

HANCOCK VILLAGE
Warrant Articles X-XV

SPECIAL TOWN MEETING

NOVEMBER 14, 2017

October 16, 2017

BACKGROUND

- Chestnut Hill Realty (CHR) applied for and secured a Comprehensive Permit under MGL 40B, allowing it to construct The Residences of South Brookline (ROSB), consisting of 161 housing units in 12 buildings.
- Subsequently, CHR filed a separate application for a 40B Comprehensive Permit. Referred to as “Puddingstone,” that 40B is currently pending before our Zoning Board of Appeals (ZBA), although it is essentially on hold. Puddingstone includes three separate residential buildings for a net increase of 198 residential units and 350 parking spaces as well as a community building for Hancock Village residents.
- The BOS, joined by three abutters, appealed the issuance of the Comprehensive Permit and sued CHR, MassDevelopment (the State subsidizing agency) and our ZBA. That lawsuit has been dismissed without prejudice by mutual agreement.

The Negotiation

- All parties recognized that a negotiated plan could better address their respective interests.
- The Town was interested in preserving the green buffer behind the back yards of homes on Russett and Beverly Roads and limiting the development impacts on the Town and neighborhood of two major 40B projects.
- CHR was focused on developing its property to the allowed Floor Area Ratio (FAR) under zoning, providing more and better situated parking for its residents, and eliminating the Neighborhood Conservation District designation that restricts its ability to develop its land.
- Representatives of CHR, the Town and the neighborhood worked to create a Master Development Plan that that would represent the final and complete buildout of Hancock Village.
- That work resulted in a Memorandum of Agreement (MOA), that was executed literally hours before a Court-imposed deadline that would have compelled the parties to go to trial.

The Negotiation

- Given the complexity of the agreement and the need to meet the Court's deadline, the agreement was drafted quickly.
- Several issues were revisited subsequently. Most notably, while Town representatives insisted that the MOA represented the final buildout of Hancock Village, the owner maintained that the agreed-upon restrictions were never intended to apply to the existing apartment buildings.
- Recognizing that if the Town terminated negotiations, the property owner would resort to the approved and pending 40Bs, the Town agreed to adjust the Master Development Plan.

Composite Chapter 40B Site Plan

HANCOCK VILLAGE



- Residences of So. Brookline 40B**
- 161 Units
 - 292 parking spaces
 - 12 Buildings [11 in S-7]
 - 333 Bedrooms
 - 238,000 sf GFA
- Puddingstone at CH 40B**
- 226 Units
 - 350 parking spaces
 - 4 Buildings
 - 427 Bedrooms
 - 263,000 sf GFA

KEY:

- HVOD BUFFER AREA
155,116 SF
- HANCOCK VILLAGE OVERLAY DISTRICT
- DEVELOPMENT AREAS
- LAUNDRY/STORAGE ROOM CONVERSION (13 TOTAL)
- EXISTING TREES TO REMAIN
- PROPOSED TREES

	AVERAGE GRADE PLANE	BUILDING HEIGHT
GERRY	151'	47'
SHERMAN	188'	69'
ASHEVILLE 3 FLOORS	186'	38'
ASHEVILLE 4 FLOORS	186'	60'
COMMUNITY CENTER	163'	47'
RECYCLE CENTER	165'	29'

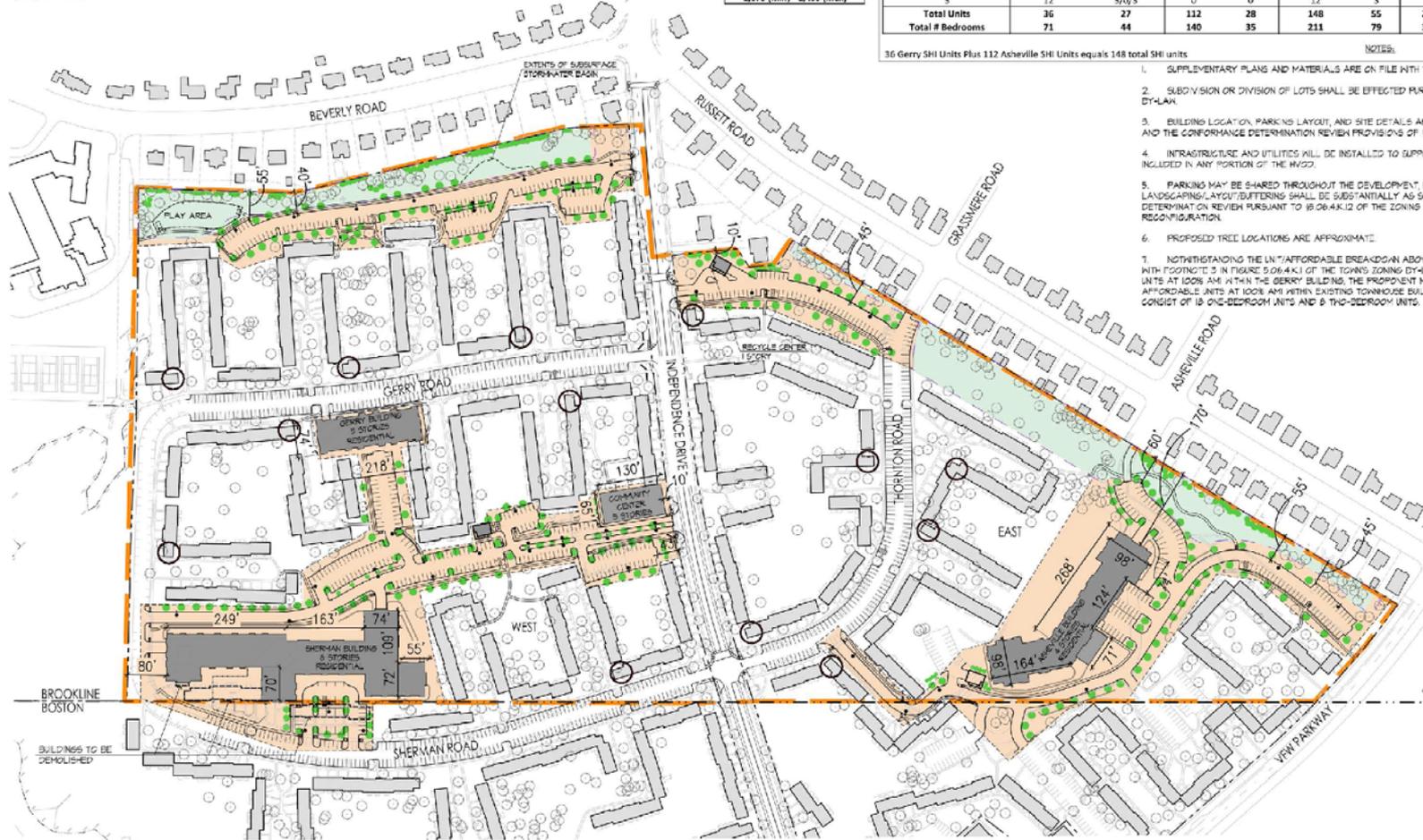
PROPOSED PARKING SPACES
1,375 (min) - 1,439 (max)

