1 Volume IV
2 Pages 113
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4 Brookline Zoning Board of Appeals Hearing
5 40 Centre Street Comprehensive Permit Application
6 Roth Family, LLC
7 August 15, 2016 at 7:00 p.m.
8 Brookline Town Hall
9 333 Washington Street, 6th Floor
10 Brookline, Massachusetts 02445
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15 Reporter: Kristen C. Krakofsky
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1 APPEARANCES

2 Board Members:

3 Jesse Geller, Chairman

4 Christopher Hussey

5 Kate Poverman

6 Steven Chiumenti

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8 Town Staff:

9 Alison Steinfeld, Planning Director

10 Maria Morelli, Senior Planner

11 Peter Ditto, Director of Transportation and Engineering

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13 40B Consultant:

14 Judi Barrett, Director of Municipal Services,

15 RKG Associates, Inc.

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17 Applicant:

18 Bob Roth, Roth Family, LLC

19 Bob Engler, President, SEB

20 Peter W. Bartash, Associate Principal, CUBE 3 Studio

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1 Members of the public:
2 Steven Pendery, 26 Winchester Street
3 Karen, Babcock Street
4 Don Sherak, 50 Centre Street
5 Elissa Rosenthal, 19 Winchester Street
6 Derek Chiang, Centre Street
7 Chuck Swartz, Centre Street
8 Harriet Rosenstein, Centre Street
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PROCEEDINGS:

7:04 p.m.

MR. GELLER: Good evening, everyone. This is the continued hearing on 40 Centre Street. My name, for the record, is Jesse Geller. To my immediate left is Chris Hussey, to Mr. Hussey's left is Steve Chiumenti, and to my right is Kate Poverman.

I understand that the applicant has been working with town staff as well as with our urban design peer reviewer and that they've made some modifications to the project, and the applicant is here today to present the latest iterations.

One comment I do want to make to everyone is that, as everyone has seen, this is a process and sometimes a painful process. And therefore, I want to, in advance, apologize for information not coming in earlier. What happens is that people are working very diligently to try and work through issues, to present them back to the ZBA as quickly as they can, keeping in mind our very strict statutory limitation of time.

So if new plans, changes, iterations are not, shall we say, presented in enough time that people would have preferred in order to vet them prior to getting to a hearing at night, we actually -- I'll

1 speak for myself. I actually think it's better to get
2 that in open hearing; at least see what they have so we
3 can start the conversation. It will in no fashion
4 prejudice your ability to speak about those changes,
5 tell us issues that you perceive about those changes.
6 But, again, I think the most important part is that we
7 get iterative change that reflects comments from the
8 board. So I wanted to lay that out, which is somewhat
9 apologetic for the process.
10 As I said, tonight's hearing will be an
11 opportunity for the applicant to present to us some
12 revisions to their proposal. I understand we have an
13 update from Maria as well, different from that. Peter
14 Ditto, who is the director of Engineering and
15 Transportation is here to speak to subjects within his
16 realm.
17 We will give the public an opportunity to
18 speak, and what I would ask is that members of the
19 public who do want to offer testimony, that you offer
20 testimony that is pertinent to the changes that are
21 offered, that are relevant to this portion of the
22 hearing. As you know, we took a significant amount of
23 testimony in the past. It's not an opportunity for you
24 to simply raise things we've heard before. We want to

1 give you an opportunity to speak, but, on the other
2 hand, we want to keep this thing moving along in an
3 efficient fashion. Again, listen to what other people
4 have to say. If you agree with what they have to say,
5 point to them and say, I agree with them. Give us new
6 information. We're happy to hear it.
7 Tonight's hearing is being both recorded -- is
8 it being recorded?
9 MS. MORELLI: Yes.
10 MR. GELLER: Yes -- as well as a transcript is
11 being kept. If you do wish to offer testimony, start
12 by giving us your name. You'll speak into the
13 microphone at the dais, and then you can offer whatever
14 testimony is pertinent.
15 Following public testimony, we'll give the
16 applicant an opportunity, if the applicant chooses, to
17 rebut. And lastly, the board will offer whatever sage
18 wisdom it might have, and then this hearing will be
19 continued further until August 23rd. So our next
20 hearing is August 23rd, 7:00 p.m.
21 Okay. With that, I'd like to invite the
22 applicant to come forward and provide us with new
23 details.
24 MR. BARTASH: Again, for the record, Peter

