

THIRD AMENDMENT TO DEVELOPMENT PLAN
FOR
PLANNED DEVELOPMENT AREA NO. 56
THE FENWAY MIXED USE PROJECT
DATED: _____

Pursuant to Section 3-1A and Article 80, Section 80C of the Zoning Code of the City of Boston (the “Zoning Code”) this amendment constitutes the Third Amendment to Development Plan for Planned Development Area No. 56 (the “Third PDA Plan Amendment”).

The original PDA Development Plan for PDA No. 56: On March 28, 2002, the Boston Redevelopment Authority (the “BRA”) approved a Map Amendment application creating Planned Development Area No. 56 (“PDA No. 56”) as well as a Development Plan for Planned Development Area No. 56. The Map Amendment and Development Plan (together, the “Original PDA Plan”) were approved by the Boston Zoning Commission (“Zoning Commission”) on April 24, 2002.

The First Amendment to PDA Development Plan for PDA No. 56: On April 1, 2004, the BRA approved a First Amendment to Development Plan for Planned Development Area No. 56 (the “First PDA Plan Amendment”). The First PDA Plan Amendment was approved by the Zoning Commission on May 5, 2004.

The Second Amendment to PDA Development Plan for PDA No. 56: On July 16, 2013, the BRA approved a Second Amendment to Development Plan for Planned Development Area No. 56 (the “Second PDA Plan Amendment”). The Second PDA Plan Amendment was approved by the Zoning Commission on August 14, 2013. The Original PDA Plan, as amended by the First PDA Plan Amendment and the Second PDA Plan Amendment, is referred to herein as the “Existing PDA Plan”.

The Existing PDA Plan encompasses approximately 122,450 square feet in the Fenway section of Boston, Massachusetts, as described in Exhibit A of the Existing PDA Plan and as more particularly shown on a plan of land entitled “Planned Development Area No. 56, 140-200 Brookline Avenue, 1369-1399 Boylston Street, Boston, Mass” dated May 29, 2013, prepared by Feldman Professional Land Surveyors, attached to the Existing PDA Plan as Exhibit B (the “Site”).

The Existing PDA Plan contemplated the creation of a new public way known as Kilmarnock Street Extension, and the removal from the Site of the resulting sliver of land referred to in the Existing PDA Plan as the Kilmarnock Street Sliver Parcel, without any change to the bulk and dimensional requirements applicable to the Project. Kilmarnock Street Extension has now been created.

THE THIRD PDA PLAN AMENDMENT

This Third PDA Plan Amendment as set forth below, amends the Existing PDA Plan to modify the boundaries of PDA No. 56 to exclude the Kilmarnock Street Sliver Parcel.

Capitalized terms in this Third PDA Plan Amendment, unless otherwise defined herein, shall be defined as set forth in the Existing PDA Plan.

The Existing PDA Plan is hereby amended as follows:

1. Exhibit A of the Existing PDA Plan, entitled “Legal Description of Site” is hereby deleted and replaced with revised Exhibit A attached hereto.
2. Exhibit B of the Existing PDA Plan, is hereby deleted and replaced with revised Exhibit B, entitled “Planned Development Area No. 56, 140-200 Brookline Avenue, 1369-1399 Boylston Street, Boston, Mass” dated June 19, 2014, prepared by Feldman Professional Land Surveyors. and attached hereto.
3. Notwithstanding anything in the Existing PDA Plan to the contrary, the Site constituting PDA No. 56 shall henceforth be as described on Exhibit A to this Third PDA Plan Amendment and as shown on Exhibit B to this Third PDA Plan Amendment. All references in the Existing PDA Plan or otherwise to related Site characteristics are hereby superseded in accordance with the revised Exhibit A and Exhibit B.
4. Nothing in this Third PDA Plan Amendment shall be deemed to modify the maximum FAR provisions or other bulk and dimensional requirements set forth in the Existing PDA Plan or to render the Project noncompliant with the Existing PDA Plan.
5. Except as the Existing PDA Plan is amended by Sections 1 through 4 above of this Third PDA Plan Amendment, the Existing PDA Plan remains unmodified and in full force and effect.

[Remainder of page intentionally left blank.]

