



PreserveBrookline-SBNA's Response to the 40B Proposal to Expand Hancock Village

Outline

1. A Response to CHR's Presentation: **Setting the Record Straight**
2. Current 40B proposal to expand Hancock Village: **negative impacts.**
3. **Legal barriers** to 40B proposal.

History of Hancock Village and recent attempts to massively expand it:

Setting the record straight.

Establishment of HV

1946

Built on former golf course to provide **affordable** housing for returning WWII vets.

Zoning changes were made by Town Meeting explicitly in exchange for limitations on future development.

- Limitations were binding on successors and assigns
- Limitation is **not** governed by the thirty year time limit established by MGL c.184.

Establishment of HV

1946

Restrictions on future development:

- Townhouse style
- $\leq 20\%$ building coverage
- All buildings ≤ 2.5 stories in ht
- Abutting greenspace integral to HV's design set aside as buffer and as public space shared by all HV residents.



Establishment of HV

60 years later, Hancock Village remains the largest development in Brookline (530 units, 843 BR).

Hancock Village is one of the best preserved examples of the “Garden Village” style.

HV has been declared eligible for the National Registry of Historic Places.

Conversion to Market Rate Units

1986

Hancock Village purchased by Chestnut Hill Realty (CHR).

1994-1995

CHR eliminated affordable housing at Hancock Village, making all 530 rent controlled units market rate.

- CHR thus eliminated most designated affordable housing in South Brookline.
- Loss of 530 affordable units entirely accounts for the deficit in affordable units now faced by Brookline and that makes it subject to 40B development.

HV Planning Committee

2009

CHR announces its intentions to massively expand Hancock Village.

2009-2011

Town-wide Hancock Village Planning Committee discussed HV expansion plans with CHR and Brookline residents.

For 2.5 years, CHR did little to respond to the Committee's concerns about the scope and impact of development:

- All were max buildouts (466 units)
- All paved over most of the greenspace
- All included large, incongruous structures
- All had large negative budgetary impact for Brookline.

2009 HV Expansion Proposal



- Units: 466
- Parking: 673
- Tallest building: 7 stories
- Greenspace: replaced by parking
- Estimated fiscal impact:
0.5-1 M new loss
+ >2.5⁺ M current loss

 >3 M annual loss

Establishment of HV Neighborhood Conservation District

2011

HV Neighborhood Conservation District established after extensive review by greater than 80% majority of Town Meeting.

The HV NCD design guidelines preserve and protect the original character of this historic site by mirroring the 1946 agreement.

Building permits require approval of the HV NCD Committee based on the design guidelines.

**Clarification of statements
made during the developer's
presentation to the ZBA**

Response to statements by the developer

Statements:

- HV was built as housing for returning WWII vets.
- Their proposal is a response to the need for affordable housing in South Brookline.

Response:

- HV was built as **affordable** housing for returning WWII vets.
- All units were affordable housing until **CHR converted them to market rate units in the 1990s**. Their actions have created the issue that they claim to seek to remedy.

Response to statements by the developer

Statement:

- The restrictions placed on future development at HV are no longer binding. Used 2010 quote from previous Brookline Town Counsel in support.

Response: (further discussion by Talerman)

- The 2010 quote could not consider a 2011 case, Killorian vs. ZBA of Andover, that has implications for the applicability of agreements made as part of contract zoning regardless of MGL c.184.
- The enforceability of the restrictions is one component of an active lawsuit between Brookline and the developer.

Response to statements by the developer

Statement:

- Least dense project in Brookline.

Response:

- HV is the largest development in Brookline's history.
- The density of HV doubles the density of the existing neighborhood. Parts of the proposed development will be 3-4 times the density of the existing neighborhood.

Response to statements by the developer

Statement:

- CHR claimed that it is the one who established the current landscaping.

Clarification:

- The landscape design of HV was by Olmstead Associates, which worked with a noted developer of the Garden Village architecture to produce an integrated design that exemplifies this design ethos.

Response to statements by the developer

Statement:

- CHR stated that they will do their best to preserve mature trees

Response:

- Nearly all of the existing trees will be removed, as was clear on the site walk where nearly every tree was marked with a yellow ribbon.

Removal of most trees



Response to statements by the developer

Statement:

- HV Planning Committee did not work with the developer to find an acceptable plan.

Response: (further discussion by Gladstone)

- The HV Planning Committee, made up of representatives of the entire town, met multiple times with CHR over 2.5 years.
- The concern was the scale and site of the proposed development, and its impacts on the town's finances. These concerns were not mitigated by any of CHR's proposals.

Response to statements by the developer

Statement:

- NCD was created without input from any Town Board

Response:

- The NCD warrant article was discussed exhaustively by a number of Committees and Boards, including the Advisory Committee, Planning Board, Preservation Commission, EDAB, and Conservation Commission.
- The NCD warrant article was approved by over 80% of Town Meeting as well as the Mass. Attorney General.
- The NCD Commission invited CHR to discuss potential development proposals. CHR never responded.

Response to statements by the developer

Summary:

- HV was established as affordable housing.
- CHR is responsible for its conversion to market rate.
- Restrictions on future development of HV may preclude this 40B proposal.

40B proposal to expand Hancock Village

40B #1 (2012)

08/2012

CHR submitted a 40B eligibility proposal to MassDevelopment.

- Units: 271 (440 BR)
- Parking: 446
- Tallest building: 5 stories
- Greenspace: replaced by parking/buildings



Denial Letter re: 40B #1

02/13/2013

MassDevelopment prepared a signed letter stating,

“MassDevelopment has determined that the conceptual site plan is not generally appropriate for the site due to...”

- “...complete elimination of the existing greenbelt buffer”
- “...inadequate setbacks”
- “...the massing of the Project’s proposed five-story building which is generally inappropriate for the site”

Denial Letter re: 40B #1

○ 02/15/2013

Mysteriously, CHR withdrew its 40B proposal prior to MassDevelopment sending its prepared denial letter.

40B #2 (2013)

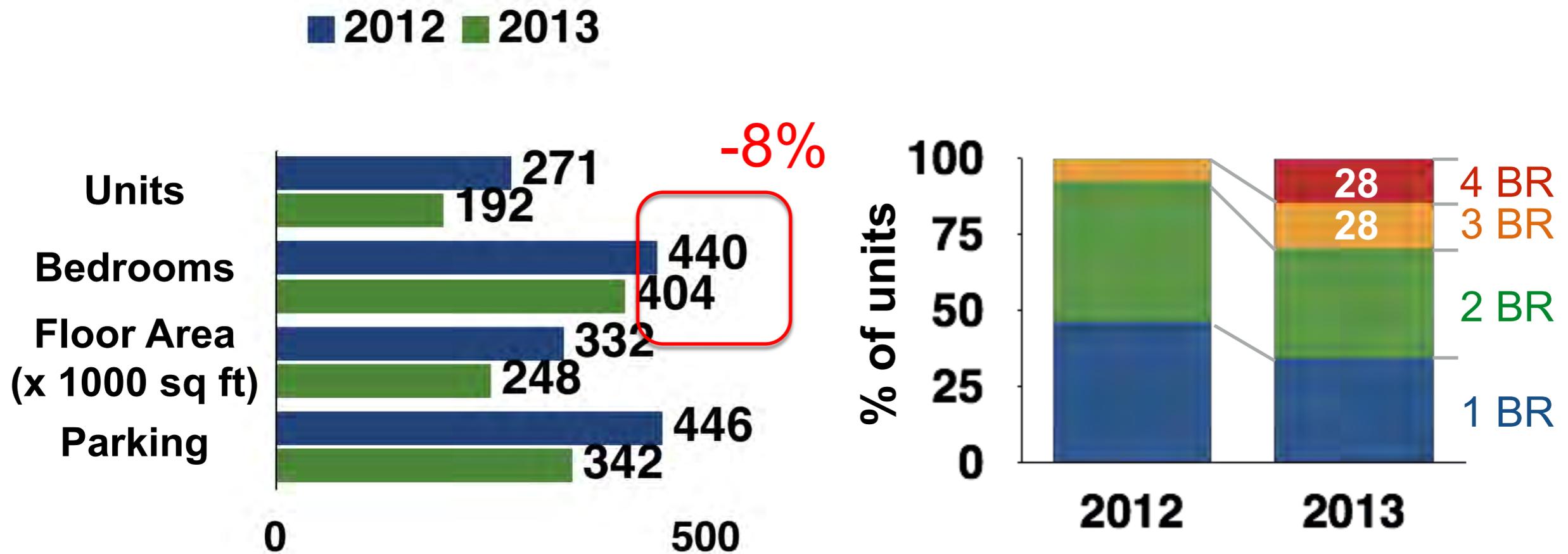
06/2013

CHR submitted a revised proposal.

