

file - Independence Drive

366 Russett Road
Brookline, Ma 02167

Mr. Royce Beatty
BUILDING DEPARTMENT
Town Hall
Brookline, MA 02146

REC- 7L
MAY 16, 1984
BROOKLINE PLANNING BOARD

Dear Mr. Beatty:

We the undersigned strongly wish to indicate our concern that Westbrook Village or John Hancock Mutual Life Insurance Company has or is attempting to sell off the currently open space abutting our properties on Russett Road. We have visited Town Hall and looked at the plans for subdivision. We find it difficult to see how this subdivision, if developed as three (3) single family lots, can be an asset to our neighborhood and properties, either financially or aesthetically.

Please be advised we wish on-going communication and consultation. And that, especially in present form as understood, we oppose the subdivision and proposed use of the land.

Very truly yours,

Regina Millette Frawley
Regina Millette Frawley
Abutter and TMM 16

- Howard Mrs Lawrence A. Stan* 352 Russett Road

- Mr. & Mrs. Alan Wasserman* 362 Russett Road

- Florence + Eleanor Corio* 358 Russett Road

- Mozhan Khadem & Balch Khadem* 372 Russett Road

- Russett Road

- Russett Road

cc: PLANNING BOARD

RECEIVED
JUN 6 1984
BROOKLINE PLANNING BOARD

May 29, 1984

WE THE UNDERSIGNED NEIGHBORS OF THE OPEN FIELD BETWEEN INDEPENDENCE DRIVE, RUSSETT ROAD AND WESTBROOK VILLAGE APARTMENTS OBJECT TO THE DEVELOPMENT OF HOUSING ON THE LAND. SEVERAL OF

THE OWNERS OF HOMES PURCHASED THEIR PROPERTIES UNDER THE IMPRESSION THIS WAS OPEN LAND AND PART OF HANCOCK VILLAGE'S ORIGINAL AGREEMENT WITH THE TOWN OF BROOKLINE TO PROVIDE A PERIPHERAL BUFFER ZONE, IN EXCHANGE FOR THE ZONING VARIANCE PERMITTING JOHN HANCOCK TO BUILD MULTI-UNIT DWELLINGS. THIS BUFFER ZONE WAS IN ADDITION TO ANY REQUIREMENTS FOR OPEN SPACE FOR THE NUMBER OF APARTMENT UNITS, AND INTENDED TO MAINTAIN THE INTEGRITY OF THE NEIGHBORHOOD. WE RESPECTFULLY REQUEST THAT ANY AND ALL ORIGINAL AGREEMENTS BE INVESTIGATED AND ADHERED TO. IF, AS HAS BEEN INDICATED, THE BUFFER ZONE INCLUDED A PARALLEL STRIP OF OPEN SPACE ALONG THE ENTIRE LENGTH OF THE PORTION OF INDEPENDENCE DRIVE AFFECTED, THEREBY EFFECTIVELY LAND-LOCKING THE PROPERTY NOW INTENDED TO BE SUBDIVIDED, IT WOULD SEEM THE CLEAR INTENT BEHIND THE AGREEMENT WAS TO ESTOP THE SPACE FROM EVER BEING DEVELOPED. IT IS OUR EXPRESS DESIRE THAT THIS INTENT CONTINUE TO REMAIN IN FORCE.

Lejane An. Crowley 346 Russett Rd
Mr & Mrs L. Epstein 343 Russett Rd
Mr & Mrs Alan Wasson 362 Russett Rd.
Frances & Eleanor Colow 358 Russett Rd.
Phyllis & Edward Luban 371 Russett Road
Mozham and Jalih Khalam 372 Russett Rd. Brookline
Bing-Fee Sgt. Peis Chiu 375 Russett Rd
Th. J. Fulton 359 Russett Rd Chestnut Hill, Ma

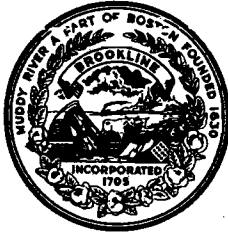
COPIES TO: SELECTMEN; PLANNING BOARD; BUILDING DEPT.; BOARD OF APPEALS

NAME

ADDRESS

David L. Smith 300 Russett Rd Chestnut Hill, Mass
 Robert K. Smith 352 Russett Rd Chestnut Hill, Mass
 Robert J. Smith 348 Russett Rd Chestnut Hill, Mass
 Francis M. Smith 3-141 Highland Chestnut Hill, Mass
 Charles J. Smith 4-1111 Highland " "
 Mrs. M. Smith (Mrs. P. J.) 336 Russett Rd Chestnut Hill, Mass
 Lawrence A. Smith 352 Russett Rd Chestnut Hill, Mass
 David K. Smith 365 Russett Rd " "
 Mrs. M. Smith 254 Grove St " "
 949 Grove St
 Sheila D. Smith 242 Grove St

RECEIVED
 JUN 6 1984
 BROOKLINE PLANNING BOARD



TOWN OF BROOKLINE
Massachusetts

OFFICE OF TOWN COUNSEL
Jennifer Dopazo, Town Counsel
George F. Driscoll, Jr., Associate Town Counsel
Joslin Ham Murphy, Associate Town Counsel
John J. Buchheit, Associate Town Counsel

333 Washington Street
Brookline, MA 02445
617-730-2190
Fax: 617-264-6463

February 2, 2006

Kenneth B. Hoffman, Esq.
Holland & Knight, LLP
10 St. James Avenue
Boston, MA 02116

RE: Hancock Village – Proposed Parking Lot

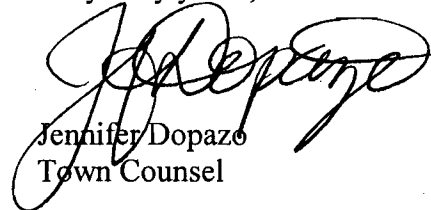
Dear Ken:

In response to your January 13, 2006 letter to me regarding the proposed parking lot at Hancock Village in South Brookline I reviewed Section 5.09 of the Zoning By-Law as well as other pertinent sections and also met with Frank Hitchcock, the Senior Building Inspector and spoke to Jim Nickerson, Building Commissioner. As you are aware the Building Commissioner is the Town's Zoning Enforcement Officer. Mr.

Nickerson's opinion is that a special permit is required for the proposed parking lot. I am not in a position to overturn that decision. In addition to a special permit the owner of the property must comply with Article 8.25 of the General By-Laws pertaining to Stormwater Management and Erosion Control.

If it is still your intention to seek declaratory relief in the Land Court rather than a special permit from the Board of Appeals then I will set forth the Town's position on the matter in further detail at that time.

Very truly yours,



Jennifer Dopazo
Town Counsel

cc: James Nickerson, Building Commissioner
Frank Hitchcock, Senior Inspector
Polly Selkoe, Chief Planner ✓

Hancock Village

Most Recent Book/Pg for All Parcels: 2555/59



388C-01-00
21 Independence Drive

388B-01-00
101 Independence Drive

388A-01-00
46 Independence Drive

388-01-00
471 VFW Parkway

389-15-01
0 Independence Drive



FIRST AMERICAN TITLE INSURANCE COMPANY
National Commercial Services
101 Huntington Ave., 13th Floor
Boston, Massachusetts 02199

ALTA Commitment No. NCS-271230-BOS1

Property Address: Hancock Village, Independence Drive and VFW Parkway, Brookline and Boston (West Roxbury District), MA

FIRST AMERICAN TITLE INSURANCE COMPANY, herein called the Company, for valuable consideration, hereby commits to issue its policy or policies of title insurance as identified in Schedule A, in favor of the proposed insured named in Schedule A, as owner or mortgagee of real estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor; all subject to the provisions of Schedules A and B and to the Conditions and Stipulations hereof.

This Commitment shall be effective only when the identity of the proposed insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent endorsement.

This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate six (6) months after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company.

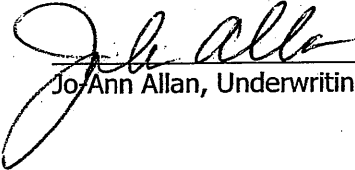
This Commitment shall not be valid or binding until countersigned by an authorized officer or agent of the Company.

CONDITIONS AND STIPULATIONS

1. The terms "mortgage", when used herein, shall include deed of trust, trust deed or other security instrument.
2. If the proposed insured has or acquires knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed insured shall disclose such knowledge to the Company, or if the Company otherwise acquires, actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions, exclusions from coverage, and the conditions and stipulations of the form of policy or policies committed for in favor of the proposed insured which are hereby incorporated by reference and are made a part of this commitment except as expressly modified herein.
4. Any claim of loss or damage, whether or not based on negligence, and which arises out of the status of the title to the estate or interest or the lien of the insured mortgage covered hereby or any action asserting such claim, shall be restricted to the provisions and conditions and stipulations of this Commitment.

IN WITNESS WHEREOF, the Company has caused this Commitment to be signed and sealed, to become valid when countersigned by an authorized officer or agent of the Company, all in accordance with its By-Laws. This Commitment is effective as of the date shown in Schedule A as "Effective Date".

