more than \$10 million (\$9.7 million on operations and \$1.1 million on property modernization) expended annually by the Brookline Housing Authority. In 1987, the Town established an Affordable Housing Trust Fund, under the control of the Housing Advisory Board and the Board of Selectmen. The Town has regularly directed a portion of the Town's Free Cash to the Trust Fund under circumstances where the unreserved Fund balance is less than \$5 million, in order to ensure that significant resources are available without need for Town Meeting action whenever opportunities to support affordable housing projects arise. In accordance with this policy, the Town deposited \$555,000 into the Trust Fund in FY2014.

In 2005, the Town completed a multi-year comprehensive planning process, which reaffirmed affordable housing as one of the Town's most important long-standing goals and challenges and established an overall goal of at least 10% affordability, consistent with Chapter 40B, and an annual goal of 25 new affordable units per year through conversion or new construction. The Town has adhered to its commitment in both the creation of new affordable housing and the

preservation of affordability in “expiring use buildings.” Since 2002, the Town has added 246 new affordable units, 60% of which serve families.

C. Brookline’s Affordable Housing Policies, Programs and Initiatives.

Under the direction of the Town’s Housing Advisory Board, which provides advice and recommendations on the Town’s affordable housing policies and initiatives, and the Housing Division of the Town’s Department of Planning and Community Development, staffed by three (3) housing professionals who are responsible for implementing housing policy, the Town has employed a multi-faceted approach to increasing and preserving the Town’s affordable housing stock. As discussed below, the Town uses virtually all possible opportunities and strategies to accomplish its goals, including regulatory incentives such as inclusionary zoning policies; financial and technical assistance to non- and for-profit property owners and developers to preserve existing affordable units and create additional affordable units through conversion and new construction; tax incentives; the utilization of Chapter 40B in Town-supported affordable housing developments; and technical and financial assistance to those seeking to purchase, rent and rehabilitate affordable homes in Brookline.

1. Inclusionary Zoning.

The Town has significantly increased the number of affordable housing units in mixed-income developments through the Town’s inclusionary zoning provisions set forth in Section 4.08 of the Town’s zoning by-law. Adopted in 1987 and revised several times since then, these provisions require developers of residential projects with 6 or more units to offer at least 15% of the units to households with incomes under 100% of area median income. At least two-thirds of these units must meet Chapter 40B requirements, that is, serve households with incomes under 80% of area median. In lieu of providing on-site units, developers of projects with 15 or fewer units may choose to make a cash payment to the Town’s Housing Trust in accordance with a specific schedule. This cash payment is based upon a percent of the sales price of each unit minus \$125,000 (the imputed price of an affordable unit). The percent charged ranges from 3% for a 6-unit project to 9.75% for a 15-unit project, encouraging developers at the higher end to provide on-site units.

Between 1996 and the present, these inclusionary zoning provisions have directly produced 96 affordable rental and condominium units (74 of which serve households with incomes under 80% AMI) in 18 properties, and another 7 units in 2 properties are under development. In addition, the zoning by-law has resulted in \$6.4 million in contributions to the Town’s Housing Trust Fund. This source, along with \$3.3 million in Town

appropriations and \$1.4 million in investment income, has resulted in total revenues of \$11.1 million to the Housing Trust since its inception in 1987. Housing Trust allocations have already leveraged much greater amounts of State, federal and private funding for Brookline projects.

Examples of projects developed under the Town's inclusionary zoning program include:

Goddard House, a 115-unit development, providing 17 below-market, assisted-living units to low- and moderate-income seniors;

Longwood Towers, the addition of 26 units to an existing rental complex, resulting in 2 new on-site affordable units and 4 affordable units in an existing building off-site;

Kendall Crescent, a 35-unit development combining preservation of a former public school and new construction, and providing 5 affordable condominium units, including one fully accessible unit;

Cypress Lofts, a newly constructed 45-unit condominium in which the Applicant retained 5 units for low-income renters.

Park Place Condominium, a newly constructed 9-unit condominium with 2 affordable units;

The Hammondswood, a newly constructed 59-unit condominium, providing 9 affordable units; and

The Parkway, a newly construction 16-unit condominium with 2 affordable units.

2. New Affordable Housing Development.

Brookline has provided financial support and assistance to developers of new affordable housing, including projects on private properties, as well as Town and other publicly-owned properties. These Town-funded developments went through an extensive planning process, resulting in designs compatible with the surrounding neighborhoods as more particularly described below.

The Olmsted Hill project, completed in 2012, is located on a 4.8 acre former Town-owned reservoir site in the single-family neighborhood of Fisher Hill. After several years of community planning and developer selection, the Town partnered with New Atlantic Development

Corporation, which dismantled and filled two underground reservoirs, created a subdivision, sold 10 market-rate, single-family lots, and developed an affordable condominium complex. This project contains 24 affordable two and three bedroom units in three buildings, including 12 units that will serve families with incomes up to 80% of AMI and 12 units that will serve families with incomes up to 100% of AMI. The 2 ½ -story and 3-story multi-family buildings are designed to harmonize with the surrounding single family neighborhood by resembling a large estate home and carriage house. Permanent subsidy provided by the Town for the affordable units includes \$1,273,982 in HOME funds, as well as \$820,605 from Brookline's Housing Trust, \$2,326,600 in revenue from the sale of the lots and a discount to the developer by the Town on the value of the land. All 24 units were sold with long-term deed restrictions.

In 1999, the Town began working with the Archdiocese of Boston Planning Office for Urban Affairs (POUA) to develop St. Aidan's Church as a "friendly 40B" development. POUA submitted an application to the Board of Appeals that conformed with redevelopment principles and guidelines established by community process. The 59-unit development was completed in 2009, and includes 36 affordable units (20 low-income rental and 16 homeownership units); preservation of the church building through adaptive reuse; and conservation of open space and specimen trees. The 3-to 5-story buildings are organized around common green space designed for passive and active recreation. The Town's contribution of \$6.1 million in Housing Trust, HOME and CDBG monies leveraged \$5 million in gap funding from the state and \$4.5 million from private investors under the federal Low Income Housing Tax Credit program. This project was identified by Housing and Community Development Undersecretary Aaron Gornstein during his introductory remarks at the September 28, 2012 conference on Chapter 40B, co-sponsored by DHCD and CHAPA, among others.

At present, the Town is supporting the Brookline Housing Authority in its first venture as a developer of privately owned affordable housing. The Town is providing \$542,331 in predevelopment funds and a total commitment of up to \$1.7 million towards the development of a 32-unit Low Income Housing Tax Credit project, to be constructed on an existing under-utilized parking lot serving the BHA's Trustman Apartments. The project already has zoning approval, is shovel-ready, and is awaiting a final allocation of state funding and tax credits.

3. Renovation of Existing Affordable Housing Units

The Town supports the preservation of existing affordable housing by providing funding for capital improvements. The Town regularly funds improvements at Brookline Housing Authority developments, to which it has contributed over \$2.3 million. It also has assisted various residences serving individuals with special needs, including a total of \$363,000 to Humanity House, a home for 10 developmentally disabled individuals, and \$614,000 to a Pine Street Inn project in Brookline, a lodging house at 1043-1045 Beacon Street which serves 28 low-income individuals. Federal AARA dollars were allocated by the Town for energy-saving improvements to several properties controlled by nonprofits, including properties under the umbrella of Specialized Housing, Inc., which serves disabled adults at several locations in Brookline. The Town and the BHA have proven their commitment to modernizing and improving the Town's existing affordable housing stock.

4. Redevelopment of Existing Market Rate Housing.

Brookline has provided extensive financial and technical assistance to property owners and for-profit and non-profit entities proposing to redevelop existing market rate housing into affordable housing units.

Currently the Town is working with the Pine Street Inn on strategies to preserve two lodging houses at 51-53 and 55-57 Beals Street. These long term lodging houses have been managed by Pine Street under a lease with the owners since 2004 and Pine Street Inn now has an opportunity to exercise an option to purchase. The Town has committed approximately \$1.3 million towards acquisition costs for the project. As a result of recent changes to the Town's zoning by-law and lodging house regulations, the Pine Street Inn will be able to redevelop the buildings into approximately 31 "enhanced" single room occupancy (SRO) units including small bathrooms and mini-kitchenettes.

In 2001, the Town financed the purchase of a dilapidated lodging house at 1754 Beacon Street by the non-profit Brookline Improvement Coalition, Inc. (BIC), the Town's Community Housing Development Organization, and assisted BIC in the selection of a non-profit developer to rehabilitate, own and manage the lodging house. Pine Street Inn, the successful applicant, used the Town's investment of over \$907,000 in HOME monies to leverage an additional \$1.6 million commitment from three state sources for the rehabilitation of this historic building. The 14 rooms and efficiencies, permanently affordable for income-eligible persons, were occupied in the fall of 2003. The project has been both nationally

recognized for innovative use of HOME funds and by the Massachusetts Historic Commission as an exemplary preservation project.

During the summer of 2002, the Housing Division staff learned of another deteriorated lodging house on the market at 1876 Beacon Street. After several affordable lodging house operators viewed the property, the Town agreed to support Caritas Communities, Inc., in acquiring the building. At the same time, the developer of Longyear Estates was seeking property to satisfy its off-site affordable housing obligation under the inclusionary provisions of the Town's zoning by-law. By partnering Caritas with Longyear and supporting Caritas in advocating for additional funding from state agencies, the Town was able to assure that Caritas received the \$1.1 million in gap funding required to complete the acquisition, rehabilitation and long-term affordability of another 15 S.R.O. units for lower-income individuals.

At the end of 2003, the Town was notified of the sale of a 6-family building at 154-156 Boylston Street. BIC purchased and completed the rehabilitation and occupancy of this building in 2005 with \$593,000 in Town-controlled CDBG funds, leveraging about \$500,000 in gap funding from the Massachusetts Housing Partnership.

5. Preservation of Affordability in Expiring Use and Other Projects.

Brookline also has actively sought to preserve affordability in its existing housing stock. One strategy has been to extend affordability at the Town's "expiring use" properties.

For example, in 2001, the Town assisted the Hebrew Rehabilitation Center for the Aged (Hebrew Rehab) in connection with its acquisition and rehabilitation of the senior housing at 100 and 112 Centre Street and 1550 Beacon Street, three such "expiring use" properties. The Town's commitment of \$1 million in Housing Trust funds and an agreement to terminate the projects' 121A tax agreements gave this non-profit the competitive edge needed to purchase the properties. At that time, only about 280 of 516 units were still affordable, with a potential loss of another 160 affordable units when restrictions expired in 10 to 15 years. As a result of the Town's commitment, Hebrew Rehab acquired and modernized the properties, and is operating them under the name of Center Communities of Brookline, with at least 60% (338) units preserved as affordable for an additional 40 years.

In 2004, the Town modified its 121A tax agreement with the owner of the subsidized project at 1371 Beacon Street, resulting in the extension of the

affordability of the project's 30 units until 2028. The Town also negotiated with the Board of the 116-unit Brookline Cooperative, preserving 32 units as affordable condominium units, when the Co-op converted upon the expiration of the original HUD mortgage guarantee.

6. Other Affordable Housing Activities and Funding.

The Town actively supports affordable homeownership in several ways. It has operated a first-time homebuyer down payment assistance program since 1992. With assistance increasing over the years from a maximum of \$25,000 to a maximum of \$175,000 per buyer, the program has provided over \$5 million in HOME and CDBG funds, with some of this total reflecting the recycling of loan payoffs upon resale. In addition, since all new units are sold subject to permanent deed restrictions, the Town regularly exercises its right of first refusal by identifying an eligible buyer upon unit resale.

The Town also has dedicated HOME-funded operating support to BIC, which has collaborated with the Town in carrying out several projects in addition to those already noted. Over the past three years, the Town administered a recently concluded \$667,400 Homelessness Prevention and Rapid Rehousing Program.

In short, unlike many communities in the Commonwealth, Brookline's efforts to create, promote and preserve multi-family and affordable housing have been long-standing, committed, comprehensive and effective. Brookline has committed significant Town resources to these efforts and has made measurable progress in creating and preserving affordable housing. Unlike many 40B projects, much of the affordable housing that has been created in the Town is subject to permanent affordability restrictions. Through its own efforts and close cooperation with private developers, Brookline has demonstrated that affordable housing does not need to be incompatible with sound planning objectives, environmental concerns or its surrounding community.

III.

SITE OF PROPOSED PROJECT

Appropriateness for Development

The site of the proposed project is located in two zoning districts: a Single-Family S-7 Residence District and an Apartment House M-0.5 Residence District. The Applicant proposes to build 76 of the units, 7 parking garages containing 28 spaces, roadways and 168 accessory surface parking spaces within an existing 125' wide greenbelt in the Single-Family District (see attached Zoning Overlay Plan—**Figure 2**). The other 116 units and 146 parking spaces are proposed for a



Figure 2: Zoning Overlay Plan

particularly attractive undeveloped area of the existing Hancock Village development, a high wooded area with large puddingstone outcroppings. The Town considers the site inappropriate for the proposed development (see attached Proposed Development Plan Superimposed on Existing Conditions Plan – **Figure 3**).

A. Greenbelt Within Single-Family Residence District.

Hancock Village was originally planned by the Olmsted Brothers and the Ring Development Company in 1945-46 for the John Hancock Insurance Company on a former golf course. The development provided affordable housing for post-war veterans using the Garden Village model as a prototype. Hancock Village was intentionally designed to separate pedestrian and automobile functions, and to afford residents of the development with visual and physical access to adequate green space. In order for the development to proceed, rezoning of the site was required. Based on John Hancock's agreement to maintain restrictions on the site related to density, height and the maintenance of open space, as set forth in a March 11, 1946 Agreement (the "1946 Agreement"), a copy of which is attached as **Attachment B**, Brookline Town Meeting agreed to rezone most of the site from single-family to multi-family use with a ring road separating the multi-family zone from the single-family zone to accommodate the original plan, which involved both multi-family homes and single-family lots (see attached 1945 Plan — **Figure 4**). The zoning line between these two districts was placed along the centerline of the proposed ring road. Following the rezoning process, the John Hancock Company altered the plan to include a denser layout of rental townhomes up to the zoning boundary between the two districts in lieu of developing the ring road and single-family lots. The area originally proposed for single-family homes became a 125-foot greenbelt. It is noteworthy that if the single-family homes had been built per the original plan, the homes would have 40-50 foot setbacks from the backyards of the existing homes.

This landscaped parkland is a major element of the Garden Village ideal as originally envisioned by the founder of the garden-city movement, Ebenezer Howard. This Garden Village concept evolved into the garden apartment complex design by the 1930s. The landscaped park area is a key organizing element of the original and still-existing Hancock Village neighborhood. For nearly seven decades this greenbelt has served the residents of Hancock Village and the abutting single-family neighborhood as an important and well-used open space. The May 9, 1946 minutes of the Bureau of Housing Development of the Hancock Insurance Company noted that "a 125-foot park is shown as the buffer zone . . . [which] protects our development from anything that might be built on the other side of it." The commitments made by the John Hancock Company and the Olmsted design created and defined the "existing development patterns" of Hancock Village.