- Units: 192 (only 39 affordable)
- BR: 402
- Parking: 342
- Tallest building: 4 stories
- Greenspace: turned into parking/road/bldgs

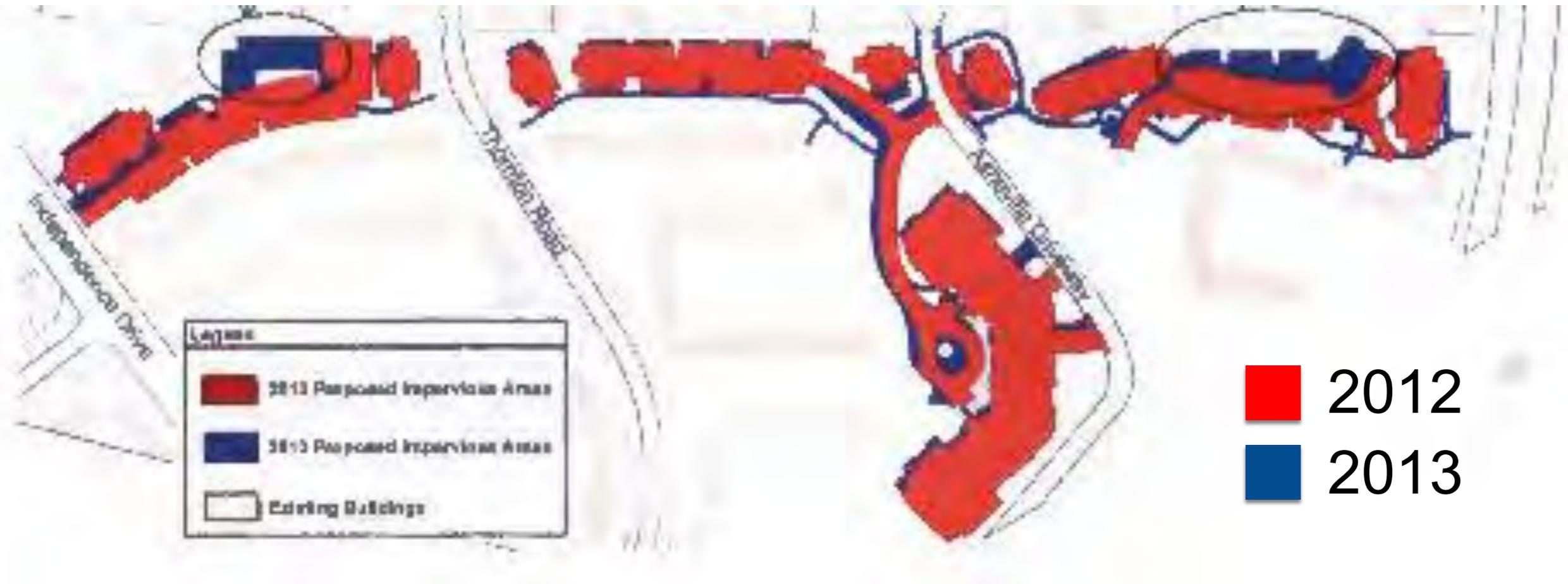


Changes in the Proposal



Proposal	2012	2013
Greenbelt	Road + 10 bldgs	Road + 12 bldgs
Apartment Bldg	7 stories (5 residential+ 2 parking)	6 stories (4 residential + 2 parking)

2013 vs. 2012 proposal



Raised new issues:

- road closer to abutters
- extensive regrading with retaining walls 4-7 ft tall along edge of property

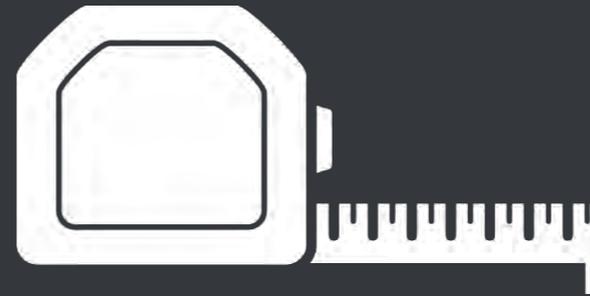
2013 vs. 2012 proposal



Retains massive, incongruous apt building



Destroys greenbelt w/ buildings and roads.



Setbacks remain inadequate



Extensive earth moving that will create water issues.

40B #2 (2013)

10/8/2013

Despite lack of significant changes to address their original concerns, MassDevelopment approved the revised proposal without conditions.

11/19/2013

The Town of Brookline and a group of neighbors sued MassDevelopment.

- Lawsuit pending in superior court.

Current 40B proposal to expand
Hancock Village:

Negative Impacts

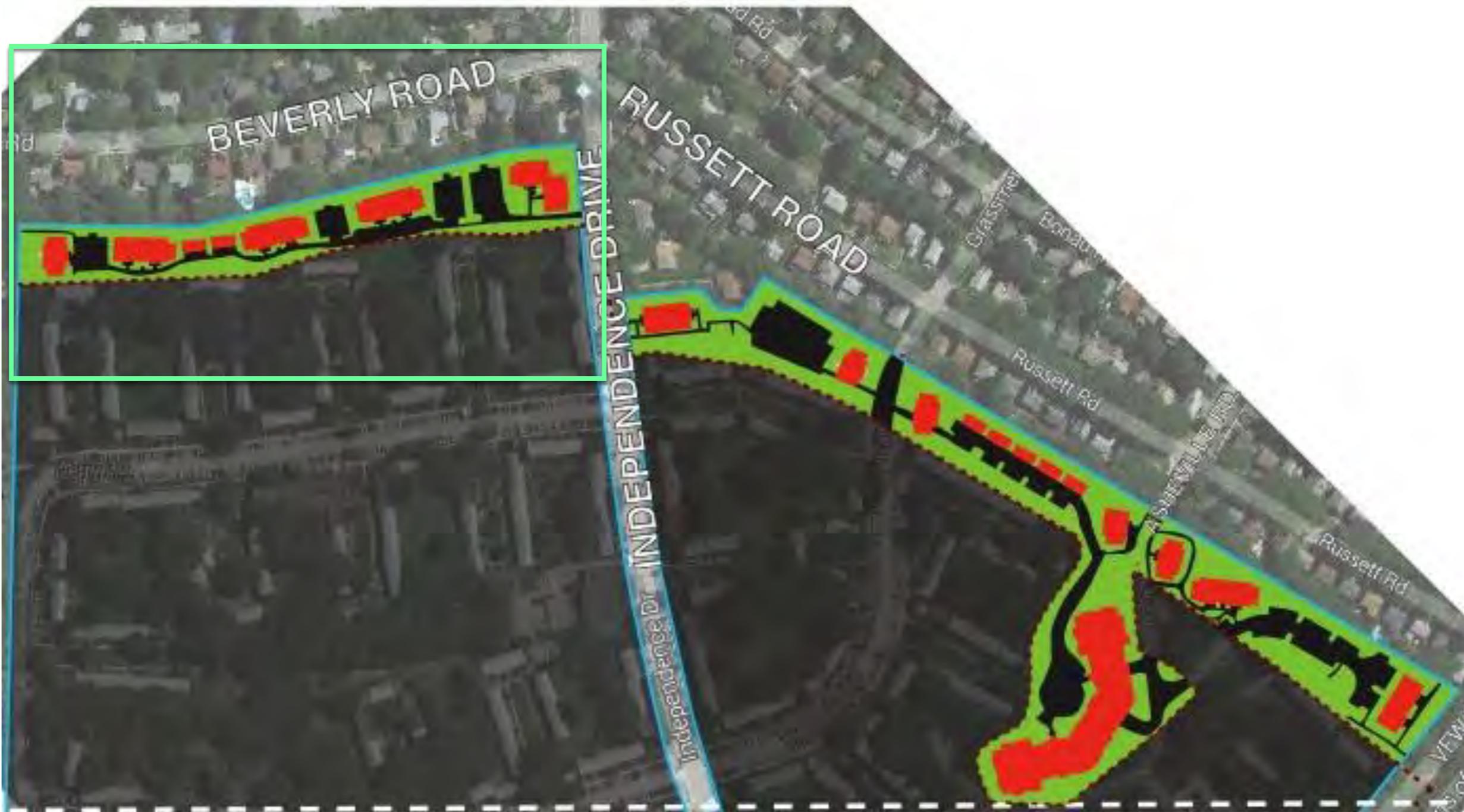
Regulatory Standards

Preliminary eligibility -
determine appropriate considering:

- conceptual site plan
- building massing
- topography
- environmental resources
- integration into existing development patterns

(such finding, with supporting reasoning, to be set forth in reasonable detail);” 760 CMR 56.04(4)(c)

