

December 4, 2020

Brookline Zoning Board of Appeals
Town Hall
333 Washington Street
Brookline, Massachusetts 02445

Re: The Residences of South Brookline (the “Development”)
Comprehensive Permit – Supplement to Request for Insubstantial Change

Dear Members of the Board:

On behalf of The Residences of South Brookline, LLC (the “Applicant”), this letter is submitted in connection with the Applicant’s letter dated as of October 19, 2020 (the “October Letter”), which requested certain proposed changes to the approved plans and conditions set forth in the Comprehensive Permit¹ issued by the Brookline Zoning Board of Appeals (the “Board”) with respect to the Development. Capitalized terms not otherwise defined in this letter shall have the meanings ascribed to them in the October Letter.

On November 9, 2020, the Board held a virtual public meeting (the “Meeting”)² to determine whether the proposed changes requested in the October Letter were “insubstantial” pursuant to 760 CMR 56.05(11). Since that date, the Applicant has revised the plans that were submitted with the October Letter at the request of Members of the Board to address specific issues raised at the Meeting. In furtherance of the foregoing, the Applicant seeks to modify the October Letter as set forth below:

1. The Comparison Site Plans attached as Exhibit B to the October Letter are hereby deleted in their entirety and replaced with the Comparison Site Plans attached hereto as Schedule 1, which have been revised since the October Letter so that they more clearly demonstrate the proposed changes overlaid on top of the site plans originally approved by the Comprehensive Permit.

¹ The Board issued a comprehensive permit by virtue of a Decision dated February 12, 2015 and filed with the Town Clerk on February 20, 2015 (as modified by that certain Decision of the Board finding insubstantial changes to the comprehensive permit, issued by the Board, dated April 18, 2019 and filed with the Town Clerk on April 30, 2019, and that certain Decision of the Board finding insubstantial changes to the comprehensive permit, issued by the Board dated November 6, 2019 and filed with the Town Clerk on November 6, 2019 (as so modified, the “Comprehensive Permit”).

² The Board’s discussion of the requested changes set forth in the October Letter was continued without prejudice to Monday, December 7, 2020.

2. The Comparison Elevations attached as Exhibit C to the October Letter are hereby deleted in their entirety and replaced with the Comparison Elevations attached hereto as Schedule 2, which, with respect to the Asheville Building have been revised since the October Letter by adding back in architectural details including, banding, parapets, a garage archway and window colors, as well as adjusting the previously proposed material variations by reverting back to the material approved under the Comprehensive Permit. These revisions were made specifically in response to comments made during the Meeting by Members of the Board to make the Asheville Building look more consistent with the building originally approved by the Comprehensive Permit.

The proposed architectural changes to the Asheville Building that remain from the October Letter include a single-story addition of a dog wash/bike storage area, adjustments to window locations and window styles, lowering the height of two (2) projecting bays on the front of the Asheville Building and adjusting the width of six (6) projecting bays to align the window walls with the exterior of the Asheville Building. The proposed program changes to the Asheville Building that remain from the October Letter include converting parking spaces to amenity/storage space, reducing the number of garage parking spaces from 106 spaces to 90 spaces and modifying the unit mix (by reducing the number of 2-bedroom units by 5 units and increasing the number of 1-bedroom units by 5 units, which results in a decrease of 5 total bedrooms for Development). The proposed architectural changes to S-7 Buildings 3 and 11 that remain from the October Letter include removing a single window of the second floor of each building to accommodate the interior layout of the units.

The Comparison Site Plans and the Comparison Elevations attached hereto incorporate revisions that address specific issues raised by Members of the Board at the Meeting and, as a result, there are fewer proposed changes to the Development reflected on the Modified Plans (as further modified by this letter) than originally proposed in the October Letter. Furthermore, the proposed changes that remain from the October Letter continue to meet all of the criteria for the types of changes that are described as “insubstantial” in 760 CMR 56.07(4)(d), for the same reasons as were set forth in the October Letter. Without limiting the generality of the foregoing and with respect to the Development as originally approved by the Comprehensive Permit:

- (1) there is no change in the height of the Asheville Building or the S-7 Buildings;³
- (2) there is no change in the number of units at the Development;⁴
- (3) there is no reduction in the size of the Development site;
- (4) there is no change in the building types;⁵
- (5) there is no change from rental property to home ownership;⁶
- (6) the decrease of five (5) total bedrooms at the Development does not alter the overall bedroom count by more than ten percent (10%).⁷

³ Per 760 CMR 56.07(4)(c)(1), an increase of more than ten percent (10%) is generally a substantial change.

⁴ Per 760 CMR 56.07(4)(c)(2), an increase of more than ten percent (10%) in the number of housing units proposed is generally a substantial change.

⁵ Per 760 CMR 56.07(4)(c)(4), a change in building type is generally a substantial change.

⁶ Per 760 CMR 56.07(4)(c)(5), a change from one form of housing tenure to another is generally a substantial change.

⁷ Per 760 CMR 56.07(4)(d)(3), a change in the number of bedrooms, if such changes do not alter the overall bedroom count of the proposed housing by more than ten percent (10%), is generally an insubstantial change.

The Applicant does not propose any changes to the conditions in the Comprehensive Permit, except as set forth in the October Letter. Additionally, Members of the Board requested that the Applicant convene with the Fire Department to discuss the proposed changes set forth in the October Letter with respect to the emergency access driveway between S-7 Buildings 7 and 8, including straightening the driveway and paving it with asphalt. Members of the Board also requested the Applicant ask the Fire Department whether it would require the installation of additional gates beyond those required pursuant to Condition #29 of the Comprehensive Permit to further restrict access to emergency vehicles only. On November 17, 2020, the Applicant spoke with Captain Cantor of the Fire Department who confirmed that the proposed changes set forth in the October Letter with respect to the emergency access driveway are acceptable and that installing additional gates may be required in the future, at the discretion of the Fire Department.

The Applicant's submission of its request for the proposed changes to the Development as set forth the October Letter and modified by this letter are without prejudice to any and all of the Applicant's rights under the Comprehensive Permit, all of which the Applicant reserves. Without limiting the generality of the foregoing, the Applicant (i) does not abandon any of its rights under the Comprehensive Permit, and (ii) reserves the right at any time to withdraw the requested changes and to proceed with the Development as set forth in the Comprehensive Permit for whatever reason, including, without limitation, if the requested changes are not permitted by the Board, if an appeal is taken by any party with respect to such changes, if other necessary permits, approvals and consents for the requested changes are not approved, or if the Applicant does not proceed with any portion of the Development.

The Applicant respectfully requests that the Board consider this matter at its virtual public meeting to be held on Monday, December 7, 2020.

Thank you very much for your consideration.

Very truly yours,



Brian Dugdale, Esq.
Attorney for the Applicant

cc: Alison Steinfeld – Director of Planning and Community Development
Maria Morelli – Senior Planner
Marc Levin – Chestnut Hill Realty
Andy Martineau – Chestnut Hill Realty
Steven Schwartz, Esq. – Goulston and Storrs PC

SCHEDULE 1

COMPARISON SITE PLANS

(See Attached.)

SCHEDULE 2

COMPARISON ELEVATIONS

(See Attached.)