

REVISED EXECUTION VERSION

**TOWN OF BROOKLINE
MASSACHUSETTS**

**BOARD OF APPEALS DECISION
INSUBSTANTIAL MODIFICATION TO
BOARD OF APPEALS CASE NO. 2781**

**100 CENTRE STREET
COMPREHENSIVE PERMIT**

TOWN CLERK TIMESTAMP

DEC 29 21 AM 10:23
TOWN CLERK'S OFFICE

Date filed: December 28, 2021

PROCEDURAL HISTORY

1. On July 11, 1970, the Brookline Board of Appeals (the "Board" or "ZBA") approved a permit, Case Number 1636, for the construction of 100 Centre Street requiring 39 parking spaces, up to 14 of which may be at the garage at 112-120 Centre Street ("1970 Decision").
2. On June 21, 1986, the Board approved a comprehensive permit for 100 Centre Street, Case Number 2781, including in part a change in use to congregate care facility ("1986 Comp Permit").
3. Hebrew SeniorLife, Inc. (the "Applicant") identified 100 Centre, 108 Centre Street, 112-120 Centre Street as part of a "campus" (the "HSL Campus") all owned and operated by the Applicant and affiliated entities. The HSL Campus has one garage located at 112-120 Centre Street.
4. The Applicant submitted a letter to the Board requesting a determination of Insubstantial Change pursuant to 760 CMR 56.05(11) for a proposed modification to the 1986 Comp Permit that would provide two accessible parking spaces at 100 Centre Street for the exclusive use of residents of a proposed affordable housing project at 108 Centre Street ("108 Project") with no change in the number of parking spaces required for 100 Centre Street ("2021 Modification Letter").
5. The Applicant submitted the following drawings and narratives in relation to the 2021 Modification Letter:
 - Parking Calculation and Explanation
 - Existing parking layout for 100 Centre Street
 - Existing parking layout for 112-120 Centre Street parking garage
 - Draft Easement Plan for the HSL Campus dated November 16, 2021

["2021 Modified Comp Permit Materials" or "2021 Modified Comp Permit"]
6. On December 13, 2021, the Board scheduled a public meeting, not a public hearing, on the 2021 Modified Comp Permit pursuant to 760 CMR 56.

FINDINGS

1. Jonathan Simpson, Associate Town Counsel, confirmed with Maria Morelli, Senior Planner, Planning Department, and Daniel Bennett, Building Commissioner, that because in his opinion the 1986 Comp

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Permit subsumes the 1970 Decision, the 1986 Comp Permit, not the 1970 Decision, should be modified.

2. Mr. Simpson stated to Ms. Morelli and Mr. Bennett that in his opinion the proposed changes are Insubstantial pursuant to 760 CMR 56.
3. The 1986 Comp Permit requires [as stated in the 1970 Decision] that the project at 100 Centre Street provide 39 parking spaces of which up to 14 may be at Building B, which is known as 112-120 Centre Street, and which implies that no fewer than 25 parking spaces would be required at 100 Centre Street.
4. The existing project at 100 Centre Street has 36 parking spaces on site.
5. The 2021 Modified Comp Permit would retain 28 parking spaces at 100 Centre Street, with 26 spaces for the 100 Centre Street project and the remaining two accessible spaces would be for the exclusive use of the 108 Project. Thirteen parking spaces would be available, if needed at 112-120 Centre Street not exceeding the maximum 14 parking spaces allowed.
6. Mr. Bennett stated to Ms. Morelli that the 2021 Modified Comp Permit Materials are accurate and indicate compliance with the 1986 Comp Permit.
7. Mr. Bennett confirmed to Ms. Morelli that in his opinion the changes requested under the 2021 Modification Letter do not require modification of the permit for 112-120 Centre Street.

DECISION

At its public meeting on December 13, 2021, the Board considered the request of the Applicant and voted 3-0 to approve the requested changes as Insubstantial pursuant to 760 CMR 56, subject to the following Conditions, which supplement, modify, or amend the existing Conditions of the 1986 Comp Permit.

NEW CONDITIONS

1. Proposed changes to the parking lot at 100 Centre Street shall be constructed as set forth in the Draft Easement Plan as provided under Item 5 under Procedural History.
2. Prior to the issuance of a Building Permit, the Applicant shall execute cross-easements with appropriate mortgage subordination language approved by Town Counsel consistent with the Draft Easements Plan as provided under Item 5 under Procedural History to provide and maintain in perpetuity at least two accessible parking spaces for use of residents of the 108 Project. The Applicant shall provide evidence of recording/filing of such final approved cross easements with the appropriate Register of Deeds/Land Registration Office together with executed and recorded/filed subordinations of all liens against all or any portion of the 108 Project, 100 Centre Street and/or 112-120 Centre Street.
3. Except as noted herein the Conditions of the 1986 Comp Permit remain in full force and effect.

DOCUMENTS INCORPORATED BY REFERENCE:

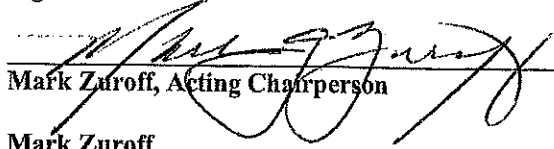
1. 1986 Comprehensive Permit recorded at the Norfolk Registry of Deeds in Book 7167, Page 676
2. Draft Easement Plan, Stantec Project #210801871, dated November 16, 2021
3. Sketch showing existing layout of parking garage at 112-120 Centre Street

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RECORD OF VOTE

The following members of the Board vote to approve the foregoing as insubstantial changes to the 1986 Comp Permit:

Signed and dated,


 _____ 12/28/2021

Mark Zuroff, Acting Chairperson

Mark Zuroff
Jesse Geller
Randolph Meiklejohn

FILED WITH THE TOWN CLERK ON 12/28/2021 (date)

Attest:



Benjamin Kaufman, Town Clerk

NO 20-DAY APPEAL PERIOD REQUIRED

Applicant:

Provide to the Planning Department proof of filing
with the Register of Deeds, Norfolk County