Too Big



West

East

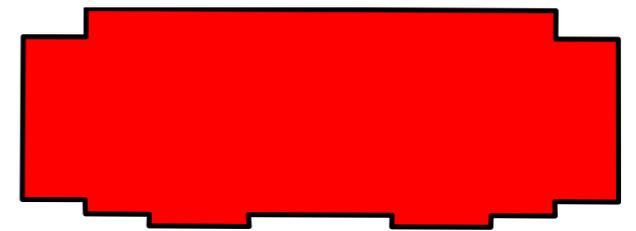
Too Big

Beverly

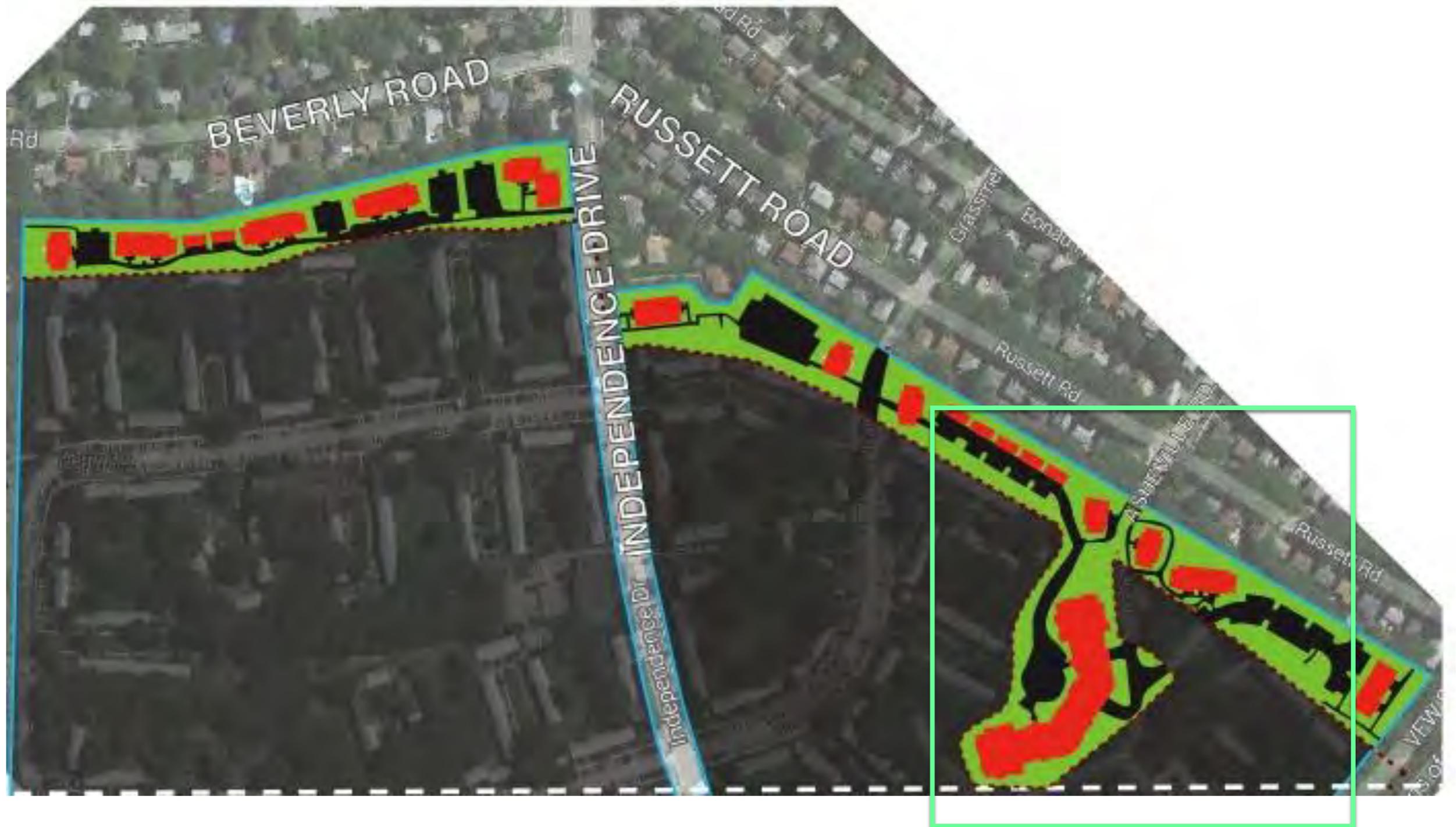


Each infill *building* is:

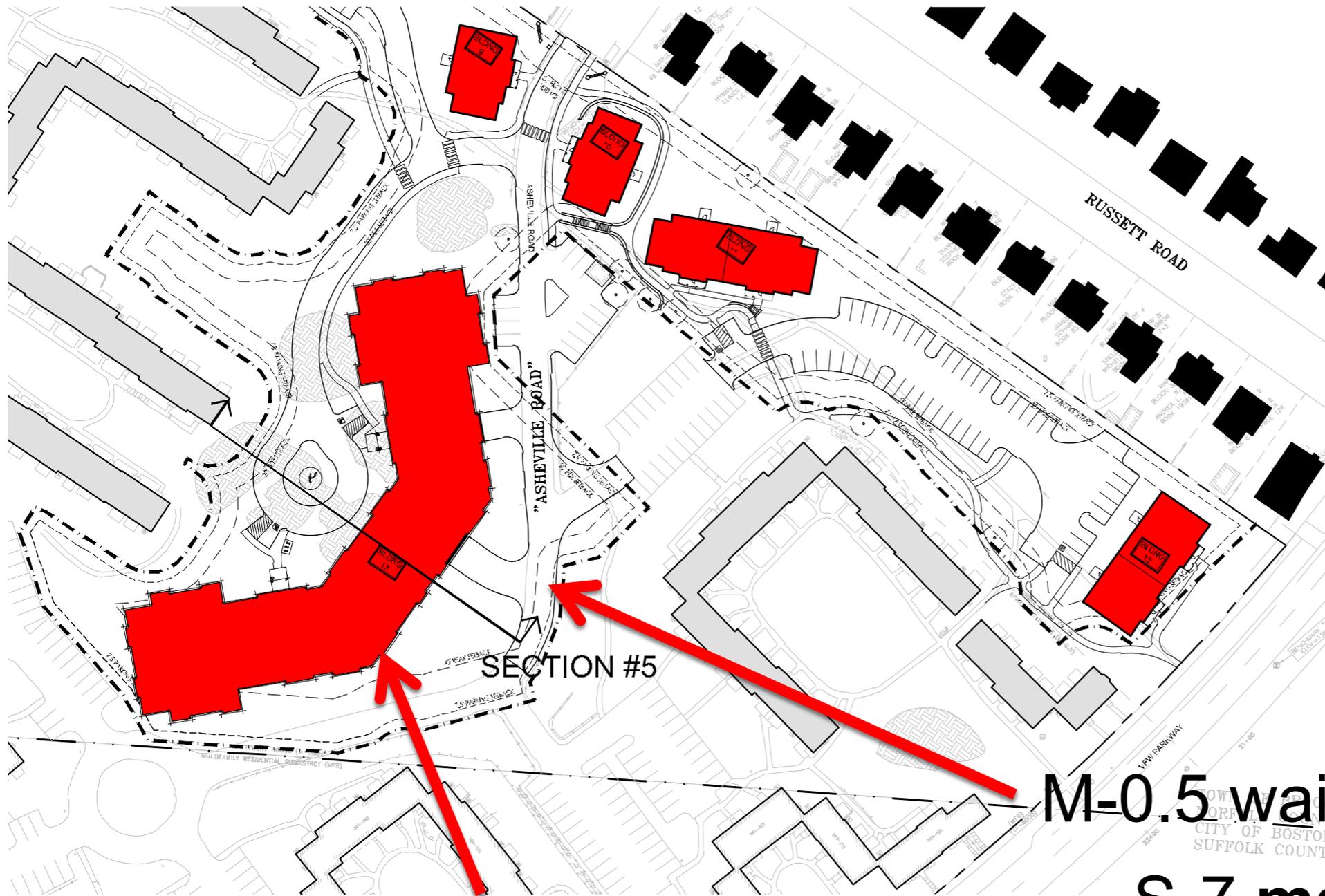
- Twice the width of abutting *lots*
- More than three houses wide
- ~9,500 sq ft = > 4 houses



Too Big



Too Big



Apt bldg = ~197,000 sq ft
~98 avg homes!

