

May 30, 2018

IN HAND

Jesse Geller, Chairman
Brookline Zoning Board of Appeals
333 Washington Street
Brookline, MA 02445

Re: Babcock Place, LLC – Comprehensive Permit
134-138 Babcock Street (ZBA Case 2017-0026)

NOTICE OF PROJECT CHANGE:
REQUEST FOR APPROVAL OF INSUBSTANTIAL CHANGES
TO LANDSCAPE PLAN

Dear Chairman Geller:

Reference is made to the Comprehensive Permit issued to Babcock Place, LLC (the “Developer”) dated April 5, 2018 allowing development of 42 rental units at 134-138 Babcock Street (the “Comprehensive Permit”).

As you are aware, the Brookline Zoning Board of Appeals approved a Comprehensive Permit based on the final plans submitted with conditions. Prior to the conclusion of the 20-day appeal period the Developer was able to negotiate two settlement agreements with the owners of 4 abutting properties on Stedman Street as well as the immediate abutter on Babcock Street. As part of those settlement agreements the Developer has modified the landscape plan to accommodate the requests of these neighbors. The amended Landscape Plan dated May 6, 2018 (L-101) prepared by Hammer + Walsh Design Inc. is enclosed for your review. As noted on the enclosed cover letter from Hammer + Walsh dated May 29, 2018 the following revisions were made to the plan at the request of the abutters:

- Relocated portions of the perimeter fence along the west property line of Babcock Place
- Installed 16 deciduous trees (species recommended by the abutters) on the abutters’ side of the fence along the west property line
- Removed 3 deciduous trees and 16 coniferous evergreen shrubs from the previously proposed (and accepted) plan

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- Installed 24 coniferous evergreen shrubs along the northern edge of the Babcock Place property (abutting the south edge of the Yee property)
- Installed 9 coniferous evergreen shrubs along the east edge of the Babcock Place property (abutting the west edge of the Yee property)
- Installed approximately 50 LF of 7'-0" privacy screen along the west edge of the Yee property
- Installed approximately 64 LF of 7'-0" privacy screen along the south edge of the Yee property

The changes to the landscape plan are insubstantial changes and therefore, the developer requests that they be deemed insubstantial by the Board. Accordingly, the Developer hereby requests that these changes be approved as insubstantial changes

760 CMR 56.07(4) (b) provides guidance to a Zoning Boards of Appeals as to what constitutes a substantial or insubstantial change to a comprehensive permit. The following are some examples of what circumstances ordinarily will and will not constitute a substantial change, as described in 760 CMR 56.07(4)(a).

“(c) The following matters generally will be substantial changes:

1. An increase of more than 10% in the height of the building(s);
2. An increase of more than 10% in the number of housing units proposed;
3. A reduction in the size of the site of more than 10% in excess of any decrease in the number of housing units proposed.
4. A change in building type (e.g., garden apartments, townhouses, high-rises); or
5. A change from one form of housing tenure to another.

(d) The following matters generally will not be substantial changes:

1. A reduction in the number of housing units proposed;
2. A decrease of less than 10% in the floor area of individual units;
3. A change in the number of bedrooms within individual units, if such changes do not alter the overall bedroom count of the proposed housing by more than 10%;
4. A change in the color or style of materials used; or
5. A change in the financing program under which the Applicant plans to receive a Subsidy, if the change affects no other aspect of the proposal.”


As is consistent with the aforementioned language, the Developer respectfully submits that these changes are insubstantial under the applicable regulations. This notice is being provided pursuant to 760 CMR 56.05(11)(a). Pursuant to these regulations, the Board shall determine within twenty (20) days whether this request is a substantial or insubstantial change in accordance with 760 CMR 56.05(11)(c) and (d). If it is determined that they are insubstantial changes, or if notice is not provided to the applicant to the contrary within such twenty (20) day period, the Comprehensive Permit shall be deemed changed, as requested. The above process does not require

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a public hearing. A public hearing would be required if you determine that the requested changes are substantial changes, and if so, and pursuant to the aforesaid regulations, a public hearing is to be held within thirty (30) days.

Pursuant to our discussion with the Town of Brookline we understand this matter will be scheduled for discussion as soon as possible at an upcoming meeting and we will be notified of the date and time. To any extent that a waiver of the 20 day time period is required to be on your agenda, a waiver of the applicant's rights is granted in order to allow the Board to take up the matter no later than July 13, 2018.

Very truly yours,



Jennifer Dopazo Gilbert, Esq.

Encs.

cc: Dan Bennett, Building Commissioner
Polly Selkoe, Assistant Director for Regulatory Planning
Geoff Engler, SEB, LLC
Maria Morelli, Senior Planner
Dan Hill, Esq.
Stephen Buchbinder, Esq.

