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TOWN of BROOKLINE
Massachusetts

BOARD OF APPEALS

TOWN OF BROOKLINE

MASSACHUSETTS

CASE NO. 2781

Petitioner, C-W Associates applied to the Building Commissioner for permission to construct a two-story addition for dining facility and community room as part of congregate care facility serving elderly tenants, and convert rooftop terraces into three apartments. The application was denied and an appeal was taken to this Board.

On April 3, 1986 the Board met and determined that the properties whose owners were entitled to notice of the public hearing were those shown on the 1980 Town Atlas:

- Plate No. 15 Block 79 Lots All inclusive
- Plate No. 15 Block 78 Lots 10 to 19 inclusive
- Plate No. 16 Block 80 Lots 1 to 2 inclusive
- Plate No. 16 Block 80 Lots 10 to 16 inclusive
- Plate No. 16 Block 81 Lots 6 to 10 inclusive

Town Meeting Members from Precinct 9

and fixed Thursday, May 1, 1986 at 7:30 p.m. in the Selectmen's Hearing Room on the sixth floor of the Town Hall as the time and place for a public hearing on the appeal. Notice of the hearing

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was mailed to the petitioners, to their attorney (if any of record), to the owners of properties deemed by the Board to be affected as they appeared on the most recent local tax list, to the Planning Board and to all others required by law. Notice of the hearing was published April 10, 1986 and April 17, 1986 in the Brookline Standard, a newspaper published in Brookline. A copy of said notice is as follows:

TOWN OF BROOKLINE
MASSACHUSETTS
BOARD OF APPEALS
NOTICE OF HEARING

PETITIONER: C-W Associates
LOCATION OF PREMISES: 100 Center Street - Precinct 9
DATE AND PLACE OF HEARING: May 1, 1986 at 7:30 p.m. in the Selectmen's Hearing Room on the sixth floor of Town Hall, 333 Washington Street, Brookline.

The Board of Appeals will hold a public hearing on Thursday, May 1, 1986 at 7:30 p.m. in the Selectmen's Hearing Room on the sixth floor of Town Hall on the application of C-W Associates for a Comprehensive Permit pursuant to Massachusetts General Laws, Chapter 40B, Sections 20-23, authorizing the applicant to add three dwelling units, a dining room-community room for the residents only, and administrative offices for the building, in the apartment building at 100 Centre Street.

Kenneth B. Hoffman
Bailey S. Silbert
Diane R. Gordon
Board of Appeals

Present were Messrs. Hoffman and Silbert and Mrs. Gordon.

This is an application filed by C-W Associates ("Applicant") for a Comprehensive Permit, pursuant to Massachusetts General Laws, Chapter 40B, Sections 20-23 to permit the Applicant to add

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three dwelling units, a dining room-community room, and other facilities to the elderly housing project at 100 Centre Street.

The Applicant was represented at the hearing by Thomas G. Taylor of Hill & Barlow, Boston, Massachusetts, who introduced Roger W. Stern and Jeffrey A. Stern, General Partners of C-W Associates, and Steven Tise, architect for the project.

Mr. Roger Stern stated that the existing 214 unit elderly housing project at 100 Centre Street was constructed by C-W Associates in the early 1970's with financing from Massachusetts Housing Finance Agency ("MHFA"). Fifty-eight percent (58%) of the units in the building are low and moderate income units, subsidized through various state and federal subsidy programs. Mr. Stern stated that it is the intention of the Applicant to convert the project into a congregate care facility so that the project will better serve the needs of the occupants. Fifty percent (50%) of the residents of the project are original tenants. The average age of the tenants is very high and many, because of physical infirmity, are becoming unable to shop for themselves, prepare meals and take care of their apartments. The provision of a dining room, a medical care area and housekeeping services would enable many of the elderly residents to continue to live at 100 Centre Street.

In addition to making the building better serve the needs of the occupants, the proposed additions will extend the life of the building for low- and moderate-income housing. In a few years

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the depreciation deductions will no longer shelter income, and the project will begin generating large amounts of taxable income to the partners of the Applicant, which cannot be covered by cash distributions because of the dividend limitation provisions of the MHFA loan. At that point, there will be no alternative but to convert the project to a market rate, luxury apartment or condominium development. If carried out, the present proposal would add new basis for depreciation to the project, which would extend the life of the project for a number of years. Mr. Stern submitted an analysis of the economics of the project prepared by Tofias Fleishman and Shapiro.