M-0.5 waiver for FAR = 1.1

S-7 max FAR = 0.35
...>3x higher density

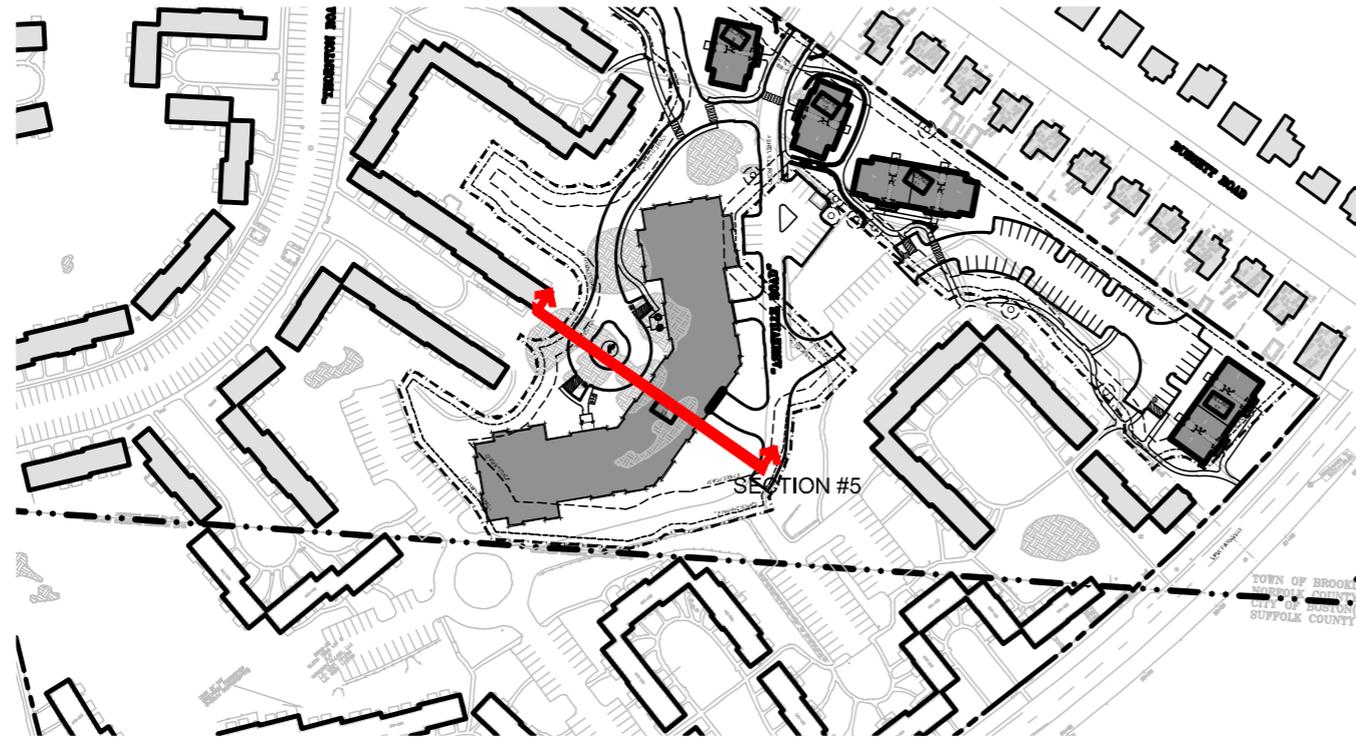
Too Big



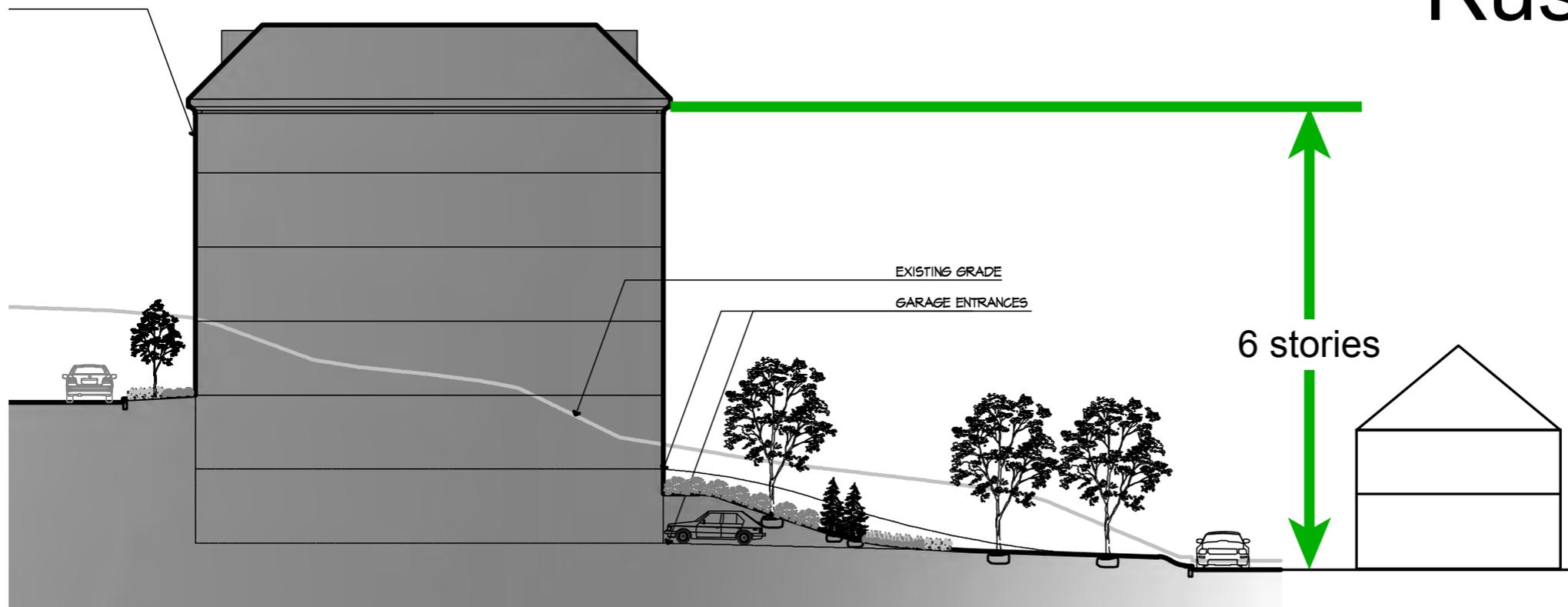
3D CHR rendering of **2011** proposal with **5-6** story apt building.

This diagram to point out the **enormous mass** of the building compared to adjoining structures.

Too Tall



Cross-section shows that the apt building will tower 6 stories above Russett Rd.