FIRST AMERICAN TITLE INSURANCE COMPANY



JoAnn Allan, Underwriting Counsel

FIRST AMERICAN TITLE INSURANCE COMPANY
National Commercial Services Division
101 Huntington Avenue, 13th Floor
Boston, Massachusetts 02199
Tel: (888)505-8558 Fax: (617)247-8648

**COMMITMENT FOR TITLE INSURANCE
SCHEDULE A**

Commitment Number: NCS-271230-BOS1

1. Effective Date: December 26, 2006

2. Policy or Policies to be issued: Amount of Insurance

a. ALTA 1992 Owner's Policy \$N/A
Proposed Insured: N/A

b. ALTA 1992 Loan Policy \$20,000,000.00
Proposed Insured: TBD

3. The Estate or interest in the land described or referred to in this commitment and covered herein is fee simple and title hereto is at the effective date hereof vested in:

Hancock Village LLC, a Delaware Limited Liability Company, by deed dated January 12, 1998, filed with Norfolk as Document No. 780368, Certificate of Title No. 151096 (756/96), and recorded with Norfolk in Book 12201, Page 470, and filed with Suffolk as Document No. 561099, Certificate of Title No. 112758 (559/158).

4. The land referred to in this commitment is described as set forth in the Exhibit A attached hereto and made a part hereof, and is located at:

Property Address: Hancock Village, Independence Drive and VFW Parkway
City, State: Brookline and Boston (West Roxbury District), MA
County: Norfolk and Suffolk

FIRST AMERICAN TITLE INSURANCE COMPANY
National Commercial Services

By: 
JoAnn Allan, Underwriting Counsel

NOTE: As used herein "recorded" shall mean "recorded in the Norfolk County Registry of Deeds," "filed with Norfolk" shall mean "filed with the Norfolk County Registry District of the Land Court, and "filed with "Suffolk" shall mean "filed with the Suffolk County Registry of Deeds."

UNLESS A SPECIFIC AMOUNT OF INSURANCE IS STATED ON THIS SCHEDULE A, OR SET FORTH IN AN ENDORSEMENT TO THIS COMMITMENT, THE LIABILITY OF THE COMPANY SHALL NOT EXCEED \$1,000.00.

THIS COMMITMENT IS ISSUED SOLELY FOR THE PURPOSE OF FACILITATING THE ISSUANCE OF A POLICY OR POLICIES OF TITLE INSURANCE BY FIRST AMERICAN TITLE INSURANCE COMPANY, AND THE COMPANY'S LIABILITY SHALL BE LIMITED TO THE TERMS OF ITS POLICY OR POLICIES.

EXHIBIT "A"

LEGAL DESCRIPTION

Commitment No. NCS-271230-BOS1

Parcel One (Brookline, Registered Land)

- SOUTHEASTERLY: by Independence Drive, One Thousand One Hundred Fifty-Seven and 15/100 (1,157.15) feet;
- SOUTHWESTERLY: by Parcel C as shown on the plan next hereinafter mentioned, being the line between the City of Boston and the Town of Brookline, One Thousand Two Hundred Thirty-Eight and 90/100 (1,238.90) feet;
- NORTHWESTERLY: by land now or formerly of the Town of Brookline, One Thousand Eighty-Six and 29/100 (1,086.29) feet;
- NORTHEASTERLY: by lands of sundry adjoining owners as shown on the plan hereinafter mentioned, One Thousand Sixty-Eight and 89/100 (1,068.89) feet;
- NORTHEASTERLY: again Fifteen (15) feet, and
- NORTHWESTERLY: Four and 76/100 (4.76) feet by lines in said Independence Drive;
- EASTERLY: by land now or formerly of Samuel Einstein et al, One Hundred One and 13/100 (101.13) feet; and
- SOUTHWESTERLY: by a line crossing said Independence Drive, Sixty-Five (65) feet.

Said Parcel One is shown as Lot A on Land Court Plan No. 20164A as modified and approved by the Court and filed with the Land Registration Office, a copy of a portion of which is filed with Certificate of Title No. 34486, for the Registry District of Norfolk County in Registration Book 173, Page 86.

Parcel Two (Brookline, Registered Land)

- NORTHWESTERLY: by Independence Drive, Nine Hundred Sixty-Three and 30/100 (963.30) feet;
- NORTHEASTERLY: by Lot 8 as shown on Land Court Plan No. 20164D, referred to below, Twenty-Five and 23/100 (25.23) feet;
- SOUTHEASTERLY: by land now or formerly of Samuel Einstein, et al, Thirty-Four and 9/100 (34.09) feet;
- NORTHEASTERLY: by said land of Einstein, Seventy-Three and 4/100 (73.04) feet;
- NORTHEASTERLY,
SOUTHEASTERLY,
NORTHEASTERLY and
NORTHWESTERLY: by Lot 11 as shown on Land Court Plan No. 20164D, referred to below, in four courses measuring respectively Forty-Seven and 46/100 (47.46) feet, Forty-Seven and 25/100 (47.25) feet, Sixty (60.0) feet; and Fifty-

Nine and 30/100 (59.30) feet;

NORTHEASTERLY: by lands of sundry adjoining landowners as shown on Land Court Plan No. 20164D, referred to below, One Thousand Four Hundred Seventy-Eight and 90/100 (1,478.90) feet;

SOUTHEASTERLY: by the northwesterly line of Veterans of Foreign Wars Parkway, Two Hundred Sixty-Eight and 83/100 (268.83) feet; and

SOUTHWESTERLY: by Lot 5 as shown on Land Court Plan No. 20164C, being the line between the City of Boston and the Town of Brookline, One Thousand One Hundred Seventy-Two and 93/100 (1,172.93) feet.

Said Parcel Two is shown as Lot 7 on a plan drawn by Hayes Engineering, Inc., dated March 11, 1983, as approved and modified by the Land Court and filed in the Land Registration Office as Plan No. 20164D ("Land Court Plan No. 20164D") with Certificate of Title No. 116289.

Parcel Three (Boston, Registered Land)

SOUTHWESTERLY: by Veterans of Foreign Wars Parkway, Five Hundred Seventy-Six and 8/100 (576.08) feet;

WESTERLY: by Lot 6 as shown on Land Court Plan No. 20164C, referred to below, Forty-Eight and 52/100 (48.52) feet;

NORTHERLY: by said Lot 6, Ten and 98/100 (10.98) feet;

NORTHWESTERLY: by said Lot 6, Fourteen and 11/100 (14.11) feet;

WESTERLY: by said Lot 6, One Hundred Eight and 90/100 (108.90) feet;

SOUTHERLY: by said Lot 6, Fifty-six and 82/100 (56.82) feet;

WESTERLY: by said Lot 6, Five (5.00) feet;

SOUTHERLY: by said Lot 6, Forty-Six and 26/100 (46.26) feet;

WESTERLY: by said Lot 6, One Hundred Twenty-Three and 78/100 (123.78) feet;

SOUTHERLY: by said Lot 6, Three Hundred Seventy-Five and 99/100 (375.99) feet;

NORTHWESTERLY: by Independence Drive, Five Hundred and 69/100 (500.69) feet; and

NORTHEASTERLY: by Lot 7 as shown on Land Court Plan No. 20164D, being the line between the City of Boston and the Town of Brookline, One Thousand One Hundred Seventy-Two and 54/100 (1,172.54) feet.

Said Parcel Three is shown as Lot 5 on a plan drawn by Hayes Engineering, Inc. dated January 8, 1980, as modified and approved by the Land Court and filed with the Land Registration Office as Plan No. 20164C ("Land Court Plan No. 20164C").

Together with rights as recited in Amendment of Easement dated December 15, 1995, filed with Suffolk as Document No. 534918.

Parcel Four (Boston, Registered Land)

- SOUTHEASTERLY: by Independence Drive, Five Hundred Fifty-Eight and 91/100 (558.91) feet;
- SOUTHERLY: by Lot 3 as shown on Land Court Plan 20164C, Two Hundred Eighty-One and 32/100 (281.32) feet;
- SOUTHWESTERLY: by Lot 2 as shown on Land Court Plan No. 20164B, One Thousand Four Hundred Twenty (1,420.00) feet;
- NORTHWESTERLY: by said Lot 2, Six Hundred Forty-Six and 3/100 (646.03) feet; and
- NORTHEASTERLY: by land now or formerly of the Town of Brookline and by Parcel A and as shown on Land Court Plan No. 20164A, being the line between the City of Boston and the Town of Brookline, One Thousand Seven Hundred Eighty-Two and 24/100 (1,782.24) feet.

Said Parcel Four is shown as Lot 4 on Land Court Plan No. 20164C.

Said Parcels Three and Four have the benefit of an Amendment of Easement dated December 15, 1995, filed with Suffolk as Document No. 534918, in common with others entitled thereto.

Parcel Five (Brookline, Unregistered Land)

A parcel of land shown as Lot U-4 on a plan of land entitled "Subdivision Plan of Land in Brookline, Mass." by Hayes Engineering, Inc., dated March 11, 1983, recorded with Norfolk County Registry of Deeds as Plan No. 378 of 1983, in Plan Book 302, and bounded and described according to said plan as follows:

- NORTHWESTERLY: by Lot R-4A (also being Lot 7 as shown on Land Court Plan No. 20164D), Thirty-Four and 9/100 (34.09) feet;
- NORTHEASTERLY: by Lot U-3A, as shown on said plan, Sixty-Two and 83/100 (62.83) feet; and
- SOUTHWESTERLY: by said Lot R-4A, Seventy-Three and 4/100 (73.04) feet.