Hammer+Walsh Design Inc.

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Landscape Architecture + Master Planning

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29 May 2018

Ms. Jennifer Gilbert, Esq,
Law Office of Robert L. Allen, Jr. LLP
300 Washington Street
Brookline, MA 02445

Re: Babcock Place, Brookline, MA
Confirmation of Latest Revisions

Attached please find 1 24" x 36" prints and 5 11" x 17" prints of the Babcock Place Landscape plan.

The following revisions were made to the Landscape Plan for Babcock Place to accommodate requests of the abutters:

- Relocated portions of the perimeter fence along the west property line of Babcock Place
- Installed 16 deciduous trees (species recommended by the abutters) on the abutters' side of the fence along the west property line
- Removed 3 deciduous trees and 16 coniferous evergreen shrubs from the previously proposed (and accepted) plan
- Installed 24 coniferous evergreen shrubs along the northern edge of the Babcock Place property (abutting the south edge of the Yee property)
- Installed 9 coniferous evergreen shrubs along the east edge of the Babcock Place property (abutting the west edge of the Yee property)
- Installed approximately 50 LF of 7'-0" privacy screen along the west edge of the Yee property
- Installed approximately 64 LF of 7'-0" privacy screen along the south edge of the Yee property

Sincerely,

Hammer+Walsh Design, Inc.



Nelson Hammer, RLA
Principal

cc: Tina Potvin, David Walsh

PLANT LIST

QUAN	BOTANICAL NAME	COMMON NAME	PLANTED SIZE	MATURE HEIGHT
Trees				
1	<i>Acer griseum</i>	Paperbark Maple	2'-2 1/2' cal	25'-30'
10	<i>Chamaecyparis obtusa 'Gracilis'</i>	Slender Hinoki Falsecypress	6'-7' ht	15'-20'
1	<i>Cornus kousa</i>	Japanese Dogwood	2'-2 1/2' cal	20'-30'
2	<i>Cornus 'Celestial'</i>	Celestial Dogwood	2'-2 1/2' cal	15'-20'
8	<i>Fagus sylvatica 'Fastigiata'</i>	Columnar European Beech	2'-2 1/2' cal	40'-60'
1	<i>Magnolia loebneri 'Leonard Messer'</i>	Loebner Magnolia	2'-2 1/2' cal	15'-20'
2	<i>Milus 'Centurion'</i>	Centurion Crabapple	2'-2 1/2' cal	18'-20'
1	<i>Milus 'Red Baron'</i>	Red Baron Crabapple	2'-2 1/2' cal	18'-20'
1	<i>Picea mariana 'Wellspire'</i>	Wellspire Black Spruce	6'-7' ht	25'-30'
5	<i>Thuja plicata 'Virescens'</i>	Virescens Western Red Cedar	7'-8' ht	25'-30'
6	<i>Taxus canadensis 'Summer Snow'</i>	Summer Snow Hemlock	6'-7' ht	15'-20'
3	<i>Nyssa sylvatica</i>	Tupelo	6'-7' ht	15'-20'
5	<i>Carpinus betulus 'Fastigiata'</i>	Pyramidal Hornbeam	6'-7' ht	15'-20'
10	<i>Thuja occidentalis 'Emerald'</i>	Emerald Green Arborvitae	6'-8' ht	15'-20'
23	<i>Thuja plicata 'Green Giant'</i>	Green Giant Arborvitae	6'-8' ht	40'-60'
Shrubs				
3	<i>Chamaecyparis pisifera 'Filler Mops'</i>	Mops Threadleaf Falsecypress	2'-2 1/2' ht	
2	<i>Clethra alnifolia</i>	Summersweet	2 1/2'-3' ht	
5	<i>Ilex glabra 'Shamrock'</i>	Shamrock Holly	2'-2 1/2' ht	
3	<i>Juniperus chinensis 'Sea Green'</i>	Sea Green Juniper	2'-2 1/2' sprd	
17	<i>Kalmia latifolia 'Olympic Fire'</i>	Olympic Fire Mountain Laurel	2 1/2'-3' ht	
4	<i>Pieris taiwanensis 'Snowdrift'</i>	Snowdrift Andromeda	2 1/2'-3' ht	
8	<i>Taxus media 'Green Wave'</i>	Green Wave Yew	2 1/2'-3' sprd	
9	<i>Vitidis media 'Vivida'</i>	Vivida Yew	4'-4 1/2' ht	
3	<i>Viburnum 'Newzam'</i>	Newport Viburnum	3'-3 1/2' ht	
Ornamental Grasses				
32	<i>Calamagrostis canadensis 'Carl Foerster'</i>	Karl Foerster Feather Reed Grass	2 gal	
60	<i>Festuca nivalis 'Elijah Blue'</i>	Elijah Blue Fescue	2 gal	
77	<i>Miscanthus sinensis 'Morning Light'</i>	Morning Light Maiden Grass	3 gal	
56	<i>Pennisetum alopecuroides 'Hamelin'</i>	Hamelin Fountain Grass	2 gal	