EXHIBIT A

Revised Legal Description of Site

A certain Planned Development Area situated in the City of Boston, Suffolk County, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at the northerly end of a curve at the intersection of the northwesterly sideline of Boylston Street and the southeasterly sideline of Brookline Avenue thence running N $38^{\circ}03'17''$ E, along said sideline of Brookline Avenue, a distance of 568.15 feet to a point;

Thence turning and running $S52^{\circ}27'54''$ E, a distance of 24.27 feet to a point of curvature;

Thence running along a curve to the left having a radius of 87.00 feet, a length of 40.19 feet, the chord of which is 39.83 feet along a bearing of $S65^{\circ}41'55''$ E, to a point of non-tangency;

Thence turning and running along a curve to the right having a radius of 142.00 feet, a length of 69.07 feet, the chord of which is 68.40 feet along a bearing of $S65^{\circ}06'09''$ E, to a point of non-tangency;

Thence turning and running $S19^{\circ}59'46''$ E, along the southwesterly sideline of Kilmarnock Street, a distance of 241.33 feet to a point on said northwesterly sideline of Boylston Street;

Thence turning and running $S70^{\circ}01'56''$ W, along said sideline, a distance of 561.50 feet to a point of curvature;

Thence running along a curve to the right having a radius of 20.00 feet, a length of 51.67 feet to a point of tangency and the point of beginning;

Containing an area of 116,475 square feet, more or less, (≈ 2.674 acres) as shown on a plan prepared by Feldman Land Surveyors entitled "Planned Development Area No. 56, 140-200 Brookline Avenue, 1369-1399 Boylston Street, Boston, Mass." dated June 19, 2014.

EXHIBIT B

Revised Permit Plan for Project

[See attached.]

EXHIBIT A

Revised Legal Description of Site

A certain Planned Development Area situated in the City of Boston, Suffolk County, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at the northerly end of a curve at the intersection of the northwesterly sideline of Boylston Street and the southeasterly sideline of Brookline Avenue thence running N $38^{\circ}03'17''$ E, along said sideline of Brookline Avenue, a distance of 568.15 feet to a point;

Thence turning and running $S52^{\circ}27'54''$ E, a distance of 24.27 feet to a point of curvature;

Thence running along a curve to the left having a radius of 87.00 feet, a length of 40.19 feet, the chord of which is 39.83 feet along a bearing of $S65^{\circ}41'55''$ E, to a point of non-tangency;

Thence turning and running along a curve to the right having a radius of 142.00 feet, a length of 69.07 feet, the chord of which is 68.40 feet along a bearing of $S65^{\circ}06'09''$ E, to a point of non-tangency;

Thence turning and running $S19^{\circ}59'46''$ E, along the southwesterly sideline of Kilmarnock Street, a distance of 241.33 feet to a point on said northwesterly sideline of Boylston Street;

Thence turning and running $S70^{\circ}01'56''$ W, along said sideline, a distance of 561.50 feet to a point of curvature;

Thence running along a curve to the right having a radius of 20.00 feet, a length of 51.67 feet to a point of tangency and the point of beginning;

Containing an area of 116,475 square feet, more or less, (≈ 2.674 acres) as shown on a plan prepared by Feldman Land Surveyors entitled "Planned Development Area No. 56, 140-200 Brookline Avenue, 1369-1399 Boylston Street, Boston, Mass." dated June 19, 2014.

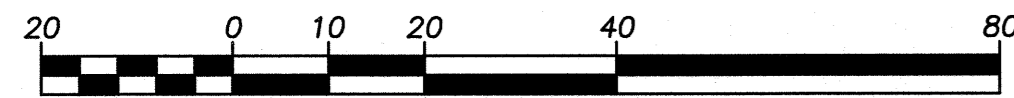
EXHIBIT B

Revised Permit Plan for Project

[See attached.]

PLANNED DEVELOPMENT AREA No. 56
140-200 BROOKLINE AVENUE
1369-1399 BOYLSTON STREET
BOSTON, MASS.

FELDMAN LAND SURVEYORS JUNE 19, 2014
 112 SHAWMUT AVENUE PHONE: (617)357-9740
 BOSTON, MASS. 02118 www.feldmansurveyors.com



SCALE: 1"=20'

RESEARCH MJB	FIELD CHIEF KP	PROJ MGR KAM	APPROVED	SHEET NO. 1 OF 1
CALC MJB/GL	CADD MDS/MJB	FIELD CHECKED CB	CRD FILE 13339	JOB NO. 13339A

FILENAME: S:\PROJECTS\13300s\13339\13339A\13339A-PDA-4.dwg

PDA No. 56 CURVE DATA				
C1	R=87.00'	L=40.19'	CH=39.83'	CH-BRG=S 65°41'55" E
C2	R=142.00'	L=69.07'	CH=68.40'	CH-BRG=S 65°08'09" E

