



TOWN of BROOKLINE

Massachusetts

BOARD OF SELECTMEN

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MELVIN A. KLECKNER
Town Administrator

January 17, 2017

Katherine Lacy, AICP
Comprehensive Permit Program
Massachusetts Housing Finance Agency
One Beacon Street
Boston, MA 02108

RE: 134-138 Babcock Street
Brookline Response to Notice of Application for C. 40B Site Eligibility Letter

Dear Ms. Lacy:

Thank you for providing an opportunity to the Town of Brookline to submit comments on the application under review for Site Approval submitted by Babcock Place LLC to develop a residential project under M.G.L. Chapter 40B at 134-138 Babcock Street, Brookline. We also appreciate your willingness to grant the Town an extension in order to provide the Board of Selectman time to engage the community.

As you are certainly well aware, the Town is simultaneously reviewing several applications for both PELS and Comprehensive Permits, the majority of which are in close proximity to the proposed Babcock Place project. We respectfully ask that you take into account Undersecretary Kornegay's statement in her letter to the Board of Selectmen dated December 19, 2016 that "we are committed to working with the other Subsidizing Agencies to monitor and, where appropriate, seek greater coordination regarding the issuance of PELs for projects within Brookline."

As the Board of Selectmen has consistently stated, the Town of Brookline supports the provision of affordable housing and has focused significant resources to expand housing opportunities for vulnerable populations. This assertion has been acknowledged by DHCD, most notably at recent ribbon cutting events at publicly subsidized and supported affordable housing projects in Brookline. Attached is a memorandum from Brookline's Housing Advisory Board attesting to the Town's commitment to high quality affordable housing.

Also attached is a summary of recent efforts by the Town to retain, improve and expand the availability of affordable housing. A project undertaken by Pine Street Inn, located around the corner

from the proposed Babcock Place at 51-53 and 55-57 Beals Street, is particularly noteworthy. Sited in a neighborhood that consists primarily of single- and two-family dwellings, these two lodging houses were extensively rehabilitated and now house 30 formerly homeless and at-risk-of-homelessness individuals, several with substance abuse problems and/or physical or mental disabilities at or below 30% Area Median Income. The Beals Street project, which is integrated seamlessly into the neighborhood context, is an extraordinary example of affordable housing that the Town and residents of Brookline—and this neighborhood specifically—will not only support but welcome.

The Board of Selectmen requested comments from municipal departments, boards and commissions, and abutters. Testimony regarding the proposal was heard at a public hearing on January 10, 2017. Attached are written comments submitted by the public. Since there was insufficient time for a comprehensive review and additional information is still needed before the review can be completed, a more intensive evaluation will be conducted during the Comprehensive Permit process if a Project Eligibility Letter (PEL) is issued and the applicant applies for a Comprehensive Permit.

While the Board fully anticipates that municipal departments, boards and commissions may identify other issues following a detailed review of the additional information, and the Board of Appeals may seek peer review on some of these issues, the Board of Selectmen is submitting the following preliminary general comments on the proposal.

As you may have already realized from your site visit and review of the proposal, there are inconsistencies and inaccuracies in the PEL application. For example, Section 8—Existing Conditions/Site Narrative of the initial copy of the application submitted to the Town contained an erroneously inserted section that described a different 40B project currently pending before our ZBA. At staff’s request, the developer provided a correct description to the Planning Department. An additional misrepresentation is discussed below relative to changes in grade. The nature and extent of the inaccuracies that we have identified indicate a level of carelessness and inattention to detail that places the credibility of the entire application package in question. The Board of Selectmen therefore respectfully recommends that you request and subsequently review an accurate and complete proposal that correctly conveys in both text, plans and renderings the existing conditions as well as the details of the application.

