



Chestnut Hill Realty

October 17, 2014

Mr. Jesse Geller
Brookline Board of Appeals
Town Hall
333 Washington Street
Brookline, MA 02445

Re: Residences at South Brookline

Dear Members of the Board:

We have reviewed the letter dated February 6, 2014 of the Housing Advisory Board (HAB) with respect to the Development of The Residences of South Brookline.

We have reviewed the comments made by the HAB and would like to respond to them.

While the HAB is pleased to note that the developer plans to include units that will be affordable to households having incomes of less than 50%, the HAB encourages the ZBA to require the developer's affordable housing component to exceed the minimum affordable units required by law.

Our proposal includes 37 affordable units and will be the largest increase the affordable rental units in Brookline in many years. These one, two and three bedroom units will help fill a huge need for many seniors, families and singles. Under applicable law, the specifics of the affordability requirements (including such matters as eligible households and maximum rent levels) are within the exclusive jurisdiction of MassDevelopment, the subsidizing agency, and the ZBA may not impose conditions that impinge on that authority. See Zoning Board of Appeals of Amesbury v. Housing Appeals Committee, 457 Mass. 748 (2010).

The HAB expects to review and comment upon the details of the proposed project's affordability components including, for example, the size, distribution, and salient features of the designated affordable units, as well as key provisions of the housing affordability covenants designed to assure permanent affordability.

The final details of The Residences of South Brookline have not been determined. When the final project is determined, it will meet all regulatory requirements of Chapter 40B to insure that all of the units count towards DHCD Subsidized Housing Inventory. While we would be happy

to consider the suggestions of HAB on the affordable units, we again note that under applicable law, the specifics of the affordability requirements are within the sole jurisdiction of the subsidizing authority,

617-323-8800

Executive Offices

Box 67377, Chestnut Hill, MA 02467-0004

FAX 617-323-8801

chestnuthillrealty.com

MassDevelopment, and the ZBA may not impose conditions that impinge on the authority of the subsidizing agency. Please note, however, that the Applicant has no objection to a requirement that the affordable units be maintained as such so long as the property that is the subject of the application is used for multifamily housing using the zoning relief obtained via the 40B process.

Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read 'ML', with a long horizontal flourish extending to the right.

Marc Levin
Director of Development

