



**TOWN OF BROOKLINE
MASSACHUSETTS**

**REPORTS OF SELECTMEN
AND ADVISORY COMMITTEE**

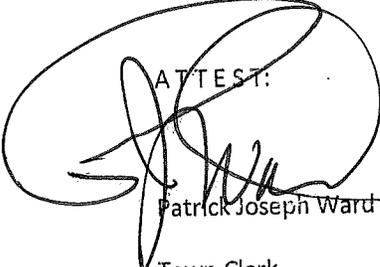
on the

Articles in the Warrant

for the

**SECOND SPECIAL TOWN
MEETING**

I hereby certify that the actions as indicated on the within pages were taken at the Special Town Meeting called for Tuesday, November 14, 2017, at 8:00 P.M. and dissolved on Wednesday, November 15, 2017 at 10:57 P.M.

ATTEST:

Patrick Joseph Ward
Town Clerk

(Please retain this copy for use at the Town Meeting)

Town of Brookline

BOARD OF SELECTMEN

Neil A. Wishinsky, Chairman

Benjamin J. Franco

Nancy S. Heller

Bernard W. Greene

Heather A. Hamilton

Melvin A. Kleckner, Town Administrator

"The Town of Brookline does not discriminate on the basis of disability in admission to, access to, or operation of its programs, services or activities. Persons with disabilities who need auxiliary aids and services for effective communication in programs, services and activities of the Town of Brookline are invited to make their needs and preferences known to Lloyd Gellineau, Town of Brookline, 11 Pierce Street, Brookline, MA 02445, 730-2328 Voice, 730-2327 TDD, or email at lgellineau@brooklinema.gov."

MODERATOR

Edward N. Gadsby, Jr.

ADVISORY COMMITTEE

Sean M. Lynn-Jones, Chair, 53 Monmouth Street.....	738-6228
Carla Benka, Vice-Chair, 26 Circuit Road	277-6102
Benjamin Birnbaum, 15 Feneno Terrace,	276-5944
Clifford M. Brown, 9 Hyslop Road	232-5626
Carol Caro, 1264 Beacon Street, #2.....	739-9228
Lea Cohen, 1060 Beacon Street, #11	947-9713
John Doggett, 8 Penniman Place	739-7266
Dennis Doughty, 57 Perry Street.....	566-5474
Harry Friedman, 27 Clafin Road	232-0122
Janet Gelbart 216 St. Paul Street #601.....	566-5616
David-Marc Goldstein, 22 Osborne Road	232-1943
Neil Gordon, 87 Ivy Street.....	(508)265-1362
Kelly Hardebeck, 18 Littell Road	277-2685
Amy Hummel, 226 Clark Road	731-0549
Sytske V. Humphrey, 46 Gardner Road	277-1493
Angela Hyatt, 87 Walnut Street.....	734-3742
Alisa G. Jonas, 333 Russett Road	469-3927
Janice Kahn, 63 Craftsland Road.....	739-0606
Steve Kanes, 89 Carlton Street	232-2202
Bobbie M. Knable, 243 Mason Terrace.....	731-2096
David Lescohier, 50 Winchester Street	383-5935
Fred Levitan, 1731 Beacon Street.....	734-1986
Pamela Lodish, 195 Fisher Avenue	566-5533
Shaari S. Mittel, 309 Buckminster Road	277-0043
Mariah Nobrega, 33 Bowker Street	935-4985
Susan Roberts, 69 Green Street	566-0204
Michael Sandman, 115 Sewall Ave., No. 4	232-7125
Lee L. Selwyn, 285 Reservoir Road	277-3388
Charles Swartz, 69 Centre Street	731-4399
Christine M. Westphal, 31 Hurd Road.....	738-7981
Lisa Portscher, Executive Assistant, Town Hall.....	730-2115

NOVEMBER 14, 2017
SECOND SPECIAL TOWN MEETING
INDEX

ARTICLE NO.

TITLE

1. Revision of the Hancock Village Neighborhood Conservation District Bylaw.
(Selectmen)

2017 SPECIAL TOWN MEETING WARRANT REPORT

The Board of Selectmen and Advisory Committee respectfully submit the following report on Articles in the Warrant to be acted upon at the 2017 Special Town Meeting to be held on Tuesday, November 14, 2017 at 8:00 p.m.