REFERENCES:

SUFFOLK COUNTY REGISTRY OF DEEDS

DEEDS
 BOOK 35197, PAGE 288
 35197, 295
 40140, 013
 43612, 240
 43612, 195

PLANS
 BOOK 4171, PAGE 430
 BOOK 35031, PAGE END

PLAN ENTITLED "ALTA/ACSM LAND TITLE SURVEY, 176-200 BROOKLINE AVENUE 1363-1399 BOYLSTON STREET, BOSTON, MASS.," DATED JANUARY 6, 2012; PREPARED BY HARRY R. FELDMAN, INC.

CITY OF BOSTON ENGINEERING DEPARTMENT

FIELD BOOK 442, PAGE 50
 FIELD BOOK 656, PAGES 33-34
 FIELD BOOK 801, PAGES 78-79
 FIELD BOOK 840, PAGES 142-144
 FIELD BOOK 907, PAGES 28-29

PLAN No. L-6103, L-7548, L-8678, L-11366

MASSACHUSETTS DEPARTMENT OF CONSERVATION AND RECREATION
 PLAN ENTITLED "RIVERWAY-PARK DRIVE-FENWAY, BOSTON, PLAN OF TAKING FROM CITY OF BOSTON PARKS DEPARTMENT AND CITY OF BOSTON DEPARTMENT OF PUBLIC WORKS" DATED FEBRUARY 25, 1959.

NOTES:

- 1) THE AREA SHOWN HEREON WAS CALCULATED FROM THE COMPILATION OF THE LISTED RECORD PLANS. IN ORDER TO CALCULATE A DEFINITIVE AREA THE LOCATION OF KILMARNOCK STREET WOULD NEED TO BE FIELD VERIFIED.
- 2) THE METES AND BOUNDS FOR THE LIMIT OF PLANNED DEVELOPMENT AREA No. 56 WITHIN KILMARNOCK STREET EXTENSION AS SHOWN HEREON WERE TAKEN FROM A PLAN PREPARED BY DGT SURVEY GROUP ENTITLED "FENWAY TRIANGLE MIXED USE PROJECT, PERMIT PLAN OF LAND IN BOSTON, MASSACHUSETTS, SUFFOLK COUNTY - FENWAY DISTRICT" DATED JUNE 20, 2011 AND REVISED TO 6/13/2014, THE RESULT OF WHICH IS A POINT OF NON-TANGENCY AT THE JUNCTION OF THE TWO CURVES THEREIN.
- 3) PDA No. 56 IS COMPRISED OF THE POINT PARCEL AND THE TRILOGY PARCEL.

LEGEND:

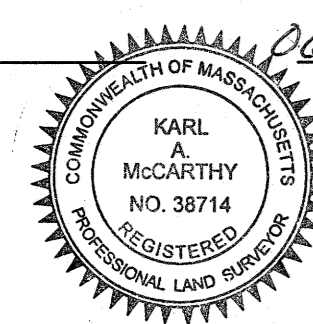
- CH ————— CHORD
- CH-BRG ——— CHORD BEARING
- N/F ——— NOW OR FORMERLY
- PDA ——— PLANNED DEVELOPMENT AREA
- — — — — LIMIT OF PLANNED DEVELOPMENT AREA No. 56 WITHIN KILMARNOCK STREET EXTENSION (SEE NOTE #2)

BROOKLINE AVENUE
 (PUBLIC - VARIABLE WIDTH)
 (L-6103 L-7548 L-8678)