Existing Courtyard Areas

Leftover Islands of Green Buffer Area

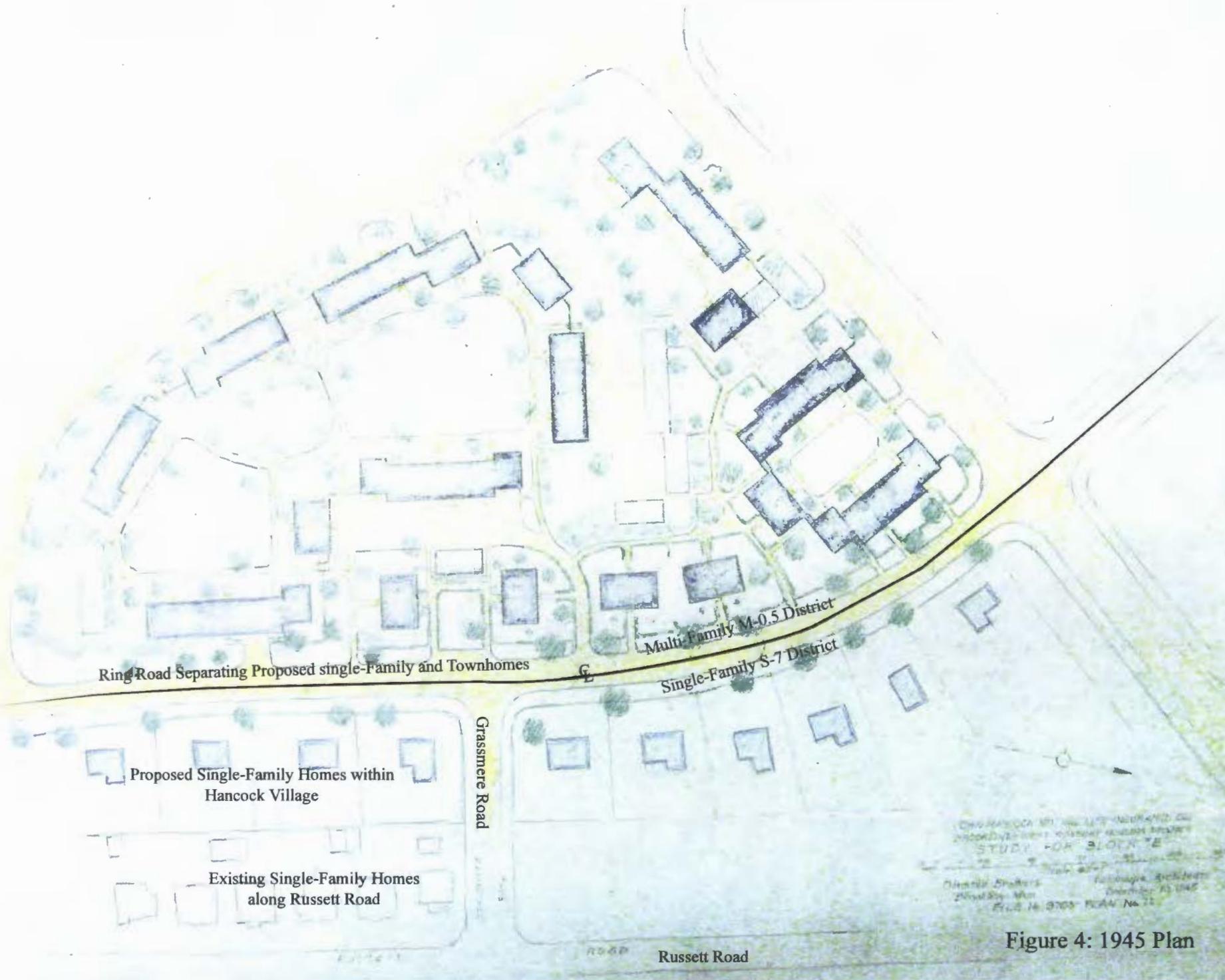
Existing Backyard Areas

G. Blakely Hoar Sanctuary
Wooded Wetland Area

Rock Outcropping Areas

Figure 3: Proposed Development Superimposed on Existing Greenbelt & Outcroppings





Ring Road Separating Proposed single-Family and Townhomes

Multi-Family M-0.5 District

Single-Family S-7 District

Proposed Single-Family Homes within Hancock Village

Existing Single-Family Homes along Russett Road

Grassmere Road

Russett Road

Figure 4: 1945 Plan

Today, Hancock Village remains as it was developed nearly 70 years ago—a thoughtfully planned community of 789 townhome units in Brookline and Boston—affordable to many families, although not restricted. The Village has been determined by both Brookline and Boston to be eligible for listing in the National Register of Historic Places and is a Neighborhood Conservation District in Brookline. In a concurrence dated June 22, 2012, the Massachusetts Historical Commission agreed with the Certified Local Government opinion that Hancock Village is eligible for listing in the National Register and that the greenbelt is a character-defining feature of Hancock Village (see **Attachment G**). The greenbelt contributes to the quality of life for residents living in Hancock Village, as well as the adjacent single-family neighborhoods, by providing open space, shade trees and a sense of privacy. The loss of the greenbelt, the puddingstone outcropping and the cutting of the mature trees as proposed by the Applicant would be detrimental not only to the historic and architectural integrity of this property, but also to the character of Hancock Village and the surrounding neighborhood. (See photographs at **Attachment A**). None of the remaining open space in all of Hancock Village will replace the function of the greenbelt.

B. Accessory Parking.

The Town’s zoning by-law provides by special permit for reduced parking ratios of up to 80% for affordable housing units to encourage affordable housing development projects.

	Flats West (36 units)	Flats East (40 units)	Apartment Building (116 units)
Proposal’s Parking Plan (parking sp/dwelling unit)	2.25 [81 spaces]	2.88 [115 spaces]	1.26 [146 spaces]
Brookline Parking Requirements Affordable Housing Rate (parking sp/dwelling unit)	1.88 [68 spaces]	1.88 [75 spaces]	1.68 [195 spaces]
Conclusion	13 extra spaces planned	40 extra spaces planned	49 spaces under- planned

Applying this ratio, the parking required pursuant to the Town zoning by-law is 1.88 per unit for Buildings 1-12 and 1.68 spaces per unit for Building 13. As the chart shows, the proposed development plan provides excess parking spaces for Buildings 1-12 and too few for Building 13 (see attached Parking Plan - **Figure 5** and **Attachment C** – the 2009 Stantec Memo). The proposed use of the greenbelt for vehicles has been denied by the Town at least five times between 1950 and 2006. Using the comprehensive permit process to provide increased parking is not an appropriate use of the process. Most importantly, the 196 surface and garage spaces create a sea of paved surfaces where the greenbelt currently

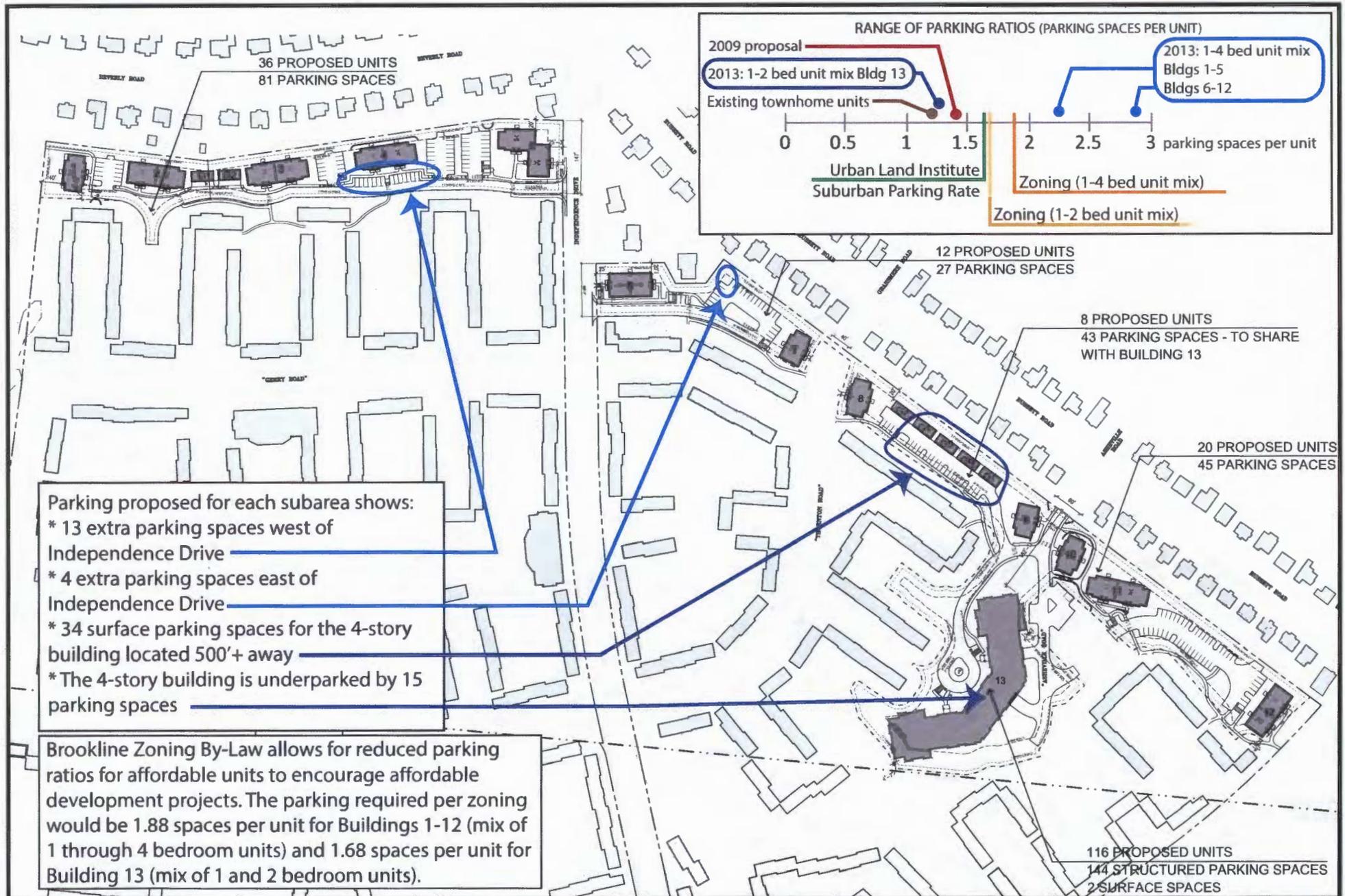


Figure 5: Parking Plan

provides communal park space, leaving only isolated green patches (see Comparison of Existing and Proposed Development Patterns – **Figure 6**).

C. Drainage and Storm Water Run-Off.

The area of the greenbelt behind Beverly Road has historically been in a wet condition (see **Figure 7** – which labels the wet soil type on a map from data provided by the National Resources Conservation Service, U.S. Dept. of Agriculture). A large culvert collects the runoff from area streets and discharges this runoff into the stream within the abutting D. Blakely Hoar Sanctuary. The proximity of the proposed development to the wetland within the Sanctuary will result in an increase in stormwater runoff to the wetland and has the potential to increase the population of disease carrying mosquitoes in the area. The increase in paved surfaces and the raised four foot high grades relative to the back yards of the homes on Beverly Road will also adversely affect drainage of surface waters to abutting properties. The site's drainage issues are raised in the attached memos from the Conservation Administrator and the Chief of Environmental Health Services. We also draw your attention to the letter submitted by Deborah Dong who resides in the abutting neighborhood.

D. Access to Public Transportation.

Access to public transportation from Hancock Village is not adequate – even now. While there are three public bus stops within Hancock Village, there is only one MBTA bus (51) serving the neighborhood, with limited weekend and off-peak service and no service on Sundays. The future of this bus route is in doubt as it recently survived the MBTA's proposal to cancel the route. Proximity to public transit and town centers is a central component of Governor Patrick's recently announced multi-family housing initiative and of the Commonwealth's Sustainable Development Principles. The proposed development site is 3.5 miles from the Green Line and 1.1 miles from the nearest commuter rail. While the Applicant currently runs limited van service to a Green Line stop, this service does not address the environmental concerns that transit-oriented development is designed to address. Given the three Green Line routes (B, C, & D) that run through Brookline, north of Route 9, it is logical that 87% of buildings with five or more units are found in the northern part of Brookline.

E. Traffic and Safety.

The Town Department of Public Works-Engineering and Transportation Division has identified significant traffic and safety issues with respect to the proposed development site, including the concern that additional vehicle trips, curb cuts and pedestrian crossings occurring as a result of the increased number of units will lead to additional pedestrian-related motor vehicle accidents, in a neighborhood



Sample Development Type	Pervious Areas		
	Backyard Areas	Courtyard/ Front Dr Area	Non-usable Open Space
Existing Townhome Area	32.9%	22.5%	0.0%
Proposed Buffer Apartment Area	2.0%	31.7%	18.9%

Legend	
	Roads, Sidewalks, Patios
	Backyard Areas
	Courtyard/Front Door Areas
	Non-usable Open Space (2:1 graded slopes, walls, etc.)

Figure 6
Comparison of Existing &
Proposed Development Patterns

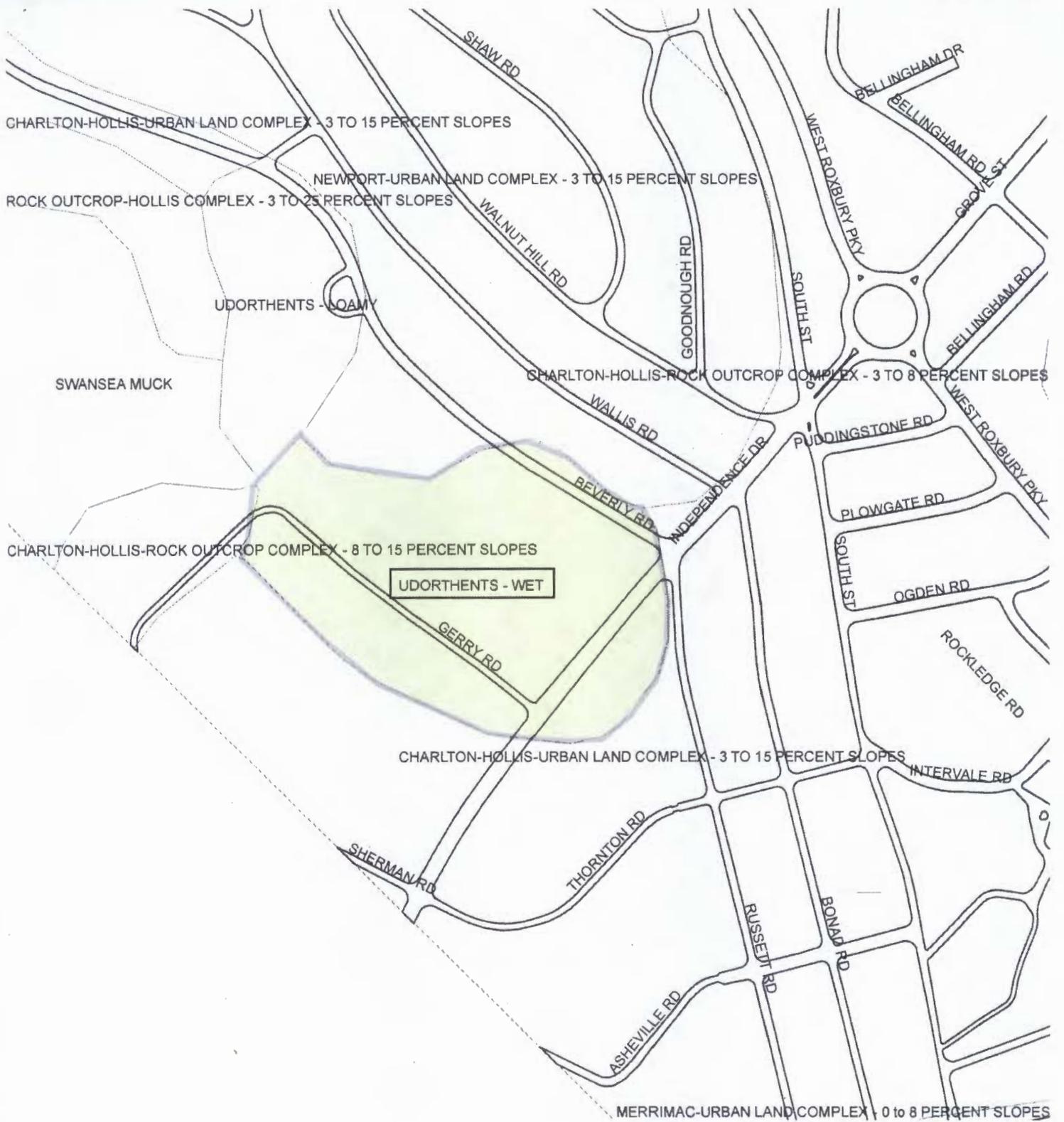


Figure 7
 Brookline Soil Type - Wet Substratum

that already has a history of pedestrian-related accidents. As a result, the Police Department is of the opinion that an additional traffic signal will be required on Independence Drive.

F. 1946 Agreement.

As noted above, the 1946 Agreement contained agreed-upon terms for future development of the site in exchange for rezoning. These terms included limiting future development to a “high-grade garden village type of housing development” and limiting the height of any buildings on the site to 2 ½ stories. The application highlights the existing multi-family use (“Hancock Village was developed as a multi-family rental community and the proposed use is an extension of that original development”), but the rezoning resulting in multi-family use was due to the Town’s reliance on the promises made in the 1946 Agreement. “[I]t would be anomalous and unjust if the [Applicant was] permitted to retain the benefit of the [rezoning] . . . while discarding the accompanying conditions [Town Meeting] . . . deemed necessary for the public interest or benefit of the town.” Killoran v. Zoning Board of Appeals of Andover, 80 Mass. App. Ct. 655, 660 (2011).