Bedroom Type	Unit/Affordable Breakdown - 148 SHI Units - 382 Units - 55 Affordable Units and 79 Affordable Bedrooms						Total New Units			
	Gerry		Acheville		Sub-total		Sherman	# Units	# AFF	# MKT
1	13	3/10/13	64	21	77	34	102	179	34	145
1 + Loft	0	0	20	0	20	0	0	20	0	20
1 + Den	0	0	0	0	0	0	31	31	0	31
Sub-total 1BR	13	13	84	21	97	34	133	230	34	196
2	11	3/8/11	28	7	39	18	77	116	18	98
2 + Den	0	0	0	0	0	0	24	24	0	24
Sub-total 2BR	11	11	28	7	39	18	101	140	18	122
3	12	3/0/3	0	0	12	3	0	12	3	9
Total Units	36	27	112	28	148	55	234	382	55	327
Total # Bedrooms	71	44	140	35	211	79	335	546	79	467

36 Gerry SHI Units Plus 112 Acheville SHI Units equals 148 total SHI units

NOTES:

- SUPPLEMENTARY PLANS AND MATERIALS ARE ON FILE WITH THE TOWN CLERK.
- SUBDIVISION OR DIVISION OF LOTS SHALL BE EFFECTED PURSUANT TO §5.08.4.K.14 OF THE ZONING BY-LAW.
- BUILDING LOCATION, PARKING LAYOUT, AND SITE DETAILS ARE APPROXIMATE, SUBJECT TO FINAL DESIGN AND THE CONFORMANCE DETERMINATION REVIEW PROVISIONS OF §5.08.4.K.12 OF THE ZONING BY-LAW.
- INFRASTRUCTURE AND UTILITIES WILL BE INSTALLED TO SUPPORT THE HVOD PROJECT AND MAY BE INCLUDED IN ANY PORTION OF THE HVOD.
- PARKING MAY BE SHARED THROUGHOUT THE DEVELOPMENT. PARKING LOT LANDSCAPING/LAYOUT/BUFFERING SHALL BE SUBSTANTIALLY AS SHOWN, SUBJECT TO CONFORMANCE DETERMINATION REVIEW PURSUANT TO §5.08.4.K.12 OF THE ZONING BY-LAW AND ALLOWED BUILDING AND SITE RECONFIGURATION.
- PROPOSED TREE LOCATIONS ARE APPROXIMATE.
- NOTWITHSTANDING THE UNIT/AFFORDABLE BREAKDOWN ABOVE AND PURSUANT TO AND IN ACCORDANCE WITH FOOTNOTE 3 IN FIGURE 5.06.4.K.1 OF THE TOWN'S ZONING BY-LAW IN LIEU OF PROVIDING 8 AFFORDABLE UNITS AT 100% AM WITHIN THE GERRY BUILDING, THE PROPOUND MAY, AT ITS ELECTION, INSTEAD PROVIDE 26 AFFORDABLE UNITS AT 100% AM WITHIN EXISTING TOWNHOUSE BUILDINGS. SAID 26 AFFORDABLE UNITS SHALL CONSIST OF 18 ONE-BEDROOM UNITS AND 8 TWO-BEDROOM UNITS.



HANCOCK VILLAGE MASTER DEVELOPMENT PLAN

September 7, 2017

THE MASTER DEVELOPMENT PLAN HANCOCK VILLAGE OVERLAY DISTRICT (HVOD)

Asheville Building	112 units of which 28 are affordable
Gerry Building	36 units of which 27 are affordable
Sherman Building	234 units all of which are market rate
Parking	increase of 652-716 parking spaces
Community Building	
Recycling Centers	

REMAINDER OF (BROOKLINE) HANCOCK VILLAGE

Conversions-13 utility/laundry room conversions to bedrooms with no increase in height, FAR or footprint

Limited Additions-After 10 years from the issuance of the first building permit for an HVOD Project, the owner may construct a maximum of 25,000 square feet of one-story additions to existing units. No addition may exceed 99 square feet.

Existing Townhouses-Footprints may never exceed those identified on the Master Development Plan (with the exception of the Limited Additions); heights may never exceed what they are currently.

BENEFITS

OF THE MASTER DEVELOPMENT PLAN RELATIVE TO THE TWO 40Bs

- Prevents the development of the two 40B developments at Hancock Village representing a potential 387 apartment units in 18 buildings with a total of 763 bedrooms
- Eliminates 11 apartment buildings from the S-7 buffer zone
- Results in a 19-unit reduction of the total number of net new units
- Eliminates 239 bedrooms
- Generates 148 new units on the State Subsidized Housing Inventory (SHI), which calculates certified affordable housing units relative to the Town's total housing stock
 - Contrast: 161 units approved for ROSB and another potential 226 as part of the Puddingstone Comprehensive Permit application

BENEFITS (2)

OF THE MASTER DEVELOPMENT PLAN RELATIVE TO THE TWO 40Bs

- Eliminates potential for housing in the buffer zone
- Provides a gift to the Town of approximately 3.5 acres of undeveloped green space to be maintained by CHR
- Closes access to Hancock Village via Asheville Road
- Eliminates emergency access to and from the neighborhood via Thornton
- Provides for a new Town-owned playground to be constructed by CHR

BENEFITS (3)

OF THE MASTER DEVELOPMENT PLAN RELATIVE TO THE TWO 40Bs

- Relocates the proposed Asheville Building 12 feet farther away from the abutting residential properties on Russett Road (relative to the MOA)
- Generates 55 (possibly 63) affordable units
- Moves and reduces parking farther away from existing residential abutters

BENEFITS (4)

OF THE MASTER DEVELOPMENT PLAN RELATIVE TO THE TWO 40Bs

- Expands upon traffic improvements to Independence Drive first proposed in the ROSB 40B, resulting in a Complete Street consistent with Town policy
- Provides for an underground retention basin in the S-7 as opposed to a surface system
- Provides for oversight by staff and the Hancock Village Conformance Review Committee (HVCRC) over any and all HVOD Project components
- Provides for oversight over Additions by the Planning Board

BENEFITS (5)

OF THE MASTER DEVELOPMENT PLAN RELATIVE TO THE TWO 40Bs

- Ends the Comprehensive Permit court case between the Town of Brookline and MassDevelopment, CHR and our own ZBA.
- **Represents the complete and final development of Hancock Village in Brookline**

SELECTED CONTROLS

Master Development Plan and Zoning Overlay District

- All future development will be restricted to what is identified on the Master Development Plan map plus an additional 25,000 square feet of limited additions
- Development of any component of the HVOD Project will require review by the Conformance Review Committee (HVCRC), established by the Planning Board
- Once the first building permit is issued for any component of the HVOD Project including parking and roadways, the owner may no longer access the underlying zoning

SELECTED CONTROLS

Master Development Agreement

- 18 units in the Gerry Building will be made available to households earning less than or equal to 100% of Area Median Income (AMI) (option for 26 units in existing townhomes.)
- No building permit for Sherman Building until 148 units placed on SHI
- Owner shall prepare Traffic Study and propose traffic calming measures needed to mitigate any impacts identified by study
- Owner shall provide mitigation including:
 - Conveying approximately 3.5 acres of specified open space to Town
 - Constructing a playground on green space deeded to Town
 - Renovating the tennis courts at Baker School
 - Donating \$1 million to Town for area improvements

Deed Restriction

Subject to DHCD concurrence, the property owner may not rely on MGL Chapter 40B or any similar statute that would allow it to override the Town's Zoning By-law.