1 Bartash with CUBE 3 Studio. Thank you for giving us
2 the opportunity to talk about where we are and what
3 we've been up to.
4 Tonight we want to walk through an update of
5 the conversations we've had in the two working group
6 sessions we've held to date. We want to talk about the
7 outcomes from those meetings. I'll show you some
8 updates for plans that we started to make, and also lay
9 out, really, a path that we've kind of agreed to follow
10 moving forward that will help guide design decisions
11 and also the design process.
12 Starting with the project update -- so as I
13 mentioned, we've had two meetings to date. The first
14 working group session was held on August 2nd. It
15 included the applicant, which is both the owner,
16 myself, members of the planning department staff, and
17 the peer review architect. And at that meeting, we
18 really took the time to go into detail looking at the
19 peer review architect's memo and also looking at the
20 feedback we've received to date. We started to make
21 decisions about prioritizing the feedback that we've
22 heard, commentary that we've heard, and decided as a
23 group which comments really held the most potential for
24 meaningfully improving the project.

1 We then began to start talking about ideas to
2 attack the ground floor. We kind of looked at the
3 ground floor plan as the crossroads where all of these
4 ideas are really meeting. And so the initial path that
5 we decided that we would take is to try to look at the
6 parking scenario, to look at entry and access to the
7 site, to look at setbacks, to look at how the project
8 addressed the public realm and the street. And at the
9 end of that meeting, we decided on a work plan of how
10 we thought the future sessions would go.
11 So we followed up with another working group
12 session about a week later. And at this meeting, we
13 had the same people as the first but with the
14 additional input from building department staff, from
15 DPW staff, the deputy chief of the fire department was
16 at the meeting, and we also had some additional staff
17 from the town as well there to provide comments on the
18 updated ground floor plan that we had brought to the
19 meeting to propose.
20 And so we presented our new plan, our new
21 approach, our thoughts, and how our strategy was
22 shaping up and solicited feedback from everybody just
23 to get a sense of whether or not we were moving in the
24 right direction. And in general, it was a positive

1 conversation.
2 I don't want to summarize what other members
3 of town staff have said. I'm sure they'll make their
4 findings known at future dates through either official
5 correspondence or they'll speak on behalf of the
6 project. But ultimately, we have a lot of really
7 meaningful feedback.
8 And so at that point, we felt we could lay out
9 design milestones from now, really through the end of
10 the 180-day process to guide how we were going to take
11 the findings that we had made and the new floor layout
12 that we had put together and let that guide the
13 development of the building as we move forward.
14 So the outcomes from this meeting -- and I'm
15 just going to go right down this list because I think
16 this is really the critical information that's going to
17 start to tell you how the project is taking shape.
18 So the first and most significant change in
19 our minds, we reduced the building footprint by
20 almost -- well, the overall building square footage by
21 almost 3,000 square feet in order to be able to provide
22 a 15-foot front yard setback on Centre Street. We
23 improved sight lines for vehicles entering and exiting
24 the garage in doing so.