The historical open space within Hancock Village and the historical landscaped parkland at the edge of Hancock Village within the Single-Family Zoning District are inappropriate locations for multi-family residential units and accessory parking.

IV.

CONCEPTUAL PROJECT DESIGN

Appropriateness for Site

After a lengthy planning process involving input from the Town residents, the Town adopted a Comprehensive Plan in 2005. That plan supports “development of small to medium-scale [housing] projects that are compatible with neighborhood context and that include a high proportion of affordable units”. It is the Town’s view that the proposed design of the 192 units is not appropriate to the proposed site for several reasons.

The Regulation at 760 CMR 56.04 (4) (c) requires a finding that the conceptual project design is generally appropriate for its proposed site “*taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns....*” The proposed project fails with respect to each of these parameters and, therefore, fails to support such a finding.

A. Proposed Use.

The **proposed use** (76 multi-family flats in 12 buildings, plus a four-story building containing 116 units, parking and roadways) is not appropriate because it will adversely impact the existing rental townhome-style units at Hancock Village as well as abutting single-family homes. As noted in the Handbook: Approach to Chapter 40B Design Reviews, "... *the acceptable density of a given housing development is site-and context-specific... the site and building design, not the numerical density determines if a development is 'generally appropriate' for the site.*" The proposed project bears no relation to the "range of building types in the neighborhood." Hancock Village originally was planned with care, taking into account such elements as the location and the setting, and considering population density accordingly. The one, two, or three-bedroom townhouse dwelling units consist of major living space on the first floor with bedrooms on the second floor. Every unit has its own access to the ground floor and directly to the shared open space. The conceptual base of the original design was to create dense but comfortable housing built on a human scale, allowing for surrounding landscaped green spaces beneficial to the physical and social health of its residents (see photographs at **Attachment D** and **Figure 8** - Existing Conditions). The proposed additional uses not only fail to provide similar scale and access to green space, but would destroy these existing characteristics for the present rental housing residents (see **Figure 3**). The proposed project lot shape barely accommodates the proposed multi-family flats and places a four-story building at a high elevation where it will loom over the neighboring buildings. The proposed use is not appropriately-sized within the defined project lot.

B. Conceptual Site Plan.

The **conceptual site plan** is not appropriate for the site. It:

- does not include any design strategies for the edges of Hancock Village;
- creates dead end streets;
- does not provide for safe site access;
- eliminates significant internal open space;
- sites buildings too close to existing homes;
- creates excessive parking for units outside of the project boundary;
- creates excessive impervious surfaces;
- does not provide adequate pedestrian circulation; and
- isolates new residents from the rest of Hancock Village.

The Handbook states, "*an edge is a physical element which defines or separates space. Edges identify areas of different or conflicting activities, changes of urban scale or character, and areas of different landscape qualities... Weak edge definition lacks separation of activities or views.*"



Figure 8: Existing Conditions

“Conceptual Site Plans should demonstrate that the setback area design accomplishes the community’s planning objectives and creates an inviting environment for pedestrians.”

“Applicants should demonstrate that adequate spaces have been provided but avoid excessive parking. Parking and circulation should also be designed to provide for the maximum pedestrian safety, ease in traffic flow, and access/egress on the property, while minimizing the need for impervious surfaces which increase storm water run-off and costs among other impacts, and maintaining the visual character of the property and adjacent areas.”

Whereas the original vehicular pattern for Hancock Village was circular and integrated (see 1946 Plan – **Figure 9**), the proposed plan would add four additional dead end driveways and more than doubles the length of an existing dead-end driveway off Asheville Road. This type of site planning not only compromises the free and open feel of Hancock Village, but also worsens accessibility for emergency vehicles. Based on information provided by the Applicant, the Town’s Fire Chief has determined that emergency vehicles will not be able to exit without backing up, a dangerous and time consuming situation. The Fire Department has noted that a four-story building in the Hancock Village neighborhood raises additional concerns due to anticipated travel time from the nearest ladder company which does not meet National Fire Protection Association Standards and limited access to the building because of its siting.

Pedestrian access and circulation would also be adversely impacted under the proposed plan. In the historic garden apartment complex design, significant attention is given to pedestrians through a series of safeguarding measures such as narrow, winding streets, paved sidewalks on both sides of the street, crosswalks, benches, and ample outdoor lighting. See **Attachment D**. The existing townhouse buildings are designed in a series of connected U-shaped blocks with shared front courtyards in the interstices facing the street, and small private yards for each unit in the areas away from the roads. Wooded open space was demarcated on the original plans as areas for children to play, see **Figure 10** — Detail 1946 Plan, white circles noted as “Play Areas”. The location of the proposed four-story building is one of those special designated play areas. Even with the rear driveway added off Asheville Road, current conditions separate vehicular and pedestrian circulation. Sidewalks are provided along the front of all the existing units. The new concept plan makes no effort to provide such separation.

A transition from Independence Drive to Hancock Village’s existing entrance at Thornton Road is now ably achieved with a low brick wall of distinctive design, featuring access for cars as well as pedestrians in a wide section. As shown on the attached photo of the entrance (**Figure 11**), the parking spaces are screened, a



Figure 9: 1946 Plan

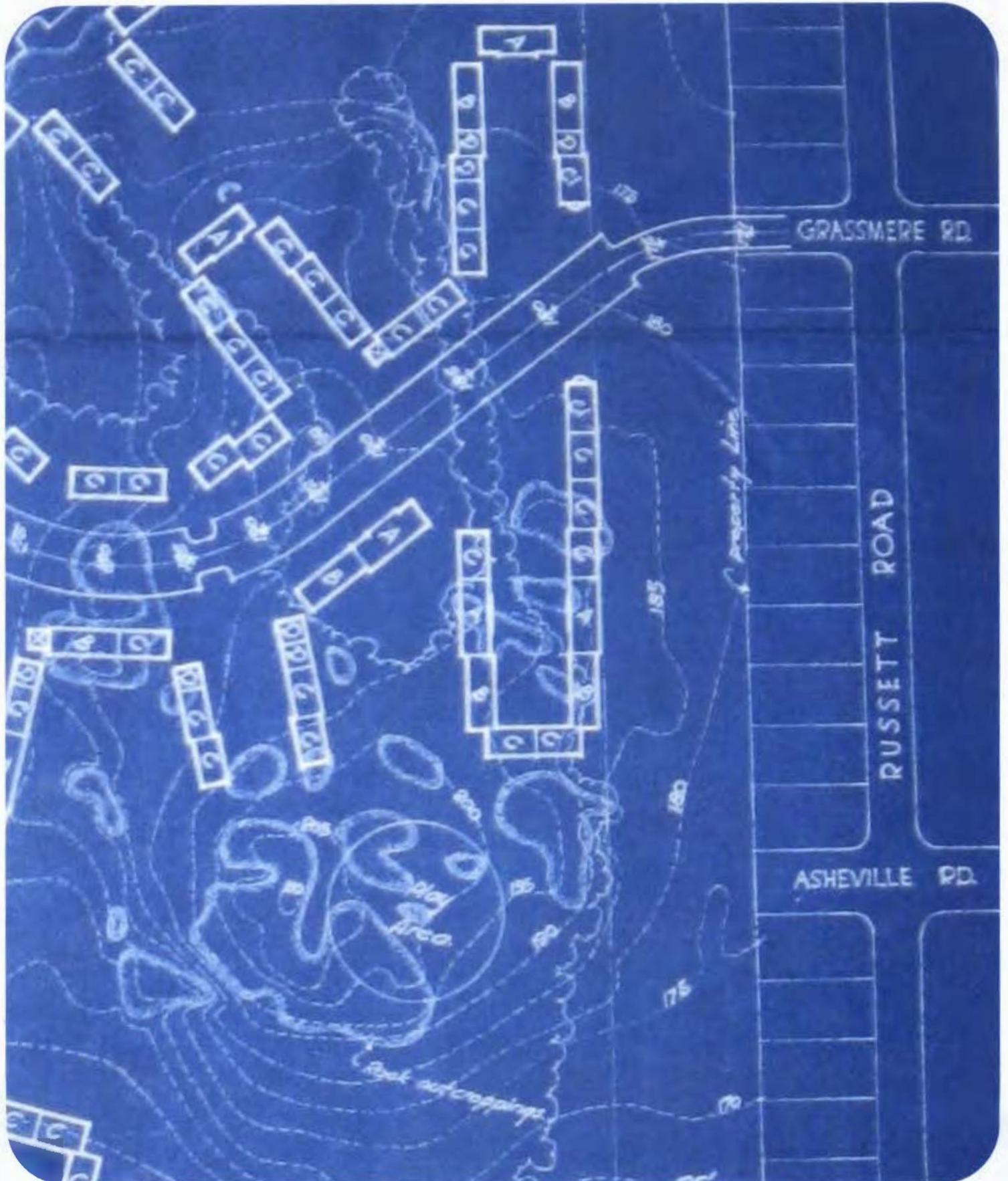


Figure 10: Detail 1946 Plan



Figure 11 - Safe Pedestrian Access at Hancock Village Thornton Road

colored brick pedestrian crosswalk across Thornton Road visually demarcates the pedestrian right-of-way, and sidewalks are safely separated from the parking and driveway areas at the entrance.

Although the Town has no record of approving the change, a rear access drive was added to Hancock Village at the end of Asheville Road some time after 1981. As shown on the attached photo of this Asheville driveway entrance (**Figure 12**), there are no provisions for pedestrian access and egress to Hancock Village over this driveway. This 18 foot wide driveway off of Russett Road currently provides access for approximately 143 vehicles to five parking lots for the existing rental units, focusing only on vehicular needs. The proposed project would almost triple the number of vehicles using this narrow driveway to 392 vehicles (see **Figures 13 and 14**). This will severely impact the Russett Road community through an increase in motor vehicle volumes and speeds. Russett Road is a residential street with a 24 foot travel width. See **Attachment E**. The proposed development would add 249 vehicles to the 275 already using the street – almost doubling the traffic volume. Perpendicular parking spaces would also be added to the end of Asheville Road at the site's edge. The site plan does not include safe, adequate or separate pedestrian access at this edge of the site. Most of Baker Elementary School children and their families walk to school; the Russett/Asheville Road intersection would become more dangerous due to the significant increase of vehicular traffic in this area.

The proposed four-story apartment building is sited such that two new intersections will be created along the curve of the existing Asheville Road driveway. The submitted application does not include information related to Stopping Sight Distance. With 143 additional cars entering and exiting along this section of curved driveway, the Asheville Road driveway is not adequate to accommodate such a large building. See **Attachment H**.

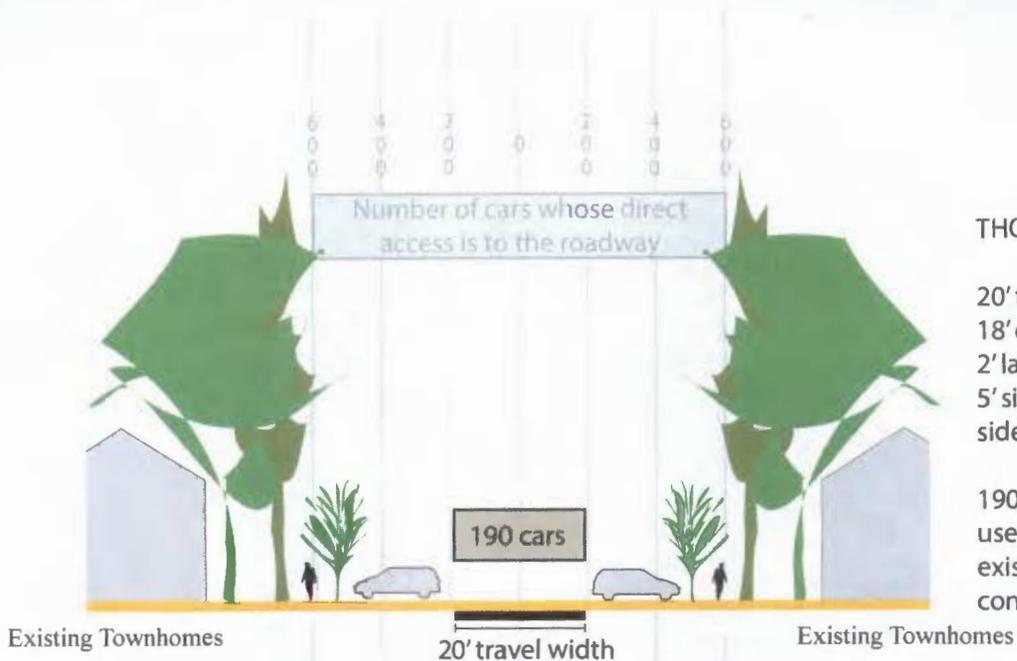
Moreover, the proposed placement of the new buildings would effectively “shoehorn” much larger structures among the existing ones in the perimeter area nearest to Russett and Beverly Roads in the greenbelt. The central open space of the eastern half of the parcel would also be intruded upon by the four-story building (see **Figure 3**). The proposed siting of the new buildings would also create incongruity: neither the large apartment building nor the twelve multi-family buildings would be oriented in any positive way to the existing buildings, street facades, nor to one another. The existing Hancock Village neighborhood and surrounding single-family home neighborhood are oriented so that front doors face each other and back doors face each other. The new buildings are not so aligned and appear to be “squeezed” onto the lot haphazardly (see **Figure 3**). The four-story building is proposed to have an open “V” shape with enlarged nodes at the ends protruding awkwardly into the courtyards formed by the existing townhouses. The other multi-family buildings are proposed to be sited in a



Figure 12 - Vehicular-Only
Rear Driveway at Asheville Road



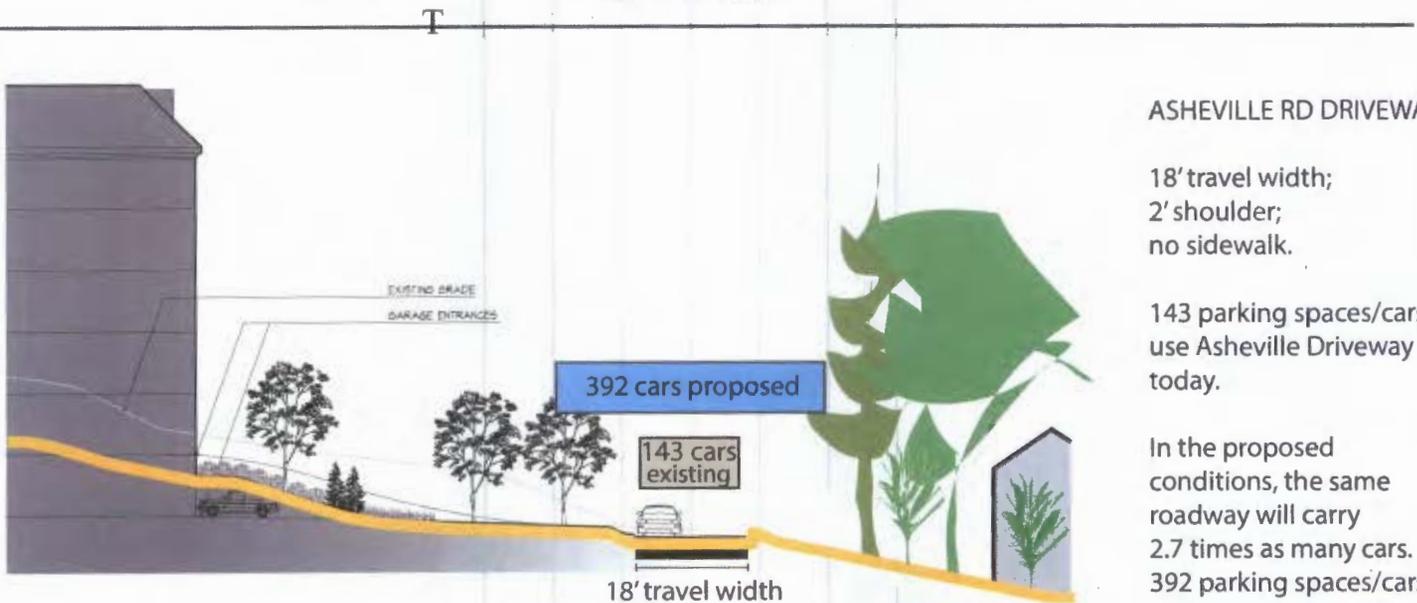
Figure 13
Relative Traffic Volumes



THORNTON ROAD

20' travel width;
18' deep parking spaces,
2' landscape strip,
5' sidewalk on both
sides of street.