Parcel Six (Brookline, Registered Land)

- SOUTHWESTERLY: Two Hundred Seventy-one and 37/100 (271.37) feet; and
- WESTERLY: One Hundred Eighty-Four and 15/100 (184.15) feet, by land now or formerly of Bonelli Adams Co.; and
- NORTHEASTERLY: by lots numbered 21 to 27, inclusive, shown on the plan hereinafter referred to, Four Hundred Twenty-Five and 79/100 (425.79) feet.

The above-described land is shown as Lot A on plan numbered 109500, Sheet 6, filed in Norfolk Registry District with Certificate of Title No. 10931, Vol. 55, the same being compiled from a plan drawn by Henry C. Sheils, Surveyor, dated Jan. 1927, and additional data on file in the Land Registration Office, all as

modified and approved by the Court, and all of said boundaries are determined by the Court to be located as shown on said first mentioned plan.

Parcel Seven (Suffolk Registered Land Only)

A leasehold interest in two (2) basement rooms located at the premises now known and numbered 284 Independence Drive, Boston, MA and being a portion of the premises described in Certificate of Title No. 99304) created by a certain lease by and between Edward E. Zuker, Trustee of Westbrook Village Realty Trust, as Landlord, and Edward E. Zuker, Trustees of Hancock Village Realty Trust, as Tenant, dated August 1, 1989, a Notice of which is dated August 18, 1989, and is filed and registered in the Suffolk Registry District of the Land Court on August 21, 1989 as Document Number 455347.

REQUIREMENTS

The following are the requirements to be complied with:

1. Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.
2. Payment of the premiums, fees and charges for the policy.
3. Payment of all real estate taxes, water and sewer use charges, and other charges and assessments, levied and assessed against the subject premises, which are due and payable.
4. Proper instrument(s) creating the estate or interest to be insured must be approved, executed, and duly filed for record, to wit:
 - a. **DUPLICATE ORIGINALS of** Good Standing Certificate from the Secretary of the Commonwealth of Massachusetts for Hancock Village LLC, naming CM-HV Corp. as the Manager and/or entity authorized to act with respect to real property. NOTE: Said LLC has never filed with the Secretary of the Commonwealth of Massachusetts.
 - b. **TRIPLICATE ORIGINALS of** Mortgage and Security Agreement from Hancock Village LLC, to A LENDER TO BE DETERMINED. NOTE: In the case of corporate signatories, documents must be signed by the President or Vice President and the Treasurer or Assistant Treasurer of the respective corporations. Alternatively, corporate resolutions which authorize the signatories on the documents must be obtained and recorded with a clerk's certificate of incumbency.

NOTE: All substantive documents must contain a title reference (generally as part of the exhibit) and must have the property address written along the left-hand margin.
5. Release, termination, discharge, or subordination of the following matters which appear of public record:
 - a. Mortgage and Security Agreement from Hancock Village LLC, to Secore Financial Corporation, dated January 9, 1998, in the original principal amount of \$63,187,489.00, recorded with Norfolk in Book 12201, Page 486, and filed with Norfolk as Document No. 780369, and filed with Suffolk as Document No. 561105; as affected by Assignment of Mortgage to Morgan Stanley Mortgage Capital, Inc., dated January 9, 1998, recorded with Norfolk in Book 12201, Page 546, and filed with Norfolk as Document No. 780371, and filed with Suffolk as Document No. 561109; as further affected by Assignment of Mortgage and Security Agreement to LaSalle National Bank as Trustee for the registered holders of Deutsche Mortgage & Asset Receiving Corporation, Mortgage Pass-Through Certificates, Series 1998-C1, dated December 1, 1998, recorded April 9, 1999, with Norfolk in Book 13364, Page 475, and by Assignment of Mortgage and Assignment of Assignment of Leases and Rents dated as of November 22, 2002, but effective as of March 30, 1998, filed with Norfolk on January 13, 2003 as Document No. 952098, and by Assignment of Mortgage and Security Agreement dated October 20, 1999, filed with Suffolk as Document No. 597272.

- b. Assignment of Leases and Rents from Hancock Village LLC to Secore Financial Corporation, dated January 9, 1998, recorded with Norfolk in Book 12201, Page 527, and filed with Norfolk as Document No. 780370, and filed with Suffolk as Document No. 561106; as affected by Assignment of Assignment of Leases and Rents to Morgan Stanley Mortgage Capital, Inc., dated January 9, 1998, recorded with Norfolk in Book 12201, Page 549, and filed with Norfolk as Document No. 780372, and filed with Suffolk as Document No. 561110; as further affected by Assignment of Assignment of Leases and Rents to LaSalle National Bank as Trustee for the registered holders of Deutsche Mortgage & Asset Receiving Corporation, Mortgage Pass-Through Certificates, Series 1998-C1, dated December 1, 1998, recorded with Norfolk in Book 13364, Page 473, and by Assignment of Mortgage and Assignment of Assignment of Leases and Rents dated as of November 22, 2002, but effective as of March 30, 1998, filed with Norfolk on January 13, 2003 as Document No. 952098, and by Assignment of Assignment of Leases and Rents dated October 20, 1999, filed with Suffolk as Document No. 597273.
- c. UCC-1 Financing Statement and Assignment naming Hancock Village LLC, as Debtor; Secore Financial Corporation, as Secured Party/Assignor; and Morgan Stanley Mortgage Capital, Inc., as Secured Party/Assignee; recorded January 12, 1998, with Norfolk in Book 12201, Page 552, and filed with Norfolk as Document No. 780373, and filed with Suffolk as Document No. 561107; as further affected by UCC-3 Assignment to LaSalle National Bank as Trustee for the registered holders of Deutsche Mortgage & Asset Receiving Corporation, Mortgage Pass-Through Certificates, Series 1998-C1, dated December 1, 1998, recorded with Norfolk in Book 13512, Page 30 (references Document No. 780373), and re-recorded in Book 13512, Page 32; as further affected by UCC-3 Assignment to LaSalle National Bank as Trustee as aforesaid filed with Suffolk September 29, 1999, as Document No. 589880; as further affected by UCC-3 Continuation and Assignment to LaSalle National Bank as Trustee as aforesaid, recorded January 13, 2003, in Book 18015, Page 473, and filed as Document Nos. 952099 and 952100.
6. Receipt of a standard Mechanic's Lien/Parties in Possession Affidavit and Indemnity Form certifying that any improvements and/or repairs or alterations thereto are completed, that contractors, sub-contractors, laborers and materialmen are all paid and have released of record all liens or notices of intent to perfect a lien for labor or material, plus identification of parties in possession, including rent roll, if appropriate.
7. Full on ground ALTA/ACSM survey plan and standard surveyor report which certifies that the property described in Exhibit A hereof is the same as that on the plan, locates and defines all recorded exceptions noted in Schedule B, section 2, and reflects matters which are satisfactory in the Company's sole discretion.
8. The Company may make other requirements or exceptions upon its review of the proposed documents creating the estate or interest to be insured, or upon otherwise ascertaining details of the transaction.

NOTE: THIS COMPANY RESERVES THE RIGHT TO MAKE ADDITIONAL REQUIREMENTS AND/OR EXCEPTIONS UPON REVIEW OF SAID DOCUMENTS.

EXCEPTIONS

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company.

1. Any facts, rights, interests, or claims which are not shown by the records but which would be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
2. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, subsequent to December 29, 1997, and which are not shown by public records.
3. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
4. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this commitment.
5. Real estate taxes and municipal charges as follows: Real estate taxes and municipal charges which may constitute liens.

Affects Parcels 1 and 2:

6. Right and easement for laying, erecting, constructing, and maintaining conduit, wires, and fire alarm policy signal boxes granted to the Town of Brookline by instrument dated July 7, 1947, filed with Norfolk as Document No. 112537.
7. Agreement between John Hancock Mutual Life Insurance Company and the Town of Brookline dated July 25, 1947, filed with Norfolk as Document No. 112538.
8. Easement for surface water drains and common sewers taken by the Town of Brookline by instrument dated April 5, 1948, filed with Norfolk as Document No. 116093 and Amendment dated April 5, 1948, filed with Norfolk as Document No. 116094.
9. Taking of easement in Independence Drive for use as a public way by the Town of Brookline by Taking dated April 11, 1949, filed with Norfolk as Document No. 122262 and Amendment dated April 11, 1949, filed with Norfolk as Document No. 122263.
10. Grant of telephone line easements to the New England Telephone and Telegraph Company by instrument dated November 2, 1950, filed with Norfolk as Document No. 134732.

Affects Parcels 2 and 6:

11. Easement for main drain and common sewer taken by the Town of Brookline by instrument dated June 21, 1926, recorded with Norfolk in Book 1701, Page 79.

12. Agreement regarding drainage between John Hancock Mutual Life Insurance Company and the Town of Brookline dated September 5, 1946, recorded with Norfolk in Book 2633, Page 463.
13. Sewer, water and drainage easements taken by the Town of Brookline by instrument dated December 9, 1946, recorded with Norfolk in Book 2652, Page 557.

Affects Parcels 1, 2 and 5:

14. Rental Housing Agreement by and between John Niles and Donald R. Sisk as Trustees of Westbrook Village Realty Trust, Edward E. Zuker as Trustee of Hancock Village Realty Trust, and the United States of America, Secretary of Housing and Urban Development, dated January 30, 1986, filed with Norfolk as Document No. 485496.

Note: Also filed with Suffolk as Document No. 402753; expunged by Order of the Court dated September 19, 1989, filed with Suffolk as Document No. 456484.

