

DEZA APPROVAL: 9/11,
ZC APPROVAL: 10/13
EFFECTIVE: 10/13/1

**FIRST AMENDMENT TO DEVELOPMENT PLAN
for
PLANNED DEVELOPMENT AREA NO. 75
CHARLESVIEW APARTMENTS, ALLSTON-BRIGHTON
BOSTON, MA**

September 21, 2010

Pursuant to Sections 3-1A.s, 51-44 and Article 80C of the Boston Zoning Code (“Zoning Code”), this plan constitutes the First Amendment to the Development Plan for Planned Development Area No. 75 (the “First Amendment”).

I. THE EXISTING DEVELOPMENT PLAN FOR PDA NO. 75

On November 13, 2009, in accordance with Sections 3-1A.a and 51-44 and Article 80C of the Zoning Code, a Development Plan for Planned Development Area No. 75 (“the PDA Development Plan”) was submitted to the Boston Redevelopment Authority (“BRA”). The PDA Development Plan was submitted by Charlesview Inc. and its partner and developer, The Community Builders.

The PDA Development Plan was submitted in relation to the proposed Charlesview Redevelopment project (the “Charlesview Project”), which involves the redevelopment of approximately 8.73 acres of land divided between two parcels on opposite sides of Western Avenue in Brighton: the 8.03 acre Brighton Mills site on the southern side of Western Avenue (we note that the 8.03 acre Brighton Mills site was described as 7.93 acres in the PDA Development Plan; while the legal description of the Brighton Mills site has not changed, further engineering has revealed that the site is, in fact, 8.03 acres) and the 0.7 acre Telford Street site on the north side of Western Avenue.

The proposed Charlesview Project will provide 240 rental units and 100 home ownership units, contain 470,163 square feet of residential space and approximately 26,533 square feet of commercial/community space, and provide a total of 490 parking spaces.

The PDA Development Plan was approved by the Boston Redevelopment Authority on December 17, 2009 and by the Boston Zoning Commission on January 13, 2010, effective on January 14, 2010.

II. FIRST AMENDMENT TO DEVELOPMENT PLAN FOR PDA NO. 75

Pursuant to Sections 3-1A and 51-44 and Article 80C of the code, this First Amendment amends the PDA Development Plan by adding an approximately 0.8 acre site (the "Site") to Planned Development Area No. 75 for the purposes of allowing for the redevelopment of a McDonald's restaurant by the McDonalds's Corporation ("McDonald's") and related landscaping and site improvements (the "Project") which also will make possible the construction of the Telford Street Extension as proposed in the approved PDA Development Plan and the installation by Harvard University ("Harvard") of a new traffic signal at the intersection of Telford Street Extension and Western Avenue, thereby enhancing the connection to the Charles River, a planning goal and public benefit set forth in the PDA Development Plan. A legal description of the Site is attached hereto as Exhibit A. This First Amendment sets forth the proposed location and appearance of structures, open spaces, landscaping, uses, densities, proposed traffic circulation, parking and loading facilities, access to public transportation and proposed dimensions of structures with respect to the Project.

The Proponent (described below) proposes the redevelopment of the Site to include the demolition of the existing McDonald's Restaurant and the construction of a new, relocated McDonald's Restaurant as more fully described herein. Capitalized terms used, but not defined, herein or in the PDA Development Plan shall have the meanings assigned to such terms in the Zoning Code as in effect on the date hereof, without giving effect to any subsequent amendments to the Zoning Code.

The First Amendment consists of six pages of text plus attachments designated A through E. All references to this First Amendment herein shall pertain to such pages and exhibits. This First Amendment shall constitute permanent zoning for the Project site in accordance with Sections 3-1A.a, 51-44, and Article 80C of the Zoning Code. The Project is subject to final design and other review by the BRA and other approvals and permits issued by other governmental agencies and authorities, and the Project as described herein may evolve in the course of such review, to the extent consistent with the use and dimensional limitations set forth herein. To the extent that the Director of the BRA certifies that the Project is consistent with this First Amendment, the Project shall be deemed to be in compliance with the requirements of underlying zoning, in accordance with Sections 51-45 and 80C-9 of the Zoning Code. In accordance with Section 80C-8 of the Zoning Code, a building, use or occupancy permit for the Project shall not be issued until the BRA shall have issued a Certification of Consistency pursuant to Section 80C-8 of the Zoning Code for the Project or an applicable Project Component.

The Site is located within the Western Avenue/Soldiers Field Road Community Commercial Subdistrict of the Allston-Brighton Neighborhood District established under Article 51 of the Zoning Code, within which a Planned Development Area ("PDA") may be established. This First Amendment complies with all requirements of Section 51-44 of the Zoning Code with respect to approval of PDAs, including proposing uses that provide public benefits to the Allston-Brighton community. The public benefits provided

to the Allston-Brighton community include the creation by McDonald's of an improved pedestrian and streetscape environment along Western Avenue and Telford Street Extension, which reflects the community vision defined by the BRA-led Community Wide Planning process, and the installation by Harvard of a traffic signal at the new Telford Street Extension/Western Avenue intersection. As part of constructing the restaurant, McDonald's will create new landscaping, open space and pedestrian elements on the eastern edge of the Telford Street Extension that complement the improvements to be constructed by Charlesview, Inc. on the western edge of the Telford Street Extension that are set forth in the approved PDA Development Plan, thereby more fully complementing the planning vision for the Telford Street Extension/Western Avenue intersection. In addition the Project makes possible important public benefits contemplated in the approved PDA Development Plan for the Charlesview Project, specifically the creation of the right of way necessary for Charlesview, Inc. to construct Telford Street Extension and the resulting strengthening of the link to the River. Therefore, and as more particularly set forth below, this First Amendment adequately and sufficiently satisfies all criteria for the establishment of a PDA pursuant to Sections 51-44, 80C-4 and 80C-7 of the Zoning Code.

Proponent

The Proponent for this First Amendment is Harvard University (the landowner) and Charlesview, Inc. (the developer of the Charlesview Project as set forth in the approved PDA Development Plan for PDA No. 75).

Project Site

The Project site is an approximately 0.8 acre parcel of land fronting on Western Avenue. The parcel is bounded roughly by the Charlesview Project's Brighton Mills site on the west, the Shaw's parking lot to the south, the Petco parking lot to the east, and Western Avenue to the north. The Project site currently contains an existing McDonald's restaurant, which will be demolished, and its parking lot. A new restaurant will be constructed as described in this First Amendment.

The Project site is located within the Western Avenue/Soldiers Field Road Community Commercial Subdistrict of the Allston-Brighton Neighborhood District established under Article 51 of the Zoning Code. Under Article 51 of the Zoning Code a Planned Development Area may be established in this district.

Project

The Project is planned to contain a commercial use (a drive-in restaurant) and its accessory parking (see Exhibit C). The relocation of the McDonald's is necessary to accommodate the construction of the Telford Street Extension by Charlesview, Inc. that is a part of the approved PDA Development Plan for the Charlesview Project. The Project includes the construction by McDonald's of a maximum of 4,544 square-foot, 104-seat McDonald's drive-in restaurant to replace the existing drive-in McDonald's restaurant

and of landscaping, outdoor seating, drive-through vehicular lanes, restriped parking spaces and a curb cut.

The height of the single-story building will be up to 21 feet, four inches (see Exhibit D). The Site-wide floor area ratio ("FAR") for the PDA Development Plan is approximately 1.23. The FAR of the Site for the relocated McDonald's will be 0.13., thus the overall FAR for the proposed expanded PDA No. 75 will be 1.14 which is less than 1.75 which is the maximum FAR allowed for the planned development areas pursuant to Article 51 of the Zoning Code.

Planning Context/Objectives

The BRA's North Allston-Brighton Community Wide Planning Initiative envisions the creation of Telford Street Extension to link the Holton Street corridor with Western Avenue and the Charles River Reservation and create new street patterns as part of the Charlesview Project. The Project will relocate the existing McDonald's from within the approved footprint of the Telford Street Extension to enable construction of the Telford Street Extension by Charlesview, Inc. In addition, the Project will establish a strong street edge and retail presence on Western Avenue consistent with the guiding principles of the BRA's Community Wide Plan and the North Allston Strategic Framework for Planning (NASFP).