Mr. Stern described the proposed additions to the building. The open terraces on the roof of Building A will be enclosed to provide three new apartment units, two one-bedrooms, and one two-bedroom. Two new stories will be added to Building B replacing the terrace presently occupying the roof. The new tenth floor will contain a lounge or community room, main dining room with kitchen facilities and a new terrace. The new eleventh floor will contain administrative space, allowing the present administrative space on the first floor to be converted to a medical care facility. There will be no change in the footprint of the building, no additional parking will be added, and no work will be done on the site or other parts of the building.

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Mr. Tise then showed the Board the proposed changes in the building with reference to the architectural plans filed with the application.

The Planning Board filed a report with the Board in which the Planning Board recommends the granting of the Comprehensive Permit subject to a condition that the final facade texture shall be approved by the Planning Director.

After hearing all of the facts and evidence presented at the public hearing, the Board makes the following findings:

I. FINDINGS

Applicant has applied for a Comprehensive Permit, pursuant to Chapter 40B, Sections 20-23 of the Massachusetts General Laws to make certain additions and modifications to the building at 100 Centre Street, all as more particularly described in the application, and as shown on the plans submitted to the Board as part of the application ("Plans"). The Plans are described as follows:

Plans entitled "100 Centre Plaza Congregate Housing Addition" prepared by Tise Architects, Inc. dated April 2, 1986, four drawings entitled:
Drawing No. A - Building B 10th and 11th Floor Plans
Drawing No. B - Centre Street Elevation
Drawing No. C - Building B Section
Drawing No. D - Building A 12th Floor Plan
Site Plan dated November 2, 1981 by Harry R. Feldman, Inc.

Applicant has received site approval by the MHFA, in that the site of the project is presently financed by a mortgage given by MHFA. At least 20% of the units in the project are low- and moderate-income units as described by the regulations for the applicable subsidy programs in use in the project.

The number of low- or moderate-income housing units presently existing in Brookline is below the standards of Section 20 of Chapter 40B. The addition of three rental units would help alleviate the unmet need for such housing in Brookline. The neighborhood contains a variety of residential uses including one- and two-family dwellings, low- and high-rise apartment

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buildings, townhouses and other apartment buildings designed for elderly occupants. The area is entirely suitable for a congregate housing facility for elderly people as proposed by the Applicant.

Based on all of the materials presented, the Board finds that the conditions for granting the Comprehensive Permit has been met:

1. Applicant is a "limited dividend organization", within the meaning set forth in Chapter 40B and the regulations promulgated in connection therewith, as evidenced by the MHFA Regulatory Agreement submitted with the application.
2. Applicant is proposing to add to existing low- and moderate-income housing to be financed through the MHFA.
3. The granting of a Comprehensive Permit is "reasonable and consistent with local needs" as that term is used in Chapter 40B. The proposed project is reasonable and consistent in view of the need for low- and moderate-income housing for Brookline residents and the need to protect the health or safety of the occupants of the project.
4. The Board is of the opinion that all the conditions that are required for the granting of a Comprehensive Permit have been met.

II. DECISION

The Board unanimously grants to the Applicant a Comprehensive Permit to construct the project in accordance with the application and the Plans submitted therewith, and grants all local permits and approvals necessary to facilitate such construction, subject to the following condition.

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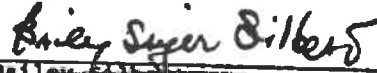
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III. CONDITION OF PERMIT

Prior to commencement of construction, the appearance or texture of the facade material shall be approved by the Planning Director.



Kenneth B. Hoffman


Bailey Super Silber

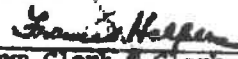

Abraham J. Zimmerman

Date of Filing: June 26, 1986

A True Copy.
ATTEST:


Frances Halpern, Clerk,
Board of Appeals

Twenty days have elapsed
and no appeal has been
filed. A True Copy.
ATTEST:


Town Clerk & Clerk,
Board of Appeals

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