1 We were able to decrease vehicle parking
2 capacity; we were able to increase bike parking
3 capacity.
4 We relocated the garage door so that it didn't
5 feature prominently on the front elevation and so that
6 it would be less visible from the street.
7 We identified the location for the stormwater
8 infiltration system that was outside of the building
9 footprint.
10 We increased the storage capacity for overflow
11 trash and/or recycling if it were to be needed in the
12 future.
13 We were able to reduce the floor-to-floor
14 height of the podium. So we were trying to really
15 lower the overall height of the building by a couple
16 feet, especially at grade and at the front of the
17 project where we felt it would have the most impact on
18 pedestrians.
19 We improved the at-grade open space facing
20 34 Centre Street by opening up some of the ground floor
21 plan.
22 We provided direct garage access for
23 pedestrians and cyclists both through a dedicated entry
24 on the front of the project facing 40 Centre Street,

1 but also through a dedicated access door along the
2 western-most property boundary.
3 We obtained feedback from key town staff
4 members. That's going to be really critical in
5 ensuring that we're, as I said, down the right path
6 moving forward.
7 And we also established design guidelines for
8 building design. So tonight, when we're looking at
9 drawings, what we're going to be seeing is really a
10 focused conversation on the ground floor. We haven't
11 gone to the step of looking at the upper floor layouts,
12 looking at a new unit mix, or really kind of
13 considering how those impacts are going to ripple
14 through the building. But what we have done is really
15 laid the ground work for what this project could look
16 like based on looking at the context, talking with the
17 members who are sitting around that table, and
18 listening to the feedback we've heard from the
19 community to date.
20 And we'll be looking at a revised building
21 design articulation and facade treatments at later
22 hearings. But for tonight we're not going to get there
23 just yet.
24 So looking at observations, we were really

1 struck, I think, mostly by the site walk we had with
2 the peer review architect before the first working
3 group session. And we talked a lot about the context
4 and the character of the street and the neighborhood,
5 and we decided to look and try to find a pattern that
6 was at least somewhat consistent throughout the
7 neighborhood that we felt really informed or shaped the
8 street experience for the pedestrians.
9 And so it seems like a really simple idea, but
10 we did see that many buildings featured a front porch
11 or a bump-out at the first floor facing the sidewalk
12 that do a couple different things. And I know that
13 we're looking at mostly residential examples here, but
14 we think that's important because that seems to be the
15 residential character of this street.
16 Those bump-outs, they help soften the
17 transition from the larger mass of any structure to the
18 street edge itself. They provide an opportunity for
19 detailing and articulation that are at a human scale,
20 so when you're walking by, it's something you can
21 relate to and feel. It addresses the street a little
22 bit more formally and really visibly identifies the
23 primary entry point to those structures. And when you
24 look down the street and you start to really walk along

1 the entire length of Centre Street, you notice that
2 there is this kind of rhythm that's established through
3 these front yard bump-outs.
4 And this is a really important piece for us
5 because in order to make a lot of the other changes
6 work, what we did need to do is think about how we
7 might take an idea like this and incorporate it into
8 our strategy for the ground floor plan.
9 And so now we're going to look at our updated
10 ground floor plan. I think everybody knows where the
11 project site is located, but this is our previous
12 ground floor plan. So just to circle back on some of
13 the feedback we've heard, there were a lot of concerns
14 about safety and visibility at the driveway access
15 point. There were concerns about the fact that there
16 was almost a street wall by having the building so
17 close to the back edge of the sidewalk, a lack of
18 landscaped open space. You know, there was really a --
19 there were a lot of questions about the character and
20 vitality of the street edge based on this design.
21 So here's the updated ground floor plan. As I
22 mentioned, this yellow line represents a 15-foot front
23 yard setback, and that front yard setback is really
24 measured from the back edge of the sidewalk.

