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EVEN THE GREENEST ISN'T GOOD ENOUGH

Mission Hill Deal Derailed

Developers Pushing Forward, But Case Remains In Limbo

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When it was announced last year, the Parker/Terrace redevelopment project on the border of Mission Hill and Roxbury was supposed to be a dream deal for the Department of Neighborhood Development: A disused lot in a semi-industrial neighborhood being turned into a 44-unit, mixed-use development, so green conscious it would pump energy back into the grid.

But in a process perhaps emblematic of just how tough it can be to get development deals done in Boston, the strident opposition of one pair of neighbors has left the project in limbo for nearly a year.

Back in the 19th century, the site had been a part of the one of the neighborhood's thriving breweries, but it fell into neglect before being acquired by the city after a warehouse on the site was destroyed in a fire. The sloping, hilly parcel straddles two streets – the quiet, triple-decker lined Parker Street, and the more highly trafficked, semi-industrial Terrace Street, where run-down houses rub shoulders with new condo conversions as well as auto repair shops, a construction salvage lot and an out-of-business restaurant. In the 1990s, community residents had established a community garden and art park on part on the Parker Street side of the lot, but much of the land remained vacant.

Following a lengthy series of community meetings, in March of 2013, the city's Department of Neighborhood Development (DND) put out a request for proposals to redevelop the site for multifamily residential, awarding the project



To see photos of the Mission Hill project site, visit www.bankerandtradesman.com.

in November 2013 to Sebastian Mariscal Studios, a small, Somerville-based design and development firm with a focus on environmentally sustainable projects.

SMS, which first made waves in the Boston development scene with its proposal to build an apartment block in Allston without any parking spots, also had bold ideas for the Mission Hill site: A 44-unit, mixed-income, mixed-use development which would, though a combination of solar panels and geothermal heat pumps, actually pump electricity back into the grid. The project was also planned to feature over 50,000 square feet of open green space, in the form of a rooftop community garden, along with private garden space. Ten of the units would be designated affordable, while 34 would be market-rate; the proposal also called for ground-level retail on the Ter-

race Street side.

SMS's design appealed to the city because it would be one of the first projects to meet the standards of its ambitious E+ initiative, which is attempting to entice developers to create more net-energy-positive, sustainable, green buildings in the city.

'An Outrageous Insult'

The designs did not appeal to long-time community residents and activists Oscar and Kathryn Brookins. Brookins, a professor of economics at Northeastern and one-time Boston city council candidate, and his wife, own three homes in the neighborhood. They expressed their opposition to the proposed changes to the existing art park and gardens early and often – and claim a majority of neighborhood residents were on their side. When

the city went forward with the development plan anyway, they filed suit in May 2014, determined to stop the project.

The complaint lists a number of grievances with the city's development process and the zoning variances granted to the developer, and alleges that despite the numerous community meetings held by the city and, following the awarding of the proposal, the developers, their concerns were not addressed.

"The plaintiffs attended endless, useless meetings conducted by the DND, but what the 'citizens' asked for was contrary to what DND decided to do with the valued Community Garden and Art Park," they wrote in court filings, calling the process "an outrageous insult to America's democratic traditions."

But perhaps the Brookins' most significant allegation is that the DND deal with the developer significantly undervalued the land, offering it to the developer for \$600,000. The DND's own appraisal of the property suggested that the lot could fetch nearly a million dollars on the open

market; an appraisal of the parcel commissioned by the Brookins suggested that the Parker Street portion alone could fetch up to \$1.8 million.

DND contends that offering the land for below market value, as well as granting a variety of zoning variances for the site, was necessary because the property will require considerable and costly remediation to remove layers of industrial fill buried beneath the top soil. Already, the environmental concerns have become another subject of contention: While the department had acquiesced to the use of the site as a community garden for decades, more recent tests conducted in preparation for the redevelopment revealed the presence of high lead levels in the soil, leading the DND to fence off part of the site.

While the department and the developer remain committed to the project – the DND still lists the project as due to start construction this summer on its website – for now the deal remains in limbo. A mediation effort hosted by the

Real Estate Bar Association failed this winter. Currently, the Land Court is considering a motion by the developers, saying that Brookins – who are representing themselves – are obligated to post a substantial bond in order to help cover the costs associated with the construction delays provoked by the case, should the judge rule against the Brookins.

But Kathryn Brookins told Banker & Tradesman that that won't be end of the fight – the couple plans to appeal any ruling requiring them to post bond.

"We're doing what we consider to be the Lord's work," said Brookins. "The city is ignoring the constitution ... I want [the site] to be what it was, with my husband's vegetable garden, which he had maintained for 22 years. I want the trees. Trees are life."

Lisa Pollack, spokeswoman for the Department of Neighborhood Development, said the city cannot comment on pending legal matters. ■

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