Public Benefits

The Project will generate a range of public benefits:

- 1) Creation of active retail street edge along Western Avenue with a new attractive, updated restaurant (replacing the existing 1980's restaurant);
- 2) Creation of outdoor restaurant seating that supports the new public square at the corner of Telford Street Extension and Western Avenue;
- 3) Strengthening the pedestrian environment with new and improved landscaping, tree plantings, sidewalks and streetscape along Western Avenue and Telford Street Extension;
- 4) Improved vehicular circulation with the realignment of the drive-through lanes, relocation of the existing curbcut and restriping of parking;
- 5) Installation of a new traffic signal at the intersection of Telford Street Extension and Western Avenue;
- 6) Creation of the right of way necessary for Charlesview, Inc. to construct Telford Street Extension, a necessary component of the approved PDA Development Plan for the Charlesview Project that (i.) will provide access to the Charlesview Project and the Holton Street corridor to the south, (ii.) will strengthen the connection to the River from the community south of Western Avenue by making possible the

construction by Charlesview, Inc of the Telford Street connection as provided in the PDA Development Plan and the above referenced traffic signal and. (iii.) makes possible Charlesview moving forward consistent with the public benefits and planning goals set forth in the approved PDA Development Plan;

- 7) Creation of 15 construction jobs and retention of 20 permanent jobs upon Project completion;
- 8) Generation of tax revenues for the City of Boston; and,
- 9) Pursuit of efforts to reduce energy consumption through an energy efficient building, equipment and energy sensitive operations and maintenance.

Project Approvals

The Project is being reviewed by the BRA pursuant to Article 80 of the Zoning Code.

Zoning

The Site is located within the Western Avenue/Soldiers Field Road Community Commercial Subdistrict of the Allston-Brighton Neighborhood District that was established under Article 51 of the Zoning Code. A Drive-in restaurant use is forbidden in this Subdistrict under Table B of Section 51 of the Code; this PDA Amendment Development Plan establishes this use as an allowed use as set forth in Exhibit E. The height of the Project is 21 feet, four inches, which is below the maximum allowed height of 35 feet within the Subdistrict. The FAR of the Project is for the Site itself and is 0.13, which is below the as-of-right FAR in the Subdistrict. As a result, the FAR for the amended PDA No. 75 will be 1.14 and will not exceed 1.75, the maximum allowed FAR for PDA No. 75 projects in the Subdistrict. The proposed dimensions are set forth in Exhibit F.

Design requirements applicable to the Project regarding building materials, location of buildings on their sites, building facades, and landscaping are set forth in Section 51-51 of the Zoning Code. Screening and buffering requirements are set forth in Section 51-53. The Project has been designed to comply with these requirements to the greatest extent possible.

Project Elements

Open Space and Landscaping: The Project will support the Boston Parks and Recreation Department's Open Space Plan 2008-2012 ("Open Space Plan") that guides the City's efforts to identify open space need, goals, and opportunities. Specifically, the Project will include landscaping, tree plantings and streetscape elements provided by McDonald's along Telford Street Extension, which connects Holton Street and the residential neighborhood to the south with Western Avenue and, further north, the existing pedestrian bridge to the Charles River Reservation at Herter Park thereby furthering the NASFP recommendation for strengthening links to Herter Park. This landscaping will

buffer the street and sidewalk from the proposed drive-through and enhance conditions around the restaurant's proposed outdoor seating area.

Sidewalks/Streetscape: The proposed design responds to BRA desires to create a public square at the intersection of Telford Street Extension and Western Avenue. The Project will define a street edge on the southeastern corner of the new square and accommodate a 10-foot wide sidewalk along the easterly side of Telford Street Extension to be built by Charlesview, Inc., consistent with the BRA's Community Wide Planning Initiative. Pedestrian access to the restaurant will be located on Western Avenue and on the easterly side of the building.

Parking and Loading Facilities: The Project, as summarized in Exhibit F, will include a total of 37 surface parking spaces. Dumpsters will be located along an internal roadway within the Brighton Mills Shopping Center. Whenever possible, recycling, trash collection, and loading will occur on-site during off-peak hours. Permanent "No Idling" signs will be posted in the loading and parking areas.

Public Transportation Access: The Project is served by MBTA bus routes #70, #70A, and #86, which operate along Western Avenue.

Traffic Circulation: Vehicular access will be provided from Telford Street Extension to be built by Charlesview, Inc. As part of the Project, McDonald's will construct new drive-through lanes and will restripe parking serving the restaurant and a portion of the Brighton Mills Shopping Center parking lot will be reconfigured and the existing east-west connection through the lot will be realigned by Harvard to accommodate the Project. This internal roadway will be used by McDonald's traffic to access a drive-through window and the parking adjacent to the restaurant. An existing two-way driveway that connects to Western Avenue will be relocated by Harvard approximately 50 feet to the east and restricted to exiting traffic only from McDonalds and the shopping center. Pedestrian circulation will be provided on the Western Avenue and Telford Street Extension sidewalks on the perimeter of the site. Pedestrian access between the parking lot and the restaurant will be provided by McDonald's via a designated crosswalk location on the eastern end of the building.

Development Schedule and Phasing of Project

It is anticipated that the construction of the Project will commence in the 1st quarter of 2011 upon completion of construction of the Telford Street Extension which will abut McDonald's and will last for approximately four months. In any event, it is contemplated that the construction of the Project will be completed no later than the completion of Charlesview. As construction sequencing plans are more fully developed, they will be submitted to the BRA for confirmation

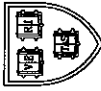
Applicability

Consistency of the Project with this PDA Amendment Development Plan constitutes compliance with the dimensional, use, and other requirements of the Code, in accordance with Sections 51-45 and 80C-9 of the Zoning Code.

Proponent's Obligation to Proceed with Project

Notwithstanding anything set forth herein to the contrary, under no circumstances shall the Proponent be obligated to proceed with all or any portion of the Project. If the Proponent proceeds with the Project, the Proponent shall satisfy the public benefit obligations described above.

EXHIBIT A – SURVEY PLANS



CAPITAL PLANNING AND PROJECT MANAGEMENT

Holyoke Center, Suite 912
1350 Massachusetts Avenue
Cambridge, Massachusetts 02138

The 617-495-6699 tel. 021-662-6284

NOTES

1. THIS PLAN WAS PREPARED FROM AN ACTUAL ON THE GROUND FIELD SURVEY CONDUCTED BY CHAS. H. SELLS, INC. ON MARCH 22-23, 2007.
2. THE IMPROVED DRAINAGE OF THIS PLAN IS THE MASSACHUSETTS STANDARD DRAINAGE SYSTEM WITH 18" DIA. STORM SEWER MAINS AND 12" DIA. STORM SEWER BRANCHES TO STORM SEWER MAINS.
3. APPROVED USES: RESIDENTIAL USES AS SHOWN ON THE MASSACHUSETTS ZONING MAP FOR THE CITY OF WESTON, DOCUMENT NO. ZONING MAP, HAVING AN EFFECTIVE DATE OF JUNE 1, 2002.
4. ALL LAND SHOWN HEREON IS OWNED BY CHAS. H. SELLS, INC. AND IS SUBJECT TO A MORTGAGE TO THE CITY OF WESTON, DOCUMENT NO. ZONING MAP, HAVING AN EFFECTIVE DATE OF JUNE 1, 2002.
5. THE CITY OF WESTON HAS REVIEWED AND APPROVED THIS PLAN FOR THE CITY OF WESTON, DOCUMENT NO. ZONING MAP, HAVING AN EFFECTIVE DATE OF JUNE 1, 2002.
6. THE CITY OF WESTON HAS REVIEWED AND APPROVED THIS PLAN FOR THE CITY OF WESTON, DOCUMENT NO. ZONING MAP, HAVING AN EFFECTIVE DATE OF JUNE 1, 2002.
7. THE CITY OF WESTON HAS REVIEWED AND APPROVED THIS PLAN FOR THE CITY OF WESTON, DOCUMENT NO. ZONING MAP, HAVING AN EFFECTIVE DATE OF JUNE 1, 2002.
8. THE CITY OF WESTON HAS REVIEWED AND APPROVED THIS PLAN FOR THE CITY OF WESTON, DOCUMENT NO. ZONING MAP, HAVING AN EFFECTIVE DATE OF JUNE 1, 2002.
9. THE CITY OF WESTON HAS REVIEWED AND APPROVED THIS PLAN FOR THE CITY OF WESTON, DOCUMENT NO. ZONING MAP, HAVING AN EFFECTIVE DATE OF JUNE 1, 2002.
10. THE CITY OF WESTON HAS REVIEWED AND APPROVED THIS PLAN FOR THE CITY OF WESTON, DOCUMENT NO. ZONING MAP, HAVING AN EFFECTIVE DATE OF JUNE 1, 2002.