Note: The Company affirmatively insures that said Agreement has expired according to its own terms.

Affects Parcel 1:

15. Easements for a main drain, common sewer and water pipe taken by the Town of Brookline by instrument dated April 2, 1945, recorded with Norfolk in Book 2532, Page 427; as affected by grant to the Town of Brookline dated January 11, 1945, recorded with Norfolk in Book 2543, Page 291.
16. Easement for a common sewer and surface water drain granted to the Town of Brookline by instrument dated December 17, 1947, filed with Norfolk as Document No. 116090.

Affects Parcel 2:

17. Easement for the laying out and construction of Veterans of Foreign Wars Parkway and a right to slope as set forth in a taking by the Commonwealth of Massachusetts dated December 8, 1931, recorded with Norfolk in Book 1950, Page 521.
18. Easement for the laying out and construction of Veterans of Foreign Wars Parkway and a right to slope as set forth in a deed to the Commonwealth of Massachusetts dated December 12, 1931, recorded with Norfolk in Book 1957, Page 234.
19. Easements for a common sewer and surface water drain granted to the Town of Brookline as shown on a plan dated December 1, 1947, filed with Norfolk as Document No. 116091.

Affects Parcels 3 and 4:

20. Sewer easement taken by the City of Boston dated January 7, 1927, recorded with Suffolk in Book 4868, Page 29.
21. Sewer easement taken by the City of Boston dated February 8, 1929, recorded with Suffolk in Book 5082, Page 61.
22. Easement for the laying out and construction of Independence Drive as set forth in a taking by the City of Boston dated November 29, 1946, recorded with Suffolk in Book 6290, Page 5.

23. Utility easement to New England Telephone and Telegraph Company dated November 2, 1950, filed with Suffolk as Document No. 194821.
24. Utility easement to New England Telephone and Telegraph Company dated July 26, 1955, filed with Suffolk as Document No. 219624.
25. Utility easement to New England Telephone and Telegraph Company dated November 2, 1988, filed with Suffolk as Document No. 445403.
26. Cross Easement Agreement dated August 25, 1992, filed with Suffolk as Document No. 489914.
27. Terms and provisions of Amendment of Easement dated December 15, 1995, filed with Suffolk as Document No. 534918.

Affects Parcel 3:

28. Taking of sewer easements by the City of Boston dated August 17, 1914, recorded with Suffolk in Book 3831, Page 189.
29. Easements and right to slope as set forth in a taking by the Commonwealth of Massachusetts dated December 8, 1931, recorded with Suffolk in Book 5300, Page 201.
30. Easements and right to slope as set forth in a deed to the Commonwealth of Massachusetts dated December 12, 1931, recorded with Suffolk in Book 5315, Page 517.
31. Utility easement to Boston Edison Company dated August 21, 1992, filed with Suffolk as Document No. 489915.

Affects Parcel 4:

32. Water pipe easement granted to the City of Boston dated September 11, 1946, recorded with Suffolk in Book 6294, Page 494.
33. Taking of sewer easements by the City of Boston dated January 30, 1947, recorded with Suffolk in Book 6305, Page 409.
34. Taking by the Commonwealth of Massachusetts for purposes of park, reservation and protection of open space dated July 11, 1996, filed with Suffolk as Document No. 540862.

Affects Parcel 6:

35. Pole line easement granted to the Edison Electric Illuminating Company of Boston, et al, dated March 23, 1927, filed with Norfolk as Document No. 26848.

Affects all Parcels:

36. Easements for the transmission of electricity and the transmission of intelligence by electricity granted to Boston Edison Company, dated November 2, 1988, filed with Suffolk as Document No. 445403; recorded with Norfolk in Book 8162, Page 105, and filed with Norfolk as Document No. 556071.

37. Terms and conditions of a lease by and between Edward E. Zuker, Trustee of Westbrook Village Realty (Landlord) and Edward E. Zuker, Trustee of Hancock Village Realty Trust (Tenant), dated August 1, 1989, Notice of which is dated August 18, 1989, filed with Suffolk as Document No. 455347.

38. Matters as shown on a Survey entitled "Plan of Land 'Hancock Village Apartment', Independence Drive, Boston & Brookline, Mass.", by Otte & Dwyer, Inc., Land Surveyors, 196 Central Street, P. O. Box 982, Saugus, Mass, Scale : 1" =80'; dated December 10, 1997, revised December 29, 1997, as follows:
 - a. Two buildings on Parcel 1 have been built over water, drainage and sewer easements, Book 2532, Page 427;
 - b. One building on Parcel 1 has been built over main drain, common sewer and water pipe easements, Book 2652, Page 557;
 - c. Two buildings on Parcel 3 have been built over sewerage easement, Book 3831, Page 189; and
 - d. One building on Parcel 3 has been built over sewerage easement, Book 4868, Page 29;
 - e. One building on Parcel 3 has been built over easement and right to slope, Book 5300, Page 201 and Book 5315, Page 517.

END OF SCHEDULE

EXHIBIT "A"

LEGAL DESCRIPTION Commitment No. NCS-271230-B051

Parcel One (Brookline, Registered Land)

SOUTHEASTERLY: by Independence Drive, One Thousand One Hundred Fifty-Seven and 15/100 feet;
 SOUTHWESTERLY: by Parcel C as shown on the plan next hereinafter mentioned, being the line between the City of Boston and the Town of Brookline, One Thousand Two Hundred Thirty-Eight and 90/100 (1,238.90) feet;
 NORTHEASTERLY: by land now or formerly of the Town of Brookline, One Thousand Eighty-Six and 29/100 (1,086.29) feet;
 NORTHEASTERLY: by lands of sundry adjoining owners as shown on the plan hereinafter mentioned, One Thousand Eight Hundred Sixty and 1/100 (1,086.69) feet;
 NORTHEASTERLY: Four and 76/100 (4.76) feet by lines in said Independence Drive;
 NORTHEASTERLY: by land now or formerly of Samuel Einstein et al., One Hundred One and 13/100 (101.13) feet;
 SOUTHWESTERLY: by a line crossing said Independence Drive, Sixty-Five (65) feet.

Said Parcel One is shown as Lot A on Land Court Plan No. 20164A, as modified and approved by the Court and filed with the Land Registration Office, a copy of a portion of which is filed with Certificate of Title No. 34486, for the Registry District of Norfolk County in Registration Book 173, Page 86.

Parcel Two (Brookline, Registered Land)

NORTHEASTERLY: by Independence Drive, Nine Hundred Sixty-Three and 30/100 (963.30) feet;
 NORTHEASTERLY: by land now or formerly of Samuel Einstein et al., One Hundred and 23/100 (25.23) feet;
 SOUTHEASTERLY: by land now or formerly of Samuel Einstein, et al., Thirty-Four and 9/100 (34.09) feet;
 NORTHEASTERLY: by said land of Einstein, Seventy-Three and 4/100 (73.04) feet;
 NORTHEASTERLY: by Lot 11 as shown on Land Court Plan No. 20164D, referred to below, in four courses measuring respectively Forty-seven and 46/100 (47.46) feet, Forty and 1/100 (40.01) feet, Sixty (60) feet, and Fifty nine and 30/100 (59.30) feet;
 NORTHEASTERLY: by Lot 11 as shown on Land Court Plan No. 20164D, referred to below, in four courses measuring respectively Forty-seven and 46/100 (47.46) feet, Forty and 1/100 (40.01) feet, Sixty (60) feet, and Fifty nine and 30/100 (59.30) feet;
 NORTHEASTERLY: by lands of sundry adjoining landowners as shown on Land Court Plan No. 20164D, referred to below, One Thousand Four Hundred Seventy-Eight and 90/100 (1,478.90) feet;
 SOUTHEASTERLY: by the northwesterly line of Veterans of Foreign Wars Parkway, Two Hundred Sky-Eight and 83/100 (268.83) feet and
 SOUTHWESTERLY: by Lot 5 as shown on Land Court Plan No. 20164C, being the line between the City of Boston and the Town of Brookline, One Thousand One Hundred Seventy-Two and 93/100 (1,172.93) feet.

Said Parcel Two is shown as Lot 7 on a plan drawn by Hayes Engineering, Inc. dated March 11, 1983, as approved and modified by the Land Court and filed in the Land Registration Office as Plan No. 20164D (Land Court Plan No. 20164D) with Certificate of Title No. 116289.

Parcel Three (Boston, Registered Land)

SOUTHWESTERLY: by Veterans of Foreign Wars Parkway, Five Hundred Seventy-Six and 8/100 (576.08) feet;
 WESTERLY: by Lot 6 as shown on Land Court Plan No. 20164C, referred to below, Forty-Eight and 92/100 (48.92) feet;
 NORTHERLY: by said Lot 6, Ten and 98/100 (10.98) feet;
 NORTHWESTERLY: by said Lot 6, Fourteen and 11/100 (14.11) feet;
 WESTERLY: by said Lot 6, One Hundred Eight and 90/100 (108.90) feet;
 SOUTHERLY: by said Lot 6, Fifty-six and 82/100 (56.82) feet;
 WESTERLY: by said Lot 6, Five (5.00) feet;
 SOUTHERLY: by said Lot 6, Forty-Six and 26/100 (46.26) feet;
 WESTERLY: by said Lot 6, One Hundred Twenty-Three and 78/100 (123.78) feet;
 SOUTHERLY: by said Lot 6, Three Hundred Seventy-Five and 99/100 (375.99) feet;
 NORTHWESTERLY: by Independence Drive, Five Hundred and 69/100 (500.69) feet; and
 NORTHEASTERLY: by Lot 7 as shown on Land Court Plan No. 20164C, being the line between the City of Boston and the Town of Brookline, One Thousand One Hundred Seventy-Two and 93/100 (1,172.93) feet.