SELECTED CONTROLS

- The Planning Board will review applications for specified limited Additions for consistency with Design Guidelines established in the By-law, including:
 - No addition shall exceed 99 square feet
 - No addition may exceed one story
 - No addition may be used as a bedroom or additional unit
 - No construction of an Addition will be allowed until 10 years after the first Building Permit is issued
- If existing units are reconstructed (due to voluntary or involuntary complete demolition) they may be reconstructed only on the existing footprint and may not exceed the current height. (reinforced in Agreement)

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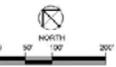
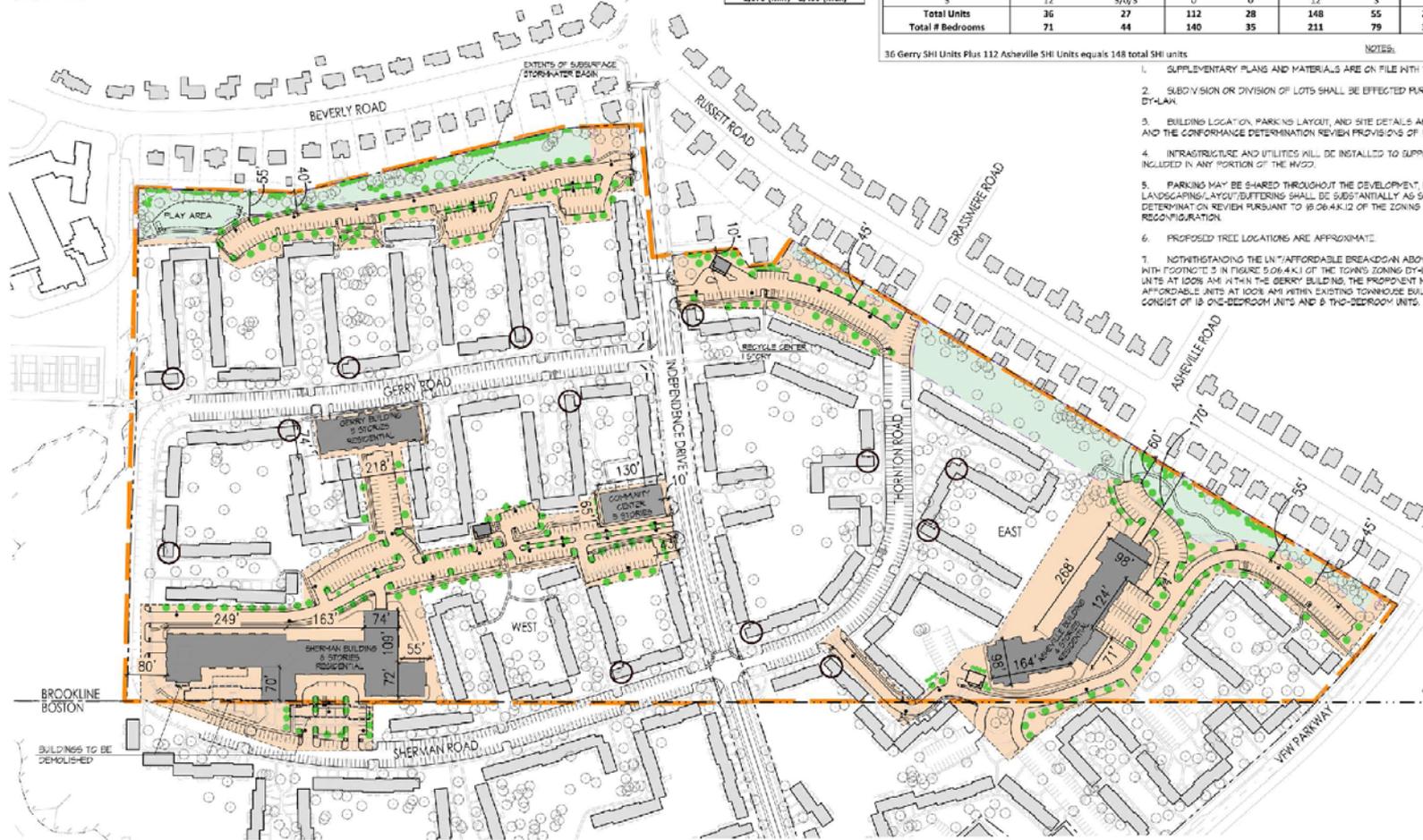
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Two 40B Plans - RoSB and Puddingstone



Hancock Village Memorandum of Agreement Plan

BUFFER COMPARISONS

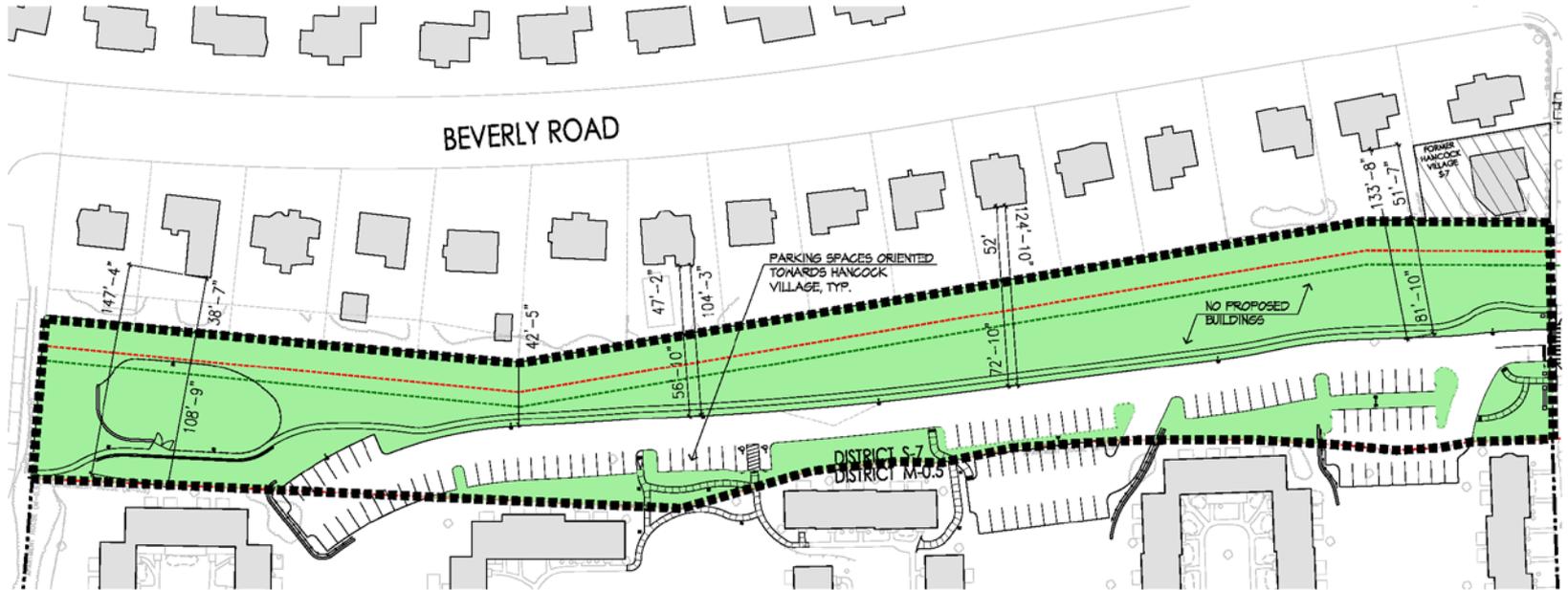
40B



BEVERLY ROAD - 40B
GREEN SPACE = 75,100 S.F.

61 S-7 PARKING SPACES

Hancock Village Master Development Plan



BEVERLY ROAD - JULY 7, 2017
GREEN SPACE = 91,027 S.F.

71 S-7 PARKING SPACES
108 TOTAL PARKING SPACES

40B



VFW PARKWAY - 40B
GREEN SPACE = 113,762 S.F.