190 parking spaces/cars
use Thornton Road in
existing and proposed
conditions.



ASHEVILLE RD DRIVEWAY

18' travel width;
2' shoulder;
no sidewalk.

143 parking spaces/cars
use Asheville Driveway
today.

In the proposed
conditions, the same
roadway will carry
2.7 times as many cars.
392 parking spaces/cars
are proposed to utilize
Asheville Driveway.



RUSSETT ROAD

24' travel width;
parallel parking,
3' landscape strip,
5' sidewalk on both
sides of road.

The number of
parking spaces/cars
that immediately
access Russett Road
will almost double -
from 275 cars to
524 cars.

Scale: 1"=30'

Figure 14: Road Section & Relative Traffic Volumes

manner that isolates each one from its neighbors by long expanses of hard-surfaced parking areas. This would result in a development that is incongruous with the green settings of surrounding Hancock Village units and abutting single-family homes and has no relationship to the existing setting. **See Attachments A, D and E.**

Finally, the proposed site plan concept fails to negotiate the private/public spheres in any meaningful way. The existing plan of Hancock Village was based on nuanced and sophisticated considerations of communal versus private areas and transitions between them. As existing, there are allowances made for individual privacy both indoors and out, as well as communal interaction for the entire village. First-hand accounts of life in garden apartment complexes often describe the close community feel they are able to foster. The Applicant's proposal does not allow for any outdoor community space, unlike the current layout (see **Figure 15** for events on the greenbelt recently sponsored by Chestnut Hill Realty, the Applicant's sponsor). Additionally, the plan would remove significantly-sized mature tree stands and destroy all of the usable outdoor common space of the existing townhomes.

C. Building Massing.

The **building massing** of the proposed project does not attempt to utilize setbacks, landscaping, or land form buffering to minimize the mass and scale of the new multi-family buildings.

The Guidelines state: "... *it is important to mitigate the height and scale of the buildings to adjoining sites. In this context, it is particularly important to consider the predominant building types, setbacks and roof lines of the existing context.*"

The Handbook states: "*Is the bulk, massing and scale minimized through varied rooflines, angling the structure, orientation to the street, stepping down heights, attaching storage sheds, covering entry porches and patios, architectural banding, and landscaping and land form buffering?*"

"The relationship between the Project and the adjacent sites are a key aspect of Chapter 40B design review . . . The scale of a structure should be compatible with the surrounding architecture and landscape context . . . The height of the proposed building should generally be compatible with the surrounding buildings and structures."

The Guidelines state: "*The massing of the project should be modulated and/or stepped in perceived height, bulk and scale to create an appropriate transition to adjoining sites.*"



**Hancock Village's 7th Annual
Summer Carnival**

Wednesday August 22, 2012 From 3:00 pm to 6:30 pm

Help Hancock Village support the troops with Operation Serving Soldiers! At this time we are asking for your help! Please join us in the items below listed which will be shipped out to the troops on Tuesday September 11, 2012

Soap	Shampoo	Candibear	Tooth Paste	Razors
Deodorant	Face	Candy	Face Cream	Hand Towels
Hand Lotion	Baby Wipes	Baby Wipes	Hot Shirts	Knitwigs
Gloves	Paper	Shampoo	Car Goods	Laces

Join us in the open area adjacent to 21 Independence Drive for:

- Castle Bounce
- Face Painting
- Pony Farm
- Entertainment
- Food
- And Much More!

We look forward to seeing you at the Summer Carnival!



Yappy Hour

All Pet Owners Encouraged To Attend!

June 4th, 2013 4:30-6:30pm

Running the Pack and Hancock Village will be hosting a pet friendly social hour on Tuesday, June 4th 2013!

We will have companies attend from animal training, pet sitting, pet walkers, in home veterinarians and more!



We will be serving ice cream for pet owners and special beef flavored non-fat sugar-free frozen yogurt for dogs!

Located On the corner of VFW Parkway and Rurrit Road. Please see reverse side for map of location.



Figure 15: Recent Hancock Village Events on Greenbelt Buffer

The Guidelines state: *“Design may use architectural details, color and materials taken from the existing context as a means of addressing the perception of mass and height.”*

The Handbook states: *“Comment on roof pitch and style, proportion of door and windows to façade length and height, building articulations, including jogs, detailing, changes in surface material, colors, textures, entrance orientation, location to parking area, pedestrian pathways to parking, landscaping in parking lot, and fencing.”*

The existing Hancock Village housing is built of brick with wood trim boards, cement foundations and stairs, one- to two and one-half-stories in height, with widths of three, four or sometimes six bays, a variety of roof heights and shapes; long narrow footprints articulated by recesses and projections, and corner units sometimes set at a 90 degree angle. **See Attachment D.** Most of the existing residential units have side-gabled roofs, though a small number have flat roofs with brick parapet walls. A number of architectural features very typical of the period are used to provide variety — staggering some unit setbacks, whitewashing some brick exteriors, and incorporating cross-gables, projecting entry porches, recessed second-story porches, and shallow bay windows. Entries tend to contain original wood paneled doors, with glazing in the uppermost of three panels. The proposed buildings have none of these features.

In general, the existing residential buildings are Postwar Traditional in their styling, though some display Moderne details. The existing exterior decorative details differentiate and enliven the facades of the original brick buildings. Entablature surrounds at some entries incorporate pilasters with flat, flared capitals that are Moderne in their simple geometric form. Other entries are set beneath a shed-roofed porch featuring wrought iron supports with a stylized leaf pattern. This pattern is seen also in the wrought iron supports of second-story recessed porches and balustrades. Small wrought iron balconies are present on end units in some blocks. The flat roof and brick parapet walls on some blocks of two units are less common in the complex. Ornamental detailing consists of a striated brick cornices, inset patterns in the parapet wall above, and concrete drip moldings over the first floor bays. The entries have distinctive Moderne compound surrounds in concrete with plain lintels.

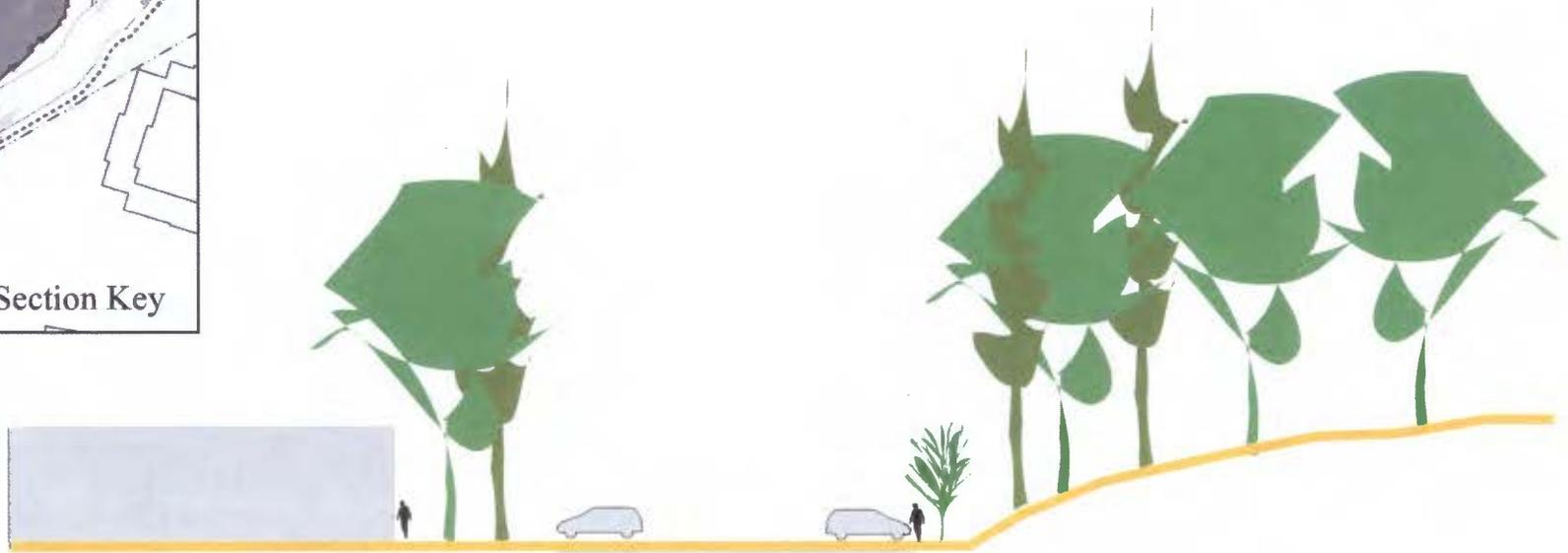
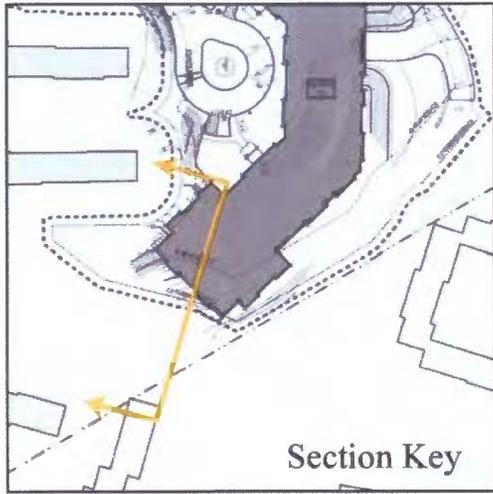
The existing exterior decorative details differentiate and enliven the facades of the original brick buildings. Other characteristic ornamental effects were created through the use of masonry techniques such as bond work, string courses of brick and molded concrete, pierced openings, low-relief designs picked out in black paint, and saw tooth courses. Visual differentiation from unit to unit is also created through the use of door hoods and porticos, oculi windows set into some

end gables, ornamental supports, railings, and balconies. These are the sorts of features that help make for buildings that are visually interesting.

The existing single-family homes in the surrounding neighborhood are, likewise, one, one and one-half, or two stories tall and of modest size. See **Attachment E**. The neighborhood was laid out in the 1930s soon after the completion of the VFW Parkway (1931-1942). The majority of these single-family homes were constructed in the 1930s and 1940s; most are one- to two-story houses similar in massing and setback, and reflect the modest inter-war suburban designs in a variety of styles, including American Colonial, Tudor and Cape. There are a smattering of post-World War II houses, some of the then-newly developed Ranch style, that share the same characteristics as the earlier homes. The development patterns, including the lot sizes, setbacks, scale and massing, give this surrounding neighborhood a unique visual uniformity and consistency complemented by the similar height and design of Hancock Village.

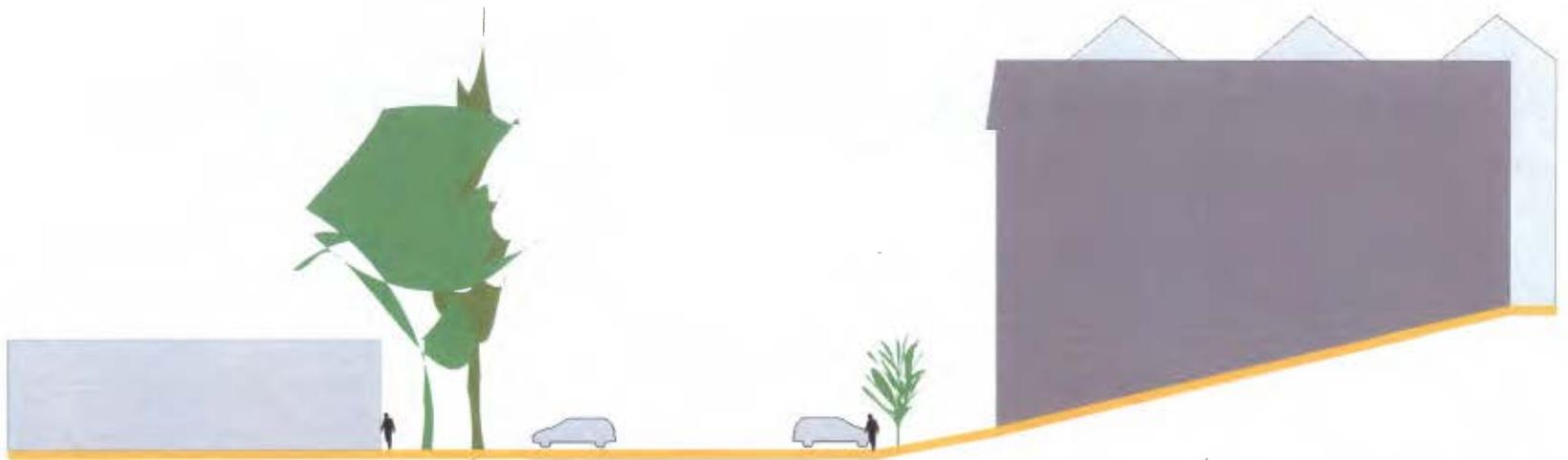
The proposed buildings have none of the scale or features of the surrounding buildings. The four-story building is by far the largest structure in the area. This massive building ranges in height from 51 feet to 74 feet and does not step down or back on either end, creating out of scale proportions with the internal roads, sidewalks, parking lots, and existing residential buildings (see attached Hancock Village Neighborhood Section — **Figures 16 and 17** and Apartment Building Elevations – **Figure 18**). The facades, as shown in the elevation and perspective drawings in the submission, do not relate to the landscape in which they are set nor to the surrounding buildings. The proposed building would have an extremely long façade, punctuated by towering bays with peaked roofs extending out from the face. The brick piers and sidewalls of the bays, rather than mitigating the size of the building, emphasize the visual impact of its height, in addition to its location on a rocky outcrop. The towers do not attenuate the height or bulk of the proposed building, but instead add to the feeling of looming over the neighborhood, a feeling exacerbated by its topographical setting. There is no similar tall building within Hancock Village or the surrounding neighborhood. (See **Figure 19** for Stantec's building plan of the surrounding area). It is not appropriate to the site.

As shown on the proposed building elevations, the 12 two and one-half story multi-family buildings are also more massive than the existing buildings in the vicinity and do not modulate in any significant way to fit in with the existing multi-family buildings within Hancock Village. They are out of place and scale compared to the one- to two-story single-family homes in the surrounding neighborhood. The height of these proposed 33'-foot tall flats would not fit well into the streetscapes of Independence Drive or Asheville Road and would block existing view-sheds from within and without Hancock Village.