Said Parcel Three is shown as Lot 5 on a plan drawn by Hayes Engineering, Inc. dated January 8, 1980, as approved and modified by the Land Court and filed with the Land Registration Office as Plan No. 20164C (Land Court Plan No. 20164C), together with rights as recited in Amendment of Easement dated December 15, 1985, filed with Suffolk as Document No. 534918.

Parcel Four (Boston, Registered Land)

SOUTHWESTERLY: by Independence Drive, Five Hundred Fifty-Eight and 91/100 (558.91) feet;
 SOUTHERLY: by Lot 3 as shown on Land Court Plan 20164C, Two Hundred Eighty-One and 32/100 (281.32) feet;
 SOUTHWESTERLY: by Lot 2 as shown on Land Court Plan No. 20164B, One Thousand Four Hundred Twenty (1,420.00) feet;
 NORTHWESTERLY: by said Lot 2, Six Hundred Forty-Six and 3/100 (646.03) feet; and
 NORTHEASTERLY: by land now or formerly of the Town of Brookline and by Parcel A and as shown on Land Court Plan No. 20164A, being the line between the City of Boston and the Town of Brookline, One Thousand Seven Hundred Eighty-Two and 24/100 (1,782.24) feet.

Said Parcel Four is shown as Lot 4 on Land Court Plan No. 20164C. Said Parcel Three and Four have the benefit of an Amendment of Easement dated December 15, 1985, filed with Suffolk as Document No. 534918, in common with others entitled thereto.

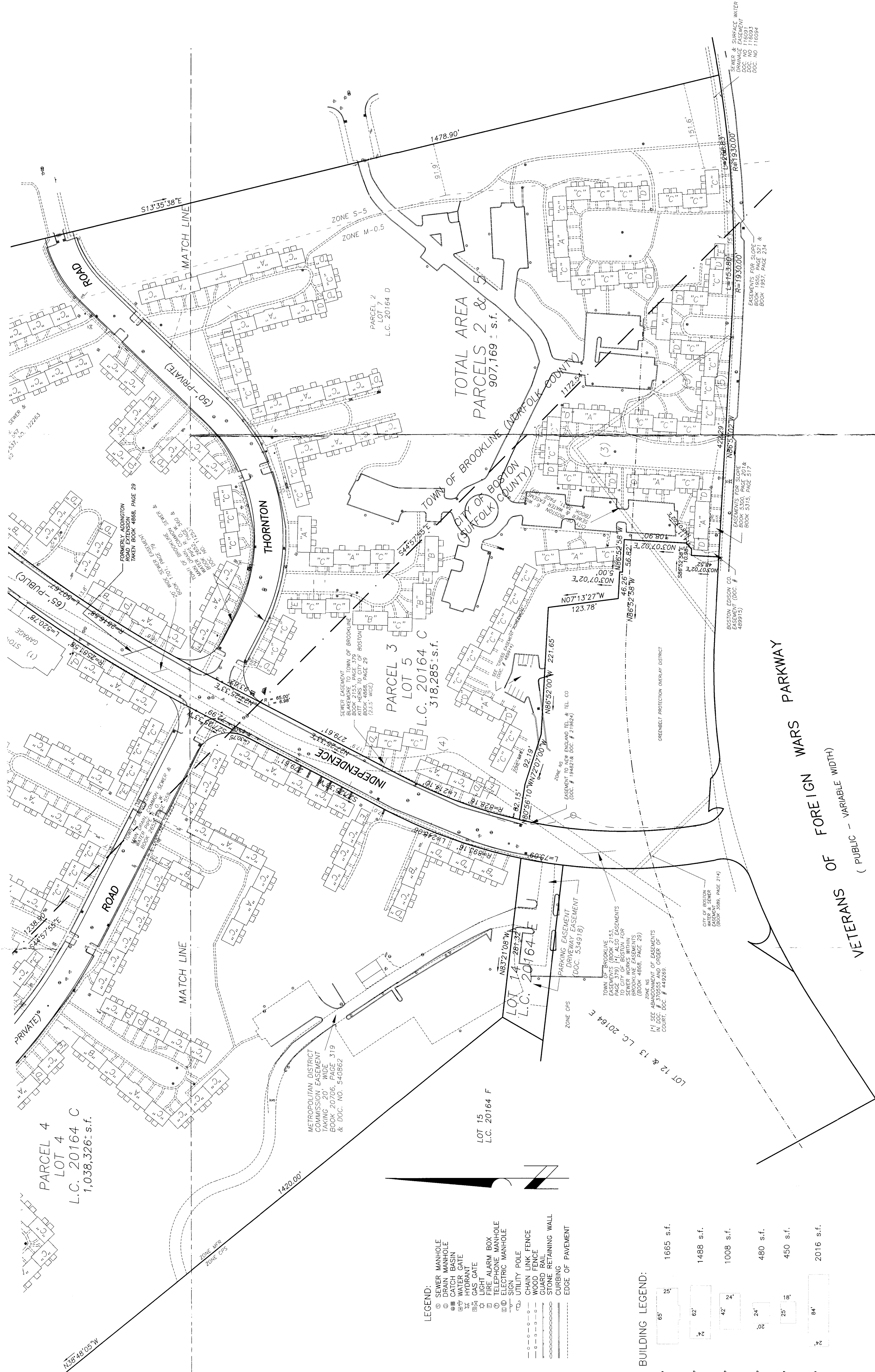
Parcel Five (Brookline, Unregistered Land)

A parcel of land shown as Lot U-4 on a plan of land entitled "Subdivision Plan of Land in Brookline, Mass. by Hayes Engineering, Inc. dated March 31, 1983," recorded with Norfolk County Registry of Deeds as Plan No. 378 of 1983, in Plan Book 302, and bounded and described according to said plan as follows:
 NORTHWESTERLY: by Lot R-4A (also being Lot 7 as shown on Land Court Plan No. 20164D), Thirty-Four and 9/100 (34.09) feet;
 NORTHEASTERLY: by Lot U-3A, as shown on said plan, Sixty-Two and 83/100 (62.83) feet; and
 SOUTHWESTERLY: by said Lot R-4A, Seventy-Three and 4/100 (73.04) feet;
 SOUTHWESTERLY: Two Hundred Seventy-one and 37/100 (271.37) feet; and
 WESTERLY: One Hundred Eighty-Four and 15/100 (184.15) feet, by land now or formerly of Bonelli Adams Co.; and
 NORTHEASTERLY: by lots numbered 21 to 27, inclusive, shown on the plan hereinafter referred to, Four Hundred Twenty-Five and 79/100 (425.79) feet.

The above-described land is shown as Lot A on plan numbered 109500, Sheet 6, filed in Norfolk County Registry with Certificate of Title No. 10931, Vol. 65. The same being assembled from a plan drawn by Henry C. Sheels, Surveyor, dated Jan. 1927, and additional data on file in the Land Registration Office, all as modified and approved by the Court, and all of said boundaries are determined by the Court to be located as shown on said first mentioned plan.

Parcel Seven (Suffolk Registered Land Only)

A leasehold interest in the (2) basement rooms located at the premises now known and numbered 294 Independence Drive, Boston, MA and being a portion of the premises described in Certificate of Title No. 99304 created by a certain lease by and between Edward E. Zuler, Trustee of Westbrook Trust, as grantor, and Edward E. Zuler, Trustee of Westbrook Trust, as grantee, dated January 15, 1989, recorded with Suffolk County Registry of Deeds as Document No. 453347W, dated August 21, 1989 as Document Number 453347W.



SHEET 2 OF 2
 ALTA/ACSM LAND TITLE SURVEY

"HANCOCK VILLAGE APARTMENTS"
 INDEPENDENCE DRIVE
 BOSTON & BROOKLINE, MASS.

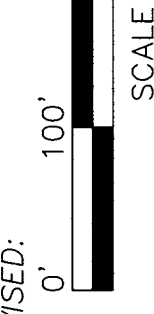
PREPARED FOR

CHESTNUT HILL REALTY

BY
 Otte & Dwyer, Inc.

LAND SURVEYORS

59 APPLETON STREET SAUGUS, MASS.
 P.O. BOX 982 (781) 233-8155
 SCALE: 1"=100' XXXXXXXX, 2007
 REVISED: 0' 100' 200' 300'

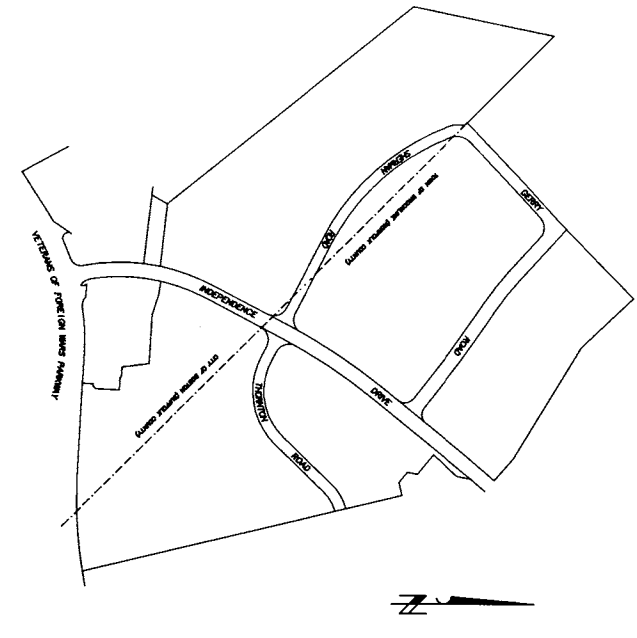


Exceptions:
 With regard to exceptions x-xx. Our certification is limited to only matters observed on the ground or record.