1 And so you might ask, what is this portion
2 here that extends beyond that 15-foot setback? This
3 portion is a single-story bump-out that accommodates
4 the building lobby that is glassy, open, vibrant, and
5 is intended to be an opportunity for us to not directly
6 copy the bump-outs or the porches that we find along
7 the street, but to start to create an articulation and
8 an architectural expression that is consistent with
9 other structures along the street and helps soften the
10 transition of the building as it approaches the street.
11 So between the front edge of that bumped-out
12 vestibule and the sidewalk, we do have a five-foot
13 buffer that provides an opportunity for landscaping
14 along the sidewalk edge. We could green that edge
15 here. And if you look, the actual length of this bump-
16 out is a little bit under 40 feet, so really the
17 building steps forward and addresses you for about a
18 40-foot expanse, which is roughly equivalent to the
19 scale -- or typical scales of the width of a single-
20 family home along Centre Street. So we're starting to
21 try to capture some of that rhythm as well as we're
22 talking about this bump-out.
23 But then we've gone and we've stepped the
24 ground floor plan back by almost 32 feet from the

1 street to the point where we have the garage entry
2 door. And so that entry door is also rotated so that
3 it's not directly facing you on Centre Street. It's a
4 little bit less visible, as it is around the corner,
5 and it is set slightly down, which I'll explain in a
6 second.
7 But you can see that we then began to open up
8 some space at this ground level that provides
9 opportunities for longer distance views out and through
10 and underneath the structure toward 34 Centre Street
11 and provides some relief along that edge as well as
12 some additional areas of landscaping. So now we can
13 really think about treating this area as more of an
14 entry experience and as a softer part of the public
15 realm.
16 So this white square represents the column,
17 and this column actually carries the outside corner of
18 the residential floor plate that's up above this level.
19 So the residential floor plate extends all the way
20 along the boundaries of the parking garage, as you'll
21 see here. It comes out over this area to the corner
22 where it meets this 15-foot setback and turns and
23 continues up along the edge.
24 So that's an important point that we're going

1 to see and we're going to explore in three dimensions
2 as we move on through subsequent hearings, but it's not
3 something that we're going to get too far into today --
4 just kind of talking about the layout in a little bit
5 more detail.
6 So you notice that there are a couple of
7 arrows here, and you'll see some lines indicating
8 slopes. What we've done is we've actually sloped the
9 garage entry ramp downward to a point where it does
10 flatten out, which we need to do in order to comply
11 with requirements for this accessible parking. And
12 then it also slopes further to a flatter, lower point
13 down on the other side of the garage. And that overall
14 change in elevation from the street to the lowest point
15 of the garage is roughly two and a half feet.
16 And what that's allowed us to do is maintain a
17 portion of the garage that has the same clear height as
18 we had in our previous scheme. However, it does remove
19 two feet from the height of the building up along
20 Centre Street. So now we've taken the second floor
21 windows, we've taken the scale of this front edge and
22 started to try to bring it down to a scale that more
23 closely resembles the human scale found elsewhere on
24 Centre Street.

1 We've also incorporated several compact spaces
2 and used those as a way to actually add some more
3 parking.
4 And to speak a little bit more about
5 parking -- about our approach to parking, you'll notice
6 at the top of the slide that we've indicated proposed
7 ratios for spaces to units. And that proposal was
8 something that we've been discussing with the planning
9 department and that they had mentioned independently in
10 looking at this project and thinking about how we might
11 start to find a way to tie actual parking usage to unit
12 density.
13 And, as I mentioned earlier, we haven't gotten
14 to the point of talking about or looking really closely
15 at unit layouts or unit mix, but we know that we only
16 have 18 parking spaces here and so we're going to use
17 those ratios and that methodology to guide, I think,
18 some of the decisions in the future about what the unit
19 mix might look like and how the project will shape up.
20 In our previous proposal, we did have 34 bike
21 parking spaces, and we found some opportunities to
22 increase our bike parking capacity both by adding more
23 racks in other portions of the garage, but also
24 incorporating some systems that allow you to hang bikes