Note: The following pages of this report are numbered consecutively under each article.

ARTICLE 1

BOARD OF SELECTMEN'S SUPPLEMENTAL RECOMMENDATION

Based on comments from various committees including the Preservation Commission, the Neighborhood Conservation District Commission and the Planning and Regulatory Subcommittee of the Advisory Committee, the Board of Selectmen has amended Warrant Article 15, which proposed the elimination of the Hancock Village Neighborhood Conservation District (NCD). Since the amendment may have exceeded the original scope of the Article, the amendment is being proposed as Article 1 of the 2nd Special Town Meeting within Special Town Meeting.

In contrast to the Town's eight Local Historic Districts and the Greater Toxteth Neighborhood Conservation District, the Hancock Village NCD, which applies solely to the Hancock Village property, was established by Town Meeting without the owner's consent. The ill-will this engendered has continued to this day, and the property owner initially made the complete elimination of the Hancock Village NCD one of its priorities when it began engaging in negotiations with the Town and neighbors regarding the Memorandum of Agreement.

Thankfully, this initial hardline stance has softened over time, due in large part to the steady and unwavering commitment by the Town's citizens, boards and commissions to finding a way the Hancock Village NCD could be retained and allowed to continue its mission of protecting the historic, architectural and cultural integrity of Hancock Village.

The Memorandum of Agreement states with respect to the NCD:

“The NCD Amendments shall provide that no NCD review shall be required for the construction of the revised project and shall contain such other limitations on the application of the NCD to Hancock Village as shall be mutually agreeable to the Town and CHR.”

Rather than an a complete elimination of the Hancock Village NCD, Chestnut Hill Realty has agreed to the compromise represented in Warrant Article I, wherein the Town's General By-law would be amended so as to:

- ❖ Retain the Hancock Village NCD designation.
- ❖ Provide the NCDC authority over reconstruction of the existing buildings if and when they are ever demolished. (Note: the proposed Zoning By-law limits the size of replacement buildings to the footprint and height of existing buildings; the

NCDC review provided for here allows the Commission to also address the replacement buildings' design.)

- ❖ Provide for NCDC control over the sections of Buffer Area to be deeded to the Town in order to protect it prior to being deeded.
- ❖ Retain NCDC control over landscaping in excess of 2.5% of the total land area (approximately 55,000 square feet). The trigger was initially established at 5%, and was decreased during recent negotiations.

Again, the Board of Selectmen acknowledges and appreciates the efforts of boards, commissions and committees as well as the public in effecting these improvements to the original warrant article.

On November 7, 2017, a unanimous Board of Selectmen voted FAVORABLE ACTION on the following motion, contingent on Town Meeting votes in favor of Articles 10-14: (Note that should Articles 10-14 fail, the recommendation would be NO ACTION.)

VOTED: That the Town amend Section 5.10.3(d)(1) of the Town's General By-Laws as follows:

(language to be deleted from Section 5.10.3(d)(1) appearing in ~~strikethrough~~, and new language appearing in **bold underline**)

d. Specific districts and guidelines.

1. There shall be a Neighborhood Conservation District, to be entitled the "Hancock Village Neighborhood Conservation District", the boundaries of which are shown on the map entitled "Hancock Village Neighborhood Conservation District", a copy of which is on file with the Town Clerk's office, which is hereby declared to be part of this By-law.

The first and largest garden city apartment complex in Brookline, Hancock Village (1946-1949) is significant as a far-sighted, historically important collaboration between the town of Brookline and the Boston-based John Hancock Mutual Life Insurance Company to provide both employment and housing for returning World War II veterans. The development, which straddles the Brookline-Boston line, consists of 789 two-story attached townhouses, most of which are located in Brookline. In consideration of a zoning change by the Town which allowed the development to proceed, the development was designed and built as a high-quality development in the "garden village" style, meaning that each dwelling unit had a separate entrance to the exterior; the units were town-homes of two stories with peaked roofs; there was substantial open space; and there was a "greenbelt" serving as a buffer between the development and adjacent single-family homes. Such elements were embodied in commitments made on behalf of John Hancock Insurance by its president Paul F. Clark, including an agreement with the Town of Brookline executed March 11, 1946. The landscape design was by Olmsted Associates, a Brookline firm with international experience and reputation. Significantly,