Existing Section

Existing Townhomes



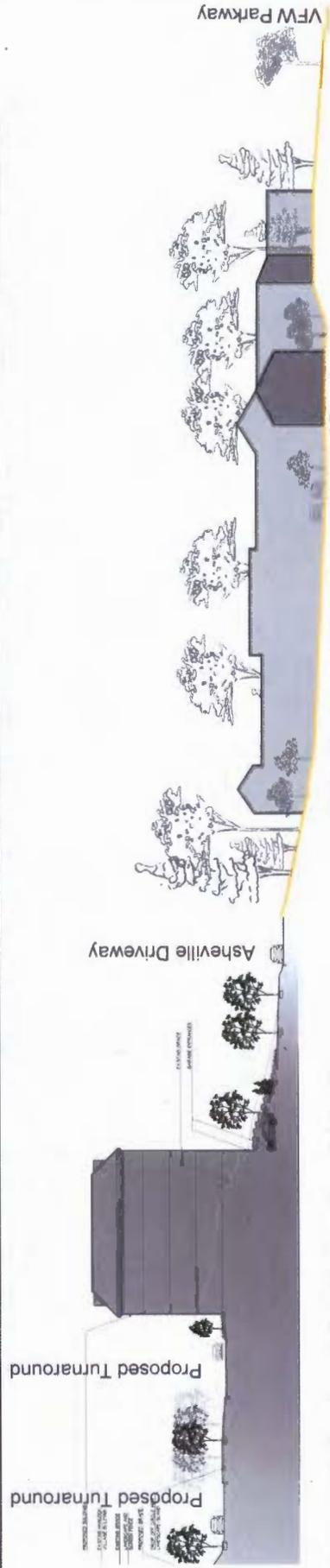
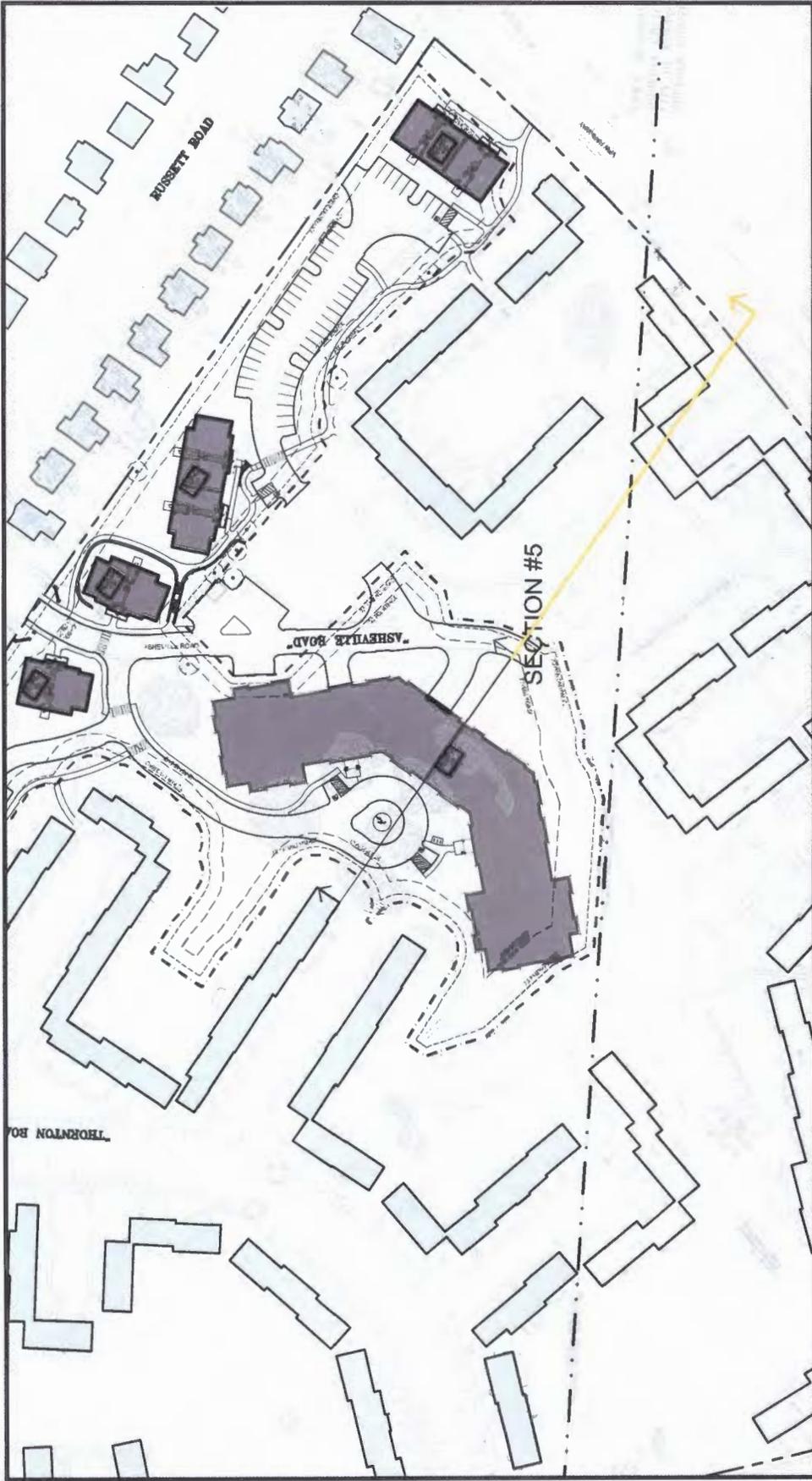
Proposed Section

Existing Townhomes

Proposed 4-story Apartment Building over Parking

Scale: 1"=30'

Figure 16: Hancock Village Neighborhood Section



Proposed Section through Faux Mansard from Exhibit 61
 Existing Parking Lot, Landscaping in front of Townhomes
 Figure 17: Long Section

57 ft



EAST ELEVATION

51 - 54 ft
high



NORTH ELEVATION

63 ft

55 ft

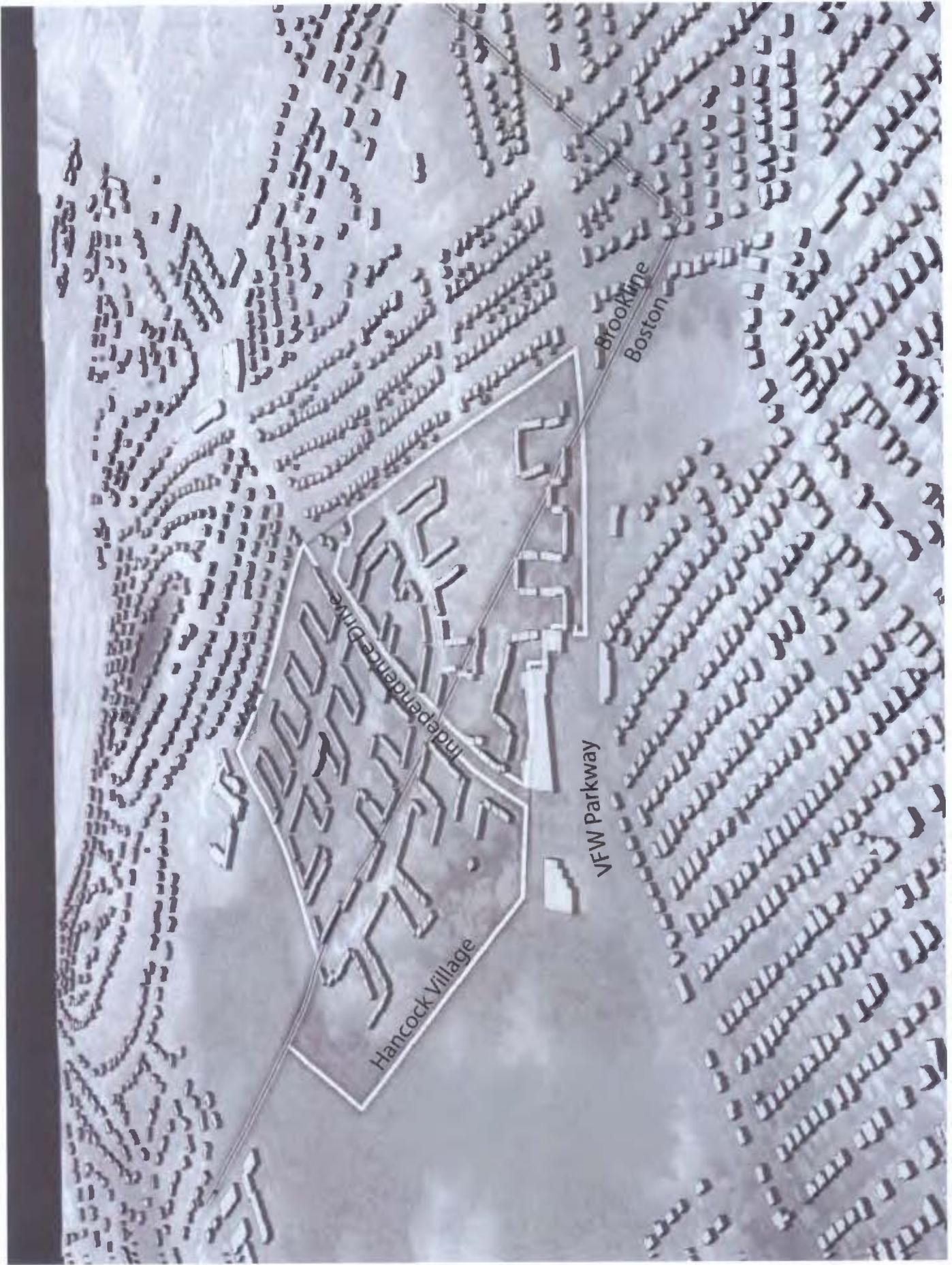
74 ft



SOUTH ELEVATION

Hancock Village c.40 B Proposal (2013): Apartment Building (Building 13) Elevations

Figure 18: Four-story Building Elevations



Source of Building Model: March 2009 Stantec Presentation

Figure 19: Building Plan of Surrounding Area

The massing of the existing buildings is narrow front to back and low, whereas all of the new construction is deep and tall. The proposed and existing buildings bear no relation to one another, and the existing townhouse blocks are diminished by the treatment of the proposed units. The chief aim of historically sensitive design is harmony and unity. The insertion of these new building types would clearly create discord in a National Register-eligible development whose sensitive siting, massing, and planning are keys to its historic importance.

D. Topography.

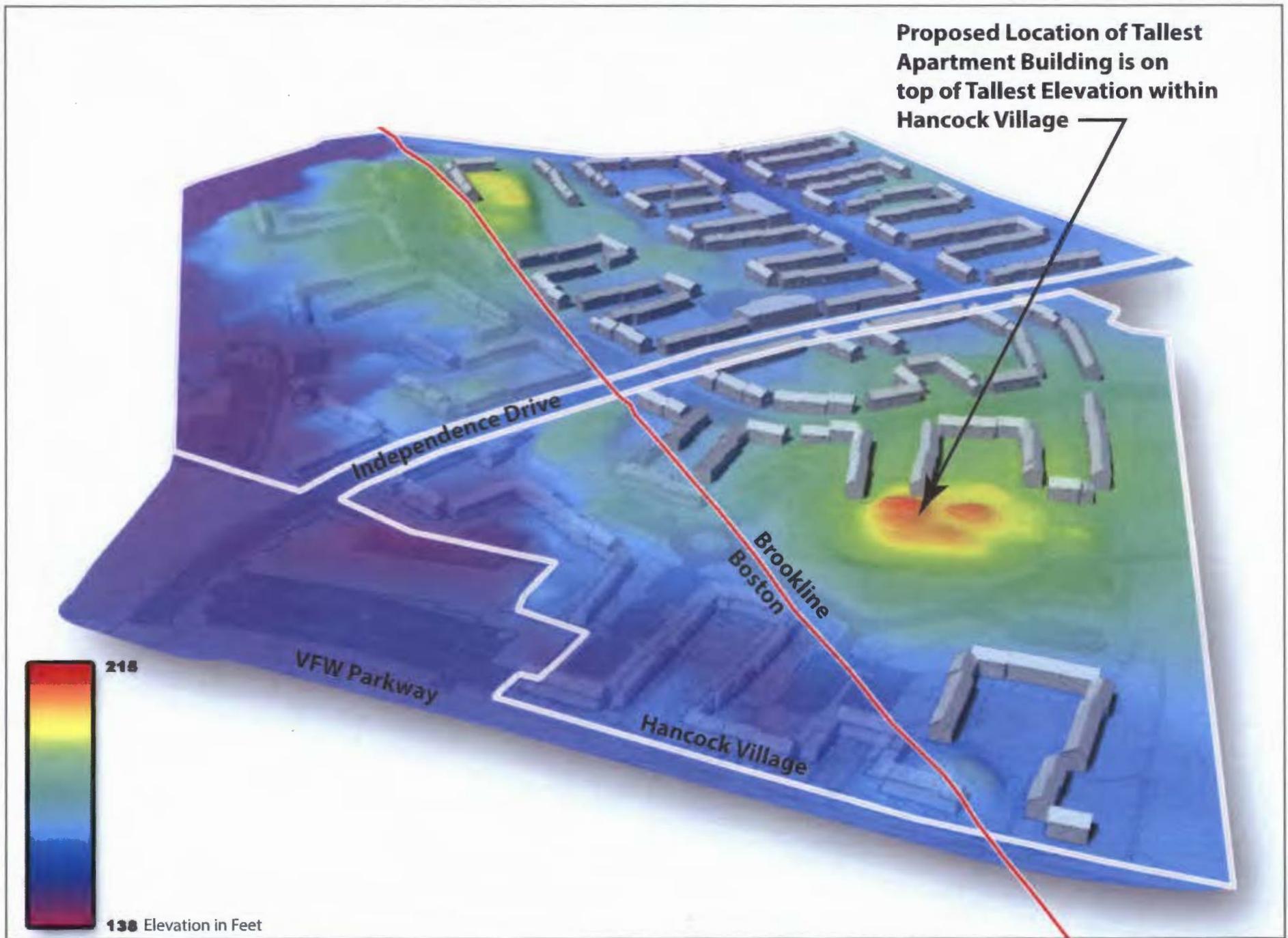
Neither the existing nor proposed **topography** is used to buffer the massing of the proposed buildings. Indeed, the opposite is the case.

The Guidelines state: *“Where possible, the site plan should take advantage of the natural topography and site features, or the addition of landscaping, to help buffer massing.”*

The Handbook notes: *“Topographic contours can provide opportunities for mitigating the bulk of a building, or conversely, further expose the structure and its foundation.”*

The low contour-following form and varied roof heights of the existing townhouses allow them to fit easily into the landscape and to step up or down between units in response to the land contours. The existing context of the building-to-landscape relationship is not upheld in the proposed design. Existing buildings are appropriately scaled, and sit either nestled in the “valleys” or sit low on the higher elevations. Their U-shaped configuration creates spaces that refer to the New England town common, recalling a traditional land use and visual pattern. Berms near the roadway provide a visual and aural buffer. The Hancock Village frontages are diminutive and individual, while the setbacks allow for “breathing room” among the buildings.

The proposed development does not use the topography to mitigate impacts on the surrounding residences. The plans do not provide for any visual, aural or physical buffer. The proposed multi-family buildings, in contrast to the existing buildings, have not been designed to fit into the existing site or its topography and would negatively impact site features and topography by eliminating the greenbelt along the edge of the property, by removing mature trees and other vegetation and by the destruction of puddingstone outcroppings that define the natural character of the site. The proposed four-story building has been set in one of the more attractive natural features of the site — a high wooded area with large puddingstone outcroppings. This outcropping is at a higher elevation than any nearby property (see **Figure 20** – Elevation Perspective). Rather than using



Source of Topographic Model: March 2009 Stantec Presentation

Figure 20: Elevation Perspective

topography to “buffer” massing, the proposed design uses topography to exacerbate massing.

The applicant is proposing to grade the site---apparently removing part of the puddingstone outcropping and raising by as much as four feet the level of the greenbelt, which will require retaining walls along the backyards of the single-family homes. This grading appears to extend beyond the proposed site boundaries.

E. Environmental Resources.

The Handbook states that environmental resources may include “*trees or vegetative landcover, wetlands and waterways as well as open areas and buildings.*”

“The existing, natural cover of trees and shrubs on a site may provide a desired landscape buffer—existing significant trees and shrubs . . . should be maintained to the maximum extent possible . . . Storm water should be sufficiently controlled.”

As noted above in the discussion of the appropriateness of the site, the adjacent environmental resources including the greenbelt, mature trees, puddingstone outcroppings and the D. Blakely Hoar Sanctuary will be impacted by the proposed development. Sufficient information has not been provided to understand how environmental resources would be protected from the increased quantity and quality of storm water run-off. For example, no description of retaining or infiltrating storm water was included in the project eligibility application. The Town estimates the ratio of surfaces covered by paving and new building footprints within the 9.32-acre project site will increase from 1% to approximately 50%.

F. Existing Development Patterns.

The proposed site plan fails to integrate into the **existing patterns** of Hancock Village, the adjacent single-family neighborhoods, and the adjacent state parkway.

The Hancock Village neighborhood is historically and architecturally significant and should be respected as such, so that the existing character can be preserved. New development should be integrated into the existing patterns in order to attain this, including patterns of living, entering, meeting neighbors, walking, driving and parking as well as patterns that give visual and formal character to the buildings and the landscape.

The Guidelines state: *“Massing should take into account the pattern of the existing street frontage as well as maintain a human scale by reasonably relating the height of buildings to the width of the public way.”*

“[T]he manner in which buildings relate to adjacent streets is critically important.”

The building-to-street relationship is not upheld in the new plan. Existing streets are narrow and so are the buildings they serve. The residential area surrounding Hancock Village comprises single-family residences, built primarily in the 1930s and 1940s, conservation land, an elementary school and its grounds, and a state parkway listed on the National Register of Historic Places. Refer to the road section in **Figure 14** and the long section in **Figure 17**, which highlight the manner in which the relationship between the height of proposed buildings to the width of the streets (with little room for landscaping in between) would be significantly different from the existing street patterns, both inside and outside the boundaries of Hancock Village. Unlike the single-family homes and the townhomes of modest scale set on narrow streets, with landscaped front yards and separated pedestrian access, the proposed project includes large buildings sited without any reference to existing building-to-street patterns. All 13 of the proposed buildings are sited in areas that currently serve as well-established visual buffers, play space and community space. The proposed development pattern is not appropriate to the site.

V.