Apt Building

Butter

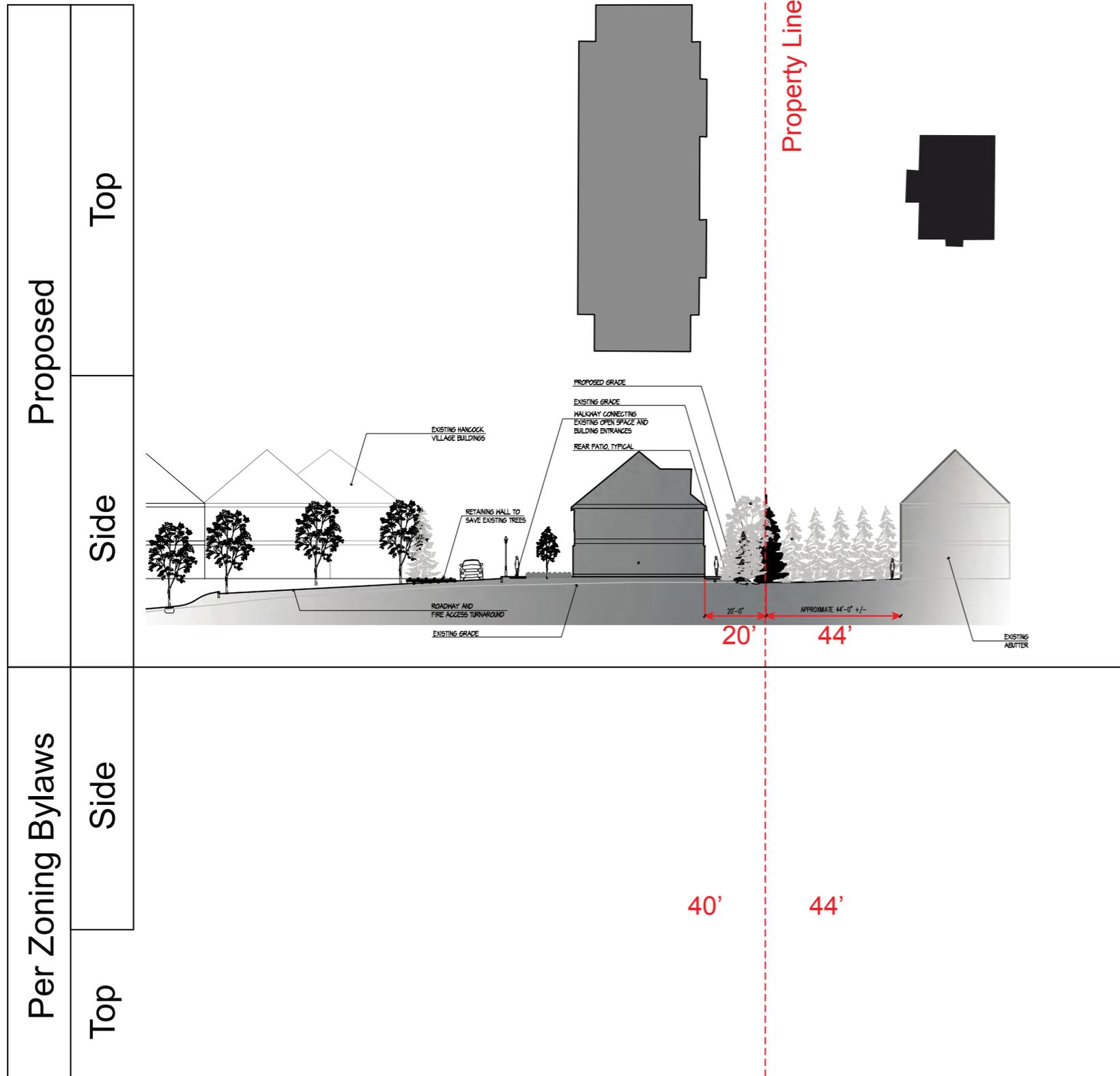
Too Tall



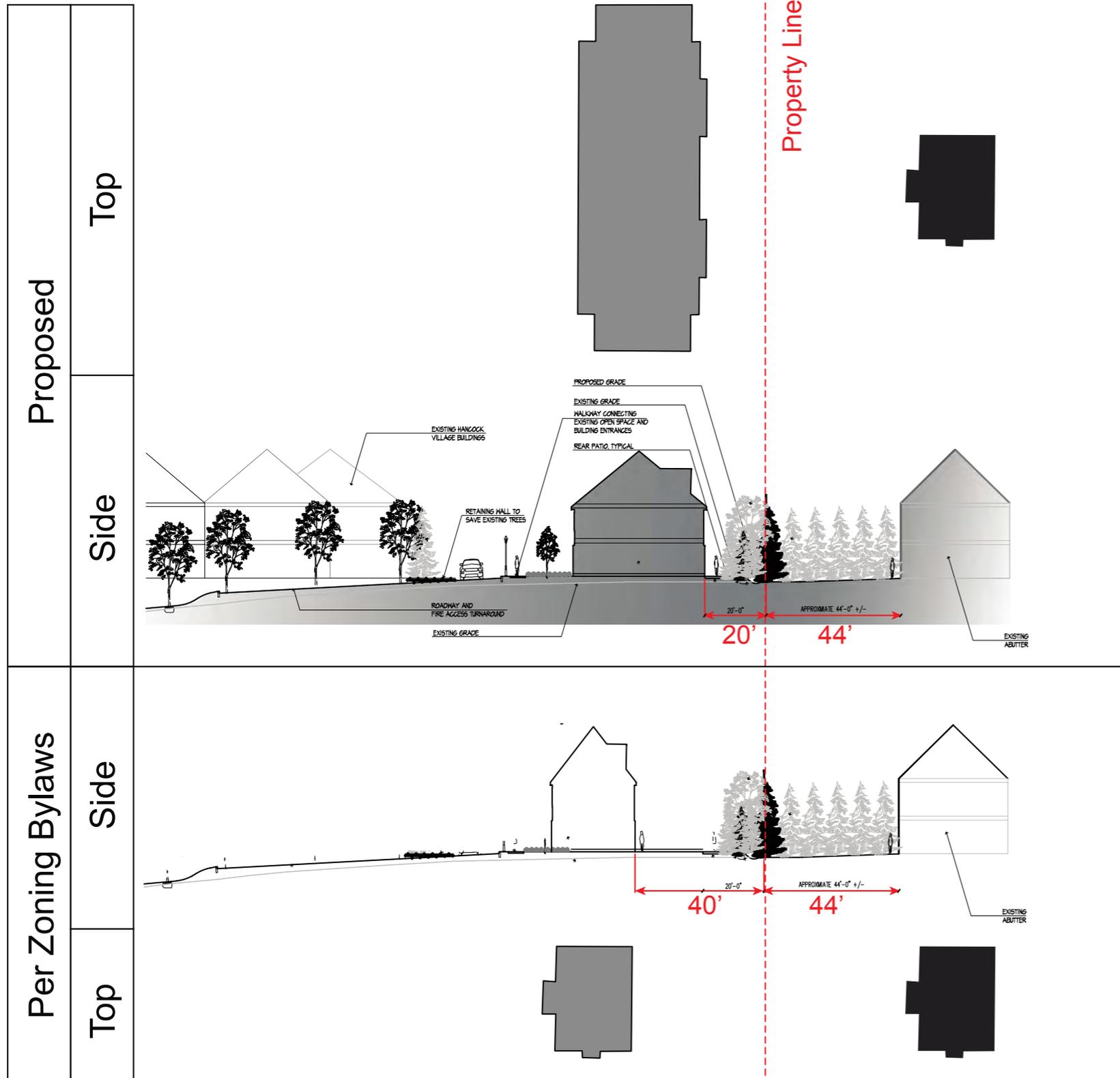
Photo shows that the first floor of the apartment building starts at the level of the roofs of other HV and abutting properties (2 ½ stories).
The roof of the Tower will be 4 ½ stories more, ~ 7 stories from ground level

Too Close

These views show how the massive building crowds the property line, placing a 2.5 story tall, 3 house long wall immediately behind the abutting home.



Too Close



These views show how the massive building crowds the property line, placing a 2.5 story tall, 3 house long wall immediately behind the abutting home.

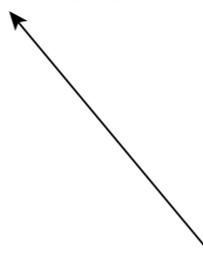
Compare to the relationship that would exist under normal zoning (same scale).

Too Close -- Shadows



Because the large buildings are so close, they will cast shadows on much of neighboring lots and houses. Formal shadow study is needed.

North



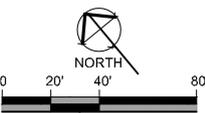
Prelim. Shadow Analysis

Dec. 21, 2014

Blue = 12:00 pm

Red = 3:00 pm

Building = 33' tall



Too Close – Light Impact

CHR claims that there will be little stray light from roads/parking onto adjacent property.

- Seems unrealistic given how close the roads and parking are to neighboring lots.
- Already there is considerable light spillage from existing HV buildings and parking onto some abutters.
- Did CHR's analysis include light from vehicles, in addition to street and building lights?

Loss of Greenbelt

Greenspace is highly valued:

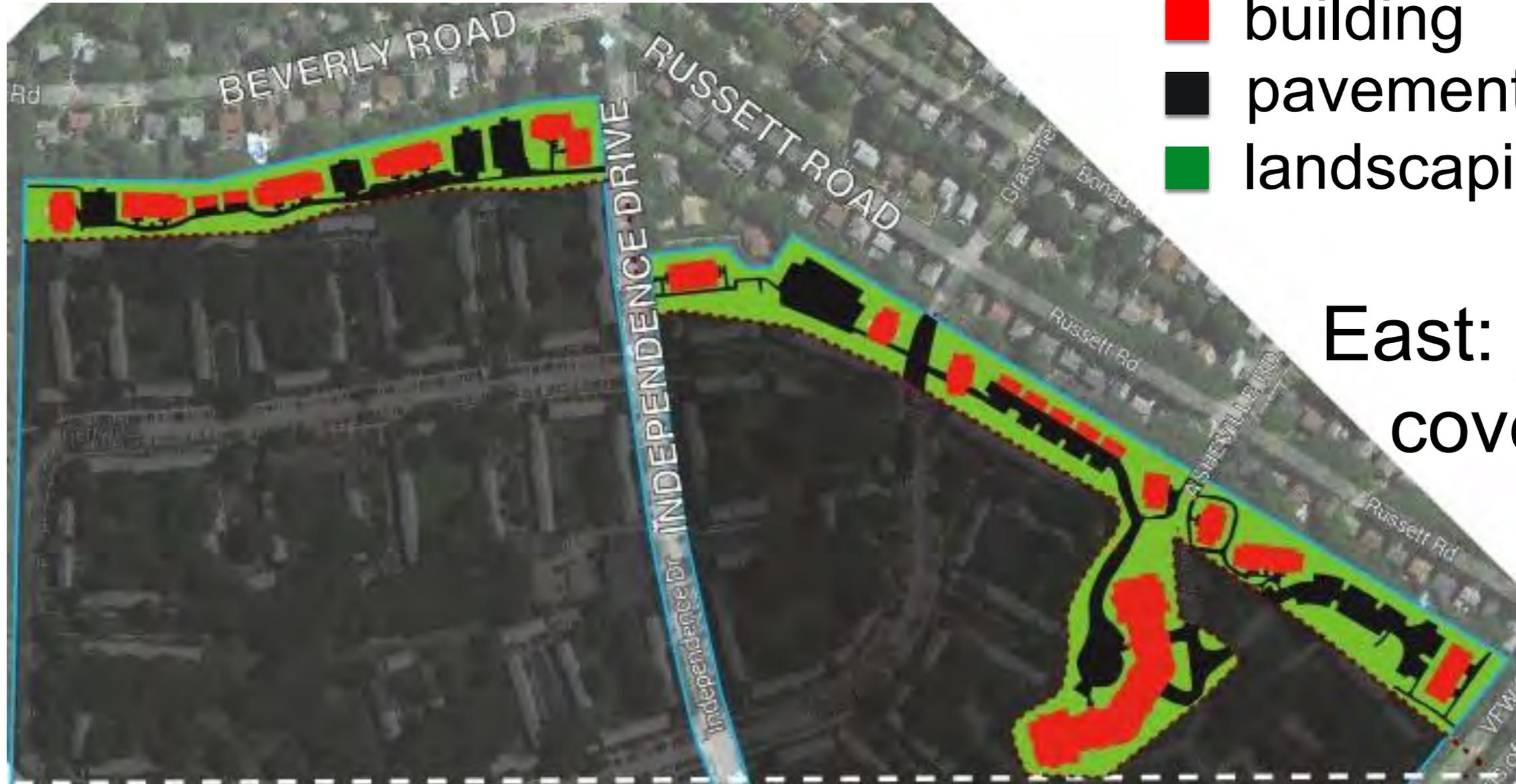
- Designed as a well-planned buffer to provide a gentle transition from multi-family to single family housing.
- Communal space for HV.
- Open space enjoyed by entire neighborhood.
- Integral to the successful design of HV.

Loss of valued greenspace



Loss of valued greenspace

West: 56% lot coverage



- building
- pavement
- landscaping

East: 48% lot coverage

Most of the greenbelt is paved over,
The rest is diced up into small unuseable regions.

Water

Water drainage along Beverly, Russett, and the greenspace is poor.