Hancock Village remains the quality housing development conceived in those commitments and original design, and therefore remains internally coherent in design and compatible in scale, siting and impact with the adjacent neighborhood of single-family homes and with the D. Blakely Hoar Wildlife Sanctuary, especially due to the retention in Hancock Village of open lawns, courtyards and common areas, pedestrian paths, consistent town-house style buildings of modest scale, unobstructed sky planes, buffer zones, and significant landscape features such as puddingstone outcrops. Retaining integrity of location, design, setting, materials, workmanship, feeling, and association, the Hancock Village Neighborhood has as such remained an important historic property in Brookline and a compatible part of the fabric of the community and the adjacent neighborhood.

Within the Hancock Village Neighborhood Conservation District, no activity comprising all or any part of the HVOD Project, as that term is defined in Section 5.06.4.k.2.m of the Town's Zoning By-Law, nor any Addition, as that term is used in Section 5.06.4.k.4.b.ii of the Town's Zoning By-Law including, without limitation, any demolition of existing buildings, construction of new buildings and other improvements or any site work, shall be considered a Reviewable Project. Further, only the following activities shall be considered Reviewable Projects, as that term is defined in Section 5.10.2.m of the Town's General By-Laws:

- 1) **Reconstruction of a building following complete demolition of a building if and to the extent such reconstruction does not require issuance of a Conformance Determination pursuant to Section 5.06.4.k12.e of the Town's Zoning By-Law.**
- 2) **A single project which will result in the disturbance of an area within the Hancock Village NCD of a size greater than two and one-half percent (2.5%) of the total surface area of the NCD.**
- 3) **Any disturbance of the area identified as "HVOD Buffer Area" on the plan entitled "Hancock Village Master Development Plan" dated September 7, 2017, prepared by Stantec Planning and Landscape Architecture P.C., a copy of which is on file with the Town Clerk's Office except as such disturbance is necessary to construct, repair or maintain the improvements shown on said plan:**

With respect to the Reviewable Projects defined above, the Hancock Village Neighborhood Conservation District shall be governed by the following design guidelines. Any further development shall be compatible with the existing development of the district and its relationship to the adjacent neighborhood:

- i. Architectural style and character. The architectural design and building materials of any proposed Reviewable Project shall be compatible with the existing garden-village town-house architecture within the district, with, for example, each dwelling unit having a separate entrance to the exterior.

- ii. Building size, height and massing. The size, height and massing of a building or other structure which is part of any proposed Reviewable Project shall be compatible with existing buildings and other structures within the district and the adjacent neighborhood, and the elements considered shall include but not be limited to the volume and dimensions of any buildings or other structure; the scale, clustering and massing of any building or other structure in relation to its surroundings, including existing buildings and other structures and nearby landscape and other open spaces; and compatibility of design and materials with existing buildings and other structures. Compatible building size, height and massing shall include, not be limited to limited to:
 - a. No building over 2 ½ stories in height, measured from the highest point of the finished grade of each unit, shall be constructed.
 - b. In relation to any abutting single-family, detached homes, any new single-family homes shall be similarly oriented, have similar rear yard depths, and similar distance between dwelling units.
- iii. Façade. The number, size and location and design of windows, doors and solid elements, trim work, piers, pilasters, soffits, cornices, decks, porches and canopies, and the design of window and door details, including trim, muntins, mullion and sills, need not replicate but shall be compatible with the existing buildings within the district. Alterations necessary for handicap accessibility shall be compatible to the extent reasonably feasible.
- iv. Roof treatment. The shape, pitch, style, and type of surfacing of roof areas shall be compatible with those of buildings within the district. Including buildings in any Reviewable Project, buildings with flat or approximately flat roofs will not exceed 25% of the total number of buildings in the entire NCD.
- v. Streetscape, topography and landscape. Any proposed Reviewable Project (including demolition, removal, new construction or other alteration) shall maintain the spatial organization of the district and shall not have a significant negative impact on historic architectural or landscape elements, including structures, open spaces, green spaces, topography, walls and fences, circulation patterns including pedestrian circulation separated from vehicular traffic, viewsheds, park areas, play areas, courtyards and other landscaped areas previously accessible and usable in common, significant trees as defined in this by-law, and buffer areas. The existing spatial organization and land patterns of the landscape shall be preserved, including the curvilinear circulation patterns and views from roads,

sidewalks, pathways and buildings. Significant negative impacts shall include, but not be limited to:

- a. Removal or alteration of rock outcroppings greater than 200 square feet in contiguous area;
- b. Alteration of existing grades by more than three feet in vertical height;
- c. Removal of existing pedestrian paths that separate pedestrians from vehicular traffic;
- d. Addition of new impervious surfaces within 100 feet of abutting properties, including the Hoar Sanctuary or single-family homes; and
- e. Loss of open space through building coverage exceeding 20% of the area of the district or through loss of the “greenbelt” now serving as a buffer to the abutting single-family detached homes.

Nothing in this Section 5.10.3.d.1 shall be construed as repealing or modifying any existing by-law or regulation of the Town, but it shall be in addition thereto. To the extent this Section 5.10.3.d.1 imposes greater restrictions upon a Reviewable Project than other by-laws, regulations or statutes, such greater restrictions shall prevail. The provisions of this Section 5.10.3.d.1 shall be deemed to be severable. If any of its provisions, subsections, sentences or clauses shall be held to be invalid or unconstitutional, the remainder shall continue to be in full force and effect.

A vote of no action was passed
Unanimously

ADVISORY COMMITTEE'S RECOMMENDATION

SUMMARY:

Article 1 of the Second Special Town Meeting (STM2), which replaces Article 15, seeks to amend the Town's Zoning By-Law to restructure the Hancock Village Neighborhood Conservation District to allow it to focus solely on potential development whose scope or location has been determined not to be in keeping with the redevelopment goals of the Town.

Taken together, the Hancock Village (HV) Articles are an interrelated group of articles that seek a comprehensive solution to an ongoing dispute among the Town, Chestnut Hill Realty (CHR), and certain neighbors regarding CHR's proposed 40B development of Hancock Village, located in South Brookline.

These Warrant Articles are the fruit of a long negotiation involving the Town, CHR and neighborhood representatives to reach a solution to this expensive and contentious dispute. The Advisory Committee is fully aware that some neighbors are not entirely satisfied that the Town has achieved the best result possible, but after weighing both the positives and the negatives that the comprehensive solution achieves, when compared to the proposed alternative 40B projects (one approved by the ZBA and one pending), the Advisory Committee is of the considered view that the HV Article represents the best possible outcome for both the Town and the Hancock Village neighbors and, therefore, **recommends FAVORABLE ACTION.**

BACKGROUND:

In 2011, Town Meeting designated the Brookline section of Hancock Village to be its first Neighborhood Conservation District (NCD), requiring most changes to buildings and landscaping to secure prior approval from the newly-created NCD Commission. The NCD was designated over the objection of CHR, which was at that time and remains the sole property owner in the NCD. For additional background, refer to information provided in Article 10.

DISCUSSION:

As originally filed, Article 15 provided that the Hancock Village NCD was to be entirely eliminated. Article 1 of the Second Special Town Meeting, which replaces Article 15, provides for amendment of the Town's Zoning By-Law to restructure the NCD to define a reviewable project as meeting one of more of the following: (1) reconstruction of a building following demolition (as defined); (2) a single project which will result in the disturbance of an area within the NCD of a size greater than 5% of the total surface area of the NCD; or, (3) any disturbance of the buffer zone, except for construction or maintenance of the improvements shown on the Hancock Village Master Development Plan. Apart from Article 1, Article 10 provides that all new development in Hancock Village will be subject to review by the newly created Hancock Village Conformance Review Committee (HVCRC) consistent with specified guidelines.

Subsequent to the Warrant for the Second Special Town Meeting being published, CHR agreed to significantly reduce the disturbance area triggering NCD review, as many viewed the 5% area originally proposed as excessive. CHR has agreed to reduce this area in half, to 2.5% of the NCD area.

CHR has stated that passage of Article 1, like the other HV Articles, is integral to the project and they will pursue the alternative 40B projects if Article 1 is not approved.