ADEQUACY OF APPLICATION

The Town’s concerns about the adequacy of the application fall into two categories – matters the Applicant was required to address under 760 CMR 56 (the “Regulations”) and failed to address or addressed inadequately; and documents or information which, had they been included in the application, would have allowed for a more comprehensive response by the Town.

A. Matters Required by the Regulations.

The Town asserts that the Applicant has failed to address, or has inadequately addressed, the following required matters (all references are subparagraphs of 760 CMR 56.04(2):

—“(c) ...photographs of the surrounding buildings and features that provide an understanding of the physical context of the site.” The few photographs included with the application are insufficient to provide an understanding of the physical context of the site.

—“(h) a narrative description of the approach to building massing, the relationships to adjacent properties, and the proposed exterior building materials.” The narrative description in the application, which is especially critical in light of the incongruity of the proposed buildings and parking areas with the existing adjacent properties, is both cursory and conclusory.

—“(i) a tabular analysis comparing existing zoning requirements to the Waivers requested for the Project”. The description of the Waivers is deficient in several respects. As noted in the memorandum from Daniel F. Bennett, the Town’s Building Commissioner (**Attachment F**), the application fails to provide sufficient information as to compliance (or lack of compliance) with certain of the Town’s zoning requirements (including building height, open space and setback requirements with respect to the retaining wall), and not all necessary waivers (including lot size, excessive number of garages, and height) have been requested. Additionally, the Applicant requests a “general waiver” from the requirements of the Town’s Hancock Village Neighborhood Conservation District (“NCD”) (Article 6 of the Town’s general by-laws), without providing any information about the requirements of the NCD, including the NCD’s height limitation of 2 ½ stories and its landscape design review requirements with respect to landscape features including the removal of ledge and mature trees. The Applicant also requests a general waiver from Stormwater Management by-law (which is designed to, among other things, avoid the impairment of water quality and flow in wetlands, the alteration of wildlife habitat and flooding) without providing any information with respect to which sections of the by-law the Applicant does not intend to comply. Finally, since the Applicant did not request any waivers from any of the Local Requirements and Regulations (as that term is defined in the Regulations) other than specified zoning matters and the “general waivers” for the NCD, the Stormwater Management by-law, and the Design Review requirements set forth in Section 5.09 of the Town’s zoning by-laws (which requirements by their terms exist for the purpose, among other things, “encouraging the most appropriate use of land”), none can be addressed by the Town in connection with this letter. Much more detail is required concerning the height of the buildings.

The Town’s Conservation Administrator has raised the issue of possible jurisdiction due to potential stormwater runoff onto a wetlands resource area. However, the application fails to disclose even the possibility of the need for any waivers from the Town’s Wetlands Protection by-law, Article 8.27.

The application acknowledges in passing that Hancock Village has historic significance by reference to the determination by the Massachusetts Historical Commission that the site is eligible for listing on the National Register of Historic Places (the site also abuts a State and National Register property — the VFW Parkway), but fails to provide any indication as to how the proposed development would be consistent with and respectful of the historic nature of the site.

B. Documents or Information Which Would Have Enabled the Town to Submit a More Comprehensive Response.

- As noted in Section IV, insufficient information has been provided to permit an understanding of how environmental resources would be protected from the increased quantity and quality of storm water run-off.
- The Applicant has indicated no waivers are required for Open Space, landscaped or useable, other than for useable space in the M-0.5 District, and provided no back up information as to how it was calculated or what deductions (if any) have been taken.
- As noted in **Attachment F**, there is insufficient information to confirm there will be no waiver for additional open space requirements, building height and the spacing of residential buildings on the same lot or compliance (or non-compliance) of the proposed retaining walls with the applicable set back requirements. With respect to the height of the proposed buildings, the applicant has indicated no waiver is required based on its interpretation of Zoning Bylaws Section 5.01, Table of Dimensional Requirements. The Town By-Laws provide several scenarios for calculating the maximum height of buildings. In any case, the Applicant would need to establish the grade of natural ground contiguous to the building, record grade of the street, mean natural grade of abutting properties etc., as well as other information to determine the height of the building. No such information has been provided. The Town believes that the four-story building exceeds the height limit and requires a waiver.
- The Town's Police Department is concerned about the impact on foot and vehicular traffic and notes the need for a traffic impact study. The Department is also concerned about security measures.
- The Town's Fire Department raises potentially serious life safety issues which are not addressed by the application.

- The Town Engineer's review is preliminary in nature due to the lack of information in the application as to such matters as existing sewer and drain easements; path of proposed drainage and proximity to D. Blakely Hoar Sanctuary; risk of contamination; lack of information to confirm no runoff to abutting properties or cutting off natural drainage from abutting properties.
- The Town's Conservation Administrator could only respond in a preliminary manner because the plans submitted with the application were schematic in nature and devoid of any information regarding any of the new infrastructure associated with the new development, and the general footprint and location of the new impervious surfaces.

In conclusion, the Selectmen vigorously assert that the proposed development of Hancock Village is poorly conceived, the site is not appropriate for any development, and the project is poorly designed for the site and the neighborhood. The project will negatively impact the existing residents of Hancock Village and the abutting single-family homeowners. The proposed development does not meet any of the design criteria contained in the Handbook prepared for MassDevelopment and the other subsidizing agencies. The Applicant has chosen the least appropriate locations on its property to propose new buildings. The design of the proposed buildings is not consistent with the existing residences abutting the development. The Applicant proposes to eliminate the greenbelt and replace it with buildings, parking lots and driveways. The greenbelt provides a great benefit to the community, both visually and by providing a livable environment for the many children in Hancock Village who play and participate in community events in the beautiful open space.

As is apparent from the discussion above, the Town is committed to providing affordable housing, is very interested in having more affordable housing created and, in fact, has plans to assist with the development of more affordable housing in areas closer to the Green Line public transportation and commercial centers in accordance with the Governor's mandate. However, neither the proposed site nor the proposed design of the project is suitable for 192 units of housing. For the reasons set forth herein, the Town respectfully requests that the application for project eligibility be denied.

Anthony Fracasso, Senior Vice President
MassDevelopment
August 29, 2013

Please do not hesitate to contact me if you have any questions about the contents of this letter or the attachments. We look forward to your site visit.

Thank you.

Very truly yours,



Betsy DeWitt, Chair
Brookline Board of Selectmen

Cc: Marc Levin, Chestnut Hill Realty

Enclosures

List of Attachments:

Attachment A	Photographs of greenbelt and green space site of proposed 4-story building (including activity photo)
Attachment B	1946 Agreement
Attachment C	2009 Stantec Memo
Attachment D	Photographs of Hancock Village
Attachment E	Photographs of adjacent single-family residential streets
Attachment F	Memos from Town Departments
Attachment G	Letters from Massachusetts Historical Commission regarding eligibility for listing on the State and National Register of Historic Places
Attachment H	Sight Distance Photos

List of Figures:

Figure 1	Zoning — Transit Plan
Figure 2	Zoning Overlay Plan
Figure 3	Proposed development superimposed on existing greenbelt and outcropping
Figure 4	1945 Plan
Figure 5	Parking Plan
Figure 6	Development Pattern Comparison
Figure 7	Brookline Soil Type – Wet Substratum
Figure 8	Existing Conditions
Figure 9	1946 Plan
Figure 10	Detail 1946 Plan
Figure 11	Safe pedestrian access at Thornton Road
Figure 12	Vehicular – only Access at Asheville Road Driveway
Figure 13	Relative Traffic Volumes
Figure 14	Road Section and Relative Traffic Volumes
Figure 15	Hancock Village Events on Greenbelt
Figure 16	Hancock Village Neighborhood Section
Figure 17	Long Section
Figure 18	Apartment Building Elevations
Figure 19	Building Plan of Surrounding Area Elevation Perspective
Figure 20	Elevation Perspective

Attachment A



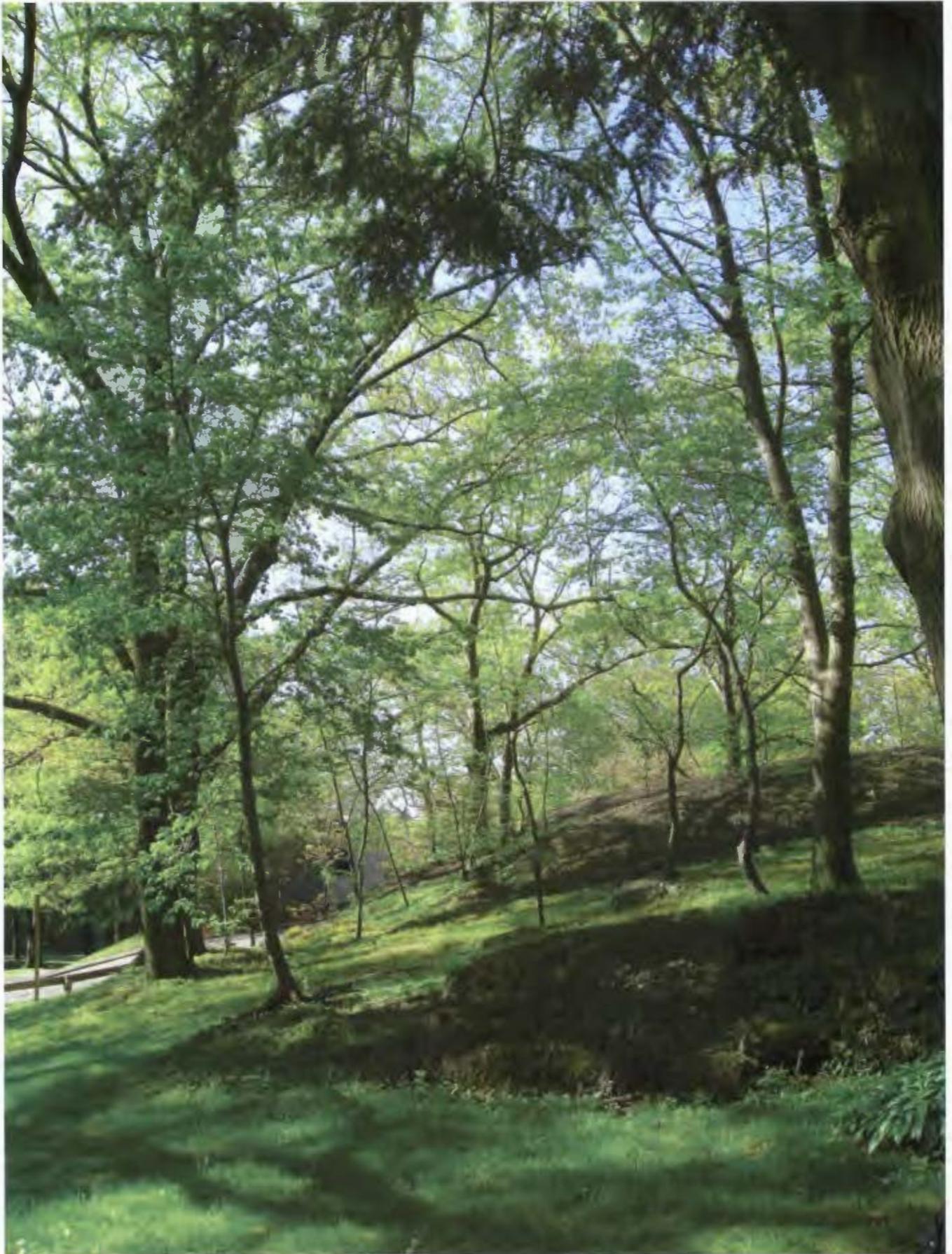
Landscaped Green Buffer Area



Landscaped Green Buffer Area in May



Landscaped Green Buffer Area in December



Rock Outcropping within Play Area



Rock Outcropping within Play Area



Recent Events on Greenbelt

**Hancock Village's 7th Annual
Summer Carnival**

Wednesday August 22, 2012 From 3:00 pm to 6:30 pm

Holy Hancock Village support the troops with Operation Serving Soldiers! At this time we are asking for your help! Please join in in the items below listed which will be shipped out to the troops on Tuesday September 11, 2012

Soup	Shampoo	Conditioner	Tooth Paste	Barret
Deodorant	Pate	Candy	Face Cream	Hand Towels
Hand Lotion	Body Wipes	Body Wipe	New Socks	Envelope
Aluminum	Paper	Shaving Cream	Car Cards	Letters

Join us in the open area adjacent to 21 Independence Drive for:
 -Castle Bounce
 -Face Painting
 -Petting Farm
 -Entertainment
 -Food
 -And Much More!

We look forward to seeing you at the Summer Carnival!

Yappy Hour

All Pet Owners Encouraged To Attend!
June 4th, 2013 4:30-6:30pm

Running the Pack and Hancock Village will be hosting a pet friendly social hour on Tuesday, June 4th 2013!

We will have companies attend from animal training, pet sitting, pet walkers, in home veterinarians and more!



We will be serving ice cream for pet owners and special beef flavored non-fat sugar-free frozen yogurt for dogs!

Located On the corner of VFW Parkway and Russett Road. Please see reverse side for map of location.

Attachment B

THIS AGREEMENT made this eleventh day of March, 1946

WITNESSETH that

WHEREAS John Hancock Mutual Life Insurance Company, a corporation duly organized by law and having a usual place of business in Boston, Massachusetts (hereinafter referred to as the Company), holds an option to purchase a tract of land part of which is in the southerly part of the Town of Brookline and contains about 51.38 acres; and

WHEREAS the Company is desirous of having the southerly portion of said tract (described in Appendix A attached hereto and hereinafter referred to as said area) rezoned from the 4D to the 3C district so as to permit said Company to carry out upon said area a garden village type of housing development; and

WHEREAS a serious housing shortage exists in the Town of Brookline and there is public need for the creation of new housing facilities in said Town; and

WHEREAS the location and topography of said area make it suitable for use for such a development; and

WHEREAS the Company intends to exercise its rights under its option aforesaid and to purchase said tract if said area is rezoned as aforesaid;

NOW, THEREFORE, in consideration of the premises and the payment to it of one dollar (\$1.00), the receipt whereof is hereby acknowledged, the Company agrees on behalf of itself, its successors and assigns to and with the Town of Brookline (hereinafter referred to as the Town) as follows:

1. If and in the event that said area is rezoned as aforesaid (which however, the Town is not obligated and does not undertake to do), the Company will exercise its said option to the aforesaid tract and further agrees that in said event and while the Town allows said area to

remain in said 3C district it will not use nor permit its tenants to use said area or any part thereof or any building thereon or to be erected thereon for any of the following purposes: a hotel, lodging or boarding house, fraternity house, dormitory, establishment for the care of sick, aged, crippled or convalescent persons, railroad passenger station, farm, truck garden, commercial nursery or greenhouse.

2. The Company further agrees that in the event said rezoning is effected, and so long as the Town allows said area to remain in said 3C district:

A. That any development it makes of said area will be of a high-grade garden village type of housing development;

B. That horizontally divided family dwelling units will not exceed 25% of the total number of family units to be constructed in said area;

C. That dwellings with flat or approximately flat roofs will not exceed 25% of the total number of such buildings to be constructed in said area;

D. That building coverage shall not exceed 20% of said area;

E. That no building over 2 1/2 stories in height, measured from the highest point of the finished grade of each unit, will be constructed in said area;

F. That Grove Street will be extended and constructed to the town line in condition to be accepted as a public street;

G. That the Town will be given rights of easement for necessary sewers, surface water drains and water pipes in streets and ways throughout said area;

H. That if the Company cannot or does not carry out substantially the proposed development within ten (10) years from the date of this instrument and if said area shall not previously have been rezoned by the Town into a new zoning district, the Company will within that period make petition to the Town to restore the undeveloped land to the 4D zoning district.

1. That if the Company carries or does not carry or substantially the proposed development and if said area shall not previously have been removed by the Town from said 5C zoning district, the Company will give to the Town written notice directed to the Town Clerk ninety (90) days or more prior to conveyance or transfer of its title to said area or any substantial part thereof. This section shall not apply to conveyances, transfers or interests in real estate.

IN WITNESS WHEREOF, John Hancock Mutual Life Insurance Company has caused these presents to be executed in its name and behalf and its corporate seal to be hereunto affixed on the day and date first above written.

JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY

By: Paul F. Clark
President

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

March 11, 1946

Then personally appeared Paul F. Clark and

acknowledged the foregoing instrument to be the free act and deed of

John Hancock Mutual Life Insurance Company, before me.