45 PARKING SPACES

Hancock Village Master Development Plan

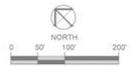
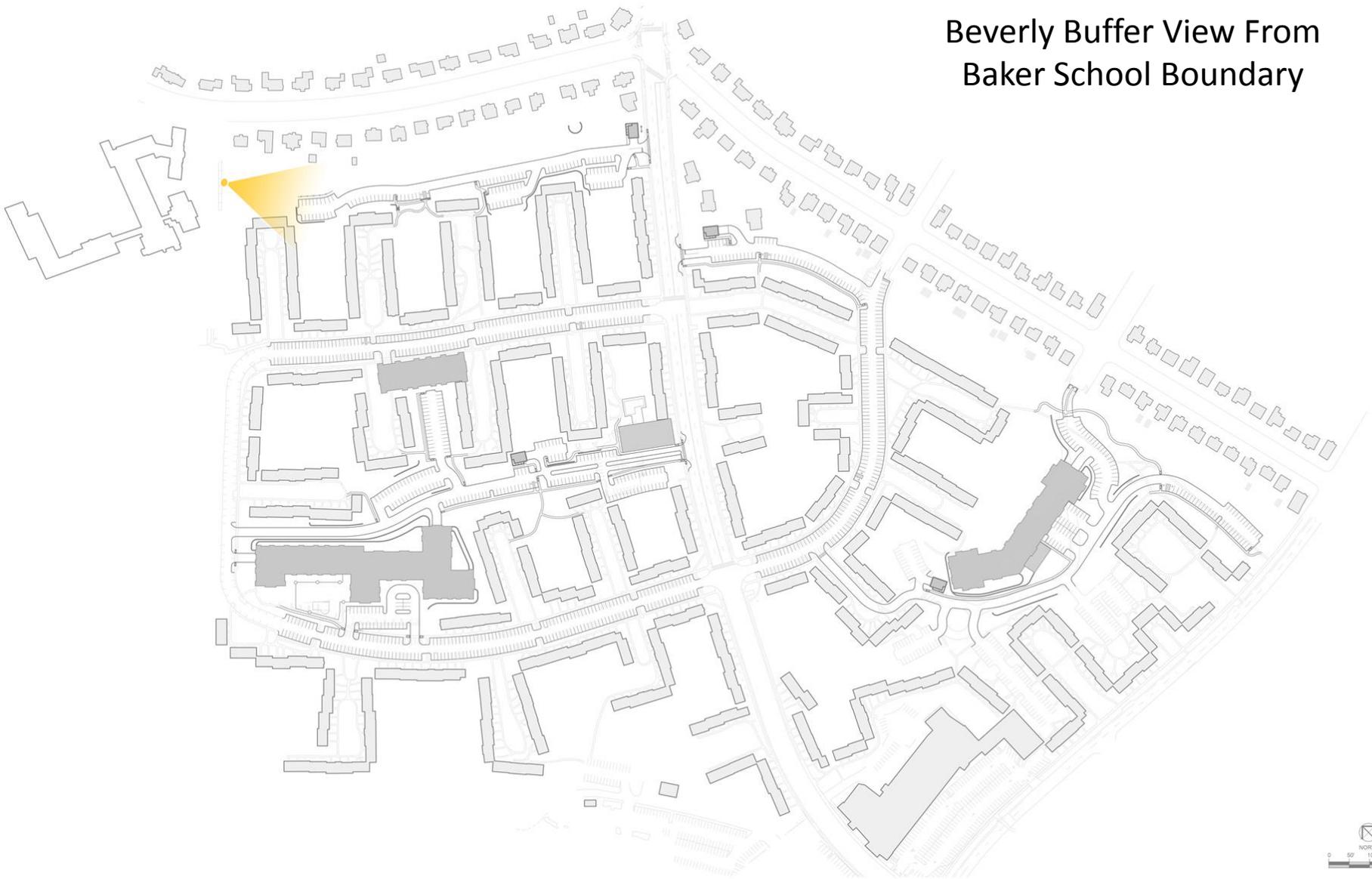


Russett Road - September 8, 2017
GREEN SPACE = 153,697 S.F.