The Board of Selectmen would like to take this opportunity to alert you to the fact that the project is within a block of the Graffam-Mckay Local Historic District (LHD). While we understand that if and when a Comprehensive Permit is issued, MassHousing will submit a Project Notification Form to the Massachusetts Historic Commission to determine what, if any, adverse effect the project may have on the LHD properties, we respectfully suggest that you at least acknowledge the historic sensitivity of this neighborhood in your deliberations relative to issuing a PEL. This is especially relevant as the project under review requires the razing of buildings that are sited on two separate lots. The lot at 134 Babcock is a high style attractive *circa* 1899 Colonial Revival containing four apartments and the lot at 138 Babcock is a two-family Colonial Revival built *circa* 1900. The demolition of these historically significant structures and the concomitant displacement of the residents are antithetical to the overriding sustainable development principle of “encourag[ing] remediation and reuse of existing sites, structures, and infrastructure.”¹

The design, massing, height, bulk, scale, absence of any open space, and lack of reasonable setbacks are all in stark contrast to the neighborhood context in which the project is located. This proposal directly contradicts the shared “commitment” of the subsidizing agencies “to ensur[e] that 40B affordable

¹ “Smart Growth/Smart Energy Toolkit—Introduction to Smart Growth/Smart Energy.” Smart Growth/Smart Energy Toolkit—Introduction to Smart Growth/Smart Energy.

housing developments adhere to high standards of site and building design that enhance the quality of life for residents and the communities in which they reside.”² It is also inconsistent with an overriding goal of Brookline’s Housing Production Plan, recently approved by both the Board of Selectmen and DHCD, to “protect and enhance the physical and architectural character of Brookline’s neighborhoods and encourage new environmentally-sustainable affordable housing in all neighborhoods that complements neighborhood identity.”³

The project, as currently designed, is an anomaly within a purely residential neighborhood. Apart from the sheer size of the proposed project, the façade and fenestration are clearly more commercial than residential in design.

The Selectmen recognize that, as expressed in the State’s Design Guidelines, 40Bs typically introduce greater density into a neighborhood than currently exists or is allowed by Zoning. But, we also support the assertion in the Guidelines that “it is important to mitigate the height and scale of the buildings to the adjoining site... it is particularly important to consider the predominant building types, setbacks and roof lines of the existing context.”⁴ None of these elements has been considered or incorporated into the Babcock Place project design.

The existing setback conditions along Babcock Street help to create a harmonious cadence along the streetscape and their relationships signal a transition between the apartment buildings and the single- and two-family residential neighborhood. With new development, these relationships are important to maintain to help integrate the new more intensive use into the existing neighborhood. Babcock Place, as currently configured, provides a shallow almost non-existent front yard setback. This is inconsistent with the existing streetscape and setback of the properties on this block. In addition, the setback will not sufficiently accommodate landscaping that could help to buffer the visual impact of this more intensive land use.

The proposed building overwhelms the site. The lack of reasonable setbacks destroys any opportunity to create adequate buffers between the proposed five-story building and the single- and two- family homes to the rear of the property (along Stedman Street). Not only is insufficient land available to provide for landscaping, it is likely that existing vegetation on abutting private property cannot be supported. This brings into serious question the applicant’s assertion that there will be vegetative screening between the project and existing homes particularly along Stedman.

As currently proposed, the project does not provide for any usable open space for residents. The developer’s claim that a few scattered decks will adequately serve that purpose is unacceptable. At an absolute minimum, a rooftop landscaped courtyard should be considered. Obviously a preferable approach for the Board of Selectmen, neighborhood and potential tenants is to reduce the size of the building footprint to allow for at-grade usable open space more in keeping with the neighborhood.

The proposed five stories overshadow abutting and nearby properties. A preliminary shadow study presented by an abutter at the public hearing confirms empirical observations of the plans that there will be dramatic shadow impacts on nearby properties that will need to be mitigated. We fully anticipate

² Cover letter to Handbook: Approach to Chapter 40B Design Reviews dated January 2011 and signed by DHCD, MassDevelopment, MassHousing and Massachusetts Housing Partnership

³ Town of Brookline (2016) Housing Production Plan

⁴ The Cecil Group, Inc. (2011, January). *Handbook: Approach to Chapter 40B Design Reviews*. Retrieved from mass.gov: <http://www.mass.gov/hed/docs/dhcd/cd/handbook-ch40b/handbook-approachtoch40b-designreview.pdf>.

that a formal and comprehensive shadow study documenting the impact on the surrounding homes and area will be prepared and submitted by the applicant to the Town.