PLANNED DEVELOPMENT AREA NO. 75

1. WESTON, MASSACHUSETTS
2. WESTON, MASSACHUSETTS
3. WESTON, MASSACHUSETTS
4. WESTON, MASSACHUSETTS
5. WESTON, MASSACHUSETTS
6. WESTON, MASSACHUSETTS
7. WESTON, MASSACHUSETTS
8. WESTON, MASSACHUSETTS
9. WESTON, MASSACHUSETTS
10. WESTON, MASSACHUSETTS

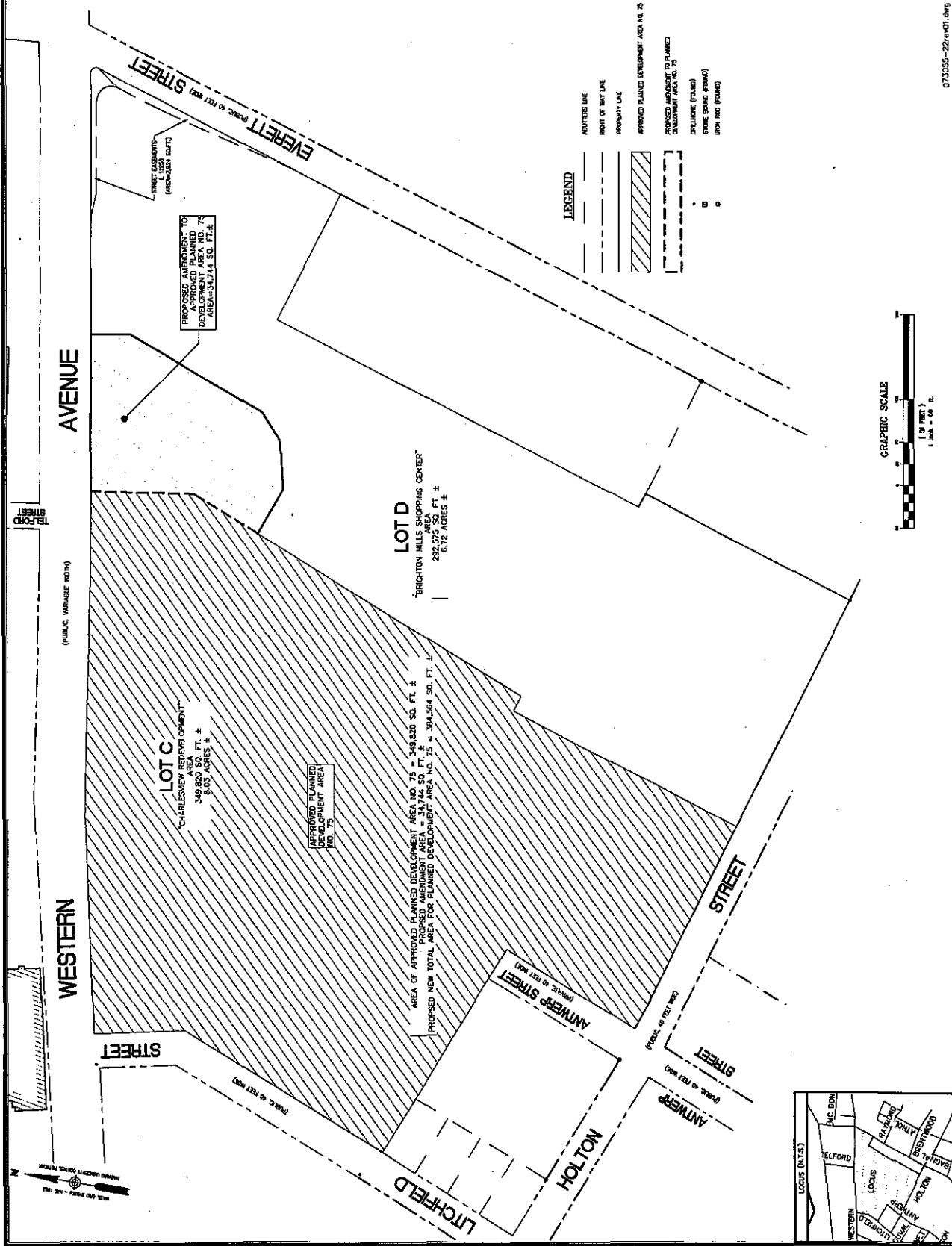
**EXHIBIT TO AMEND
PLANNED DEVELOPMENT
AREA NO. 75**

WESTON, MASSACHUSETTS
WESTON AVENUE
BRIGHTON, MASSACHUSETTS

PREPARED FOR
ALLSTON DEVELOPMENT GROUP

Drawn By	GH	Date	JULY 20, 2010
Checked By	DAW	Scale	1" = 50'
Sheet No.	AS-75/01	Book No.	AS-75/01

AWSP • SELLS
Topographical & Infrastructure
Engineering & Surveying
1000 Massachusetts Avenue, Suite 200
Boston, MA 02115
Tel: 617-552-1100
Fax: 617-552-1101
www.awspsells.com



07-0055-22-rev(01).dwg

Legal Description
"Planned Development Area No. 75 Amendment"

A certain Planned Development Area No. 75 amendment area located in the City of Boston, Suffolk County, Massachusetts and shown on plan entitled "Exhibit to Amend Planned Development Area No. 75", by WSP SELLS, dated July 20, 2010

Beginning at the most northwest corner of the Planned Development Area No. 75 amendment, and said corner being;

N78°11'02"E, two hundred forty nine (249.00') feet,

N81°37'36"E, one hundred twenty eight and thirty nine hundredths (128.39') feet,

N82°17'20"E, one hundred sixty seven and thirty one hundredths (167.31') and

N80°37'24"E, eighty nine and forty five hundredths (89.45') feet from a drill hole as shown on "Plan of Land in Boston, MA (Brighton)", by Hancock Associates, dated October 11, 2009 to be recorded at the Suffolk registry of deeds; thence,

N80°37'24"E, one hundred eight three and ninety nine hundredths (183.99') feet to a point; thence,

S09°22'36"E, forty six and fifty seven hundredths (46.57') feet to a point; thence,

S20°43'20"W, one hundred eighty two and ten hundredths (182.10') feet to a point; thence,

S48°53'37"W, thirty seven and eighty one hundredths (37.81') feet to a point; thence,

S76°58'44"W, fifty seven and ninety for hundredths (57.94') feet to a point; thence,

N69°40'29"W, fifty nine and twenty three hundredths (59.23') feet to a point, thence,

N22°08'12"E, eighty nine and twelve hundredths (89.12') feet to a point; thence,

N08°21'33"W, one hundred twenty two and thirty seven hundredths (122.37') feet to the point of beginning.

The above described Planned Development Area No. 75 amendment contains 34,744 square feet more or less.

EXHIBIT B – PROJECT TEAM MEMBERS

Address/Location: The Brighton Mills Shopping Center on Western Avenue

Owners: The President and Fellows of Harvard College
Harvard University
Holyoke Center, Suite 901
Cambridge, MA 02138
(617) 495-2234
Kathy Spiegelman

Charlesview, Inc.
51 Stadium Way
Allston, MA 02134
(617) 782-2404
Father Frank Glynn

Architect, MEP, and Structural: McDonald's Corporation U.S. Restaurant Design
2111 McDonald's Drive
Oak Brook, IL 60523
(630) 623-3000
Michael Ebanks

Legal Counsel: Rackeman, Sawyer & Brewster
160 Federal Street
Boston, MA 02110
(617) 542 -2300
Louis C. Miller

**Transportation, Parking, and
Site/Civil Engineering:**

VHB
101 Walnut Street
P.O. Box 9151
Watertown, MA 02472
(617) 924-1770
Joe Wanat

Bohler Engineering
352 Turnpike Road
Southborough, MA 01772
(508) 480-9900
John Kucich

Howard/Stein-Hudson Associates, Inc.
38 Chauncy Street, 9th Floor
Boston, MA 02111
(617) 482-7080
Joseph SanClemente
Thad Berry

Geotechnical and Environmental:

Partner Engineering and Science, Inc.
4079 Coachman Lane
Prior Lake, MN 55372
952-232-5520
Steve Kitzke

Permitting Consultants:

Epsilon Associates, Inc.
3 Clock Tower Place, Suite 250
Maynard, MA 01754
(978) 897-7100
Dave Hewett

EXHIBIT C – SITE PLAN



CAPITAL PLANNING AND PROJECT MANAGEMENT

Bolyoke Center, Suite 912
 1500 Massachusetts Avenue
 Cambridge, Massachusetts 02138

See 0174-00000 for 0174-00000

NOTES

1. THESE PLANS WERE PREPARED FROM AN AS-BUILT ON THE EXISTING ROAD SURVEY RECORDED BY CHAS. W. SELLS, INC. ON MARCH 22-23, 2007.
2. THE HORIZONTAL GRAB OF THIS PLAN IS THE MASSACHUSETTS STANDARD BASED UPON THE NATIONAL UNIFORM SURVEYING SYSTEM CONTROL POINT AND THE OPERATIONS OF CHAS. W. SELLS, INC.
3. THE SURVEY IS A COMBINATION OF RECORDING AND RECONSTRUCTION SURVEYING. ALL POINTS ARE SHOWN AS BEING EXISTING UNLESS OTHERWISE NOTED.
4. ALL LINES SHOWN ARE BASED ON THE SURVEY OF THE EXISTING PLANS AND THE SURVEY OF THE EXISTING PLANS. THE SURVEY OF THE EXISTING PLANS IS BASED ON THE SURVEY OF THE EXISTING PLANS AND THE SURVEY OF THE EXISTING PLANS.
5. THE SURVEY OF THE EXISTING PLANS IS BASED ON THE SURVEY OF THE EXISTING PLANS AND THE SURVEY OF THE EXISTING PLANS. THE SURVEY OF THE EXISTING PLANS IS BASED ON THE SURVEY OF THE EXISTING PLANS AND THE SURVEY OF THE EXISTING PLANS.
6. OVERLAY IS BASED ON A SECTION LAYOUT MADE BY OTHERS.