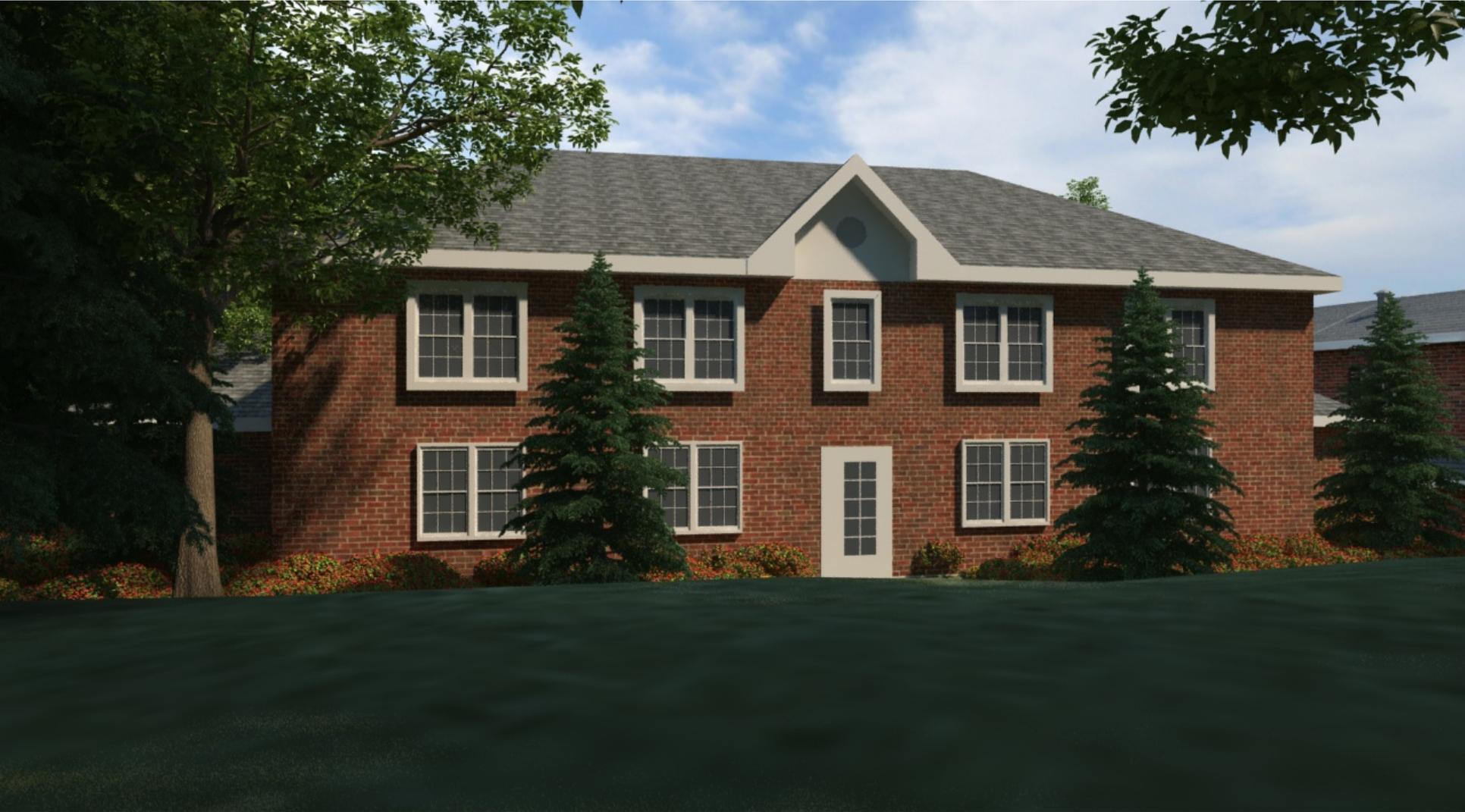
120 S-7 PARKING SPACES

IMAGES

Beverly Buffer View From Baker School Boundary



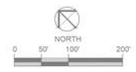
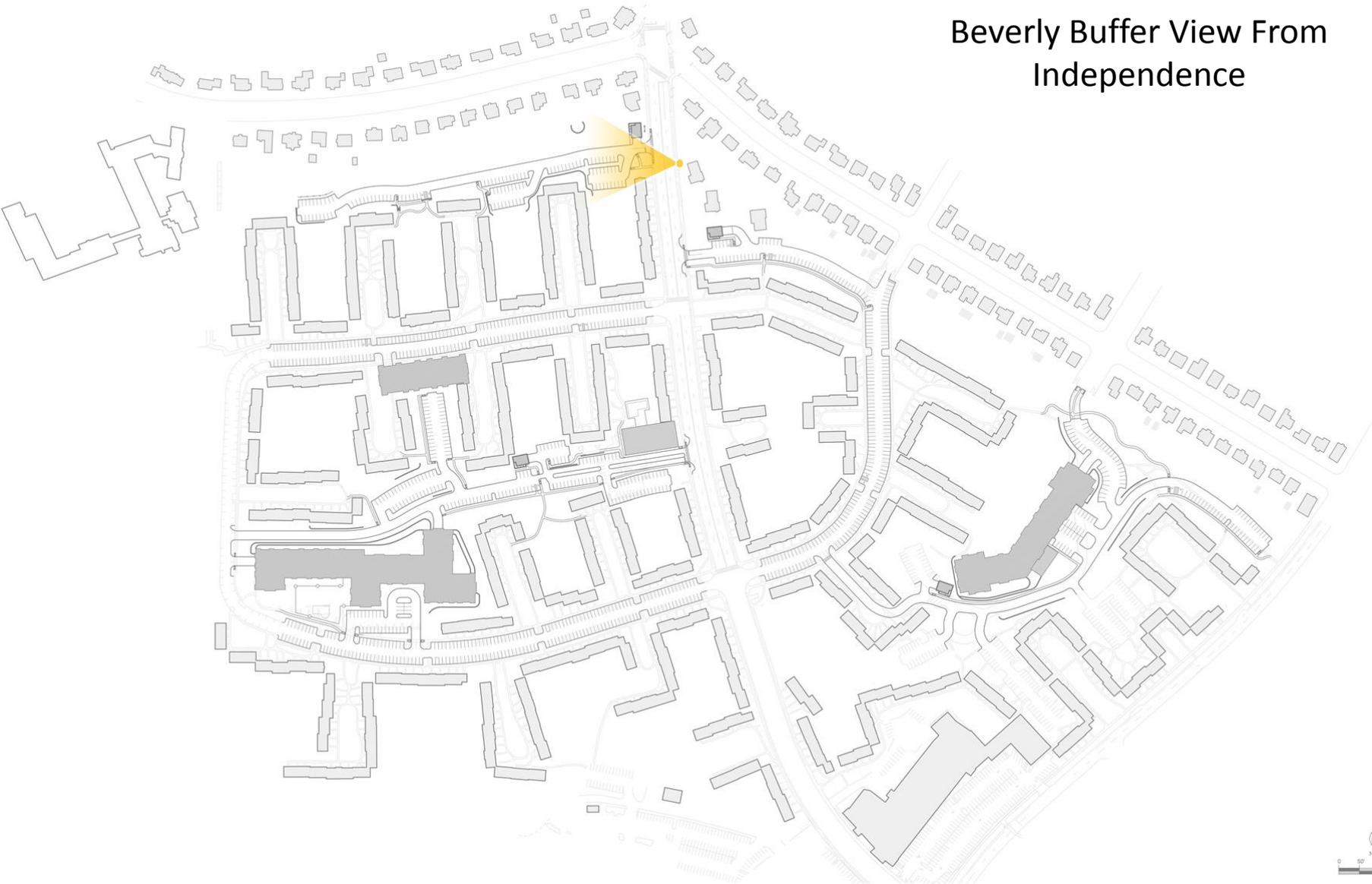
40B



