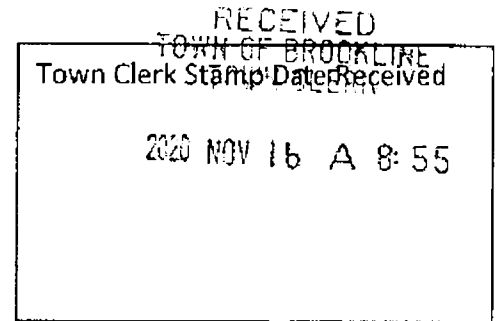




BOARD OF APPEALS
Jesse Geller, Chairman

Town of Brookline Massachusetts



**BOARD OF APPEALS DECISION
MODIFICATION TO BOARD OF APPEALS CASE No. 2016-0036
CHAPTER 40B COMPREHENSIVE PERMIT
1180 Boylston Street**

Date: November 11, 2020

Location: Assessor's Atlas Map Sheet 122B, Block 433, Lot 12 known and numbered as 1180 Boylston Street, Brookline, Massachusetts (parcel "433-12-00") and Assessor's Atlas Map Sheet 122B, Block 433, Lot 11-00 known and numbered as 612-614 Hammond Street, Brookline, Massachusetts (parcel "433-11-00"). On August 5, 2020, an Approval Not Required plan endorsed by the Brookline Planning Board on July 16, 2020, combining the two aforementioned lots was filed with Registry of Deeds Norfolk County.

Procedural History

1. A Comprehensive Permit was granted in 2017 ("2017 Decision") and modified in 2019 ("2019 Decision") to construct a 6-story mixed-use building with 50 age-restricted residential rental units, ground floor retail and 70 underground garage parking spaces.
2. The parcel at 612-614 Hammond Street was included in the plans approved in the Decision dated November 22, 2019. "Site" is defined in the 2019 Decision as "two lots known and numbered as 1180 Boylston Street and 612-614 Hammond Street, Brookline, Massachusetts."
3. On July 16, 2020, the Brookline Planning Board endorsed the Approval Not Required plan that combined parcels 433-12-00 and 433-11-00 ("ANR") into one lot. The aforementioned ANR was filed with the Registry of Deeds Norfolk County on August 6, 2020.
4. Pursuant to 760 CMR 56.05(11), the Board of Appeals held a public meeting on October 7, 2020, on Chestnut Hill Investment LLC's (the "Applicant") request to modify the Comprehensive Permit as follows:
 - a. Update the required driveway width in Condition 13 to match the driveway width on the plans approved in the Decision dated November 22, 2019.

- b. Update the waiver from demolition delay bylaw granted in the 2017 and 2019 Decisions to include the existing structure on 612-614 Hammond Street, which was included in the Site as defined in the Decision dated November 22, 2019.
- c. Replace the lobby transit-screen required in Condition 27 (vi) with a smartphone application.
- d. The Applicant withdrew the request dated September 18, 2020, and revised September 30, 2020, to modify Condition 55 of the Decision dated November 22, 2019.

Supplemental Findings

1. The site plan approved by the Board of Appeals in its November 22, 2019, Decision specifies a driveway width of 27 feet. Because the valet and stacker mechanism in the plans approved in the 2017 Decision was replaced by a self-park and ramp system in the plans approved in 2019 Decision, a 30-foot wide driveway was no longer required for queueing overflow vehicles.
2. The Transportation Administrator supports the smartphone application as the alternative to the public-transit screen in the Project lobby as long as the Applicant makes the smartphone application available to staff, residents, residential employees, retail employees, and any tradespeople, in-home health care aides, and in-home child care aides of the Project.

DECISION

At its public meeting held on October 7, 2020, the Board of Appeals considered the request of the Applicant and voted 3-0 that the requested changes are insubstantial pursuant to 760 CMR 56.05(11), subject to the following Conditions and Waivers, which supplement, modify, or amend existing Conditions and Waivers in the Comprehensive Permit.

AMENDED CONDITIONS AND WAIVERS

The following conditions in **Schedule 3A in the Decision dated November 22, 2019** are amended as follows:

1. **Condition 13:** Prior to the issuance of a Building Permit, the Applicant shall obtain approval from the Massachusetts Department of Transportation to remove existing curb cuts and install new curb cuts on Boylston Street for the Project's driveway that are not less than 30 feet ~~27 feet wide. to accommodate three driveway lanes — one for entering the Site, one for exiting the Site, and a second exit lane to be used as a holding lane by the Project's parking attendants.~~
2. **Condition 27 vi:** installing transit screen in the building lobby providing at no cost to the user a smartphone application for use by residents, tenants, visitors, staff, residential

employees, retail employees, tradespeople, in-home health care aides, and in-home child care aides to display the on-time arrival of nearby MBTA buses and trains;

3. Waiver K in Schedule 4 of the Decision dated November 22, 2019, is amended as follows:

Town of Brookline, Massachusetts By-Laws				
Bylaw Section	Requirement	Requested Waiver	Details of Proposal Requiring Waiver	Waiver
General Bylaw Sec 5.3.5-5.3.10 5.3.11a 5.3.12	Demolition Delay Bylaw	Waiver from Demolition Delay (Preservation Commission Review) to protect and preserve Significant Buildings. NOT EXEMPT from Building Department's procedures for issuance of Demolition Permit	Pertains to demolition of only the existing structures (service station-shop) on the Site to allow construction of the Project.	K

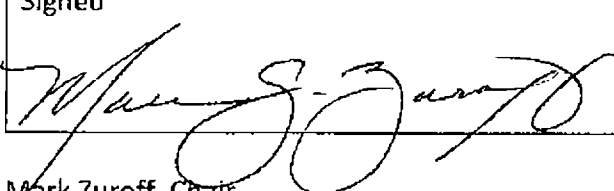
3. Except as noted herein, the terms of the Comprehensive Permit remain in full force and effect.

RECORD OF VOTE

The following members of the Board of Appeals voted the foregoing as INSUBSTANTIAL to the Development and Comprehensive Permit.

Signed this day 12 of (month) November 2020

Signed



Mark Zuroff, Chair

BY:
Mark Zuroff, Acting Chair
Lark Palermo
Kate Poverman

Exhibit AA: Board of Appeals Decision dated November 22, 2019, follows.

TO THE APPLICANT

Pursuant to 760 CMR 56, modifications deemed INSUBSTANTIAL do not require a hearing and 20-day appeals period. After the Decision is filed with Town Clerk, (1) please file the Decision at Registry of Deeds Norfolk County under applicable addresses. (2) Provide proof to the Planning Department that the Decision was filed at the Registry of Deeds.



TOWN OF BROOKLINE
Massachusetts

DEPARTMENT OF PLANNING
AND COMMUNITY DEVELOPMENT

ALBION C. STEPHENS
Town Engineer

November 9, 2020

The Applicant, Chestnut Hill Investments LLC, acknowledges that the bedroom mix in Schedule 2 Column 2 of the ZBA Decision modified November 22, 2019 ("Decision") is correct and that the bedroom-mix inconsistency in Schedule 3A Condition 4 of the Decision shall be amended by the Planning Department to be consistent with Schedule 2.

Signed and dated

 11/9/2020

CHESTNUT HILL INVESTMENTS LLC

TWENTY DAYS HAVE ELAPSED AND NO APPEAL HAS BEEN FILED.



PATRICK J. WARD
TOWN CLERK