1 on columns, which is common for these types of projects
2 and it's something we've done in other cases.
3 And we're now, at least, at a point where if
4 the project were to remain at 45 units, we can at least
5 provide one bike parking space per unit, which is
6 consistent with some of the highest requirements that
7 we've seen in other jurisdictions surrounding Boston.
8 So we're trying to really meet what we see as the kind
9 of most conservative standard that's in place today.
10 You'll notice that we started to carve out
11 some extra storage areas within the garage as well and
12 take advantage of underutilized space. And while the
13 trash room, the compactors remain sized as they had
14 been in a previous design for this project, we are
15 providing these extra storage spaces for use by
16 building management. Whether it becomes necessary as a
17 function of controlling overflow trash or it's for
18 storing supplies and equipment, they're spaces that'll
19 be useful for the overall operations of the project.
20 You'll note that above the striped area next
21 to the van parking space there is an access door that
22 connects with the sidewalk that extends along the
23 western-most property boundary, and that side door
24 provides direct pedestrian access for cyclists into the

1 garage so they can go access the bike parking rather
2 than having to come down the ramp and deal with trying
3 to operate the door itself.
4 And so it's little features like this that
5 start to really drill down on the way that this project
6 is going to be occupied and used. And we're starting
7 to think at that next level of detail about making sure
8 the experience we're providing is consistent with how
9 people will actually use the building.
10 So we're looking at a little bit more detail
11 at the ground floor here where it meets Centre Street.
12 So we've rotated the plan 90 degrees. Centre Street is
13 at the bottom of the screen. And you'll notice there
14 is a dashed outline here at the garage -- the driveway
15 apron that's almost aligned with the bump-out itself.
16 And so this is the designated location for the
17 stormwater infiltration and management system.
18 And currently, the project engineer is in the
19 process of designing that system and has been, I
20 believe, coordinating with Peter Ditto to work out the
21 details of how that arrangement is going to work. And
22 I believe Peter is going to speak about this in a
23 little bit more detail.
24 But for the time being, moving the stormwater

1 system out of the building footprint and identifying
2 the buildable areas for that system was one of our main
3 goals and we feel we've accomplished that with this
4 plan.
5 We've also managed to make accommodations for
6 the site transformer and provisions for screening of
7 that transformer as well. Typically, the utility
8 providers will require that this transformer be
9 directly accessible from the public right of way and be
10 completely free and clear and in the open. But
11 aesthetically, that's not something the town prefers or
12 that we prefer, so we've at least planned to be able to
13 go ahead and treat it in a way that will make it a less
14 prominent feature along the pedestrian experience on
15 Centre Street.
16 So talking about the building section in a
17 little bit more detail -- and this is going to be a
18 very broad overview, but there's a couple key points
19 I'd like to make. So this is our previous building
20 section from the initial proposal, and you'll notice
21 that the site itself is particularly flat. I believe
22 there's a slight change in elevation from Centre Street
23 toward the rear of the property, but ultimately, the
24 new project would more or less sit at a flat defined

1 elevation in this scheme.
2 Looking at the updated sections, you'll notice
3 that the floor-to-floor height along Centre Street has
4 been reduced to 11 feet and that the driveway access
5 ramp and parking drive aisle slopes down as you go
6 further into the site so that you then end up with
7 roughly 13 and a half feet floor to floor at the rear
8 of the garage itself.
9 This allows us to bring our residential floor
10 plate a little bit closer to the street, it allows us
11 to bring our residential windows and fenestration at
12 that second floor closer to the pedestrian scale, and
13 it also allows us to create a little bit more of a
14 relationship up at the front where we start to create
15 this bump-out and we start to define how that all works
16 and ties together.
17 So it's only a reduction of roughly two feet
18 in the overall height of the building as measured
19 technically from the lowest point to the highest point,
20 but in our feeling, this is really trying to look at a
21 more meaningfully integrated building with the site
22 itself, as small a gesture as it might be.
23 Talking about design guidelines -- so we
24 agreed, as a group, that it was important to lay out