ZONAL REFERENCES

1. PLAN OF LAND SURVEY (RECORDATION MAP) FILED IN BOOK 3007, PAGE 100, SUFFOLK CO. RECORDS OF MAPS
2. LAND COURT PLAN 370 E
3. LAND COURT PLAN 378 A
4. THE CITY OF BRIGHTON HAS A ZONING BY-LAW, ZONING MAP, ZONING MAP NO. 1, DATED JULY 2003 AND FILED AS PLAN 004 OF 2003.
5. CITY OF BRIGHTON STREET LAYOUT PLANS:
6. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
7. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
8. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
9. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
10. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
11. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
12. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
13. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
14. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
15. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
16. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
17. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
18. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
19. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
20. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
21. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
22. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
23. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
24. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
25. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
26. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
27. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
28. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
29. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
30. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
31. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
32. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
33. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
34. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
35. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
36. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
37. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
38. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
39. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
40. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
41. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
42. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
43. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
44. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
45. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
46. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
47. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
48. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
49. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
50. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
51. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
52. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
53. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
54. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
55. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
56. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
57. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
58. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
59. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
60. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
61. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
62. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
63. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
64. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
65. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
66. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
67. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
68. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
69. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
70. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
71. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
72. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
73. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
74. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
75. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
76. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
77. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
78. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
79. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
80. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
81. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
82. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
83. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
84. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
85. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
86. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
87. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
88. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
89. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
90. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
91. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
92. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
93. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
94. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
95. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
96. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
97. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
98. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
99. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:
100. CITY OF BRIGHTON STREET LAYOUT PLANS NOT PREPARED:

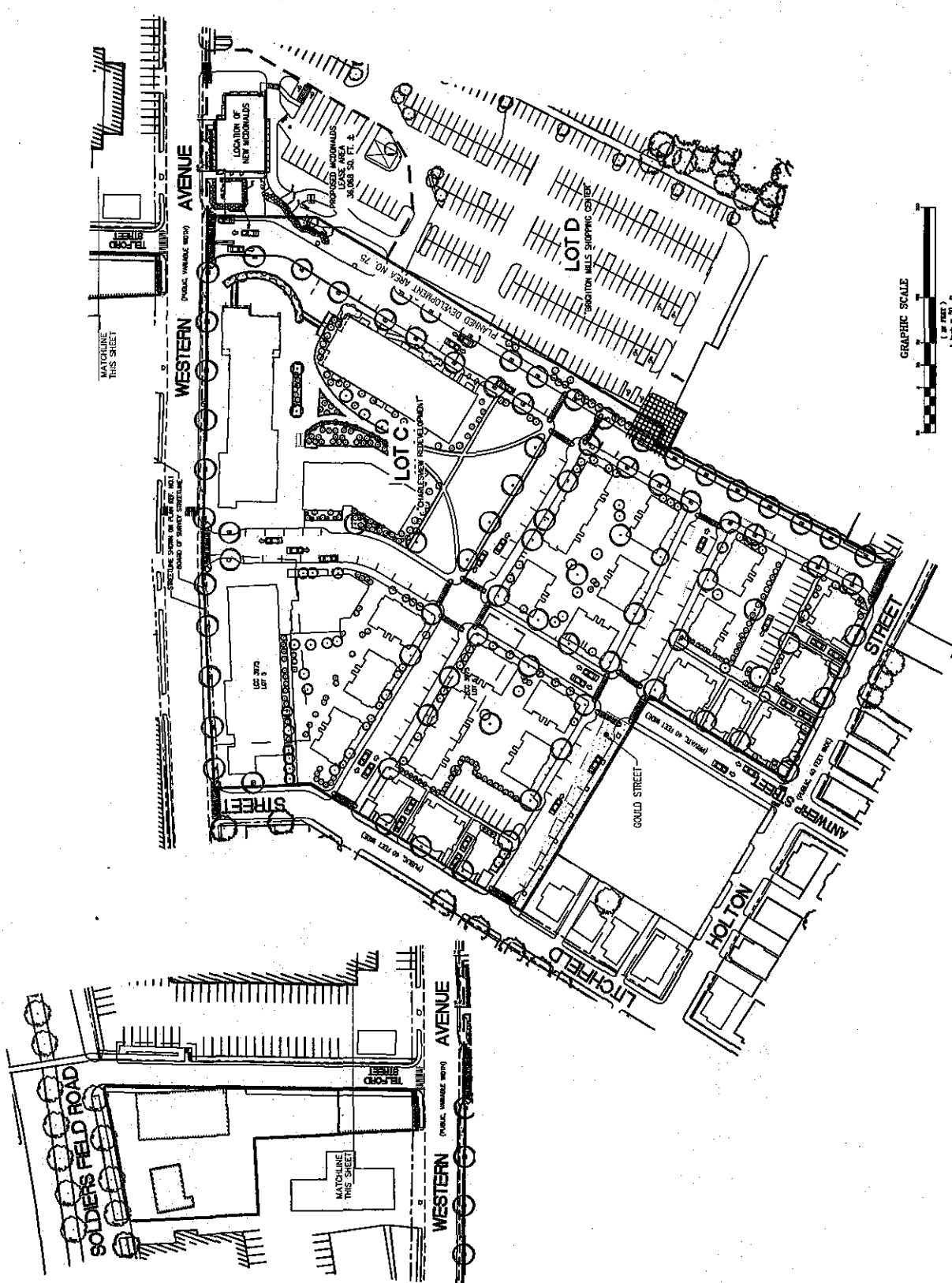
REVISION	COMMENTS	DATE	BY
3	TITLE BLOCK	7/29/10	GH
2	EXPAND LIMITS OF SURVEY	07/27/10	GH
1	EXT. MIDNOLANUS LEASE AREA	09/21/10	GH