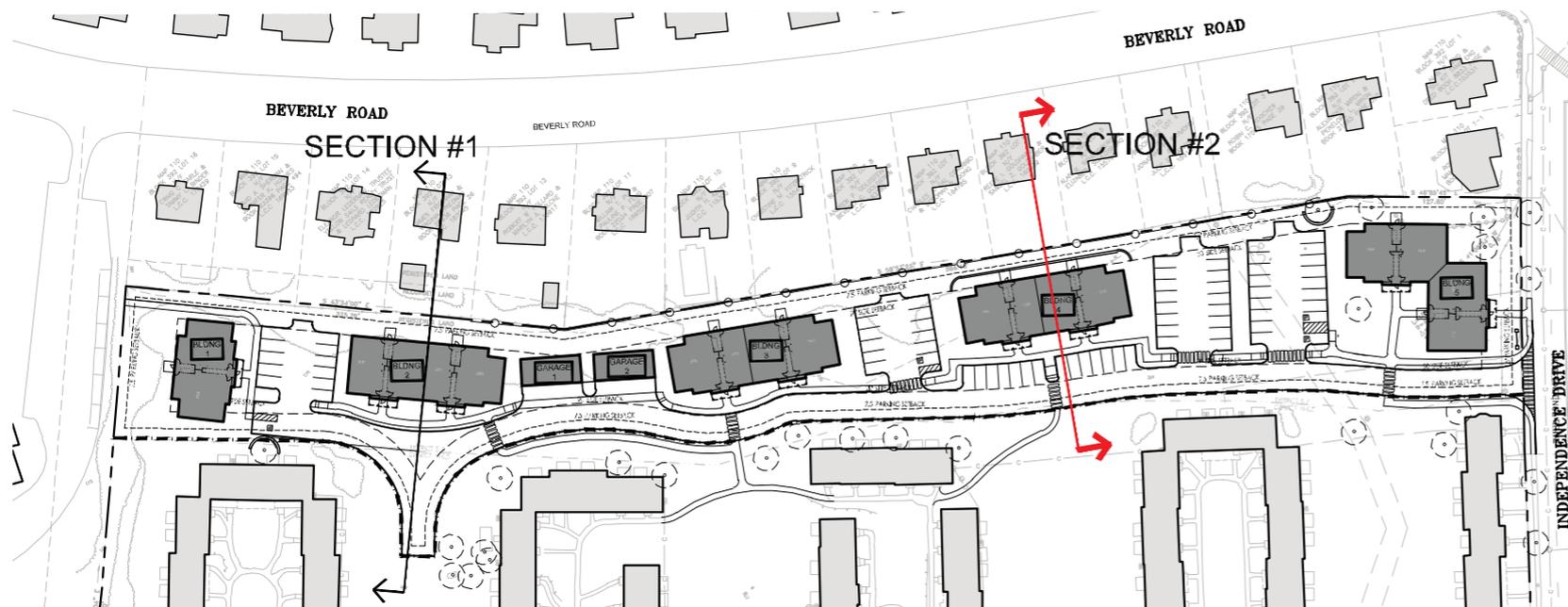
This rental truck was stuck in the greenbelt for days due to the wet conditions.

Water

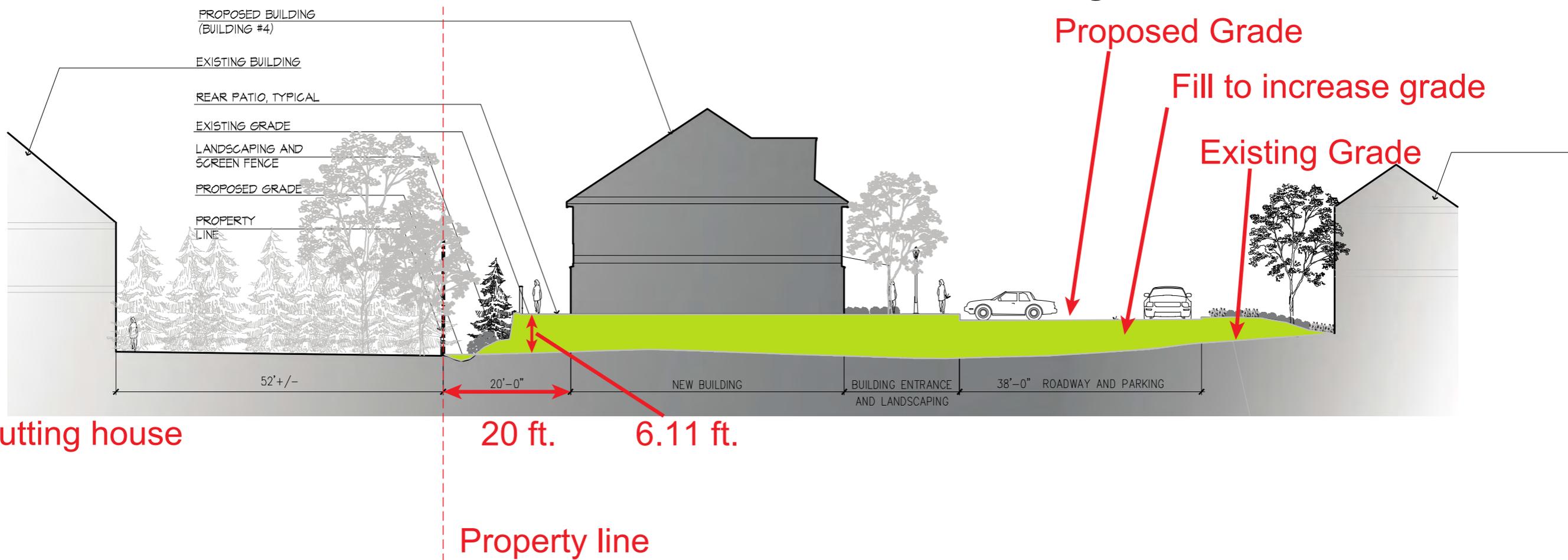
The proposed engineering to handle water is based on incomplete data and multiple untested assumptions, which will be discussed in detail by a subsequent speaker.

Need more careful analysis on potential affects on adjacent wetlands conservation areas.

Water

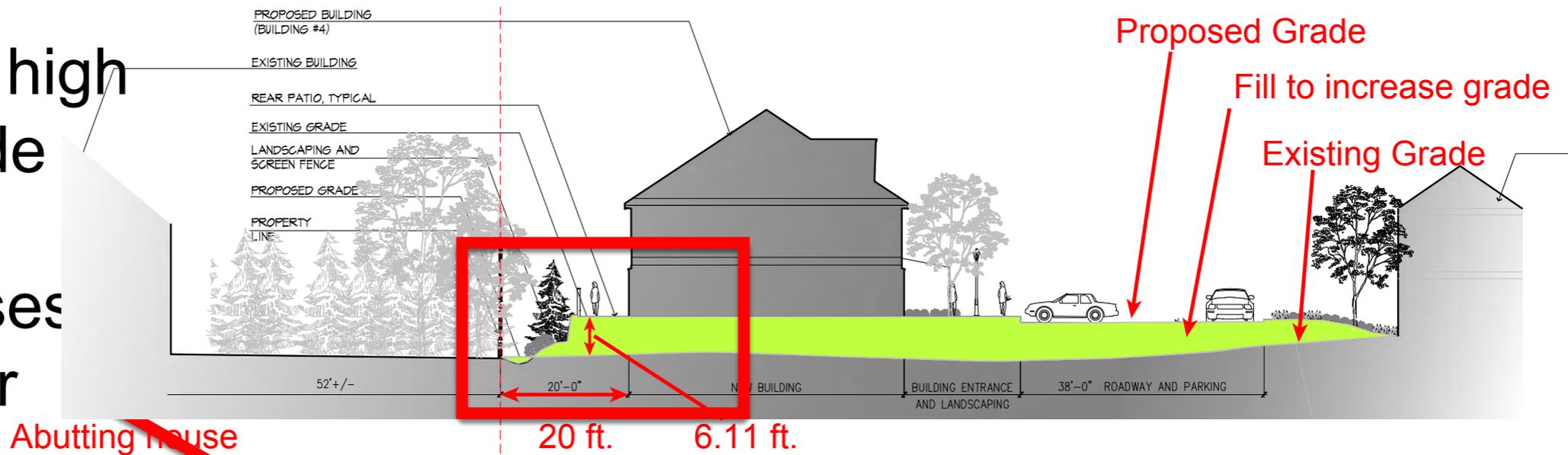


Extensive re-grading is proposed, with 4-7+ ft tall retaining walls at the edge of the property. Will cause **water problems** for neighbors.