Simon P. Townsend
Notary Public

APPENDIX A

An area of land situated in the southerly part of the Town of Brookline being a part of a lot designated on the 1945 Assessors' Plan as Lot 1 in Block 388 bounded and described substantially as follows:

Northeasterly and easterly by the center line of proposed roads;
Southeasterly by the center line of Grove Street Extended;
Southerly by the northerly side line of Veterans of Foreign Wars Parkway;
Southwesterly by the boundary line between Brookline and Boston;
Northwesterly by land now or late of Management Corporation;
As shown on Zoning Map No. 6R, as prepared by Walter A. Devine, Town Engineer, dated December 17, 1945, amending Zoning Map No. 6 prepared by Henry A. Varney, Town Engineer, and verified by the signatures of the Planning Board.

Attachment C

Memo



Stantec

To: John Connery – Connery Associates
 Jeff Levine – Town of Brookline

From: Joe Geller
 Boston MA Office

File: Hancock Village Date: August 11, 2009

Reference: Plan Outline for Fiscal Analysis

The proposed Plan:

The following accompanied by the plan we presented to the committee on July 15th (attached) represents what I believe our plan and program is for the proposed project. The elements of the program are as follows:

- All proposed units are flats no town homes. Two story buildings will be walkups; all other buildings will have elevators.
- Proposed plan will have no 3 bedroom units - *good or bad?*
- Proposed infill units behind Beverly Road and behind the Independence garage will all be one bedroom units with dens, with a maximum occupancy of two people. The square footage for these units would be approximately 1045 square feet including common area within the building

*gross FA
not net
will not
could meet*

Elevator buildings (three stories and above) will be a mix of 50% one bedrooms and 50% two bedrooms. The one bedroom units would be an average of 1095 square feet and the two's would be an average of 1265 square feet again including common areas.

*Younger
really
hard to
park
close?*

- Parking proposed at 1.4 spaces for each proposed unit and the required number of additional spaces to address CHR's desire to park closer to unit entrances. (Adding conveniently located parking near existing units will make these units more attractive to young professionals or young couples with non school age children. The resulting altered tenant mix in the existing units would thus have less school age children.)

*Assumes
change
to parking
requirements?*

- The plan would consist of a total of 466 net new units as indicated on the plan plus 14 additional units to replace the 14 demolished for construction of the new 220 unit building. Total new units would

One Team. Infinite Solutions.

Stantec

August 5, 2009
John Connery, Jeff Levine
Page 2 of 3

Reference: Plan Outline for Fiscal Analysis

therefore total 480. The 14 demolished units consist of 7 one bedroom units, 6 two bedroom units and 1 three bedroom unit.

What if zone change? Higher AFF?

- 15% of the new units will be affordable units at the income levels indicated in the Town's inclusionary housing section of the zoning by-law
 - 10% at less than 80% of median income
 - 5% at 100% of median income
- Average Existing Market Rents at Hancock Village are \$1605 for a one bedroom, \$1912 for a two bedroom and \$2588 for a three bedroom. Rents for the proposed units will be as follows:
 - Infill One Bedrooms \$2000 - \$2600
 - 7 Story Building One Bedroom = \$2250 - \$2270, Two Bedrooms = \$2900 - \$3600
 - Gerry Garage and East Building One Bedroom = \$2250 - \$2700, Two Bedrooms = \$2700 - \$3000

Additional items CHR will commit to with regard to the design of the site and impact on the environment are as follows:

- Mature trees and landscape will be preserved wherever possible to maintain the quality and feel of the existing open space
- The plan will utilize Low Impact Development techniques and sustainable stormwater management design to provide a sustainable approach to redevelopment. Concepts such as pervious pavements, rain gardens, bio-swales and other techniques will be explored to further these goals.
- The site plan and all new construction will strive to meet criteria for LEED ND certification. Buildings will be designed for energy and water efficiency, alternative fuel sources such as solar, geothermal and wind will be explored. Green roofs will be considered for larger buildings. Bicycle storage and accommodations will be included in the plan and added to the retail area, and transportation demand management including expanded shuttle service, zip car and other alternatives will be included in the final plan
- The plan will incorporate pathways and trails throughout the development to connect the community and neighborhood to the Shops

Stantec

August 5, 2009
John Connery, Jeff Levine
Page 3 of 3

Reference: Plan Outline for Fiscal Analysis

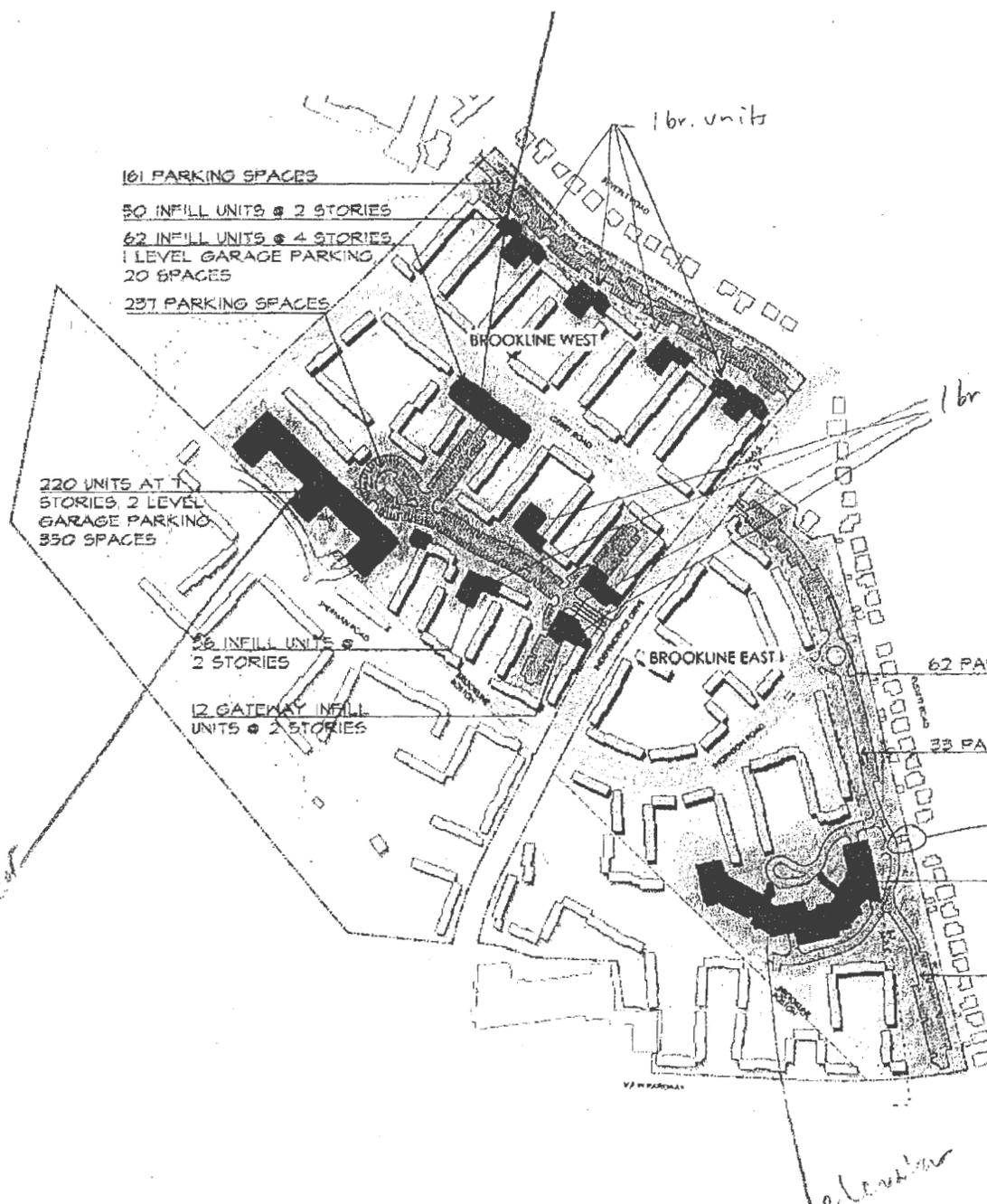
at Hancock Village, Baker School, the Hoar Sanctuary and the Hancock Woods. Creating a more neighborhood friendly walkable community

Please review the above and contact me should need any additional information and to discuss a time for us to meet. We would like to schedule a meeting with both of you in attendance as well as Judy Barrett to discuss the parameters of the fiscal analysis so we can have agreement on the general approach that will ensure that we can have an apples to apples comparison when the two analyses are completed.

STANTEC PLANNING AND LANDSCAPE ARCHITECTURE P.C.

A handwritten signature in black ink, appearing to read 'J. Geller', with several loops and flourishes extending to the right.

Joseph T. Geller, ASLA
Senior Principal
joe.geller@stantec.com



PROPOSED DEVELOPMENT PLAN

UNITS	
NEW UNITS BROOKLINE WEST	366
NEW UNITS BROOKLINE EAST	100
REPLACEMENT UNITS	14
TOTAL NEW AND REPLACEMENT UNITS	480

PARKING	
PARKING REQUIRED FOR NEW AND REPLACEMENT UNITS @ 1.4 SPACES/UNIT	673

BROOKLINE WEST GARAGE SPACES FOR NEW UNITS	370
SURFACE SPACES FOR NEW UNITS	163
BROOKLINE EAST GARAGE SPACES FOR NEW UNITS	140
TOTAL NEW UNIT PARKING	673

OTHER ADDITIONAL PARKING ADDED BEYOND THE 1.4 RATIO	
BROOKLINE WEST	103
BROOKLINE EAST	79
TOTAL ADDITIONAL PARKING	855

JULY 15, 2009



Hancock Village- Proposed Site Plan July 15, 2009

Brookline, MA



July 15, 2009

Attachment D





Safe Pedestrian Areas within Hancock Village

Attachment E



Russett Road Neighborhood

Attachment F



Town of Brookline

Massachusetts

**Department of Planning and
Community Development**

Town Hall, 2nd Floor
333 Washington Street
Brookline, MA 02445-6899
(617) 730-2130 Fax (617) 730-2442

**Alison C. Steinfeld
Director**

August 26, 2013

Anthony Fracasso, Senior Vice President
MassDevelopment
99 High Street, 11th Floor
Boston, MA 02110

RE: The Residences at South Brookline
Chapter 40B Comprehensive Permit

Dear Mr. Fracasso:

Brookline has a long-standing, genuine commitment to creating, retaining and improving affordable housing—but housing that is sited based on legitimate and sound land use principles. Fortunately (and not coincidentally), the guidelines upon which Brookline has based its past decisions regarding the location of affordable housing are consistent with guidelines formally articulated in the State's Sustainable Development Principles. Accordingly, the preponderance of Brookline's subsidized housing has been developed in what are essentially transit-oriented development areas that provide a) direct and immediate access into Boston and the jobs the city provides and b) a full range of support services, including but not limited to an extensive transportation network, thereby reducing reliance on the automobile and the concomitant impact on the environment.

In contrast, the proposed expansion of Hancock Village does not advance the State's Sustainable Development Principles with the sole exception of expanding housing opportunities. The proposal is actually inconsistent with several tenets of Smart Growth.

Whereas the Commonwealth has emphatically stated the importance of a coordinated approach to development that promotes "sustainable development through integrated energy and environment, housing and economic development, transportation and other policies, programs, investments and regulations," the proposed housing development focuses almost exclusively on creating housing to the detriment of most of the other equally important principles. The proposed so-called infill development is not an "integrated" approach and is in fact diametrically opposed to the intent and substance of the majority of the Development Principles—principles that are designed to generate a cohesive, efficient and coordinated approach to development and redevelopment:

Concentrate Development and Mix Uses

The proposal does not represent “development that is compact, conserves land, protects historic resources, and integrates uses.” It in fact represents new, low density development in what are deliberately designed and actively used recreational open-space areas. Further, the proposed development undermines existing pedestrian patterns; and fails to mix commercial, civic, cultural, educational and recreational activities into one area. Contrary to the proponent’s assertions, Hancock Village is not well-served by public transportation. There is in fact only one bus route—which was nearly eliminated—that passes near the housing complex. Similarly, not only does the proposal fail to “protect historic resources,” it actually subverts the historic integrity of a property that has been deemed eligible for listing in the National Register of Historic Places. That eligibility will undoubtedly be withdrawn should the construction of the proposed development become a reality.

Advance Equity

According to the State’s Smart Growth/Smart Energy Toolkit: “Every day we make important choices about where and how we will grow in Massachusetts. These decisions have profound implications for our environment, economy, and society. While we have made progress, more needs to be done to ensure that the interests of future generations are not compromised by today’s decision.” A decision to support the Residences at South Brookline will do exactly what the State seeks to avoid: compromise the interests of future generations while ignoring the contributions of the past. It will do so for the sake of 39 subsidized housing units that will remain protected for a mere 30 years. The 39 units will be at the expense of an historic Garden Village community—a community that has been in existence for seven decades. Clearly, the choice to support an expansion of Hancock Village will have profound implications for the future—implications that not only do not advance equity but are expressly inequitable.

Protect Land and Ecosystems.

Rather than “increase the quantity, quality and accessibility of open space and recreational opportunities,” the Residences at South Brookline will result in a net decrease in the amount of open space while, at the same time, eliminating a significant portion of the puddingstone on the property. The proposed development will clearly not protect land.

Use Natural Resources Wisely

Contrary to the proponents’ attestations, the proposal does not promote the efficient use of land. Rather than protecting natural resources, the proposed development involves construction on open space and the significant reduction of puddingstones—both of which are not only unwise, but are inefficient, destructive and counter to this principle that is fundamental to Smart Growth.

Plan Regionally

The Sustainable Development Principles include a call to “support the development and implementation of local and regional, state and interstate plans that have broad public support and are consistent with these principles.” The proposed redevelopment of Hancock Village is not only inconsistent with the Commonwealth’s Smart Growth principles, it is also inconsistent with *MetroFuture*, the duly developed and adopted long-term plan for the Boston region of which Brookline is a member. Consistent with the Sustainable Development Principles, *MetroFuture* encourages efficient land use to be achieved by concentrating development in built-up urban centers as opposed to suburban or rural areas characterized by low-density residential land use and open space—i.e. Hancock Village. *MetroFuture* seeks to “reinforce these growth patterns (traditional town and village centers with their compact arrangement of businesses and homes) in order to preserve open space and increase efficiency.” Hancock Village in its current configuration epitomizes the type of community that *MetroFuture* expressly and emphatically recommends be preserved rather than developed.

The underlying principle of the Commonwealth's Smart Growth approach is to promote reuse as opposed to new construction by concentrating development in existing developed areas while preserving natural resources. The proposed expansion of Hancock village is diametrically opposed to that fundamental precept.

On behalf of the Town of Brookline, I urge you to uphold the Sustainable Development Principles and preserve and protect the character that defines Hancock Village. Hancock Village has stood for over 70 years as testament to sound planning principles—principles that have ironically been resurrected in recent years as we recognize our responsibility as stewards of the environment, promote efficient land use to retain as much open space as possible and minimize impacts on the environment, incorporate open space into the design of residential communities, and support a sense of community and livability.

I respectfully request that you review the Chestnut Hill Realty's proposal within the context of State-wide land use policies and in conformance with the Governor's commitment to promote coordination of all State secretariats and agencies in order to insure an integrated approach to development. In so doing, you will undoubtedly recognize that the Hancock Village site is neither suitable for development nor consistent with the Sustainable Development Principles advanced by the Commonwealth.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alison C. Steinfeld".

Alison C. Steinfeld
Planning Director



TOWN of BROOKLINE

Massachusetts

BUILDING DEPARTMENT

Daniel F. Bennett
Building Commissioner

INTEROFFICE MEMORANDUM

Date: August 14, 2013

To: Joslin Ham Murphy
Acting Town Counsel

From: Daniel F. Bennett
Building Commissioner

Re: Hancock Village 40B
Residences of South Brookline

Building Department staff has reviewed the Project Eligibility Letter application to Mass Development dated June 10, 2013 for The Residences of South Brookline by Chestnut Hill Realty.

More specifically, staff focused on the Dimensional Zoning Analysis and Waiver List consisting of two tables; Zoning West (Parcel 1), Zoning East (Parcels 2 and 3) and the Parking Waiver List consisting of two tables; Parking West and Parking East.

The property lies within two zoning districts, Single Family S-7 Residence District and Apartment House M-0.5 Residence District. Pursuant the Zoning By-Law, Table 5.01 Table of Dimensional Requirements, the use classification for an M-0.5 district "other dwelling structure" the minimum lot size is 3,000 sq. ft. for the first dwelling and 2,000 sq. ft. for each additional dwelling unit. Based on information provided by the applicant, 3,000 sq. ft. for the first unit plus 230,000 sq. ft. for the remaining 115 units requires 233,000 sq. ft. of lot area for 116 units requiring a waiver for lot size. In addition, applicant has indicated no waivers are required for Open Space with the exception of one waiver for useable space in the M-0.5 district. In order to make a proper determination for compliance with Open Space Requirements, back up information should be submitted with calculations and any deductions taken should be identified.