1 some principles that we could adhere to as we started
2 to look at adjusting the massing and adjusting the
3 fenestration and materiality of the project.
4 There is a bullet here for site planning, and
5 ultimately, all of the goals in that site plan section
6 or that criteria are criteria that we've attempted to
7 satisfy with the newest proposed ground floor plan.
8 The massing section, though, is really kind of a look
9 ahead to give you an understanding of what our thoughts
10 are with the peer review architect team for the
11 meaningful principles that we should adhere to when
12 we're looking at the envelope of the building in
13 greater detail.
14 So as we've discussed in a little bit of
15 detail tonight, we do want to articulate the ground
16 floor to soften the pedestrian edge along Centre
17 Street.
18 We want to clearly define the primary entry.
19 That was one of the peer review architect's main
20 points, that all we had really done was treat the entry
21 by putting a two-and-a-half-foot canopy over it and it
22 really didn't -- it didn't tell you that's where you
23 should enter the building. It didn't seem like it
24 would be a source of activity and vitality on the

1 street edge, so we want to think a little more
2 critically about that.
3 We want to articulate the exterior building
4 envelope to visually manage the scale. So that's
5 architect speak for saying that we want to break up the
6 mass of the building horizontally and vertically so
7 that when you're looking at the building in real life,
8 your eye is drawn to specific pieces of the building
9 rather than perceiving the building as a whole all at
10 once. And so we're going to think carefully about how
11 that applies to the new upper floor plan as we get into
12 those explorations.
13 And we really want to emphasize horizontal
14 proportions. The peer reviewer noted that, especially
15 along Centre Street, the way that we had organized the
16 materials and the massing on the building, we were
17 really creating this vertical expression. We were
18 emphasizing verticality. The way we were grouping
19 widows was emphasizing that verticality.
20 And there has been some consensus that that
21 aesthetic is a little bit more commercial and a little
22 bit less residential and is also -- it's not really
23 helping make a case for how the design fits in with the
24 context on Centre Street. So we noticed really a

1 language of horizontal lines and details on the street
2 as we had been walking, materials that are horizontally
3 elevated, massing that's proportioned horizontally, and
4 so we want to start to think about integrating that
5 into our strategy for approaching massing.
6 In terms of fenestration materiality, this
7 seems like kind of a no-brainer, but it's a big one:
8 Select window proportions and details that express a
9 residential character.
10 So that -- all of these -- just to take a
11 global step back, all of these can be looked at
12 subjectively. I'm sure I have ideas of what is a
13 residential window, and someone might have a different
14 idea, but I think all of these are in a context of the
15 neighborhood. It's in context of the community that
16 surrounds this project. And so we want to take that as
17 a principle and use it to evaluate our urban fabric
18 around the project and come back with a design response
19 that we feel is integrated and compatible with that
20 context.
21 We want to utilize balconies to provide usable
22 outdoor space for the residents of the project.
23 We want to go ahead and detail the primary
24 facade, meaning facing Centre Street, to reflect the

1 surrounding neighborhood content. And so that means
2 selecting materials and looking at details that are
3 driven by the neighborhood. And I would say that would
4 mean a more traditional style of architecture, but that
5 means a lot of different things, so I think we'll wait
6 and see how that ends up.
7 We want to utilize trim and detailing to
8 reinforce horizontal building proportions, making sure
9 that we're really helping manage the vertical scale of
10 the building and helping draw relationships between the
11 people who are walking by the project on the sidewalk
12 and the horizontal nature and breakdown of the building
13 facade.
14 And we want to select materials with textures
15 that emphasize human scale. So for most residential
16 homes, that's as simple as saying that lap siding that
17 you see is -- it's got a residential scale. It's sized
18 that you can understand how big it is, you know how it
19 feels to be against it, you can draw a relationship to
20 it when you see it on a building in a facade. I'm not
21 saying that we want to use lap siding on a building of
22 this scale, but I think we want to take the principle
23 of materials like lap siding and materials that are
24 more residential and think about the texture as a way