Hancock Village Master Development Master Plan



Beverly Buffer View From Independence



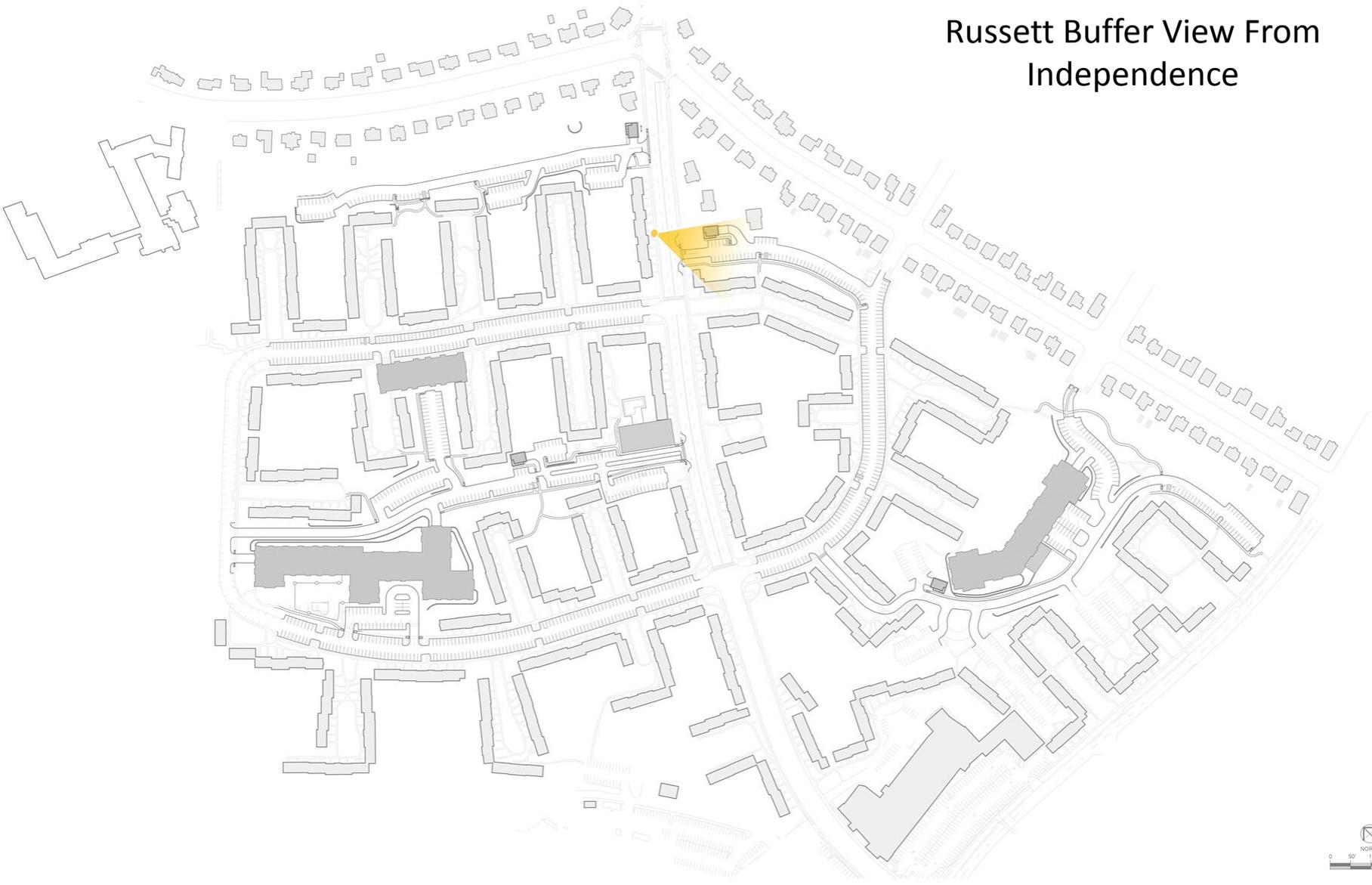
40B



Hancock Village Master Development Plan



Russett Buffer View From Independence



40B



Hancock Village Master Development Plan



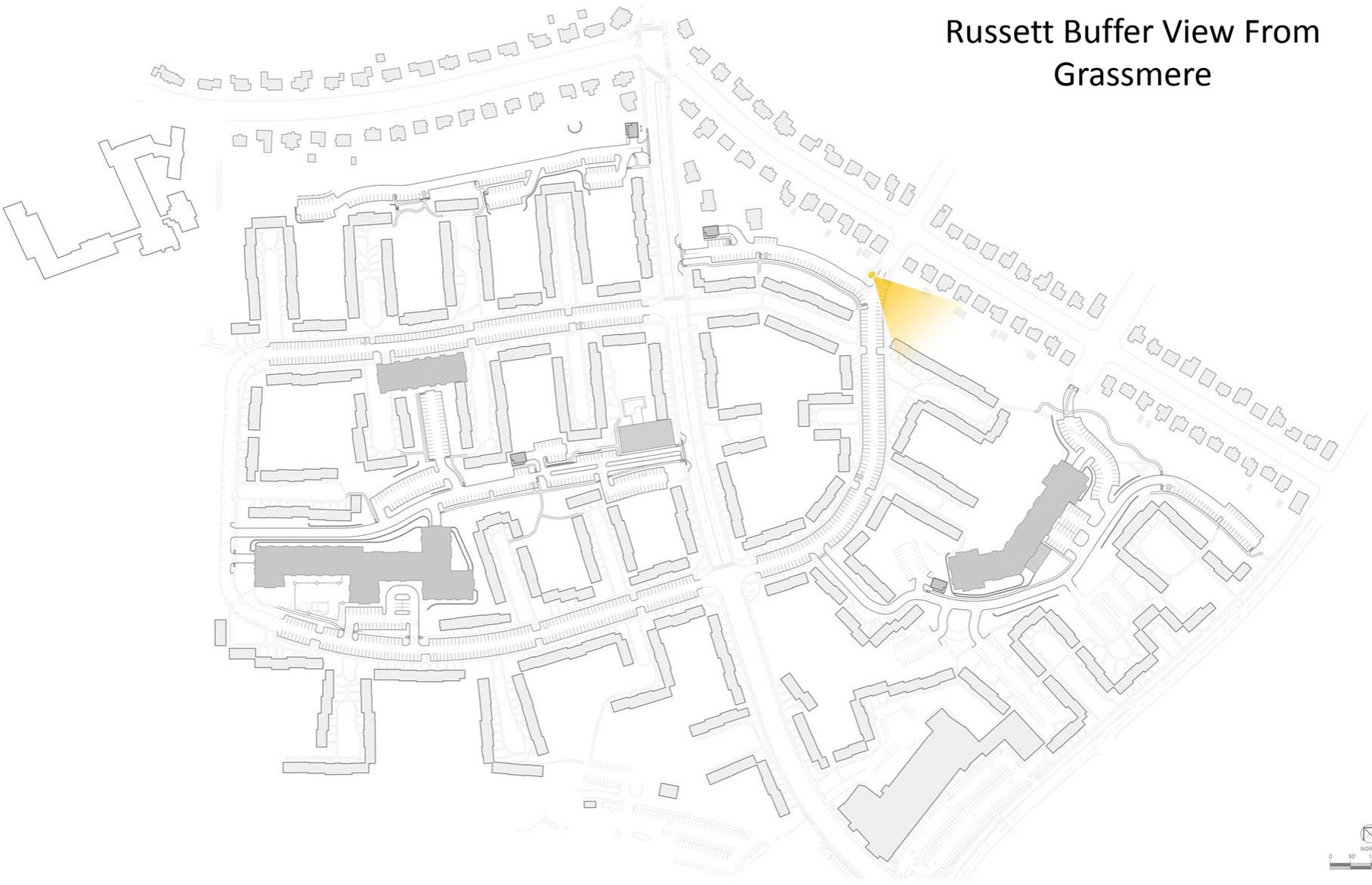
Sherman Thornton Intersection







Russett Buffer View From Grassmere



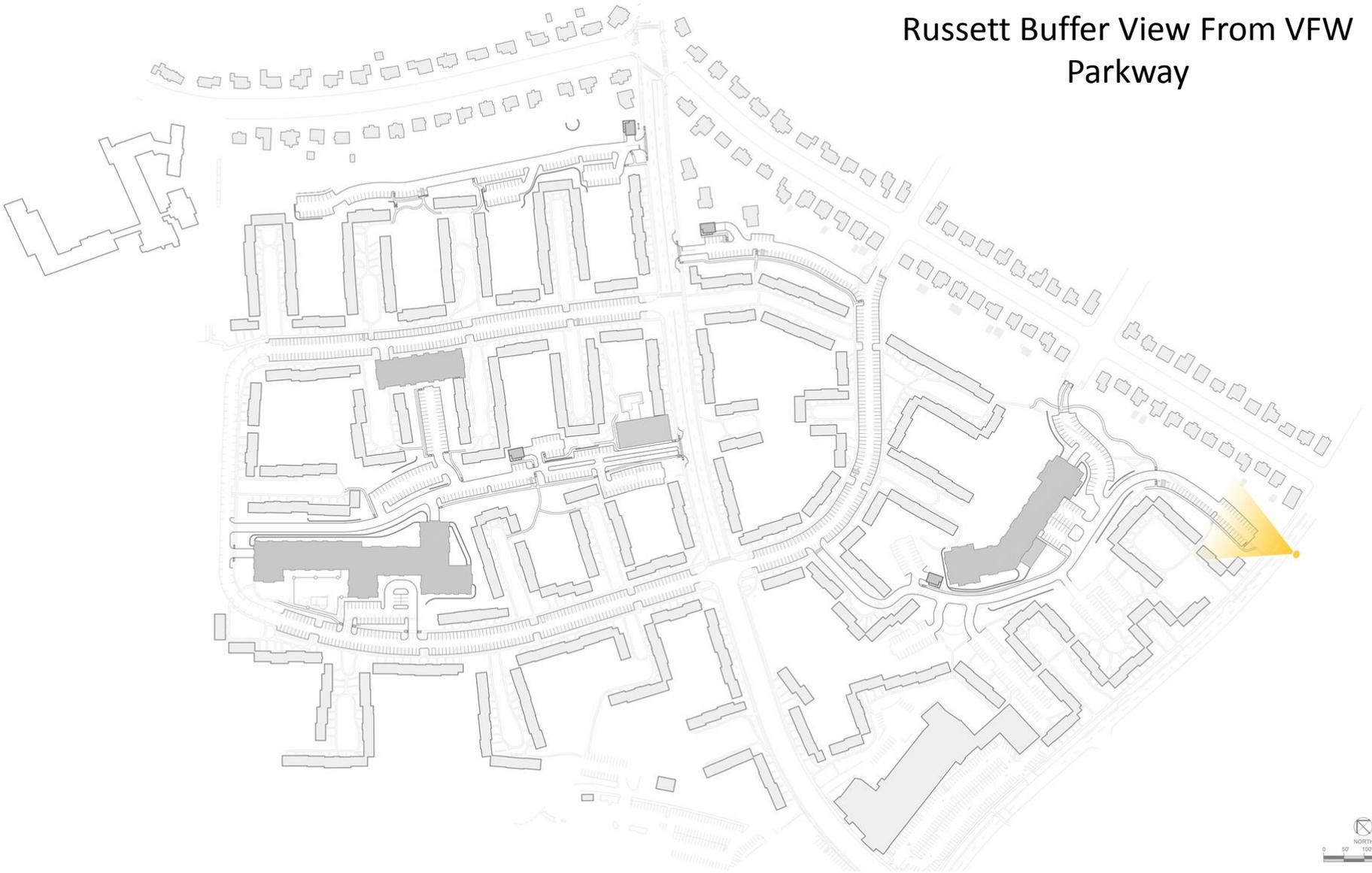
40B



Hancock Village Master Development Plan



Russett Buffer View From VFW Parkway



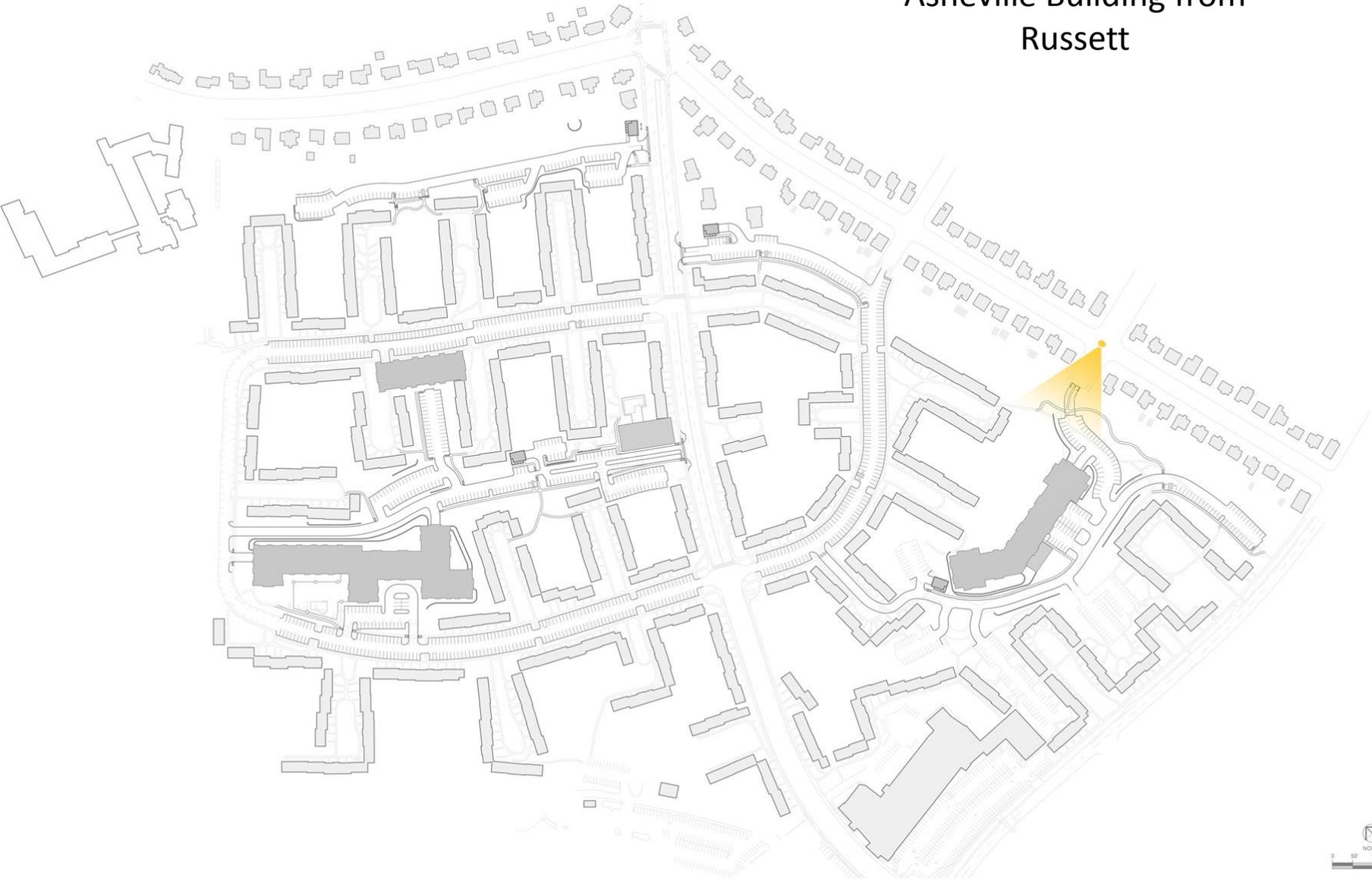
40B



Hancock Village Master Development Plan



Asheville Building from Russett



40B



Hancock Village Master Development Plan



Gerry Garage



40B



Hancock Village Master Development Plan



Independence Garage



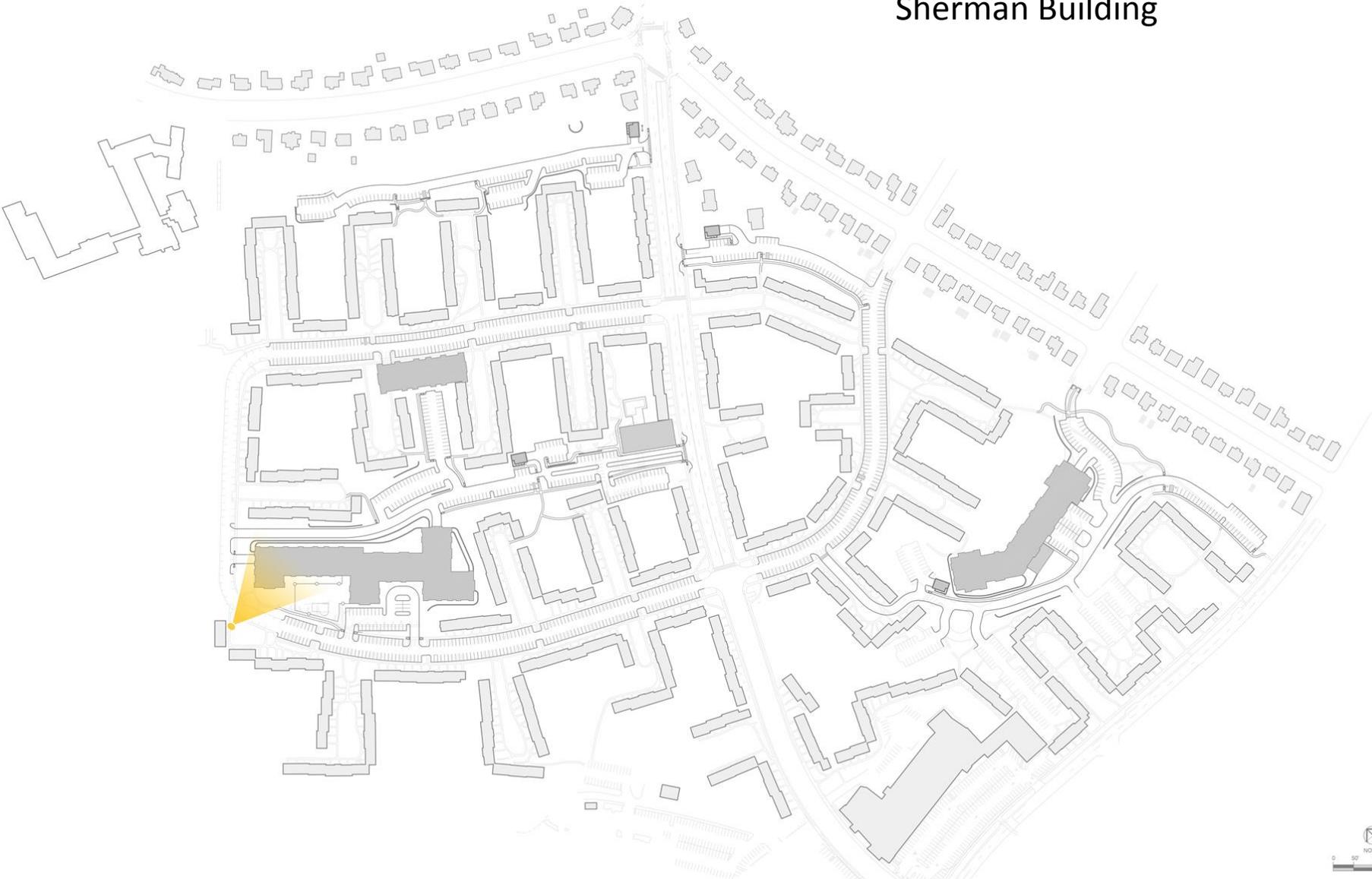
40B



Hancock Village Master Development Plan



Sherman Building



40B



Hancock Village Master Development Plan



WARRANT ARTICLES

