

**Twenty-Third Article** — To amend the Zoning By-law by including within the 3C District a part of a lot designated on the Assessors' Plan as Lot 1, in Block 388, now in the 4D District, bounded and described as follows:

Northeasterly and easterly by the center line of proposed roads;  
Southeasterly by the center line of Grove Street Extended;  
Southerly by the northerly side line of Veterans of Foreign Wars Parkway;

Southwesterly by the boundary line between Brookline and Boston;  
Northwesterly by land now or late of Management Corporation;

As shown on Zoning Map No. 6R as prepared by Walter A. Devine, Town Engineer dated December 17, 1945, amending Zoning Map No. 6 prepared by Henry A. Varney, Town Engineer, and verified by the signatures of the Planning Board.

or will amend and adopt said proposed amendment.

The John Hancock Mutual Life Insurance Company has made the following agreement with the town with reference to the use of the land and the type of buildings to be erected thereon:

THIS AGREEMENT made this 11th day of March, 1946.

WITNESSETH that

WHEREAS John Hancock Mutual Life Insurance Company, a corporation duly organized by law and having a usual place of business in Boston, Massachusetts (hereinafter referred to as the Company), holds an option to purchase a tract of land part of which is in the southerly part of the Town of Brookline and contains about 51.38 acres; and

WHEREAS the Company is desirous of having the southerly portion of said tract (described in Appendix A attached hereto and hereinafter referred to as said area) rezoned from the 4D to the 3C district so as to permit said Company to carry out upon said area a garden village type of housing development; and

WHEREAS a serious housing shortage exists in the Town of Brookline and there is public need for the creation of new housing facilities in said Town; and

WHEREAS the location and topography of said area make it suitable for use for such a development; and

WHEREAS the Company intends to exercise its rights under its option aforesaid and to purchase said tract if said area is rezoned as aforesaid:

NOW, THEREFORE, in consideration of the premises and the payment to it of one dollar (\$1.00), the receipt whereof is hereby acknowledged, the Company agrees on behalf of itself, its successors and assigns to and with the Town of Brookline (hereinafter referred to as the Town) as follows:

1. If and in the event that said area is rezoned as aforesaid (which however, the Town is not obligated and does not undertake to do), the Company will exercise its said option to the aforesaid tract and further agrees that in said event and while the Town allows said area to remain in said 3C district it will not use nor permit its tenants to use said area or any part thereof or any building thereon or to be erected thereon for any of the following purposes: a hotel, lodging or boarding house, fraternity house, dormitory, establishment for the care of sick, aged, crippled, of convalescent persons, railroad passenger station, farm, truck garden, commercial nursery or greenhouse.

2. The Company further agrees that in the event said rezoning is effected, and so long as the Town allows said area to remain in said 3C District;

- A. That any development it makes of said area will be of a high-grade garden village type of housing development;
- B. That horizontally divided family dwelling units will not exceed 25% of the total number of family units to be constructed in said area;
- C. That dwellings with flat or approximately flat roofs will not exceed 25% of the total number of such buildings to be constructed in said area;
- D. That building coverage shall not exceed 20% of said area;
- E. That no building over 2½ stories in height, measured from the highest point of the finished grade of each unit, will be constructed in said area;
- F. That Grove Street will be extended and constructed to the town line in condition to be accepted as a public street;
- G. That the Town will be given rights of easement for necessary sewers, surface water drains and water pipes in streets and ways throughout said area;
- H. That if the Company cannot or does not carry out substantially the proposed development within ten (10) years from the date of this instrument and if said area shall not previously have been rezoned by the Town into a new zoning district the Company will within that period make petition to the Town to restore the undeveloped land to the 4D zoning district.
- I. That if the Company cannot or does not carry out substantially the proposed development and if said area shall not previously have been removed by the Town from said 3C zoning district, the Company will give to the Town written notice directed to the Town Clerk ninety (90) days or more prior to conveyance or transfer of its title to said area or any substantial part thereof. This action shall not apply to conveyances, transfers or grants to or for the use of the Town.

IN WITNESS WHEREOF, John Hancock Mutual Insurance Company has caused these presents to be executed in its name and behalf and its corporate seal to be hereunto affixed on the day and date first above written.

JOHN HANCOCK MUTUAL LIFE INSURANCE  
COMPANY,  
By Paul F. Clark, *President*.

Commonwealth of Massachusetts  
Suffolk, ss.

March 11, 1946.

Then personally appeared Paul F. Clark and acknowledged the foregoing instrument to be the free act and deed of John Hancock Mutual Life Insurance Company, before me

SIMON P. TOWNSEND, *Notary Public*.

#### APPENDIX A

An area of land situated in the southerly part of the Town of Brookline being a part of a lot designated on the 1945 Assessors' Plan as Lot 1 in Block 388 bounded and described substantially as follows:

Northeasterly and easterly by the center line of proposed roads;  
Southeasterly by the center line of Grove Street Extended;  
Southerly by the northerly side Line of Veterans of Foreign Wars Parkway;  
Southwesterly by the boundary line between Brookline and Boston;  
Northwesterly by land now or late of Management Corporation;  
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On motion of Eugene P. Carver, Jr.:

*Voted*, To amend the Zoning By-law by including within the 3C District a part of a lot designated on the Assessors' Plan as Lot 1, in Block 388, now in the 4D District, bounded and described as follows:

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This vote was passed by more than two thirds — one hundred ninety-two (192) voting in the affirmative and three (3) in the negative.