There is no need to rely on a shadow study to convey the impact of the proposed project on 140 Babcock. Not only will this two-family home be overshadowed on two sides, it will be virtually enveloped by the proposed project. (See image below.)



Given that “massing should take into account the pattern of the existing street frontage,”⁵ reducing the size of the building—including both the height and footprint—would help mitigate the impact to the abutting properties. These considerations would also help shape the project to better meet the 40B subsidizing agencies’ stated goal of “integrat[ing] the Project into the existing development patterns.”⁶

As indicated previously, the renderings and plans submitted to the Town and presumably MassHousing omit any information discussing the significant grade change between the proposal and 2 ½ story single and two-family homes on Stedman Street that directly abut the proposed project to the rear. (See image



2.) Further, the existing retaining wall is not identified. This grade change magnifies how the proposed height will be experienced for these homes, in particular the amount of sun exposure that will be lost. There are also outstanding questions regarding the grade at the front and sides of the property.

The Board of Selectmen is also concerned about the low

⁵ Ibid.

⁶ Ibid.

parking ratio and strongly recommends that the ratio be increased in order to minimize impacts on the abutting neighborhood. The Board is expressly not recommending that the number of parking spaces be increased, but rather the number and/or size of the units be decreased. Fewer units will allow for a smaller building footprint, thereby increasing the setbacks, creating opportunities for usable open space and a better parking to unit ratio.

The Board of Selectmen strongly recommends that, in order to facilitate and expedite the Town's review of a Comprehensive Permit application if a PEL is issued, the applicant address the above issues and submit the following information prior to or as part of an application to the Town's Board of Appeals:

- a 3D model showing the proposed, abutting and nearby buildings, including proposed materials
- a site plan showing abutting buildings with setbacks of the proposed building to its property lines and to abutting buildings
- renderings depicting accurate proportions and grade changes (those submitted are not accurate and do not reflect the existing grade changes or retaining wall at the rear)
- site sections showing proposed building and abutting buildings
- a traffic and parking circulation study, including the impact that this project will have on the availability of existing on-street parking in the immediate area. The study should also expressly address the potential safety concerns associated with the proximity of the garage entrance and exit to the Babcock Street sidewalk.
- topographical maps of the site with two-foot contour lines of the site
- a staking on the lot of the building's footprint to illustrate its size and setbacks
- a shadow study, showing the impact on all abutting structures including 140 Babcock Street and the rear abutters on Stedman Street as well as nearby properties including but not limited to the memorial park across the street.
- a trash-recycling management plan
- a storm water and drainage report, which would appear to be particularly important for this project given the dramatic changes in grade
- a waiver list in tabular form
- a study on the impact of existing trees and vegetation on abutting property

We fully anticipate that the ZBA will require additional information including but not limited to information relative to identifying and mitigating health and noise impacts during construction and noise impacts once the building is constructed. All materials provided, including those identified above, should provide accurate representations of existing conditions.

The Board also recommends that the applicant meet with the Fire Chief as soon as possible in order to identify and address any fire safety issues.

Finally, the Board of Selectmen respectfully requests that MassHousing direct the developer to work with the Town to achieve an improved project that can be integrated into the neighborhood context and does not overwhelm the adjacent lower building to its right or the abutting properties on all sides of the proposed building. The Board of Selectmen would also encourage MassHousing to challenge the developer to find creative design solutions that respect the surrounding neighborhood. Anything less would be a loss of an important opportunity to harmoniously integrate diverse housing opportunities into the streetscape and Town. Hopefully, MassHousing will condition site eligibility approval, if any, on the applicant's cooperative engagement with the Town.

If a PEL is issued, the Town will work with the developer and its architectural team to refine the proposal during the review. Town staff is available to meet with the applicant prior to any formal process in order to answer any questions or expand on the comments above.

In conclusion, the Board of Selectmen urges MassHousing to apply its Design Guidelines to this project prior to considering issuing any PEL. We are confident that if you do so, most of the Town's major concerns will be addressed.

Thank you for your consideration.

Sincerely,

Neil A. Wishinsky, Chairman

Enclosures