These warrant articles are mutually supportive and interrelated. All are designed to insure that the Master Development Plan represents the final and complete development of Hancock Village, identifies and protects the interest of the parties and insures that the Town will receive the negotiated mitigation.

Article X: Hancock Village Overlay District By-law

Amend the Zoning By-law to incorporate a zoning overlay district to be imposed on the Brookline component of Hancock Village

Article XI: Master Development Agreement

Authorize the BOS to enter into a Master Development Agreement with Chestnut Hill Realty that establishes specific obligations and restrictions upon the property owner including requiring that a building permit not be issued for the Sherman Building (the market rate building) until 148 units are certified on the SHI, and setting forth all mitigation including the transfer of approximately 3.5 acres of the buffer land to the Town.

Article XII: Local Action Unit (LAU) Development Agreement

Authorize the BOS to enter into a Local Action Unit (LAU) Development Agreement with Chestnut Hill Realty, as required by the State to certify 148 units on the Town's SHI.

WARRANT ARTICLES

Article XIII: Deed Restriction

Authorize the BOS to enforce a deed restriction that will prevent the owners of HV to take advantage of Chapter 40B or any other statute that would exempt development from the Town's Zoning by-laws, subject to DHCD concurrence.

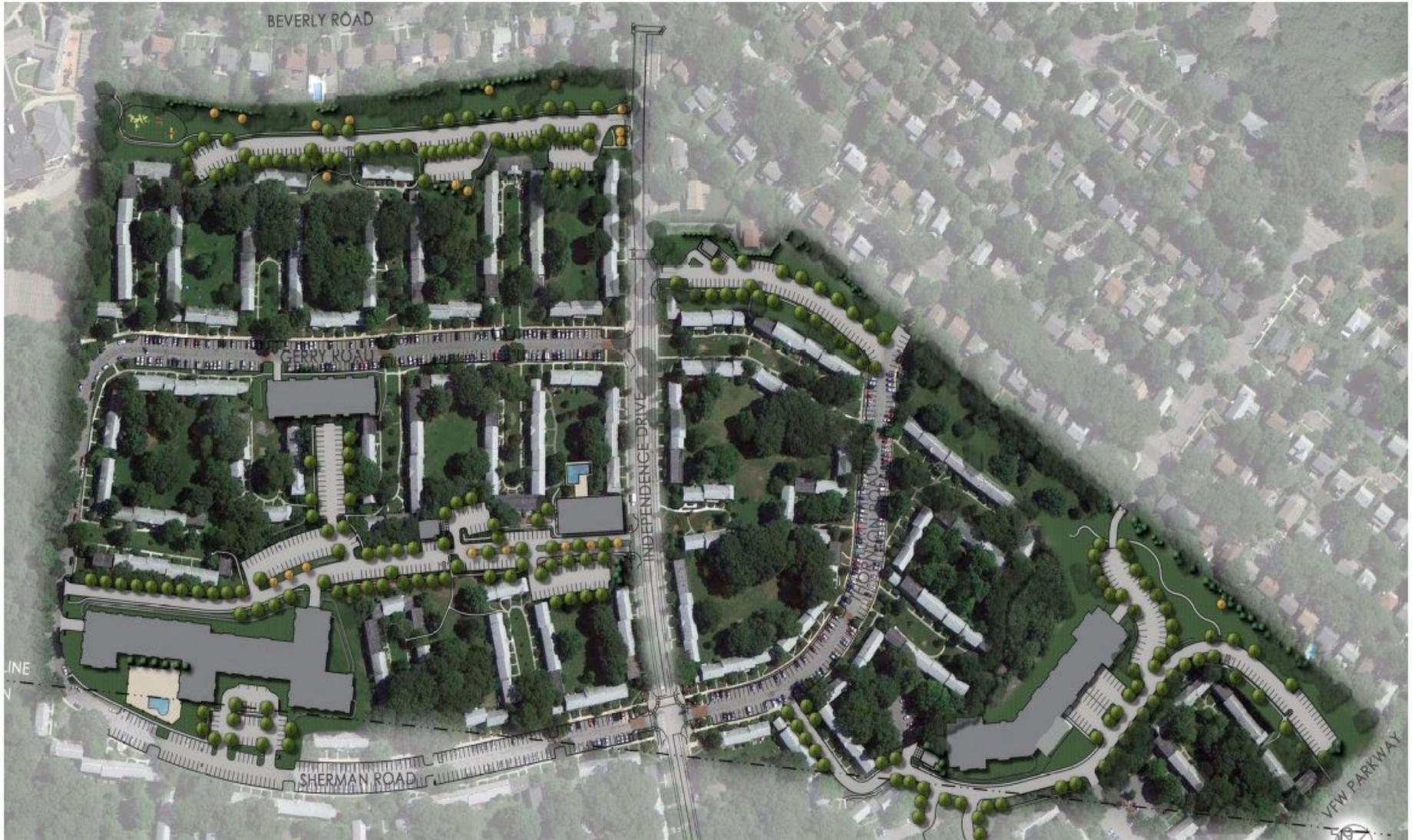
Article XIV: Accept gift of 3.5 acres

Authorize the BOS to accept a gift of about 3.5 acres of land in the buffer zoned S-7.

Article XV: Hancock Village Neighborhood Conservation District Repeal

Repeal the designation of Hancock Village as a Neighborhood Conservation District given that the Overlay District provides for sufficient Town oversight of all future development at Hancock Village

Hancock Village Master Development Plan



Comparison of 40B Developments and Hancock Village Master Plan

	Combined 40B's	Master Plan	Comparison
• Apartment units	387*	368 net	-19
• Apartment buildings	18	3	-15
• Apartment buildings in the S-7	11	0	-11
• Bedrooms	763	524 net	-239
• 1 bedroom units (approximate)	123	230	107
• 2 bedroom units (approximate)	187	140	-47
• 3 bedroom units	42	12	-30
• 4 bedroom units	35	0	-35