BRIGHTON MILLS
 PROPOSED CHARLES VIEW APT.
 LAYOUT OVERLAY PLAN
 BRIGHTON, MASS

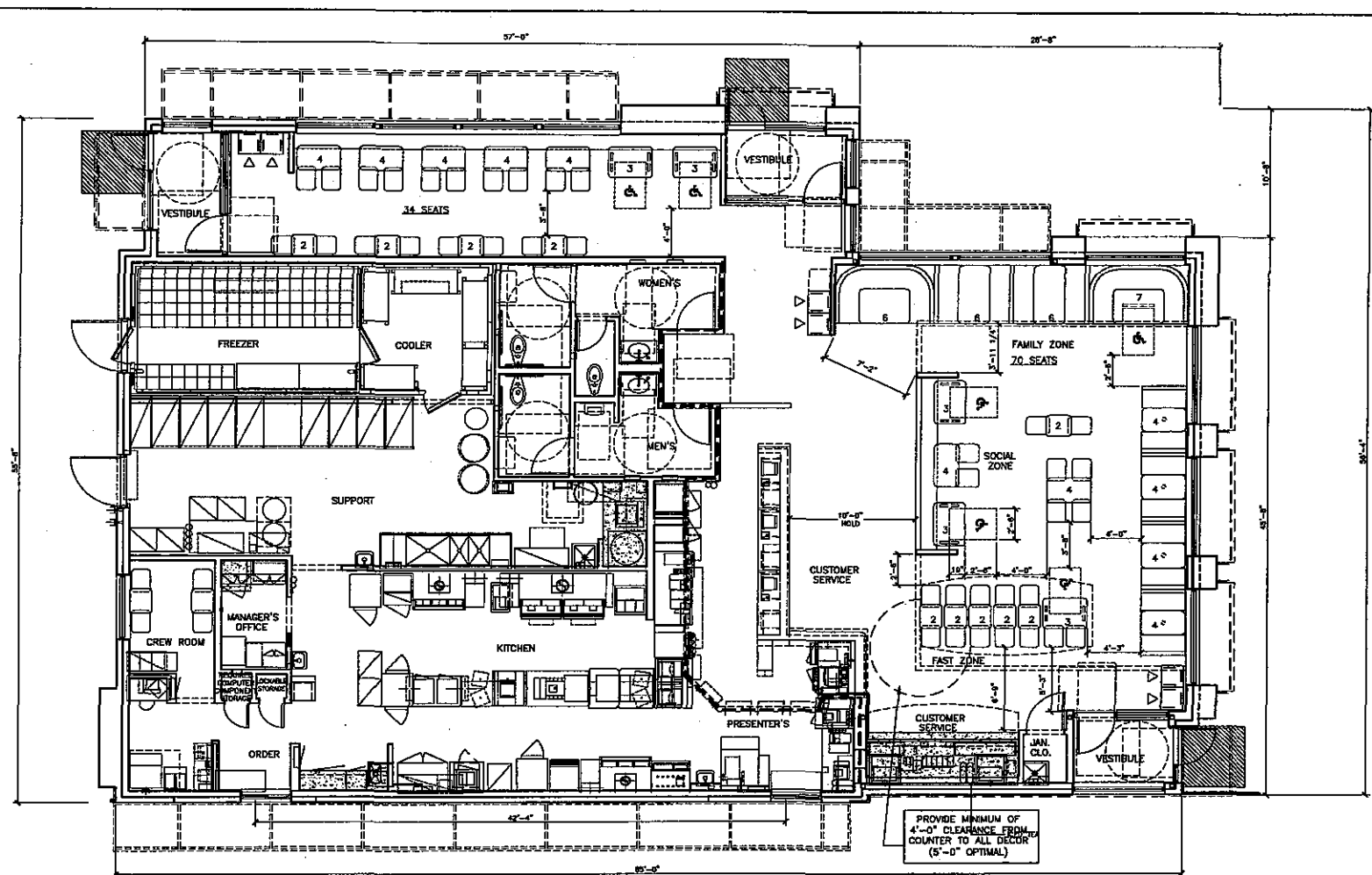


WSP & SELLS
 TRANSPORTATION & INFRASTRUCTURE
 1000 STATE STREET, SUITE 200
 BOSTON, MASSACHUSETTS 02116

Scale: GH	Date: MARCH 17, 2010	Job No.: 073055
Drawn by: GH	Scale: 1" = 30'	Sheet No.: 1 OF 1
Checked by: DAW	Scale: 1" = 30'	Book No.: 787/7870



McDONALD'S, 8955 132nd AVE., BOSTON (WESTERN) AND, MAY - REFERENCE PLANNING 07-15-2010 1114



4587-WW PLAN
4,544 GROSS SQ. FT./4,199 NET SQ. FT.
104 SEATS (6 ACCESSIBLE SEATS)

THIS DRAWING IS FOR REFERENCE ONLY.
 SEATING LAYOUT IS SCHEMATIC, THE FINAL SEATING LAYOUT TO BE PROVIDED BY OTHERS.

PROJECT NO.	2009-2208-013	DATE	07-15-10	DESCRIPTION	SEATING PLAN
CHECKED BY	ALYSON BROWN	DATE	07-15-10	DESCRIPTION	
DRAWN BY	ALYSON BROWN	DATE	07-15-10	DESCRIPTION	
APPROVED BY	ALYSON BROWN	DATE	07-15-10	DESCRIPTION	
PROJECT NO.	2009-2208-013	DATE	07-15-10	DESCRIPTION	
PROJECT NO.	2009-2208-013	DATE	07-15-10	DESCRIPTION	
PROJECT NO.	2009-2208-013	DATE	07-15-10	DESCRIPTION	
PROJECT NO.	2009-2208-013	DATE	07-15-10	DESCRIPTION	
PROJECT NO.	2009-2208-013	DATE	07-15-10	DESCRIPTION	
PROJECT NO.	2009-2208-013	DATE	07-15-10	DESCRIPTION	
PROJECT NO.	2009-2208-013	DATE	07-15-10	DESCRIPTION	

McDonald's USA, LLC
 2009 STANDARD BUILDING
 4587-WOOD/WOOD + SIDE DINING
 104 SEATS
 4,544 GROSS SQ. FT./4,199 NET SQ. FT.
 104 SEATS (6 ACCESSIBLE SEATS)

EXHIBIT D – PROJECT ELEVATIONS

EXHIBIT E – ALLOWED USES

- 1) Drive-In Restaurant
- 2) Commercial
- 3) Accessory Parking

EXHIBIT F – ALLOWED DIMENSIONS, PARKING AND LOADING

Height:	21.3'
Setback from Western Avenue:	7.9'
Setback from Telford Street Extension:	47.7'
FAR of Site:	0.13
FAR of Expanded PDA No. 75:	1.14
Number of Parking Spaces:	37 (including two HP spaces)
Loading:	On-site via service doors accessed from adjacent parking lot. Dumpsters will be located along an internal roadway within the Brighton Mills Shopping Center as shown on Exhibit C.

FACT SHEET

**FIRST AMENDMENT TO DEVELOPMENT PLAN
for
PLANNED DEVELOPMENT AREA NO. 75
CHARLESVIEW APARTMENTS, ALLSTON-BRIGHTON
BOSTON, MA**

- Proponent:** The President and Fellows of Harvard College, Harvard University, Holyoke Center, Suite 901, Cambridge, MA ("Harvard")
- Charlesview, Inc., 51 Stadium Way, Allston, MA ("Charlesview")
- Architect:** McDonald's Corporation U.S. Restaurant Design, 2111 McDonald's Drive, Oak Brook, IL
- Legal Counsel** Rackeman, Sawyer & Brewster, 160 Federal Street Boston, MA
- Permitting:** Epsilon Associates, Inc., 3 Clock Tower Place, Suite 250, Maynard, MA
- Site:** The Site is an approximately 0.8 acre parcel of land fronting on Western Avenue, adjacent to the previously approved Development Plan for Planned Development Area No. 75 and within the existing Brighton Mills shopping center. The Site is located within the Western Avenue/Soldiers Field Road Community Commercial Subdistrict (the "Subdistrict") of the Allston-Brighton Neighborhood District that was established under Article 51 of the Boston Zoning Code.
- Proposed Project:** The Project includes the relocation and redevelopment of a McDonald's drive-in restaurant, accessory parking, and accompanying landscaping, infrastructure and site work (the "Project") to accommodate the construction of the Telford Street Extension by Charlesview, Inc. that is a part of the approved Charlesview Redevelopment Project. The Project includes the construction by McDonald's of a maximum of 4,544 square-foot, 104-seat McDonald's drive-in restaurant to replace the existing McDonald's drive-in restaurant. The Project will result in the creation of the right of way required for the construction by Charlesview, Inc. of the Telford Street

Extension, a necessary roadway and public benefit provided for in the approved Development Plan for Planned Development Area No. 75 for the Charlesview Redevelopment Project.

- Proposed Uses:** The Project contains a McDonald's drive-in restaurant with accessory parking and new and improved landscaping, sidewalks and pedestrian improvements.
- Proposed Densities:** The Floor Area Ratio ("FAR") of the Project is for the Site itself and is 0.13, which is below the as-of-right FAR in the Subdistrict. As a result, the FAR for the original Planned Development Area and this First Amendment Planned Development Area will be 1.14 and will not exceed 1.75, the maximum allowed FAR for Planned Development Areas pursuant to Article 51 of the Boston Zoning Code.
- Height:** The proposed building includes a single-story restaurant with a height of up to 21 feet, four inches.
- Construction Timetable:** Construction period of approximately four months following final permitting approvals and financing commitment.
- Development Cost:** \$1.25 million
- Benefits:** The public benefits provided to the Allston-Brighton community include the creation by McDonald's of an improved pedestrian and streetscape environment along Western Avenue and Telford Street Extension, which reflects the community vision defined by the Community Wide Planning process, and the installation by Harvard of a traffic signal at the new Telford Street Extension/Western Avenue intersection. As part of constructing the restaurant, McDonald's will create new landscaping, open space and pedestrian elements on the eastern edge of Telford Street Extension that complement the improvements to be constructed by Charlesview, Inc. on the western edge of the Telford Street Extension that are set forth in the approved PDA Development Plan, thereby more fully complementing the planning vision for the Telford Street Extension/Western Avenue intersection. In addition the Project makes possible important public benefits contemplated in the approved PDA Development Plan for the Charlesview Project, specifically the creation of the right of way necessary for Charlesview, Inc. to construct Telford Street Extension and the resulting strengthening of the link to the Charles River.