No. x xxxxxxxx

PRINTER

ALL UTILITIES SHOWN WERE EITHER LOCATED BY TRANSIT-STADIA METHOD OR COMPILED ACCORDING TO AVAILABLE RECORD PLANS AND ARE APPROXIMATE ONLY. OTTE & DWYER, INC. AND ITS SURVEYOR ASSUME NO RESPONSIBILITY FOR DAMAGES INCURRED AS A RESULT OF UTILITIES OMITTED OR INACCURATELY SHOWN.



CURRENT DIMENSIONAL AND DENSITY REGULATIONS
ENTIRE SITE IS LOCATED IN A R?? ZONING DISTRICT

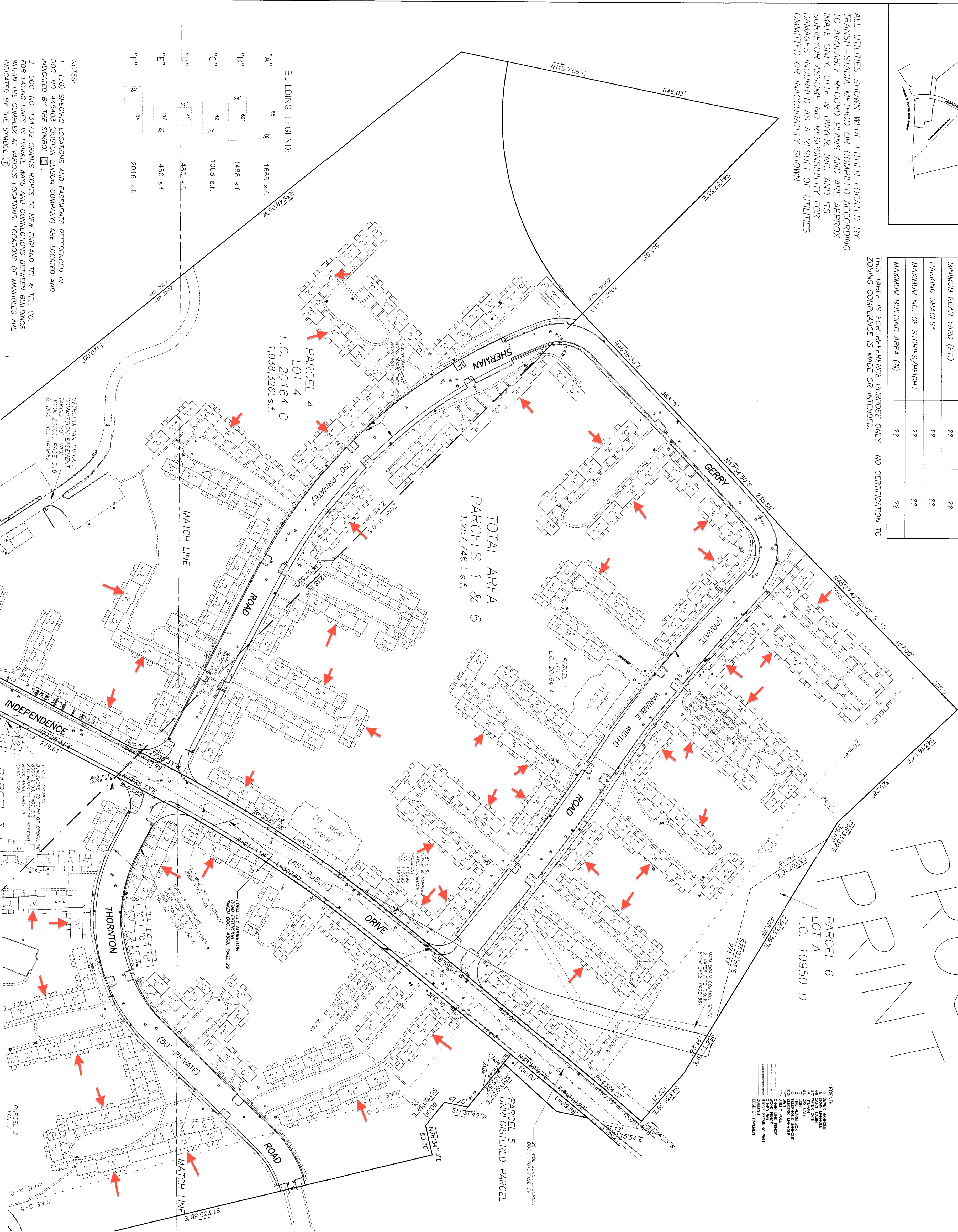
CRITERIA	REQUIRED	EXISTING
MINIMUM LOT FRONTAGE (FT)	??	??
MINIMUM LOT AREA (S.F.)	???? S.F.	???? S.F.
MINIMUM FRONT YARD (FT)	??	??
MINIMUM SIDE YARD (FT)	??	??
MINIMUM REAR YARD (FT)	??	??
PARKING SPACES*	??	??
MAXIMUM NO. OF STORES/HEIGHT	??	??
MAXIMUM BUILDING AREA (%)	??	??

THIS TABLE IS FOR REFERENCE PURPOSE ONLY. NO CERTIFICATION TO ZONING COMPLIANCE IS MADE OR INTENDED.

GENERAL NOTES

OWNER OF RECORD: xxxxxxxxxxxxxxxxxxxx
DEED REFERENCE: BOOK xxxxxx PAGE xxxx
PLAN REFERENCE: xxxxxx
TAX MAP REFERENCE: MAP BLOCK LOT

PROGRESS
PRINT



LEGEND:

[Symbol]	EXISTING BUILDING
[Symbol]	NEW BUILDING
[Symbol]	EXISTING DRIVEWAY
[Symbol]	NEW DRIVEWAY
[Symbol]	EXISTING SIDEWALK
[Symbol]	NEW SIDEWALK
[Symbol]	EXISTING CURB
[Symbol]	NEW CURB
[Symbol]	EXISTING STREET
[Symbol]	NEW STREET
[Symbol]	EXISTING DRIVE
[Symbol]	NEW DRIVE
[Symbol]	EXISTING EASEMENT
[Symbol]	NEW EASEMENT
[Symbol]	EXISTING FENCE
[Symbol]	NEW FENCE
[Symbol]	EXISTING WALL
[Symbol]	NEW WALL
[Symbol]	EXISTING SIDEWALK WALL
[Symbol]	NEW SIDEWALK WALL
[Symbol]	EXISTING DRIVEWAY WALL
[Symbol]	NEW DRIVEWAY WALL
[Symbol]	EXISTING DRIVEWAY CURB
[Symbol]	NEW DRIVEWAY CURB
[Symbol]	EXISTING DRIVEWAY FENCE
[Symbol]	NEW DRIVEWAY FENCE

EXHIBIT B
SURVEYOR'S CERTIFICATE REQUIREMENTS
 TO: Borrower; Lender; Law Firm LLP and to Title Insurance Corporation:

1. David A. Dwyer, Jr., P.L.S. hereby certifies that this survey, made by me or under my direction, on the subject property, is in accordance with the provisions of the General Laws of the Commonwealth of Massachusetts, Chapter 270B, Section 22, and that I am a duly licensed Professional Land Surveyor in the State of Massachusetts. I also hereby certify that I am not a party to any pending or proposed litigation involving the subject property, and that I am not a party to any pending or proposed litigation involving the subject property, and that I am not a party to any pending or proposed litigation involving the subject property.

I also hereby certify that, except as shown hereon, there are no (i) encroachments upon the subject property by improvements on adjacent properties; and (ii) encroachments on adjacent properties, streets or alleys by improvements on the subject property. I also hereby certify that the boundaries and areas of the subject property, as shown hereon, are the result of a careful and correct survey of the subject property, and that the distance therefrom to the nearest facing exterior property lines of the subject property, (i) the locations of all rights-of-way, easements, and other matters of record affecting or benefiting the subject property; (ii) the locations of the parking areas on the subject property, and showing the number of parking spaces provided thereby; (iii) all other matters of record affecting the subject property, together with the width and name thereof and (iv) all other significant items on the subject property, as shown.

I also hereby certify that, except as shown hereon, there are no (i) encroachments upon the subject property by improvements on adjacent properties; and (ii) encroachments on adjacent properties, streets or alleys by improvements on the subject property. I also hereby certify that the boundaries and areas of the subject property, as shown hereon, are the result of a careful and correct survey of the subject property, and that the distance therefrom to the nearest facing exterior property lines of the subject property, (i) the locations of all rights-of-way, easements, and other matters of record affecting or benefiting the subject property; (ii) the locations of the parking areas on the subject property, and showing the number of parking spaces provided thereby; (iii) all other matters of record affecting the subject property, together with the width and name thereof and (iv) all other significant items on the subject property, as shown.