RECOMMENDATION:

By vote of 16–6–3, the Advisory Committee recommends FAVORABLE ACTION on the motion offered by the Selectmen under Article 1 of the Second Special Town Meeting, provided that Town Meeting has previously voted in favor of Articles 10–14.

ARTICLE 1

**MOTION OFFERD BY JUDITH LEICHTNER, (TMM16),
AND NATHAN SHPRITZ (TMM16)**

Language to be deleted from the main motion appears in strikethrough.

d. Specific districts and guidelines.

1. There shall be a Neighborhood Conservation District, to be entitled the “Hancock Village Neighborhood Conservation District”, the boundaries of which are shown on the map entitled “Hancock Village Neighborhood Conservation District”, a copy of which is on file with the Town Clerk’s office, which is hereby declared to be part of this By-law.

The first and largest garden city apartment complex in Brookline, Hancock Village (1946-1949) is significant as a far-sighted, historically important collaboration between the town of Brookline and the Boston-based John Hancock Mutual Life Insurance Company to provide both employment and housing for returning World War II veterans. The development, which straddles the Brookline-Boston line, consists of 789 two-story attached townhouses, most of which are located in Brookline. In consideration of a zoning change by the Town which allowed the development to proceed, the development was designed and built as a high-quality development in the “garden village” style, meaning that each dwelling unit had a separate entrance to the exterior; the units were town-homes of two stories with peaked roofs; there was substantial open space; and there was a “greenbelt” serving as a buffer between the development and adjacent single-family homes. Such elements were embodied in commitments made on behalf of John Hancock Insurance by its president Paul F. Clark, including an agreement with the Town of Brookline executed March 11, 1946. The landscape design was by Olmsted Associates, a Brookline firm with international experience and reputation. Significantly, Hancock Village remains the quality housing development conceived in those commitments and original design, and therefore remains internally coherent in design and compatible in scale, siting and impact with the adjacent neighborhood of single-family homes and with the D. Blakely Hoar Wildlife Sanctuary, especially due to the retention in Hancock Village of open lawns, courtyards and common areas, pedestrian paths, consistent town-house style buildings of modest scale, unobstructed sky planes, buffer zones, and significant landscape features such as puddingstone outcrops. Retaining integrity of location, design, setting, materials, workmanship, feeling, and association, the Hancock Village Neighborhood has as such remained an important historic property in Brookline and a compatible part of the fabric of the community and the adjacent neighborhood.

Within the Hancock Village Neighborhood Conservation District, no activity comprising all or any part of the HVOD Project, as that term is defined in Section 5.06.4.k.2.m of the Town’s Zoning By-Law, nor any Addition, as that term is used in

Section 5.06.4.k.4.b.ii of the Town’s Zoning By-Law including, without limitation, any demolition of existing buildings, construction of new buildings and other improvements or any site work, shall be considered a Reviewable Project. Further, only the following activities shall be considered Reviewable Projects, as that term is defined in Section 5.10.2.m of the Town’s General By-Laws:

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- ~~2. 2) A single project which will result in the disturbance of an area within the Hancock Village NCD of a size greater than five percent (5%) of the total surface area of the NCD.~~
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- ii. Building size, height and massing. The size, height and massing of a building or other structure which is part of any proposed Reviewable Project shall be compatible with existing buildings and other structures within the district and the adjacent neighborhood, and the elements considered shall include but not be limited to the volume and dimensions of any buildings or other structure; the scale, clustering and massing of any building or other structure in relation to its surroundings, including existing buildings and other structures and nearby landscape and other open spaces; and compatibility of design and materials with existing buildings and other structures. Compatible building size, height and massing shall include, not be limited to limited to:

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1. No building over 2 1/2 stories in height, measured from the highest point of the finished grade of each unit, shall be constructed.

2. In relation to any abutting single-family, detached homes, any new single-family homes shall be similarly oriented, have similar rear yard depths, and similar distance between dwelling units.
- iii. Façade. The number, size and location and design of windows, doors and solid elements, trim work, piers, pilasters, soffits, cornices, decks, porches and canopies, and the design of window and door details, including trim, muntins, mullion and sills, need not replicate but shall be compatible with the existing buildings within the district. Alterations necessary for handicap accessibility shall be compatible to the extent reasonably feasible.
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 1. Removal or alteration of rock outcroppings greater than 200 square feet in contiguous area;
 2. Alteration of existing grades by more than three feet in vertical height;
 3. Removal of existing pedestrian paths that separate pedestrians from vehicular traffic;

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4. Addition of new impervious surfaces within 100 feet of abutting properties, including the Hoar Sanctuary or single-family homes; and
5. Loss of open space through building coverage exceeding 20% of the area of the district or through loss of the “greenbelt” now serving as a buffer to the abutting single-family detached homes.