MEMORANDUM

SEPTEMBER 21, 2010

TO: BOSTON REDEVELOPMENT AUTHORITY AND
JOHN F. PALMIERI, DIRECTOR

FROM: BRENDA MCKENZIE, DIRECTOR OF ECONOMIC DEVELOPMENT
KAIROS SHEN, CHIEF PLANNER
HEATHER CAMPISANO, DEPUTY DIRECTOR FOR DEVELOPMENT
REVIEW
PRATAAP PARTOSE, DEPUTY DIRECTOR, URBAN DESIGN
DAVID CARLSON, SENIOR ARCHITECT/URBAN DESIGNER
JAY ROURKE, SENIOR PROJECT MANAGER

SUBJECT: HEARING FOR THE FIRST AMENDMENT TO PLANNED
DEVELOPMENT AREA NO. 75 FOR THE CHARLESVIEW
REDEVELOPMENT PROJECT LOCATED IN BRIGHTON,
MASSACHUSETTS

SUMMARY: This Memorandum requests that the Boston Redevelopment Authority (the "BRA"): (i) approve the First Amendment to the Development Plan for Planned Development Area No. 75 ("PDA No. 75") pursuant to Section 80C of the Boston Zoning Code (the "Code"); (ii) approve a zoning map amendment identifying the boundaries of PDA No. 75, amending Boston Zoning Maps 7A/7B/7C/7D and 7A/7C and 7B/7D; (iii) authorize the Director to petition the Zoning Commission of the City of Boston for approval of PDA No. 75 pursuant to Sections 3-1A.a and 80C-6 of the Code; (iv) authorize the Director to issue a Determination waiving the requirements of further review under Article 80A-6.2; (v) authorize the Director to issue a Certification of Consistency pursuant to Section 80C of the Code; and any and all other documents, as may be necessary and appropriate relating to the addition of .8 acre parcel of land to the Charlesview Redevelopment project, located at 355 and 400 Western Avenue, 1256 and 1266 Soldiers Field Road and 360 Western Avenue in Brighton, which will be undertaken by The Community Builders on behalf of Charlesview Inc., The President and Fellows of Harvard College and McDonald's Corporation, as required pursuant to Article 80, Section 80C.

PROJECT SITE

The Charlesview Redevelopment Project (the "Approved Project") will be located at 355 and 400 Western Avenue and 1256 and 1266 Soldiers Field Road in Brighton on two (2) parcels totaling approximately 8.75 acres of land. The Brighton Mills parcel, totaling approximately 8.03 acres of land, is bound by Western Avenue to the north, the existing Shaw's Supermarket, the Shaw's Supermarket parking lot and what is soon to be known as Telford Street Extension to the east, Holton Street, Antwerp Street, what will be known as Gould Street and the Automotive Warehouse to the south and Litchfield Street to the west (the "Brighton Mills Site"). The Telford Street parcel, totaling approximately 72 acres of land, is bound by the inbound lanes of Soldiers Field Road to the north, Telford Street to the east, Western Avenue and an existing car wash to the south and the adjacent property located at 1270 Soldiers Field Road to the west (the "Telford Street Site"). The First Amendment to PDA No.75 will incorporate an additional 0.8 acres to the Brighton Mills Site's 8.03 acres making both the Brighton Mills and Telford Street Site a total of approximately 9.55 acres. This collectively will be known as (the "Amended Project Site"), and is shown on Exhibit A.

THE APPROVED PROJECT

The Charlesview Redevelopment Project proposal includes a mixed-use development consisting of the following uses: (1) residential; (2) community; (3) commercial; (4) open space; and (5) accessory parking. The Charlesview Redevelopment Project calls for the creation of 340 housing units consisting of the construction of two hundred and forty (240) rental units, including two hundred and thirteen (213) replacement units that will replace the existing Charlesview apartments (defined below), and an additional twenty-seven (27) new rental units, and one hundred (100) new home ownership units, twenty (20) on the southern and western borders of the Brighton Mills Site and eighty (80) units on the Telford Street Site, totaling approximately 470,163 gross square feet of new development. The proposed project also includes approximately 26,533 square feet of commercial/community space and a total of four hundred and ninety (490) parking spaces, including ninety-seven (97) surface spaces and two hundred and forty-three (243) spaces in an underground garage on the Brighton Mills Site and one hundred and fifty (150) spaces in an underground garage on the Telford Street Site (collectively, the "Approved Project").

The Approved Project on the Brighton Mills Site includes twenty-five (25) individual buildings including nineteen (19) town houses, three (3) row houses, and three (3) mid-rise buildings, consisting of two hundred and forty (240) rental units and twenty (20) home ownership units totaling approximately 377,357 gross square feet. The Brighton Mills Site will provide a two hundred and forty-three (243) space underground parking garage and ninety-seven (97) surface spaces. The Telford Street Site will include a seven (7) story building consisting of eighty (80) home ownership units totaling

approximately 92,806 gross square feet, with a one hundred and fifty (150) space underground parking garage.

Building heights on the Brighton Mills Site will range from 2.5 stories (34+-feet) for the townhouses to five stories (55+-feet) for the mid-rise buildings adjacent to Western Avenue. The proposed height of the Telford Street Site seven (7) story building is 85+-feet. The Project Site floor area ratio ("FAR") for the Proposed Project is approximately 1.23.

The Approved Project's main objective is to relocate the existing residents of the Charlesview Apartment Complex located at 5 Stadium Way (Parcel ID# 2200520000), to a new well designed, sustainable development, on the Brighton Mills Site which is located less than a half mile away from the existing Charlesview Apartment Complex site. The existing Charlesview Apartment Complex is forty (40) years old and has reached the end of its useful life. Presently, the living conditions at the Charlesview Apartment Complex are substandard and have been on the decline for many years. Relocating the Charlesview Apartment Complex to the Brighton Mills Site will allow the existing residents to stay together as a community, and with the creation of an additional twenty-seven (27) rental units, allow for flexibility for those residents who require different housing types based on family size or income levels so they can stay within the existing community. The twenty (20) homeownership units on the Brighton Mills Site will create opportunities for residents of Charlesview Apartment Complex to achieve the goal of homeownership or allow future residents to become a part of the neighborhood. The eighty (80) homeownership opportunities on the Telford Street Site will further the goal of creating diverse income levels for the entire project. Upon completion, the Amended Project Site will provide one hundred (100) homeownership opportunities on both the Brighton Mills Site and the Telford Street Site and will relocate the two hundred and thirteen (213) rental units of the existing Charlesview Apartment Complex, and allow for the creation of an additional twenty-seven (27) rental units. The twenty-seven (27) rental units will be open to the public whose incomes qualify and will be made available for residents from the Charlesview Apartment Complex who no longer qualify to live in the existing subsidized units or for those whose needs for housing have changed due to family size.

AMENDMENT TO PLANNED DEVELOPMENT AREA No.75

On December 17, 2009, the Boston Redevelopment Authority approved the Development Plan for Planned Development Area No. 75, also known as PDA No. 75 (the "Approved PDA"). Since the December 2009 approval, The Community Builders on behalf of Charlesview, Inc (the "Developer"), have engaged Harvard University and McDonald's, now collectively, the "Development Team" about a solution to the existing McDonald's restaurant located at 360 Western Avenue which directly abuts the Approved PDA site. In order to allow the Approved Project to move forward, the 0.8

acre site owned by Harvard University, which will be leased to McDonald's for its new, relocated restaurant, must be incorporated into the Approved PDA. The existing outdated McDonald's restaurant will be demolished and in its place a reconstructed McDonald's restaurant will be built just to the east of the existing footprint. Moving the restaurant slightly to the east allows the Telford Street Extension to be constructed. The inclusion of this 0.8 acre site into the Approved PDA is the only modification being requested (the "Amended PDA").

In connection with the First Amendment to PDA No. 75, the Developer has submitted a Notice of Project Change request dated September 17, 2010. The NPC requests that the Approved Project now includes the addition of the .8 acres to the project site, now known as the "Amended Project Site" and also includes the reconstruction of the McDonald's restaurant. No other changes to the original Approved Project are requested. Hereinafter, the approved Project as changed as described in this paragraph shall be referred to as the "Proposed Project".

Total project cost for this first Amendment to PDA No. 75 is \$1,250,000.

ZONING MAP AMENDMENT

In order to amend PDA No. 75, the Development Team is seeking a map amendment to the Approved PDA. The proposed map amendment would extend the boundaries to cover an additional 0.8 acres and include a newly constructed McDonald's restaurant just to the east of the Brighton Mills Site.

PROJECT REVIEW

The Approved Project is subject to Plan Development Area Review pursuant to Section 80C of the Boston Zoning Code (the "Code"). A First Amendment to the Development Plan for Planned Development Area No. 75 was submitted by the Development Team to the BRA on July 29, 2010. The comment period for the First Amendment to the Development Plan for Planned Development Area No. 75 closed on September 13, 2010. During this community review process the BRA hosted two (2) community meetings on August 12, 2010 and September 7, 2010, respectively. Also, at the request of the Impact Advisory Group a walkthrough of the Brighton Mills Site was held on August 30, 2010. The Development Team was able to have the area surveyed, marking the points of the Brighton Mills Site where the buildings are to be located. This allowed members of the community to view where the proposed buildings would be sited and more clearly understand the need for this amendment, which will allow for the Telford Street Extension to be realized.