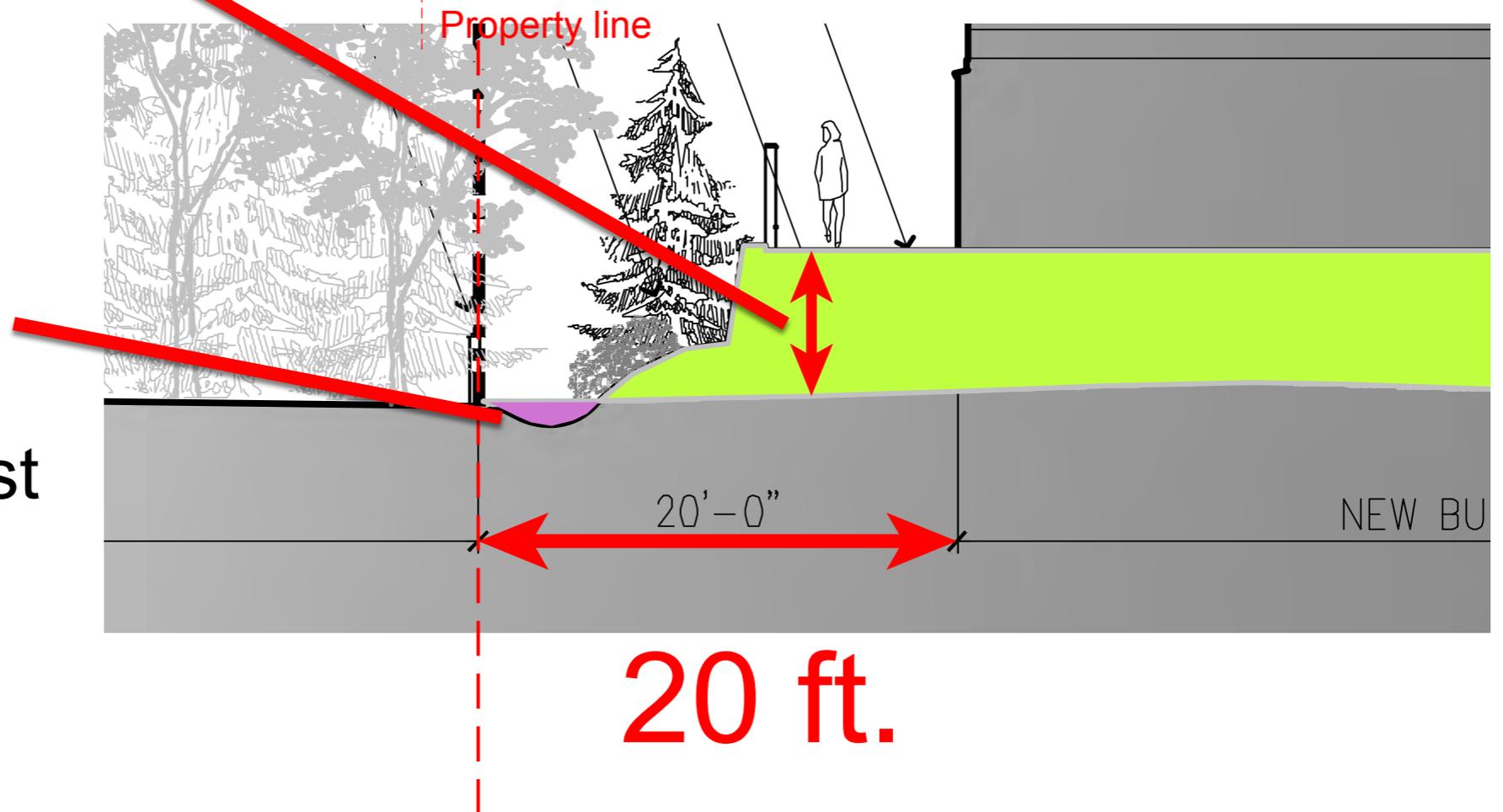


Water

1. Note the 6.1' high increase in grade (taller than the person). Promises water trouble for abutters.



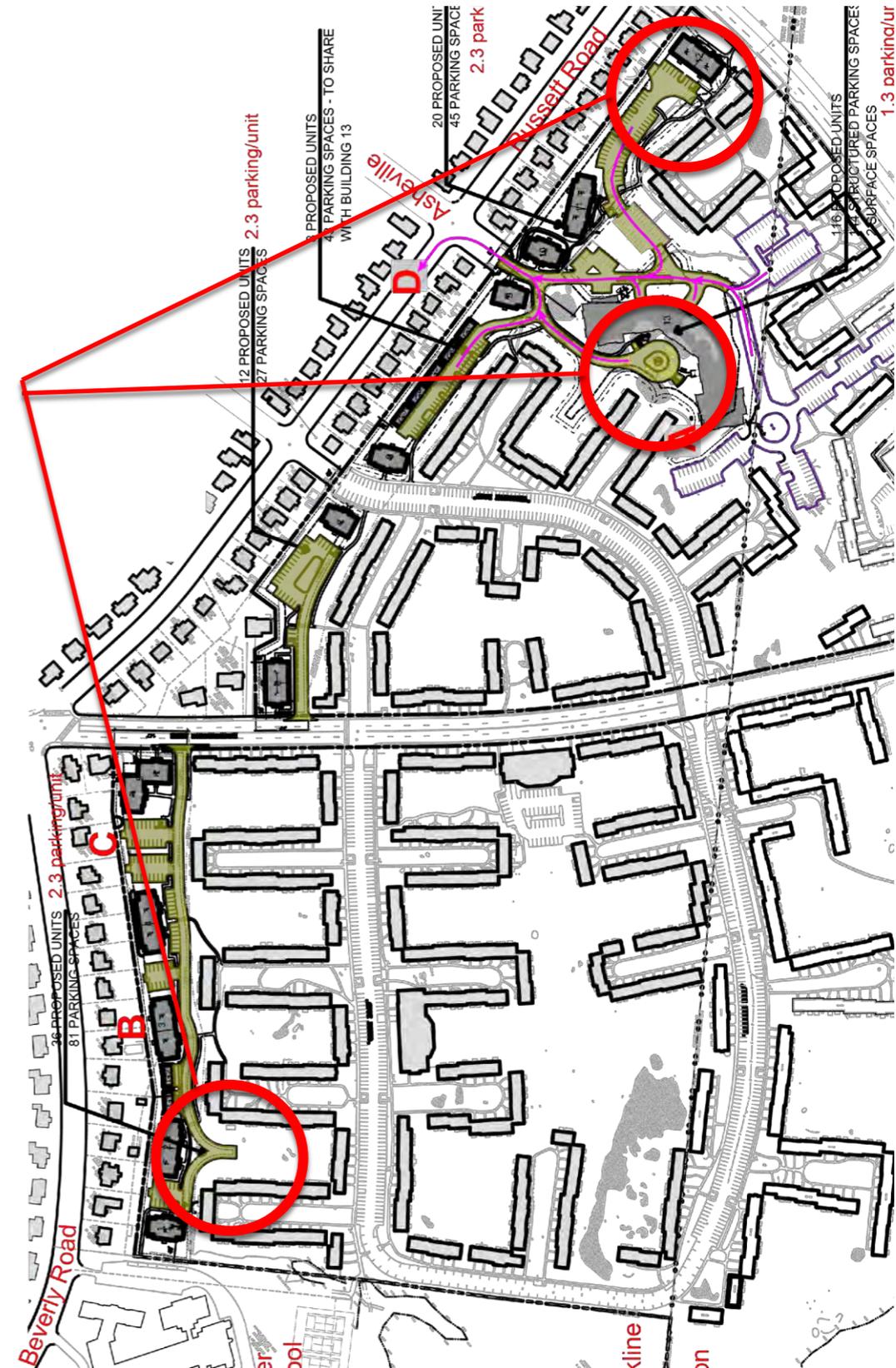
2. Note a proposed gutter. Spector of standing water, mosquitos, and West Nile Virus next to Baker School.



Safety

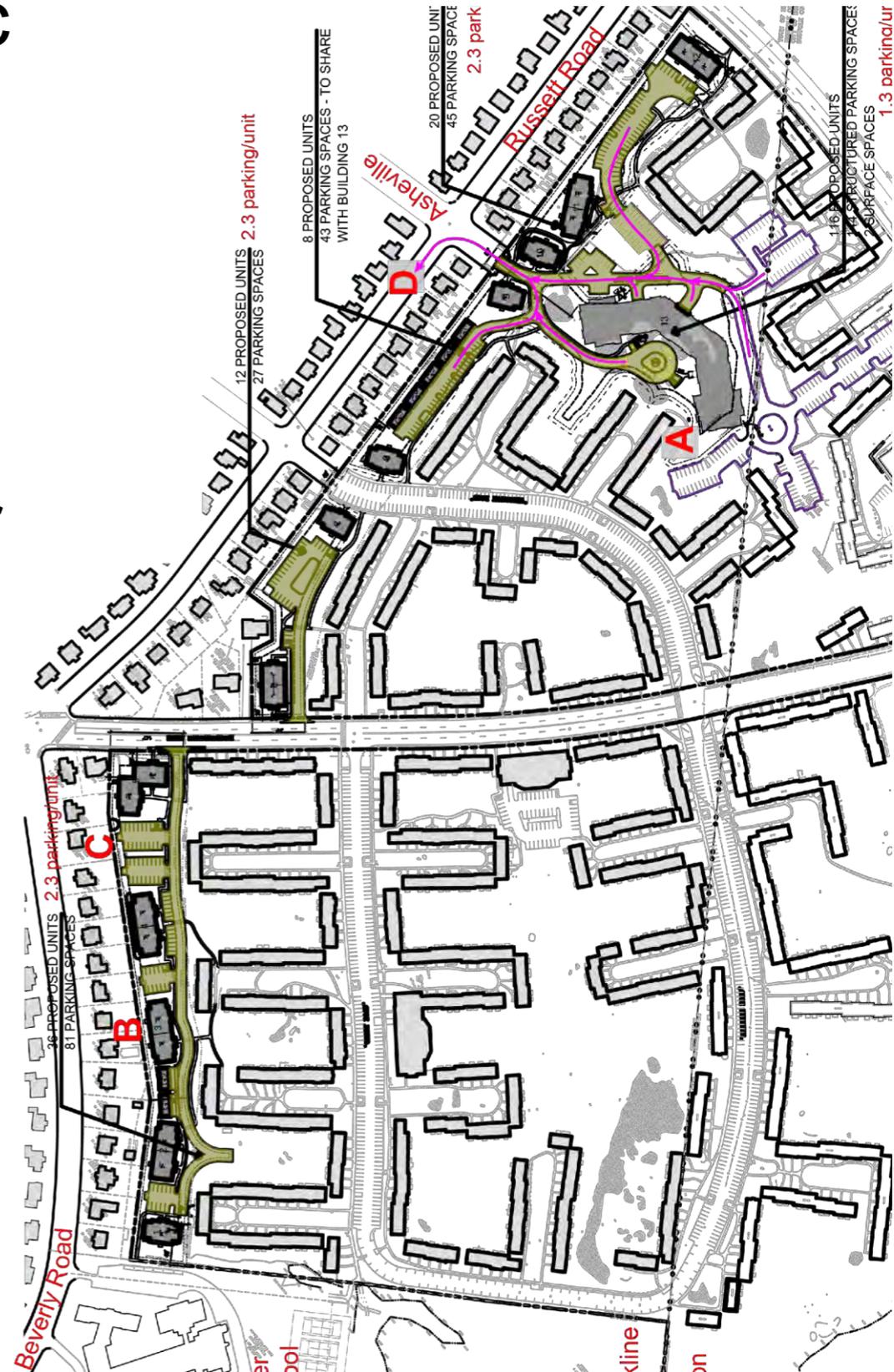
Fire Chief: proposal does not meet new safety guidelines.