Nothing in this Section 5.10.3.d.1 shall be construed as repealing or modifying any existing by-law or regulation of the Town, but it shall be in addition thereto. To the extent this Section 5.10.3.d.1 imposes greater restrictions upon a Reviewable Project than other by-laws, regulations or statutes, such greater restrictions shall prevail. The provisions of this Section 5.10.3.d.1 shall be deemed to be severable. If any of its provisions, subsections,

sentences or clauses shall be held to be invalid or unconstitutional, the remainder shall continue to be in full force and effect.

ARTICLE 1

FIRST ARTICLE

Submitted by: Board of Selectmen

To see if the Town will vote to amend the Section 5.10.3(d)(1) of the Town's General By-Laws as follows:

(language to be deleted from Section 5.10.3(d)(1) appearing in ~~strike through~~, and new language appearing in **bold underline**)

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1. There shall be a Neighborhood Conservation District, to be entitled the "Hancock Village Neighborhood Conservation District", the boundaries of which are shown on the map entitled "Hancock Village Neighborhood Conservation District", a copy of which is on file with the Town Clerk's office, which is hereby declared to be part of this By-law.

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Nothing in this Section 5.10.3.d.1 shall be construed as repealing or modifying any existing by-law or regulation of the Town, but it shall be in addition thereto. To the extent this Section 5.10.3.d.1 imposes greater restrictions upon a Reviewable Project than other by-laws, regulations or statutes, such greater restrictions shall prevail. The provisions of this Section 5.10.3.d.1 shall be deemed to be severable. If any of its provisions, subsections, sentences or clauses shall be held to be invalid or unconstitutional, the remainder shall continue to be in full force and effect.

PETITIONER’S ARTICLE DESCRIPTION

The Hancock Village Master Development Plan, incorporated into the Hancock Village Overlay District By-law, will establish and define the redevelopment plan for all of Hancock Village. All development within the Development Areas as well as the conversions, both of which are identified on the Hancock Village Master Development Plan, will be subject to review by appropriate Town staff as well as the Hancock Village Conformance Review Committee (HVCRC) consistent with specified guidelines. All contemplated Additions are subject to specific size and aggregate amount limitations in the HVOD By-Law, and will also be individually reviewed by the Planning Board for conformance with design guidelines established in the by-law. Future construction of buildings, accessory structures, roadways or parking areas in all of Hancock Village must conform to the Master Development Plan.

The Town believes that the Hancock Village Master Plan represents significant progress towards the objectives related to planning, conservation, historic preservation, open space and impact mitigation that motivated the imposition of the Neighborhood Conservation District. The need to maintain the oversight authority of the NCDC for Hancock Village is reduced, but the Selectmen have heard a number of well-reasoned arguments from the public counseling against completely repealing it. Therefore, the Selectmen propose that the Hancock Village NCD be restructured to allow for it to focus solely on potential development whose scope or location has been determined not to be in keeping with the redevelopment goals of the Town.

All other provisions of Section 5.10 relative to Neighborhood Conservation Districts of the General By-laws shall remain in full force and effect.

Therefore, we request that Town Meeting vote to amend Section 5.10.3(d)(1) of the General By-laws relating to the creation of the Hancock Village Neighborhood Conservation District.

SELECTMEN'S RECOMMENDATION

A report and recommendation by the Board of Selectmen under Article 1 will be provided in the Supplemental Mailing.

ADVISORY COMMITTEE'S RECOMMENDATION

A report and recommendation by the Advisory Committee under Article 1 will be provided in the Supplemental Mailing.

XXX

BOARD OF SELECTMEN

Neil A. Wishinsky, Chair
Benjamin J. Franco
Nancy S. Heller
Bernard W. Greene
Heather A. Hamilton

ADVISORY COMMITTEE

Sean Lynn-Jones, Chair