I also hereby certify that, except as shown hereon, there are no (i) encroachments upon the subject property by improvements on adjacent properties; and (ii) encroachments on adjacent properties, streets or alleys by improvements on the subject property. I also hereby certify that the boundaries and areas of the subject property, as shown hereon, are the result of a careful and correct survey of the subject property, and that the distance therefrom to the nearest facing exterior property lines of the subject property, (i) the locations of all rights-of-way, easements, and other matters of record affecting or benefiting the subject property; (ii) the locations of the parking areas on the subject property, and showing the number of parking spaces provided thereby; (iii) all other matters of record affecting the subject property, together with the width and name thereof and (iv) all other significant items on the subject property, as shown.

Name: David A. Dwyer, Jr., P.L.S.
 Licensed Land Surveyor No. 46707

(*) Encroachment(s)
 ON PARCEL 1:
 (1) TWO BUILDINGS ENCRACHING OVER WATER, DRAINAGE AND SEWER EASEMENT, BOOK 2533, PAGE 427.
 (2) ONE BUILDING ENCRACHING OVER MAIN DRAIN, SEWER AND WATER PIPE EASEMENT, BOOK 2652, PAGE 557 ON PARCEL 3
 (3) TWO BUILDINGS ENCRACH ON SEWER AND WATER EASEMENT, BOOK 3831, PAGE 189.
 (4) ONE BUILDING ENCRACHES ON SEWER EASEMENT, BOOK 4868, PAGE 29
 (5) ONE BUILDING ENCRACHES ON SLOPE EASEMENT, BOOK 5300, PAGE 201 AND BOOK 5315, PAGE 517.

NOTE:
 THE SURVEYOR HAS RELIED UPON THE COMMENT FOR TITLE INSURANCE ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY NUMBER NCS-271230-BOST1. EFFECTIVE FOR RECORDERS 201206 WITH REGARD TO ANY RECORDED EASEMENTS, RIGHTS OF WAY OR SETBACKS AFFECTING THE SUBJECT PROPERTY.
 TO BORROWER, LENDER, LAW FIRM and to Title Insurance Corporation:
 This is to certify that this map or plot and the survey on which it is based were made in accordance with the Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS in 2005 and includes Items 2-4, 6, 7(a)-(c), 8-10 11(b) and 13-16 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of this certification, undersigned further certifies that in my professional opinion, as a land surveyor registered in the State of Massachusetts, the maximum relative Positional Accuracy does not exceed allowable standard.

Date: _____
 (signed) _____
 Registration No. 46707

SHEET 1 OF 2
 ALTA/ACSM LAND TITLE SURVEY
"HANCOCK VILLAGE APARTMENTS"
 INDEPENDENCE DRIVE
 BOSTON & BROOKLINE, MASS.
 PREPARED FOR
 CHESTNUT HILL REALTY
 BY
Old & Dwyer, Inc.
 LAND SURVEYORS
 59 APPLETON STREET SAUGUS, MASS.
 P.O. BOX 982 (781) 233-8156
 SCALE: 1"=100' XXXXXXXXX, 2007
 REVISED: _____
 0' 100' 200' 300'
 SCALE

FORM A - AREA

Assessor's Sheets USGS Quad Area Letter Form Numbers in Area

MASSACHUSETTS HISTORICAL COMMISSION
MASSACHUSETTS ARCHIVES BUILDING
220 MORRISSEY BOULEVARD
BOSTON, MASSACHUSETTS 02125

108, 109	Newton	BA	See data sheet
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Photograph



130 through 140 Independence Drive

Town: Brookline
Place (neighborhood or village): South Brookline
Name of Area: Hancock Village
Present Use: residential
Construction Dates or Period: 1946-1949
Overall Condition: good
Major Intrusions and Alterations: see description
Acreage: approximately 45 acres
Recorded by: Kathleen Kelly Broomer
Organization: for Brookline Pres. Commission
Date (month/year): May 2008

Topographic or Assessor's Map

[In this space insert an excerpt from a topographic map or Assessor's map which clearly shows the limits of the Area; if space is not sufficient, use a continuation sheet. See MHC's Guidelines for Inventory Form Locational Information.]

see continuation sheet

Follow Massachusetts Historical Commission Survey Manual instructions for completing this form.

INVENTORY FORM A CONTINUATION SHEET

BROOKLINE

Hancock Village

MASSACHUSETTS HISTORICAL COMMISSION

220 MORRISSEY BOULEVARD, BOSTON, MASSACHUSETTS 02125

Area Letter Form Nos.

BA

See data sheet

Recommended for listing in the National Register of Historic Places.

If checked, you must attach a completed National Register Criteria Statement form.

Use as much space as necessary to complete the following entries, allowing text to flow onto additional continuation sheets.

ARCHITECTURAL DESCRIPTION

Describe architectural, structural and landscape features and evaluate in terms of other areas within the community.

Hancock Village is the first and largest garden village housing development in Brookline. Straddling the town line between Brookline and Boston, the largely residential complex encompasses 44.8 acres in Brookline adjacent to the D. Blakely Hoar Sanctuary, a town conservation area. A majority of Hancock Village's 789 residential units are located in Brookline, while a shopping center, part of the original development scheme, is situated entirely in Boston. The village incorporates 57 detached buildings in Brookline, two of which are garage buildings and the rest blocks of attached town houses ranging from two to twenty-six units each.

Residential buildings are two stories, steel frame on concrete foundations with brick walls and asphalt shingle roofs. There are no chimneys. Most buildings have side-gabled roofs, though a small number have flat roofs with brick parapet walls. Variety is also achieved by staggering the setback of some units, whitewashing brick exteriors on others, and the incorporation of cross-gables, projecting entry porches, recessed second-story porches, and bay windows. Entries tend to contain original wood paneled doors, with glazing in the uppermost of three panels. Windows contain mostly 6/1 vinyl replacement sash; original sash was aluminum.

Each of the one, two, or three-bedroom dwelling units (originally described as 3½ to 5½-room units) is a duplex, consisting of major living spaces on the first floor and bedrooms above. Each unit has a front door at the street and is two bays across and one or two bays deep. One important feature of the unit design is the orientation of all living rooms and bedrooms to face interior landscaped courts or open park areas in the complex (as at 471-473, 475-481, and 483-493 VFW Parkway, 1949, see photo). Bathrooms and stair halls within each unit are located on the street side. In addition, each unit has a ground-level terrace at the rear, opening onto the landscape. The elimination of separate "back door" entrances for service deliveries was another important feature of the design.

In general, the residential buildings are Postwar Traditional in their styling, though some display Moderne details. Typical is the block of five units at 132-140 Independence Drive (1948, see photo). Entablature surrounds at some entries incorporate pilasters with flat, flared capitals that are Moderne in their simple geometric form. Other entries are set beneath a shed-roofed porch featuring wrought iron supports with a stylized leaf pattern. This pattern also is seen in the wrought iron supports of second-story recessed porches and balustrades, as at 31 and 33 Independence Drive (1949, see photo of larger block at 27-35 Independence Drive). Small wrought iron balconies are present on end units in some blocks, such as 1-9 Gerry Road (1948, see photo). The flat roof and brick parapet walls on some blocks of two units, such as 139-141 Independence Drive (1949, see photo of larger block at 133-141 Independence Drive), are less common in the complex. Ornamental detailing consists of a striated brick cornice, inset pattern in the parapet wall above, and concrete drip molding over the first floor bays. The entries have distinctive Moderne compound surrounds that appear to be concrete and plain lintels.

Residential buildings constructed on the east side of Independence Drive are built into the grade, reflecting changes in the topography on that part of the site; see 120-126 and 128-132 Thornton Road (1949, see photo). By contrast, most buildings on the west side of Independence Drive are built at grade, where the development site is more level; see 1-11 Sherman Road (1949, see photo).

While most buildings on the Brookline side of Hancock Village are residential, a small number of service and storage buildings survive. The sizable one-story brick building at 121 Independence Drive (1946-1949, see photo) has an industrial appearance, though its original use requires additional research. The façade displays six multi-pane industrial sash in windows set low to the ground. An altered garage bay exists at the northern end of the façade. A similar building survives at 118 Gerry Road.

HISTORICAL NARRATIVE

Explain historical development of the area. Discuss how this relates to the historical development of the community.

Note: The following history is based on a narrative written by Roger G. Reed, Preservation Planner, Brookline Preservation Commission, as amended with additional research during the current survey project.

Hancock Village is significant as a far-sighted collaboration between the town of Brookline and the Boston-based John Hancock Mutual Life Insurance Company to provide both employment and housing for returning World War II veterans. The garden village development, which spans the Brookline-Boston line, consists of 789 two-story attached town houses interspersed with open lawns and access roads. A shopping center, developed jointly with the housing, is located entirely on the Boston side of the project. The landscape design is by Olmsted Associates, a Brookline firm with national experience.

The idea for the Hancock Village development originated with the town's Long Range Planning Committee, established in 1943 and chaired by architect William T. Aldrich. Paul F. Clark, president of John Hancock, also served on the committee. In its efforts to address the serious housing shortage in the town, the committee recognized that what was then termed "slum clearance" would require funds for the clearance of property and relocation of citizens during construction. The committee instead recommended that the Board of Selectmen contact insurance companies to build housing on vacant land. In order for the insurance companies to engage in land acquisition and construction it was then necessary to obtain state enabling legislation. This was accomplished in June 1945.