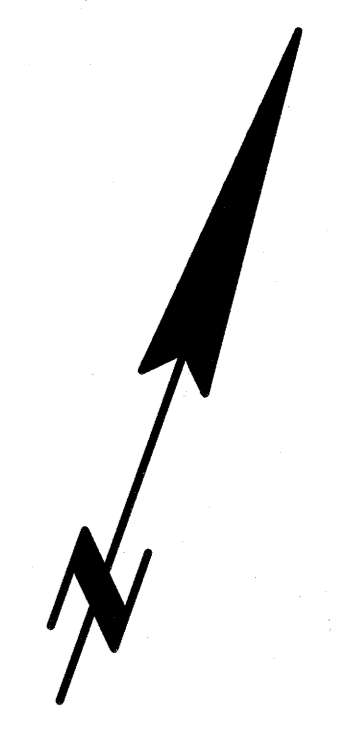
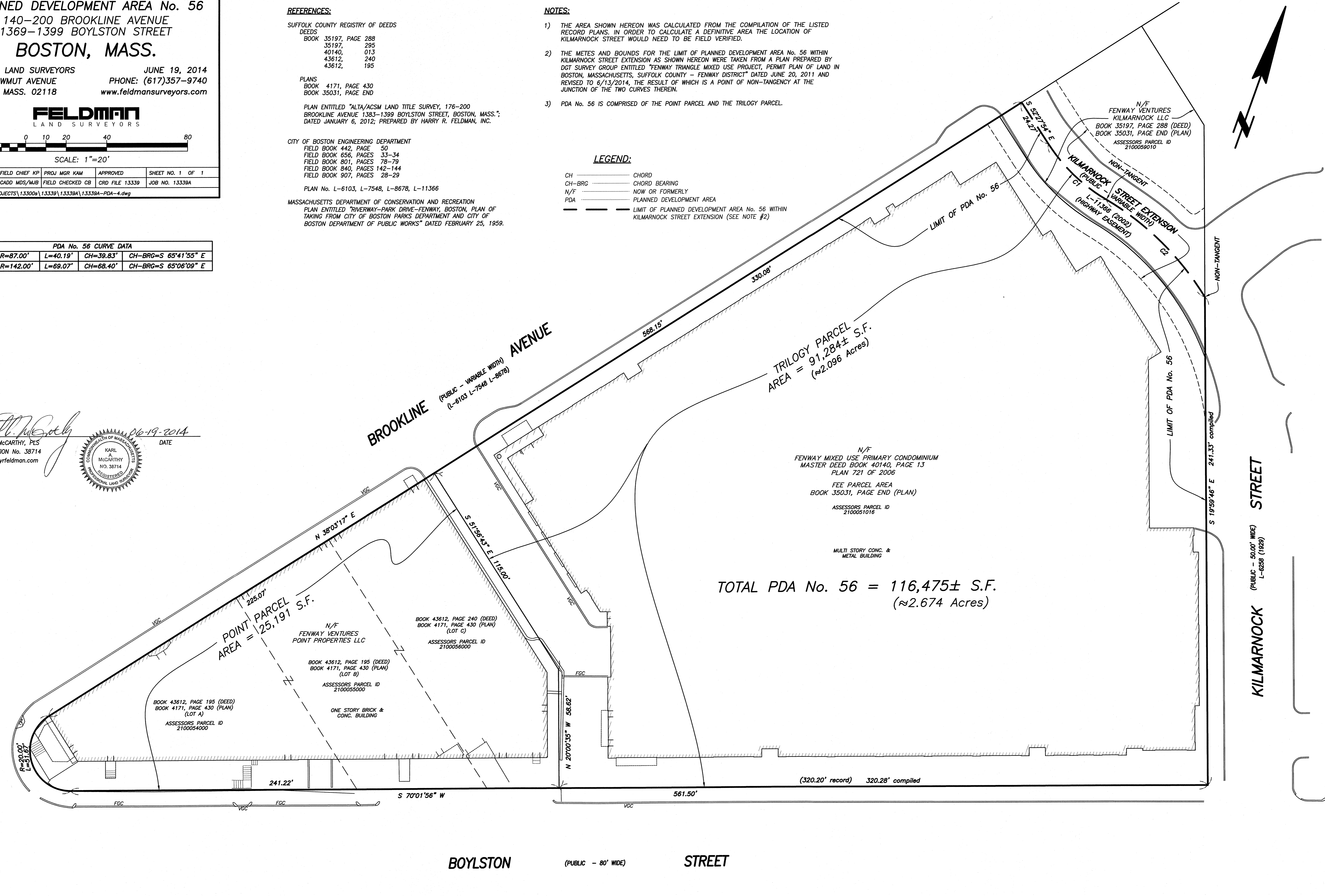
TRILOGY PARCEL
 AREA = 91,284± S.F.
 (≈2.096 Acres)

TOTAL PDA No. 56 = 116,475± S.F.
 (≈2.674 Acres)

Karl A. McCarthy
 KARL A. MCCARTHY, PLS
 REGISTRATION No. 38714
 kam@harryfeldman.com



06-19-2014
 DATE



KILMARNOCK STREET
 (PUBLIC - 50.00' WIDE)
 L-6258 (1929)

BOYLSTON STREET
 (PUBLIC - 80' WIDE)