- long, dead-end roads will require emergency vehicles to back up
- difficult turnarounds will keep vehicles and crews tied up longer
- location at outskirts of town makes response times long.



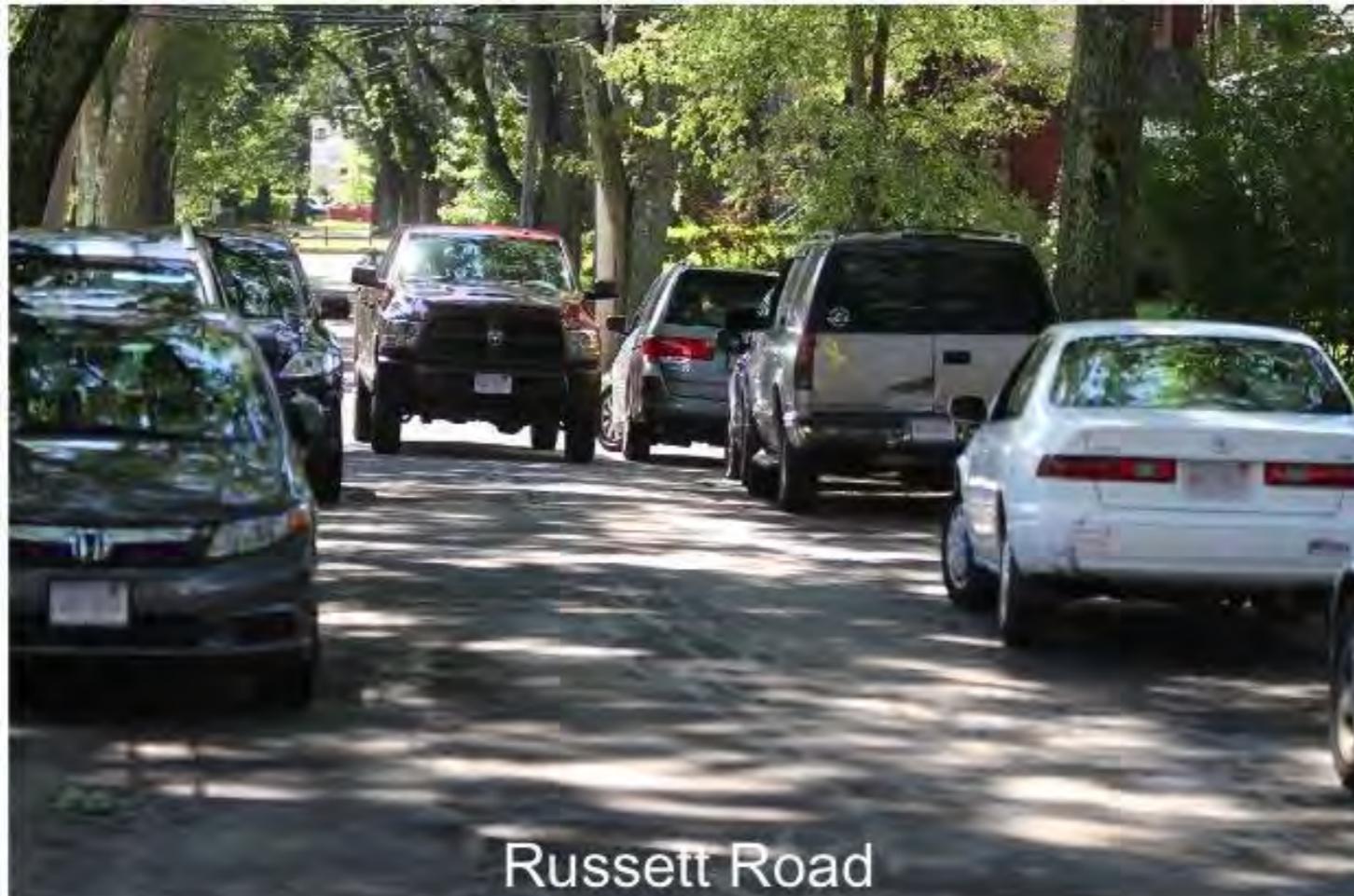
Traffic

- Ludicrous conclusion of CHR traffic analysis that 144 new units on Russett side will not affect traffic.
- Complex intersections at Beverly-Russett-Independence—site of heavy pedestrian traffic from Baker students.
- Inadequate public transit (one unreliable bus line; little service Sat/evenings, none Sun).
- Few retail choices nearby.



Traffic – Too Narrow

- New access road empties most of the East side's traffic onto Russett, which is too narrow to support any increased volume.



Russett Road is a narrow 2 way street that is difficult to navigate. Increase in volume will cause problems.

Regulatory Standards

Preliminary eligibility -
determine appropriate considering:

- conceptual site plan (garden apts., greenspace)
- building massing (massive bldgs. 3* single family, Tower 7 stories above East prop.)
- topography (blast hillside, fill property up to 7 ft. (with 2 ½ story bldg. on top)
- environmental resources (flooding (ditch), magic pavement, traffic, eliminate green space)
- integration into existing development patterns (2-3 times even HV density)

(such finding, with supporting reasoning, to be set forth in reasonable detail);” 760 CMR 56.04(4)(c)

40B What the PEL looks like

- **the regulatory “standards” mean nothing**

A bare conclusion -

“The conceptual project design is generally appropriate for the Site taking into consideration factors such as proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns. . . .

The only “supporting reasoning” and “reasonable detail”

“. . . the Applicant and the Town may want to consider further refinements, . . . preserving additional mature trees. . . and strategies to further mitigate the visual impact of the four-story apartment building on the surrounding homes.”

Historic Property

- HV is historically significant. As a National Register Eligible property, it is afforded the same protection as a property on the National Register.
- The proposal will destroy the historic significance of the property by eviscerating its central design elements.
- State law requires that the proposal be reviewed by Mass Historical Commission, but this was not requested by MassDevelopment.
- Can ZBA request Mass Historical Commission review?

Conclusion

- This proposal will have substantial negative impact on Hancock Village, the surrounding neighborhood, and the entire town.
- ***We are not opposed to the 39 affordable units.***

Our objection is to the 153 market rate units. The neighborhood supported the present 530 units as affordable units for decades. We would welcome the developer converting any number of the existing units to affordable ones, as well as support the creation of 40 new affordable units more appropriately located elsewhere on the HV site.

Legal Barriers to CHR's 40B Comprehensive Permit Application

Jay Talerman

Blatman, Bobrowski & Mead, LLC

40B expert

1946 Agreement & Contract [excerpt]

“ . . . the Company agrees on behalf of itself, its successors and assigns to and with the Town of Brookline . . . as follows: . . .

2. The Company further agrees that in the event said re-zoning is effected,
 - 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 such area;
 - D. That building coverage shall not exceed 20% of said area
 - E. That no building over 2 ½ stories in height, measured from the highest point of the finished grade of each unit will be constructed in said area”

Draft Denial by MaDev

“MassDevelopment has determined that it cannot make the finding that the conceptual project design is consistent with the design requirements in 760CMR56.04(4)(c), which requires the subsidizing agency to determine whether the conceptual project design is generally appropriate for the site by taking into consideration factors such as

- proposed use,
- conceptual site plan and building massing,
- topography,
- environmental resources and
- integration into existing development patterns.”

[Mass Development letter draft February 13, 2013]

Regulatory factors

“In particular, MassDevelopment has determined that the conceptual site plan is not generally appropriate for this site due to -

- The Project’s complete elimination of the existing greenbelt buffer between the current Hancock Village residences and the abutting single-family neighborhood homes;
 - The Project’s inadequate setbacks; and
 - The massing of the Project’s proposed five-story building which is generally inappropriate for the site and not well-mitigated by topography or other means.
-

As a result, the proposed design of the Project does not integrate well into the surrounding development pattern and therefore is not generally appropriate for the site.”

[Mass Development letter draft February 13, 2013]

WORKING TOGETHER, WE CAN MAKE A DIFFERENCE



**P
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E *Protecting*
S *Brookline's*
E *Schools,*
R *Character,*
V *Quality of Life,*
E *and Future*

Thank you!