MITIGATION AND PUBLIC BENEFITS

The Approved Project will generate a host of benefits for the surrounding neighborhoods and the City of Boston as a whole, both during construction and on an ongoing basis upon its completion. The Approved Project is seen as a benefit, onto its self, creating needed affordable housing and restoring life to a property which has been vacant for many years. The Amended PDA public benefits provided to the Allston-Brighton community include the creation by McDonald's of an improved pedestrian and streetscape environment along Western Avenue and Telford Street Extension, which reflects the community vision defined by the Community Wide Planning process, and the installation by Harvard University of a traffic signal at the new Telford Street Extension/Western Avenue intersection. As part of the constructing the restaurant, McDonald's will create new landscaping, open space and pedestrian elements on the eastern edge of Telford Street Extension that complement the improvements to be constructed by the Developer on the western edge of the Telford Street Extension that are set forth in the Approved PDA, thereby more fully complementing the planning vision for the Telford Street Extension/Western Avenue intersection. In addition, the First Amendment to PDA No. 75 makes possible important public benefits contemplated in the Approved PDA for the Approved Project, specifically the creation of the right of way necessary for the Developer to construct Telford Street Extension and the resulting strengthening of the link to the Charles River.

DEVELOPMENT TEAM

The development team for the First Amendment to the Development Plan consists of:

Proponent: The President and Fellows of Harvard College
Kathy Spiegelman
Dave Raszmann
Kevin McCluskey

The Community Builders
Felicia Jacques

McDonald's Corporation
Rhona McFarlane
Adam Guilmette

Architect: McDonald's Corporation U.S. Restaurant Design
Mike Ebanks

Counsel: Rackemann, Sawyer & Brewster
Louis Miller

Office of the General Counsel Harvard University
Daniel Rabinovitz

RECOMMENDATION

Based on the foregoing, BRA staff recommends that the Board: (i) approve the First Amendment to the Development Plan for Planned Development Area No. 75 ("PDA No. 75"); (ii) approve a zoning map amendment for PDA No. 75; (iii) authorize the Director to petition the Boston Zoning Commission for approval of the PDA No. 75 and Petition Zoning Code for Map Amendment; (iv) authorize the Director to issue a Determination under Article 80A-6.2 of the code, waiving further review of the Proposed Project; (v) authorize the Director to issue a Certification of Consistency pursuant to Section 80C-8 of the Code; and any and all other agreements that the Director deemed appropriate and necessary and in the best interest of the BRA all in connection with the First Amendment to PDA No. 75 and Proposed Project.

Appropriate votes follow:

VOTED: That, in connection with the First Amendment to the Development Plan for Planned Development Area No. 75 (as amended, "PDA No. 75") for the Charlesview Apartments (also known as the "Charlesview Redevelopment Project" or the "Proposed Project"), presented at a public hearing duly held at the offices of the Boston Redevelopment Authority ("BRA") on September 21, 2010, and after consideration of evidence presented at and in connection with the hearing and in connection with the Proposed Project described in PDA No. 75, the BRA finds that (a) PDA No. 75 is not for a location or Proposed Project for which Planned Development Areas are forbidden by the underlying zoning; (b) the Proposed Project complies with any provisions of the underlying zoning that establish use, dimensional, design, or other requirements in the Planned Development Area; (c) PDA No. 75 complies with any provisions of the underlying zoning that establish planning and development criteria, including public benefits, for Planned Development Areas; (d) PDA No. 75 conforms to the plan for the district, subdistrict, or similar geographic area and to the general plan for the City of Boston as a whole; and (e) on balance, nothing in PDA No. 75 will be injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens; and further finds and determines that PDA No. 75 complies with Section 80C-4 of the Boston Zoning Code (the "Code"), Standards for Planned Development Area Review Approval, and

otherwise complies with all applicable requirements for a Planned Development Area as set forth in the Code; and

FURTHER

VOTED: That BRA hereby approves, pursuant to Section 80C of the Code, the First Amendment PDA No. 75 and the associated map amendment that would amend Map 7A/7B/7C/67D and Map 7B/7D, Allston-Brighton Neighborhood District by adding the designation "D", indicating a Planned Development Area overlay district to approximately 0.8 acres of land, in substantial accord as presented to the BRA on September 21, 2010; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to petition the Zoning Commission of the City of Boston for approval of the First Amendment PDA No. 75 and the associated map amendment that would amend Map 7A/7B/7C/67D and Map 7B/7D, Allston-Brighton Neighborhood District by adding the designation "D", indicating a Planned Development Area overlay district to approximately 0.8 acres of land, in substantial accord as presented to the BRA on September 21, 2010; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to issue a Determination under Article 80A-6.2 of the Code, which (i) finds that the Notice of Project change dated September 17, 2010 adequately describes the potential impacts arising from the Proposed Project and provides sufficient mitigation measures to minimize these impacts; and (ii) waives further review of the Proposed Project, subject to continuing design review by the BRA; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to issue a Certification of Consistency pursuant to Section 80C-8 of the Code for the Proposed Project as described in PDA No. 75 as amended by the First Amendment to PDA No. 75, when the Director finds that (a) the Proposed Project is described adequately in PDA No. 75, (b) the Proposed Project is consistent with PDA No. 75, and (c) PDA No. 75 has been approved by the BRA and the Zoning Commission in accordance with the applicable provisions of Code Section 3-1A.a and Article 80, Section 80C of the Code; and

FURTHER

VOTED: That the Director be, and hereby is, authorized to execute all agreements and any and all other documents deemed necessary and appropriate by the Director in connection with the foregoing, including, without limitation, amendments to any existing agreements relating to the Proposed Project, subject to such terms and conditions as the Director deems to be in the best interest of the BRA, and to take such other actions deemed necessary and appropriate by the Director in connection with the foregoing.

Map Amendment Application No. 589
Boston Redevelopment Authority
Planned Development Area No. 75
Maps 7A/7B/7C/7D and 7B/7D, Allston-
Brighton Neighborhood District

MAP AMENDMENT NO. 523

THE COMMONWEALTH OF MASSACHUSETTS

CITY OF BOSTON

IN ZONING COMMISSION

The Zoning Commission of the City of Boston, acting under Chapter 665 of the Acts of 1956, as amended, after due report, notice and hearing, does hereby approve the First Amendment to the Development Plan for Planned Development Area No. 75, Charlesview Apartments, and amends "Map 7A/7B/7C/7D, Allston-Brighton Neighborhood District", and "Map 7B/7D, Allston-Brighton Neighborhood District", of the series of maps entitled "Zoning Districts City of Boston," dated August 15, 1962, as amended, as follows:

1. By adding the designation "D", indicating a Planned Development Area overlay district to approximately 34,744 square feet (0.8 acres) of land comprised of land fronting on Western Avenue and generally bound by the Charlesview Project's Brighton Mills site on the west, the Shaw's parking lot to the south, the Petco parking lot to the east and Western Avenue to the north, as shown on Appendix A.

Legal Description
"Planned Development Area No. 75 Amendment"

A certain Planned Development Area No. 75 amendment area located in the City of Boston, Suffolk County, Massachusetts and shown on plan entitled "Exhibit to Amend Planned Development Area No. 75", by WSP SELLS, dated July 20, 2010

Beginning at the most northwest corner of the Planned Development Area No. 75 amendment, and said corner being;

N78°11'02"E, two hundred forty nine (249.00') feet,

N81°37'36"E, one hundred twenty eight and thirty nine hundredths (128.39') feet,

N82°17'20"E, one hundred sixty seven and thirty one hundredths (167.31') and

N80°37'24"E, eighty nine and forty five hundredths (89.45') feet from a drill hole as shown on "Plan of Land in Boston, MA (Brighton)", by Hancock Associates, dated October 11, 2009 to be recorded at the Suffolk registry of deeds; thence,

N80°37'24"E, one hundred eight three and ninety nine hundredths (183.99') feet to a point; thence,

S09°22'36"E, forty six and fifty seven hundredths (46.57') feet to a point; thence,

S20°43'20"W, one hundred eighty two and ten hundredths (182.10') feet to a point; thence,

S48°53'37"W, thirty seven and eighty one hundredths (37.81') feet to a point; thence,

S76°58'44"W, fifty seven and ninety for hundredths (57.94') feet to a point; thence,

N69°40'29"W, fifty nine and twenty three hundredths (59.23') feet to a point, thence,

N22°08'12"E, eighty nine and twelve hundredths (89.12') feet to a point; thence,

N08°21'33"W, one hundred twenty two and thirty seven hundredths (122.37') feet to the point of beginning.

The above described Planned Development Area No. 75 amendment contains 34,744 square feet more or less.

