

**TO:** BOSTON REDEVELOPMENT AUTHORITY AND  
PETER MEADE, DIRECTOR

**FROM:** HEATHER CAMPISANO, DEPUTY DIRECTOR FOR DEVELOPMENT  
REVIEW  
JONATHAN GREELEY, FENWAY PLANNER  
JOHN FITZGERALD, PROJECT MANAGER

**SUBJECT:** BOYLSTON WEST PROJECT (a/k/a FENWAY TRIANGLE MIXED USE  
PROJECT); ORDER OF TAKING

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**SUMMARY:** This Memorandum seeks (1) authorization to adopt an Order of Taking of certain temporary and permanent easement areas on a portion of the property owned by NESV Real Estate LLC, located at 70 Van Ness Street, Ward 05, Parcel 04326, (the "Easement Areas"), pursuant to Massachusetts General Laws Chapter 79; and (2) authorization for the Director to enter into and to execute any and all documents and agreements necessary and appropriate in connection with the eminent domain taking.

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**PROJECT SITE**

The Fenway Triangle project comprises a 2.2 acre site with two developments as follows:

- 1325 Boylston Street contains approximately 82,586 square feet of land and is bounded on three sides by Boylston Street, Kilmarnock Street, and Van Ness Street.
- 132 Brookline Avenue contains approximately 12,499 square feet of land and is bounded in part by Brookline Avenue, Van Ness Street, and Kilmarnock Street.

**PROPOSED PROJECT DESCRIPTION**

Fenway Enterprises, LLC, an affiliate of Samuels & Associates (the "Proponent") proposes two buildings:

- 132 Brookline Avenue is proposed to be a 17 story (up to 180 feet high) primarily residential building with approximately 5,000 square feet of retail on the first floor that will contain approximately 150 residential units.

- 1325 Boylston Street is proposed to be up to 168 feet in the eastern element and up to 178 feet in the western element. 1325 Boylston is also proposed to contain approximately 225,000 square feet of office uses, approximately 140,000 square feet of anchor retail use, and approximately 36,000 square feet of related storage; approximately 150 residential units, ground floor uses including additional retail space of approximately 25,000 square feet, building service areas and lobby space supporting the office, residential and anchor retail uses above, and a maximum of 575 parking spaces on up to three below grade levels.

Together, 132 Brookline Avenue and 1325 Boylston Street are the “Proposed Project.”

## **PROJECT REVIEW**

On June 7, 2011, Boston Civic Design Commission (“BCDC”) voted to approve the revised design for the Proposed Project, on the condition that 132 Brookline Avenue come back for review and approval.

On September 15, 2011, the Authority approved a Text and Map Amendment to Article 66 and Map 1Q of the Boston Zoning Code (the “Code”) and approved a Development Plan for Planned Development Area No. 82, the Fenway Triangle Mixed Use Project (the “PDA Plan”) pursuant to Section 80C of the Code.

On October 19, 2011, the Authority issued a Scoping Determination waiving the requirement of further review pursuant to Section 80B 5.3(d) of the Code.

On October 20, 2011, the Boston Zoning Commission approved the PDA Plan and the Text and Map Amendment to Article 66 and Map 1Q of the Code.

On October 18, 2012, the Authority voted to establish a Demonstration Project and a Demonstration Project Plan to facilitate the acquisition and conveyance of a portion, containing approximately 6,570 square feet, of the property and the improvements thereon, if any, known as 70 Van Ness Street, Boston, Massachusetts, Ward 05, Parcel 4326, (the “Property”).

On February 14, 2013, the Authority voted to authorize the adoption of an Order of Taking for the Property; however, negotiations are ongoing with affected parties to the taking and it is necessary to re-authorize the vote to remain within the statutory timeframe to record the taking.

## **RECOMMENDATION**

It is recommended that the Authority (1) authorize the adoption of an Order of Taking of certain temporary and permanent easement areas on a portion of the property owned by NESV Real Estate LLC, located at 70 Van Ness Street, Ward 05, Parcel 04326, pursuant to Massachusetts General Laws Chapter 79; and (2) authorize the Director to

enter into and to execute any and all documents and agreements necessary and appropriate in connection with the eminent domain taking.

Appropriate votes follow:

**VOTED:** That the Authority hereby adopts the resolution that states “BE IT RESOLVED by the Boston Redevelopment Authority that an ORDER OF TAKING dated March 14, 2013 relating to certain temporary and permanent easement areas on a portion of the property owned by NESV Real Estate LLC, located at 70 Van Ness Street, Ward 05, Parcel 04326, Boston, Suffolk County, Commonwealth of Massachusetts” be executed and made a permanent part of these proceedings, a copy of which the Secretary shall cause to be recorded in the Office of the Registry of Deeds for the County of Suffolk”; and

**FURTHER**

**VOTED:** That, the Director be, and hereby is, authorized to execute any and all documents and agreements necessary and appropriate in connection with the eminent domain taking; and

**FURTHER**

**VOTED:** That the Authority hereby adopts an award of \$10.00, to be amended pursuant to G. L., c 79, Sec. 6.