John Hancock acquired an option to purchase a tract in South Brookline previously known as Weld Golf Course. The site was desirable for its location, central situation with reference to highways and transportation, and availability for purchase. The Brookline Planning Board had, since the mid-1920s, routinely expressed concerns in its annual reports that development of large tracts in the southern part of town be designed to connect with principal thoroughfares both radial (leading to and from the town center) and circumferential (leading from municipalities on one side of South Brookline to the other). In its eventual development of the tract, the Hancock Company agreed to construct the present Independence Drive from South Street to the town line in suitable condition to be accepted by the town as a public street. This created another direct connection between the West Roxbury Parkway and the Veterans of Foreign Wars Parkway, both completed through Brookline in the late 1930s.

In September 1945, the Boston firm of Perry, Shaw & Hepburn was hired to prepare preliminary sketches for a series of two-story housing blocks. Preliminary site plans were developed by the Olmsted Associates, landscape architects, in October and November, 1945. In the fall of that year, John Hancock hired Gustav Ring, a Washington, DC builder and developer of large-scale garden villages, to act as project manager. It was apparently at that time that Perry, Shaw & Hepburn was replaced by the Washington firm of Louis Justement and Francis Koenig, according to some of the Olmsted plans.

Further research is needed to determine the precise role Justement & Koenig played in shaping Hancock Village as it exists today. Louis Justement's papers from 1946 to 1948 are filed with the archives of The George Washington University (GW), Washington, DC, and his biography from the user's guide for the collection is the source of the information here. Justement (1891-1968) was considered an authority on large-scale housing projects. He received a bachelor's degree in architecture from GW in 1911, and practiced architecture in Washington from 1919 until his death. He established his own firm in 1924, and served as chairman of the American Institute of Architects (AIA) Committee on Urban Planning from 1946 through 1949. Biographies of Justement located to date, including his biography in the 1955 *AIA Directory*, make no mention of Francis Koenig or Hancock Village. Justement apparently was one of several architects and planners who served as consultants to John Hancock in the early stages of the development process.

In order to build multi-family housing in an area zoned for single-family residences, an amendment to the town zoning bylaw was approved at Town Meeting in March 1946 to rezone the tract. John Hancock, under the direction of president Paul F. Clark, then exercised its rights under the option and proceeded with acquiring the vacant tract for the development. In an agreement with the Town of Brookline, executed March 11, 1946, the company agreed that any development of the area would consist of high-grade garden village type of housing; horizontally divided family dwelling units (*i.e.*, apartments rather than town houses) would not exceed 25% of the total number of family units to be constructed; no more than 25% of the total number of buildings constructed would have flat or approximately flat roofs; no building would exceed 2½ stories; and building coverage would not exceed 20% of the land area. As the Planning Board noted in its 1946 annual report:

This development will be of a type quite new in Massachusetts but one that will probably be followed in other locations. The units will be duplex containing 3½ to 5½ rooms on two floors, and will be built in blocks, well separated and attractively landscaped. Only about 12% of the land will be built on and there will be parking areas, garages, and several utilities such as neighborhood laundries.

It is a very desirable type of development for any municipality as it gives high tax rates with minimum cost to the town for services. As all buildings will be leased and not sold, they will be maintained in the best possible manner as a permanent investment.

In April 1946, the Olmsted firm finalized the layout and construction plans for Ring Engineering Company, Inc. Nearly half the acreage was not suitable for construction due to soil conditions (peat) and ledge (granite and puddingstone). This left large sections preserved as woodland or parkland. An effort was made to preserve existing trees on the site, and buildings were positioned to take advantage of changes in grade. The site plan was organized with large blocks on continuous U-shaped private roads to avoid the construction of minor streets and the tendency for traffic to cut through the development. Parking was to be at street shoulders to avoid the construction of large parking lots or the placement of unsightly parking courts among the houses. Private roads through the complex were named for signers of the Declaration of Independence from New England: Elbridge Gerry, Roger Sherman, and Mathew Thornton. These names continued the historical analogy established by the naming of Independence Way for the public street and Hancock Village for the entire complex.

The overall design concept of the housing was described by Paul F. Clark, president of the insurance company, in a 1951 address:

The architectural treatment was consistent with local preference. Low land coverage, allotting only ten families to the acre, leaves generous exposure to sunshine and the four winds. A modified interpretation of colonial motives and simple proportions produce on this irregular site, pleasant effects in mass and color.

John Hancock created a Board of Design within the corporation to handle the architectural details. One staff architect for the company was W. Bradford Sprout, Jr. FAIA (1900-1994). Sprout graduated from Harvard College in 1921 and earned a graduate degree from Harvard University's architecture school in 1928. His foreign travel included an automobile tour of Belgium, Germany, and Spain. Before joining John Hancock as staff architect in 1935, Sprout worked as a draftsman or assistant to the partner in the offices of Prescott G. Hopkins (1928-1929), J. D. Leland Company (1929-1930), and the Thomas M. James Company (1930-1931). His biography in the 1955 *AIA Directory* describes Sprout as Supervising Architect of Hancock Village for John Hancock Mutual Life Insurance Co. (1946-1948). Sprout remained at John Hancock for over thirty years, retiring in 1965. In addition to his work on Hancock Village, Sprout maintained a private architectural practice in Hingham, where he resided, and served on Hingham's Historic District Commission for more than twenty-five years. Through his private practice (organized 1931), he designed homes in Wellesley and Hingham, plus the gym (1953) at Thayer Academy, Braintree.

John Hancock broke ground on the project on September 3, 1946. On October 15, 1947, tenants moved into the first group of buildings completed, encompassing ninety-one units between Independence Drive and Thornton Road. Construction on the residential buildings in the complex concluded in March 1949. The town's 1948 voting list shows the earliest residents of Hancock Village occupied the units on the even side of Independence Drive in its entirety, the odd side of Thornton Road in its entirety, the odd side of Independence Drive from #101 through #117, and the even side of Gerry Road from #2 through #36. Units on the rest of Gerry Road, Independence Drive from #21 through #43, the rest of Thornton Road, and the Brookline side of Sherman Road were occupied by 1949, according to the voting list of that year. The last units occupied appear to be those in buildings on the Brookline side of the VFW Parkway, plus units in the vicinity of the Independence Drive-Sherman Road intersection: the odd side of Independence Drive from #127 through #141, and the odd side of Sherman Road from #1 through #27.

Brookline voting lists record over 1000 adults who took up residence at Hancock Village from 1948 through 1950. Approximately 18% came from elsewhere in Brookline, 30% came from neighborhoods in Boston, 32% came from other cities and towns in Eastern Massachusetts, and 16% came from out of state. The remainder of the residents came from the central and western parts of Massachusetts, or had previously lived out of the country. A wide variety of careers among residents was represented, mostly professional, sales, and service positions, as well as those listed as housewives or "at home."

The development also included a shopping center on the Boston end of the project, built between February 1948 and the summer of 1949. This included a management office, maintenance shops, a private medical clinic, sixteen stores, and a motion picture theater. Also included

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in the project were rental garages, such as the building at 121 Independence Drive, laundry buildings, storage units, and recreational facilities such as tennis courts and wading pools.

Further research is needed on the role of insurance companies in the development of large-scale, privately owned housing complexes beginning in the mid-20th century. Hancock Village is unique in Brookline, but any similar complexes elsewhere in Massachusetts have yet to be identified. In the planning of Hancock Village, John Hancock officials were aware of the precedent set by the Metropolitan Life Insurance Company (Stuyvesant Town/Peter Cooper Village, opened 1947) and others in developing such housing in New York City, Washington, and other urban areas.

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Photo 2 (top, 471 through 493 VFW Parkway) and **Photo 3** (bottom, 35 through 27 Independence Drive)



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Photo 4 (top, 1 through 9 Gerry Road) and **Photo 5** (bottom, 141 through 133 Independence Drive)



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Photo 6 (top, 120 through 132 Thornton Road) and **Photo 7** (bottom, 121 Independence Drive)



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National Register of Historic Places Criteria Statement Form

Check all that apply:

- Individually eligible
- Contributing to a potential historic district
- Eligible only in a historic district
- Potential historic district

Criteria: A B C D

Criteria Considerations: A B C D E F G

Statement of Significance by Kathleen Kelly Broomer
The criteria that are checked in the above sections must be justified here.

The first and largest garden village housing development in Brookline, Hancock Village (1946-1949) is significant as a far-sighted collaboration between the town of Brookline and the Boston-based John Hancock Mutual Life Insurance Company to provide both employment and housing for returning World War II veterans. The garden village development, which straddles the Brookline-Boston line, consists of 789 two-story (duplex) attached town houses interspersed with open lawns and access roads, most of which are located in Brookline. A shopping center, developed jointly with the housing, is located entirely in Boston. The landscape design is by Olmsted Associates, a Brookline firm with national experience, while the architectural details of the buildings were apparently designed by staff architects employed by the insurance company.

Retaining integrity of location, design, setting, materials, workmanship, feeling, and association, the Hancock Village Area meets Criteria A and C of the National Register at the local level. As a large-scale, privately owned housing complex developed by an insurance company, Hancock Village is unique in Brookline. Similar complexes elsewhere in Massachusetts, if any, have yet to be identified. Pending further study, Hancock Village may prove to be of state-level significance as well.