HARVARD UNIVERSITY



CAPITAL PLANNING AND PROJECT MANAGEMENT

Haystack Center, Suite 912
1990 Massachusetts Avenue
Cambridge, Massachusetts 02138

Phone: 617-495-6200

NOTES

1. THIS PLAN WAS PREPARED FROM AN AERIAL PHOTO OF THE CHURCH FIELD QUARTY CONDUCTED BY CHASE & STILES, INC. ON MARCH 22-24, 2007.
2. THE PROPOSED PLAN OF THIS PLANNED DEVELOPMENT AREA NO. 75, BRIGHTON MILLS SHOPPING CENTER, IS SUBJECT TO THE MASSACHUSETTS PLANNED DEVELOPMENT ACT, 90A CMR 12.00, AS AMENDED BY CHASE & STILES, INC.
3. PROPOSED LOT "C" CONSISTS OF PARCELS OF UNDEVELOPED AND IMPROVED LAND. THESE PARCELS WERE PREVIOUSLY OWNED BY THE CITY OF BOSTON, WHICH IN 1975 TRANSFERRED THEM TO THE MASSACHUSETTS TURNPIKE AUTHORITY. THE CITY OF BOSTON HAS A RECORDING OF DEED FOR THIS PROPERTY IN THE CITY OF BOSTON, WHICH IS RECORDED AT BOSTON RECORDS DEPARTMENT.
4. THE CITY OF BOSTON HAS A RECORDING OF DEED FOR THIS PROPERTY IN THE CITY OF BOSTON, WHICH IS RECORDED AT BOSTON RECORDS DEPARTMENT.
5. THE CITY OF BOSTON HAS A RECORDING OF DEED FOR THIS PROPERTY IN THE CITY OF BOSTON, WHICH IS RECORDED AT BOSTON RECORDS DEPARTMENT.
6. THE CITY OF BOSTON HAS A RECORDING OF DEED FOR THIS PROPERTY IN THE CITY OF BOSTON, WHICH IS RECORDED AT BOSTON RECORDS DEPARTMENT.
7. THE CITY OF BOSTON HAS A RECORDING OF DEED FOR THIS PROPERTY IN THE CITY OF BOSTON, WHICH IS RECORDED AT BOSTON RECORDS DEPARTMENT.
8. THE CITY OF BOSTON HAS A RECORDING OF DEED FOR THIS PROPERTY IN THE CITY OF BOSTON, WHICH IS RECORDED AT BOSTON RECORDS DEPARTMENT.
9. THE CITY OF BOSTON HAS A RECORDING OF DEED FOR THIS PROPERTY IN THE CITY OF BOSTON, WHICH IS RECORDED AT BOSTON RECORDS DEPARTMENT.
10. THE CITY OF BOSTON HAS A RECORDING OF DEED FOR THIS PROPERTY IN THE CITY OF BOSTON, WHICH IS RECORDED AT BOSTON RECORDS DEPARTMENT.

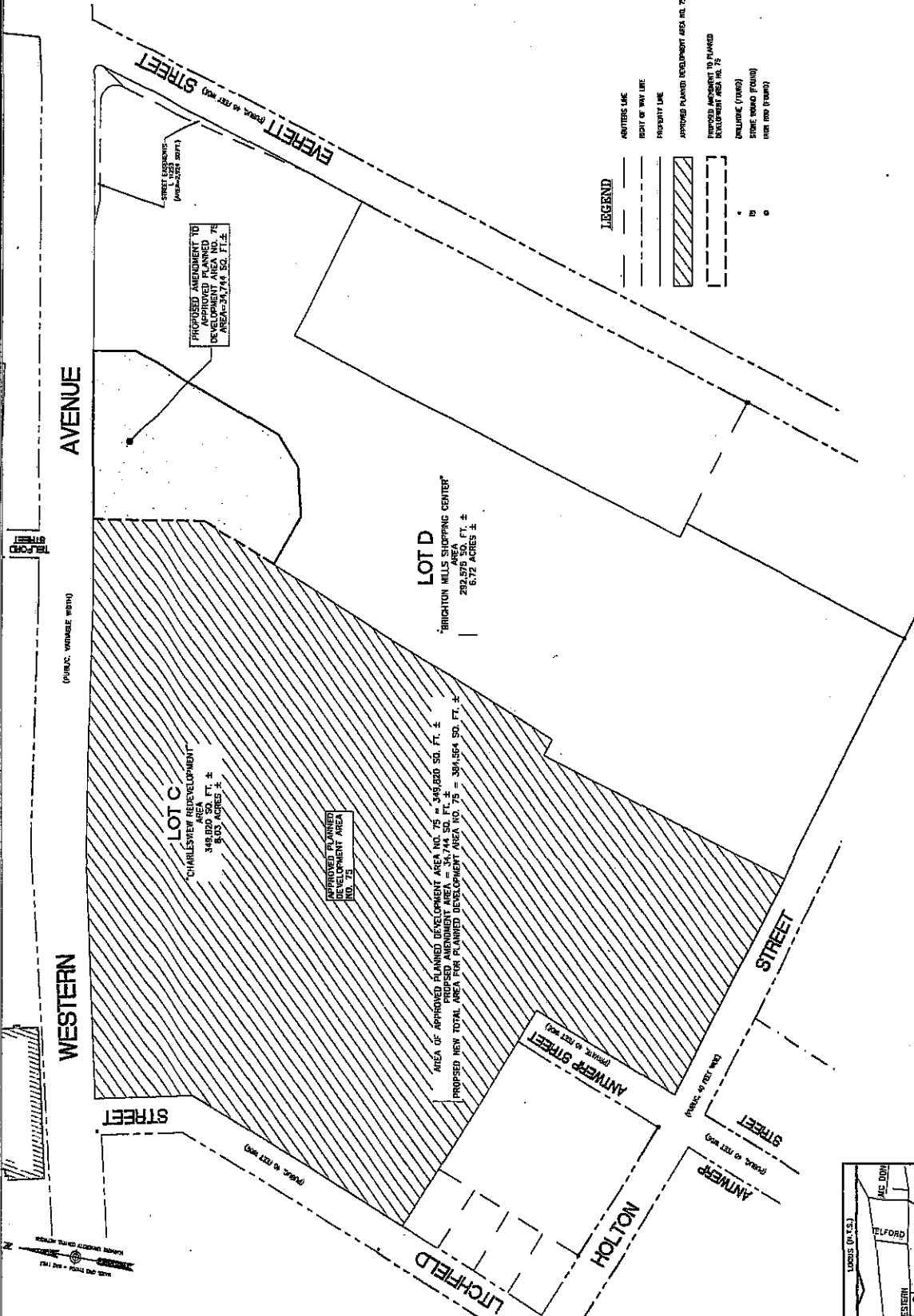
REVISION	COMMENTS	DATE	BY
1	TITLE BLOCK	02/27/10	GH
2	EDIT METADATA	02/27/10	GH

EXHIBIT TO AMEND PLANNED DEVELOPMENT AREA NO. 75

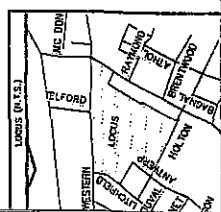
BRIGHTON MILLS
WESTERN AVENUE
BRIGHTON, MASSACHUSETTS

PREPARED FOR
ALLSTON DEVELOPMENT GROUP

WSP • SELLS
INCORPORATED
1000 Massachusetts Avenue
Boston, MA 02115
Tel: 617-552-1100
Fax: 617-552-1101
www.wsp-sells.com



07-9355-22-e-01.dwg



Robert Anderson
Chairman

James P. Clark
Vice Chairman

Mary Perry

Debra Ann

Jan Huelke

John J. Day

William Taylor

In Zoning Commission

Adopted: October 13, 2010

Attest: *Joseph A. Hays*
Secretary

First Amendment to Development Plan for Planned Development Area No. 75,
Charlesview Apartments

Robert Jordan

Chairman

James C. Clark

Vice Chairman

William Taylor

Angela Bosny

Paul Hercules

W. S. Gray

Mary Perry

In Zoning Commission

Adopted: October 13, 2010

Attest:

Joseph H. [Signature]

Secretary

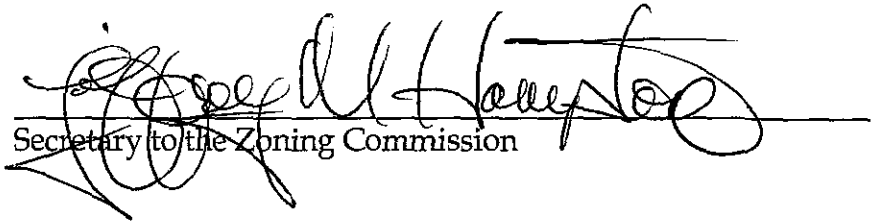


Mayor, City of Boston

Date: 10-13-10


The foregoing amendment was presented to the Mayor on OCTOBER 13, 2010, and was signed by him on OCTOBER 13, 2010 whereupon it became effective on OCTOBER 13, 2010 in accordance with Section 3 of Chapter 665 of the Acts of 1956, as amended.

Attest:



Secretary to the Zoning Commission

First Amendment to the Development Plan for Planned Development Area No. 75,
Charlesview Apartments




Mayor, City of Boston

Date: 10-13-10

The foregoing First Amendment to the Development Plan, was presented to the Mayor on ~~October 13, 2010~~ and was signed by him on ~~October 13, 2010~~ whereupon it became effective on ~~October 13, 2010~~ in accordance with Section 3 of Chapter 665 of the Acts of 1956, as amended.

Attest:



Secretary to the Zoning Commission