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Concept Design

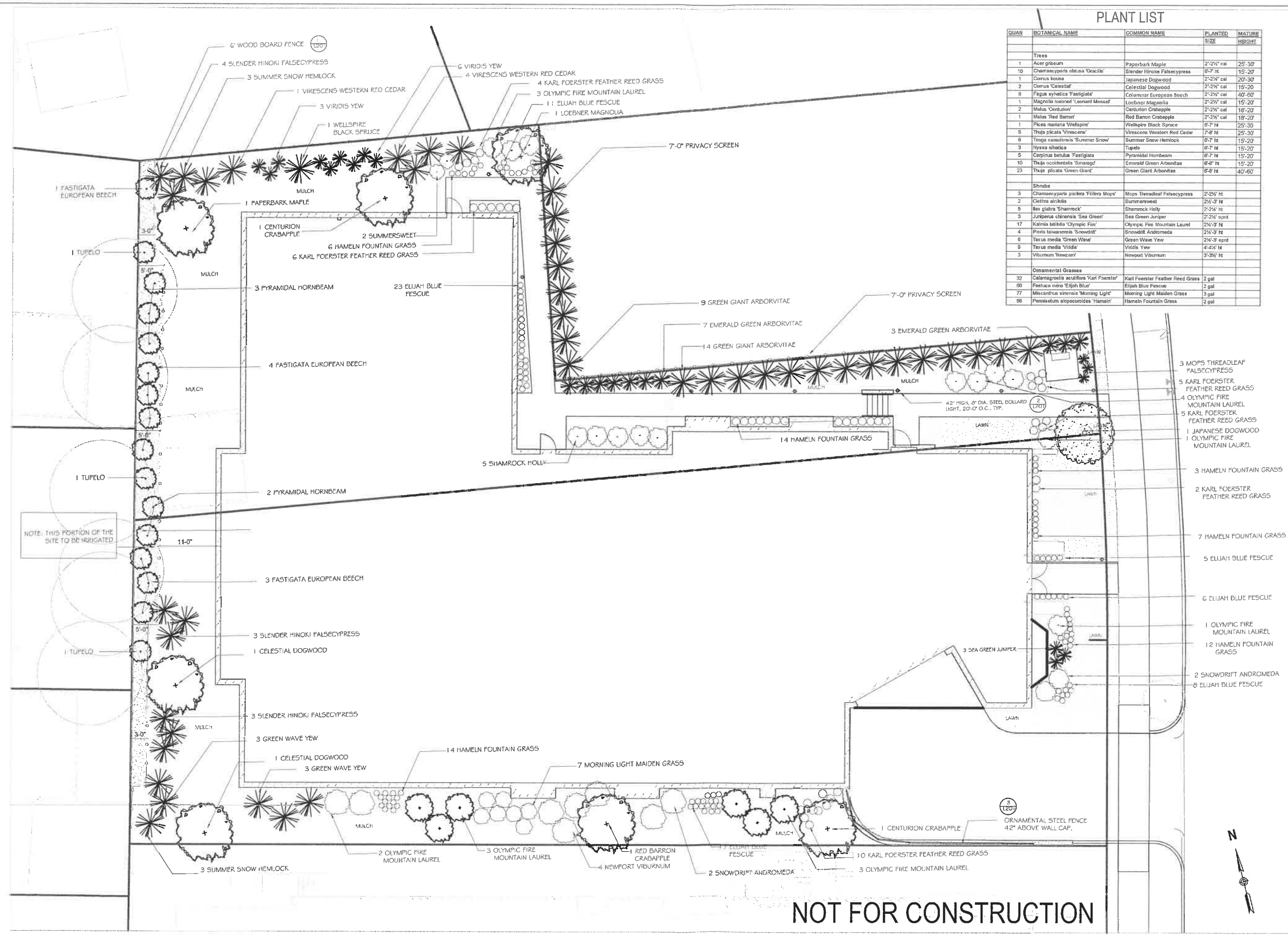
drawing by: NRH
drawing checked by: DMW
drawing scale: 1/8" = 1'-0"
drawing date: 14 February 2018
drawing revision:

sheet number: 00000.00
rev. description date
as amended 5-6-18



LANDSCAPE PLAN

L 101



NOT FOR CONSTRUCTION