The applicant has proposed several accessory structures (retaining walls, garages) as part of their application. Section 4.07 – Table of Use Regulations (Use #54 and #55) permit an accessory private garage or parking area for noncommercial motor vehicles with not more than four spaces on a lot larger than 10,000 sq. ft. The applicant is proposing seven garages of four cars each totaling 28 vehicles, a waiver is required for this use. In addition the applicant is proposing various retaining walls; there is insufficient information to determine if the proposed walls meet the setback requirements and height restrictions as provided for in our by-law.

Further, there is insufficient information to confirm there will be no waivers for building height and the spacing of residential buildings on the same lot. With respect to the height of the proposed buildings the applicant has indicated no waiver is required based on their interpretation of Zoning Bylaws Section 5.01, Table of Dimensional Requirements. The Zoning By-Laws provide several scenarios for calculating the maximum height of buildings. In any case the applicant would have to establish the grade of natural ground contiguous to the building, record grade of the street, mean natural grade of abutting properties etc. as well as other information to determine the height of the building. No such information has been provided. The applicant should produce the methodology used to determine no waiver is required and allow the Town to review and comment. It is clear the By-Law sets a maximum height of a building, in an S-7 and M-0.5 zoning district of 35'. The By-Laws also provide direction by which the mean grade is established from which the maximum height is to be measured. If it was the Towns desire to allow a four story apartment building in a M-0.5 zoning district they would have permitted a higher maximum height requirement. There are numerous other zoning districts in the Town of Brookline that permit a building, other than a one or two family dwelling, to be more than 35' in height (see 5.01 Table of Dimensional Requirements District M-1.5, M-2.0, M-2.5). The S-7 and M-0.5 zoning districts are primarily made up of 1 to 2 ½ story structures, one would conclude that this is due to the proper interpretation and enforcement of the By-Law. The provisions of section 5.30 of the By-Law detail how one would establish the height of a building based on mean or record grade. It was written to maintain a balance of the height of buildings with surrounding or abutting properties that have the same, less or more restrictive height limitations.

In the Dimensional Zoning Analysis and Waiver List submitted by the applicant no waiver is requested for height due to their interpretation and they provide no documentation to back up this claim. The notion that no relief in height for a proposed four story building is not in keeping with the intent of the By-Law. It is my opinion a waiver for height would be required for the proposed four story apartment building.

Lastly, there has been no indication by the applicant as to how they will address the fact that the lot is situated part in the Town of Brookline and in part in the City of Boston. Our bylaws provide direction on the impact of a project when a lot in one ownership is situated part in the Town of Brookline and in part in the City of Boston. The applicant has provided no information for the Boston portion of the property to adequately determine the impact, if any, on zoning.



BROOKLINE POLICE DEPARTMENT

Brookline, Massachusetts

DANIEL C. O'LEARY
CHIEF OF POLICE

August 13, 2013

To: Kara Brewton, Economic Development Officer

From: Daniel C. O'Leary, Chief of Police

Subject: Hancock Village Proposal

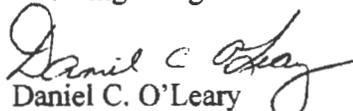
The Police Department does have concerns regarding the proposed construction at Hancock Village. From my review of the proposed plans, the additional housing units will result in an increase in residents and visitors throughout the area. There will be an impact on both foot and vehicular traffic. Furthermore, I believe we will see an increase in families which will increase the number of school children walking to Baker School.

Because of the above, and in the interest of public safety, there is a need for a traffic impact study to determine whether or not a traffic/pedestrian signal light is necessary at the intersection with Independence Drive. A considerable amount of Independence Drive is flat and straight. This has contributed to speeding along the roadway. We have conducted numerous speeding enforcement activities at all hours of the day and night. Furthermore, the closest signal lights now are at the intersection of Beverly and Independence as well as VFW Parkway and Independence. Because of this, it is our belief that there is a need for a signal light added to this area at a location between the existing to lights referred to above.

Furthermore, we realize the plans submitted are not the final ones. Therefore, we would hope that security would be seriously looked at. This property currently has a lot of outdoor parking. As such, these parking areas have become the targets of criminals breaking into and stealing from these parked, unattended vehicles. A security plan should be drawn up that includes adequate lighting, parking lot design that protects the vehicles and does not isolate them and the latest in security should be put in place at the entrances to the proposed buildings.

The Police Department would be interested in meeting with the designers prior to final submission of the construction plan. It would be our hope to provide for the safety of motor vehicles, occupants and pedestrians as well as reducing the risk of the development becoming a target of criminals.

DCO/kaf


Daniel C. O'Leary
Chief of Police



TOWN of BROOKLINE
Massachusetts

**FIRE DEPARTMENT
HEADQUARTERS
PUBLIC SAFETY BUILDING**

Paul D. Ford
Chief of Department

350 Washington Street
PO Box 470557
Brookline MA 02447-0557
Tel:617-730-2272
Fax:617-730-2391
www.brooklinema.gov

August 14, 2013

Joslin Ham Murphy
Office of Town Counsel
333 Washington Street
Brookline, MA 02445
617-730-2190

Subject: The Residences of South Brookline

The proposed additional housing stock, known as The Residences of South Brookline, is troubling with regards to public safety. The property is located at the furthest end of the Town's border. Fire Station 6, located on Hammond Street, is the closest responding company. Fortunately, it does meet the National Fire Protection Associations 1710 Standard for initial response of the first arriving Engine Company. However, the closest Ladder Company must travel from Fire Station 1 in Brookline Village. This response is outside the N.F.P.A. standard regarding initial full alarm response times. In fact, only two of the five, initial full alarm assigned companies, can meet the standard at this time.

The job of search & rescue typically falls on the ladder companies. Time is of the essence in the critical early moments of a fire when survivability is at its highest. To add hundreds of lives to an area that is already outside a recommended maximum response time is inconsistent with public safety. The lengthy response time not only jeopardizes the lives of the residents, but those of my firefighters, as the fire will have more opportunity to grow in size causing the structural integrity of the building to diminish more quickly. Fires that have a greater opportunity to grow also present a larger problem for exposed structures, which in-turn changes the entire fireground dynamics.

The current plans for the project also depict several locations where, once committed to a certain area, fire apparatus would not be able to turn around without backing up. This sets up a dangerous situation, especially in a congested area with children present.

With the proposed expansion, serious life safety implications arise. For these reasons, I would not be in favor of this project.

Sincerely,

Paul D. Ford
Fire Chief



Town of Brookline

Health Department

11 Pierce Street
Brookline, Massachusetts, 02445
PMaloney@brooklineMA.Gov
www.brooklineMA.Gov

Patrick Maloney, MPAH
Assistant Director of Public Health
Chief of Environmental Health

BROOKLINE HEALTH DEPARTMENT M E M O R A N D U M

TO: Joslin Murphy
Acting Town Counsel
August 15, 2013

FROM: Patrick Maloney
Chief Environmental Health Services

RE: Hancock Village Proposed Development
Residences of South Brookline – Proposed
192 Dwelling Units & 342 Parking Spaces

Upon review of the submitted plans for the above noted project I offer the following comments.

- The proposed development calls for 192 Dwelling Units and 342 additional parking spaces; this is an addition to the current 789 dwelling units and 557 parking spaces that currently exist. The Total dwelling units would increase to 981 and parking spaces would increase to 899. These increases could significantly impact the abutting wetland within the D. Blakely Hoar Sanctuary. This area is of critical concern to the Department as it has been found to provide habitat to both spring and summer floodwater disease producing mosquitoes.

In addition the construction of new stormwater catchbasins which will be necessary for the development will also increase the potential of stormwater disease producing mosquitoes.

The Department has previously found Eastern Equine Encephalitis (EEE) mosquitoes in this area. Any additional environmental conditions that contribute to the mosquito population is a significant public health concern. Attached is a summary of these concerns from the Departments Mosquito Control Project Superintendent David Henley.

- Hancock Village currently has rubbish storage and recycling area that has generated complaints from abutters over the years. Currently the property management brings all the solid waste (rubbish and recycling) to a central corralled location. This area has generated complaints from neighboring property owners. Complaints have been about overflowing dumpsters, wildlife feeding from overflowing dumpsters, illegal dumping and rodent activity. This Department has forwarded these complaints to the Towns solid waste enforcement division in the Department of Public Works. The proposed addition of 192 dwelling units to the current 530 dwelling units will significantly impact the rubbish storage and disposal demands for the complex.



Town of Brookline

Conservation Commission

Kate Bowditch, Chair
Marcus Quigley, Vice Chair
Randolph Meiklejohn, Clerk
Werner Lohe
Roberta Schnoor
Gail Fenton
Matthew Garvey

Associates
Marian Lazar
Pamela Harvey

MEMORANDUM

To: Joslin Ham Murphy, Acting Town Counsel
From: Thomas D. Brady, Conservation Administrator
Date: August 14, 2013
Re: Revised MassDevelopment application for a 40B project at Hancock Village

I am writing on behalf of the Conservation Commission to relay comments and feedback from the Commission based on the revised plans which were included in the latest application package from Chestnut Hill Realty to MassDevelopment. Although schematic in nature and devoid of any information regarding any infrastructure associated with new development the general footprint and location of the new impervious surfaces are consistent with the previous submission and continue to raise some concerns for the Commission.

The green space on which the new townhomes will be constructed behind Beverly Road has historically been in a wet condition. Due to these conditions it is suggested on site soil modeling be undertaken to investigate the possible presence of a former wetland system based on either hydric soils or signs of soil modeling. The submissions to date have relied upon area wide USGS soil survey information for their analysis.

Currently there is a large culvert which collects the runoff from area streets and discharges this runoff into the stream within D. Blakely Hoar Sanctuary. This outlet has been the site of intermittent discharges of foreign material, i.e. petroleum or detergent, for at least the past ten years. Before additional flow is directed to this outlet, a permanent solution must be implemented which would address these discharges before they enter the Sanctuary.

As currently shown on the plans the new construction activities lay just outside of the buffer zones of the known wetland resource areas thereby removing the project from the jurisdictional review of the Conservations Commission. However, it is likely that any of the storm water runoff from the project located behind Beverly Road and a portion of the site located behind Russett Road would lead to an increase in offsite flow through the large culvert to the wetland resource area. If this is the case the issue of jurisdiction would need to be reviewed due the impacts on the wetland resource area.



TOWN OF BROOKLINE
Massachusetts
DEPARTMENT OF PUBLIC WORKS
Engineering & Transportation Division

Andrew M. Pappastergion
Commissioner
Peter M. Ditto, PE
Director

August 27, 2013

Joslin Ham Murphy
Acting Town Counsel
Town Hall
333 Washington Street
Brookline, MA 02445

Re: Proposed 40B - Residences of South Brookline

Dear Joslin:

I have reviewed the information contained in Chestnut Hill Realty's revised Project Eligibility Letter dated June 2013. No additional information beyond what was submitted in the initial Project Eligibility Letter with respect to sanitary sewer, drainage, and traffic/safety has been provided by the applicant. Therefore, it continues to be premature to engage the services of expert consultants to conduct a meaningful assessment of the potential impacts that are associated with the above mentioned concerns, and this Division remains concerned that significant traffic and safety issues exist with respect to the proposed project site.

Respectfully:

Peter M. Ditto
Director of Engineering/Transportation

Cc: Andrew Pappastergion, Commissioner of Public Works

Attachment G



The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Massachusetts Historical Commission

June 22, 2012

Emily Wolf
Boston Landmarks Commission
CLG Coordinator
City Hall
Boston, MA 02201

Re: Hancock Village (Boston/Brookline) NRDIS

Dear Emily:

Staff at MHC have evaluated the Hancock Village housing development for potential eligibility for listing in the National Register of Historic Places. Based upon your submitted information, plus information previously submitted by the Brookline Historical Commission, MHC staff concurs with the CLG opinion that the Village meets National Register criteria A and C, and possibly B, for listing at the state and local level.

Hancock Village is an early post-war housing development, created in association with Brookline, Boston, and the John Hancock Life Insurance Company to provide low-cost housing for returning World War II veterans and their families. Several nationally known developers, landscape architects, and builders collaborated on this nearly 800-unit facility, which straddled the Boston/Brookline line. An early strip mall was included with the project to form a self-contained community. This has been greatly changed in recent years and, if included within the boundary, would be considered a noncontributing element to the present-day Village.

As we commented earlier, a nomination would necessarily include the entire complex, and would thus be a multi-community nomination, with cooperation between the BLC and the Brookline Historical Commission in the preparation and processing of the nomination. We look forward to working with both groups in achieving National Register recognition for this important postwar development.

A handwritten signature in cursive script that reads "Philip Bergen".

Philip Bergen
Preservation Planner

Enclosure

cc: Greer Hardwicke, Brookline Historical Commission
Kathleen Kelly Broomer

220 Morrissey Boulevard, Boston, Massachusetts 02125
(617) 727-8470 • Fax: (617) 727-5128
www.sec.state.ma.us/mhc



The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Massachusetts Historical Commission

October 28, 2011

Ms. Greer Hardwicke
Preservation Planner
Brookline Preservation Commission
333 Washington Street
Brookline, MA 02445

Re: Hancock Village (Area BA), National Register eligibility

Dear Greer:

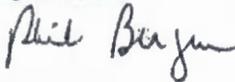
Staff at the Massachusetts Historical Commission have reviewed materials that you have submitted regarding the potential eligibility of the Hancock Village development for listing on the National Register of Historic Places. While there is an interesting history to the project, which may be of statewide significance, more information is needed before we can concur with the Brookline Preservation Commission's Certified Local Government opinion.

Hancock Village is a post-World War II housing development in South Brookline and West Roxbury that is the product of a collaboration between the Town of Brookline and the John Hancock Life Insurance Company to provide housing and employment for returning veterans. The village included nearly 800 town houses on curving side streets, and was designed by the Washington firm of Justement & Koenig, a nationally prominent firm that specialized in designing apartment developments. Brookline landscape architects Olmsted Associates produced a natural setting that maximized green space, while eliminating much street traffic and parking clutter. Hancock Village represented an ideal mid 20th century development that eased World War II returnees back into a life of normalcy. The Village also included a shopping center, unobtrusive garages, and inward-facing courtyards.

It is quite likely that, ultimately, MHC will concur with your opinion of Hancock Village's National Register eligibility. However, several questions were raised by staff during our evaluation. Hancock Village's location prompted the primary concern. While most of the Village lies in Brookline, a substantial portion, including the shopping center, is located in Boston. As you know, the Brookline area form for Hancock Village concentrated on documenting those resources in Brookline only. But for National Register evaluation purposes, the entire Hancock Village development would need to be considered; any National Register nomination for the village would have to be for the village as a whole, in both Brookline and Boston. Since Boston is also a CLG community, the Boston Landmarks Commission should also submit a separate area form, a data sheet, and a CLG opinion for the Boston portion. The shopping center should be addressed in the Boston portion's area form, including photographs of the center and description of the alterations it has undergone.

Other questions were raised by MHC staff. If the Brookline and Boston CLGs proceed with a joint nomination, the following questions would have to be addressed. What is the current ownership of the village (it is now known as Wentworth Village, suggesting that John Hancock is no longer involved), and when did Hancock's participation end? No interior photos or close ups were submitted, leaving us uncertain as to how much of the development's interior and plan is original and how much may have been changed. More photos of the village as a whole would be helpful. Given the unusual circumstances of the Village's development, it is likely that there would have been photos taken of the houses and shopping center at the time the complex opened—possibly the Hancock company archives, the municipalities, or Olmsted Associates would have taken some—and it would be possible to determine the amount of change. A nomination would need to place Hancock Village in context with other postwar housing developments to support its statewide significance.

It is strongly urged that the Brookline Preservation Commission and the Boston Landmarks Commission coordinate their response to the issues raised in this letter. Hancock Village is an interesting postwar housing development; and a National Register nomination would be a useful recognition of its history and significance.



Philip Bergen
Preservation Planner

Cc: Emily Wolf, Boston Landmarks Commission, Boston CLG coordinator
Kathleen Kelly Broomer

Attachment H



Photo A: Driving East on Asheville Road Driveway



Photo B: Driving West on Asheville Road Driveway