1 of infusing human scale into the design of this
2 building.
3 So talking a little bit more about schedule,
4 we've got a lot of ground to cover in a short amount of
5 time. We like to think really critically about the
6 design of our projects, and we know that the owner is
7 very particular in making sure that the building that
8 he wants to build is going to be really well done.
9 So this schedule is looking ahead really, kind
10 of, right to August 25th and saying at that point we're
11 going to be able to submit updated floor plans for the
12 upper floors, a unit mix, a primary building elevation,
13 and draft perspectives to the working group for
14 internal review so we can start to get feedback and
15 talk about how those respond to some of the comments
16 we're heard to date.
17 In September we're planning to present an
18 updated building massing and updated floor plans to the
19 ZBA so that we can start to talk about how some of
20 these principles are translating through to the actual
21 design.
22 And by mid-September, we will want to be able
23 to present primary building elevation perspectives that
24 show how all of these ideas manifest in a new image for

1 this building.
2 By October we want to be able to present the
3 project in its entirety: plans, elevations,
4 perspectives, to really explain how this whole project
5 ties back together.
6 And then that leaves us time in November to
7 incorporate any sort of feedback or comments that come
8 out of the process that might not have been addressed
9 up to that time.
10 So this schedule and takeaway is something
11 that we talked about preliminarily. I'm sure the dates
12 are kind of here and there. But regardless, it's our
13 attempt at really trying to guide the process and help
14 everyone understand that we're trying to move as
15 quickly as we can but also be really thoughtful about
16 the design responses that we're making.
17 So that's where we are to date, and I'd be
18 happy to answer any questions that the board may have.
19 MR. GELLER: Let me jump in with a few
20 questions. Can you go back to the ground floor plan?
21 MR. BARTASH: Sure.
22 MR. GELLER: That's fine. Was there any
23 discussion of the building actually being the footprint
24 that I see when I go to that jog at -- forgive my

1 blindness -- 33.7?
2 MR. BARTASH: So you're talking about the --
3 essentially following the line of the garage doors?
4 MR. GELLER: Right. And then also setting --
5 where you have a lobby, having that as a true 15-foot
6 setback.
7 I know programmatically it significantly
8 changes the size and -- let's be honest -- the number
9 of your units, but that's actually an interesting
10 number. I think there are some interesting things here
11 because -- was there any discussion to do something
12 like that and see if that works?
13 MR. BARTASH: So there was. And actually, we
14 didn't start off with having a lobby that bumped out
15 past that 15 feet, but what we did is we pushed
16 everything back and said, this is the hard line, 15
17 feet. Let's see what happens. And we realized right
18 away that the impact on parking was significant and
19 that the logistics of managing where the vertical cores
20 were coming down -- the trash chute, the elevator, the
21 stair -- it started to get really tight on the site and
22 really challenging. So we said, how can we try to
23 relieve some of that pressure and also improve the
24 logistics of the garage in a way that everyone could

1 agree was not taking away from the experience along the
2 street edge.
3 And so the idea of having this bumped-out
4 vestibule arose as a kind of -- I don't want to say a
5 compromise, but as a strategy for accommodating access
6 and entry and some of the ground floor programming
7 function in a way that could be meaningfully designed
8 to enhance the street edge.
9 As far as the upper building floor plan is
10 concerned and how it dovetails to this ground floor, we
11 did think about where that line might fall and how the
12 upper floor plan could correspond with the garage
13 footprint. And what we determined is that really
14 mirroring or echoing that sort of carve-out all the way
15 up the building would actually lead to some pretty
16 significant design challenges because of the geometry
17 of the facade. But also, it wouldn't really create any
18 sort of meaningful impacts at grade and that not -- we
19 thought would be stronger than thinking more carefully
20 about that vestibule and how it's designed.
21 MR. GELLER: Okay. Can you go to the picture
22 where you show the massing of -- this theoretical
23 massing, because you haven't touched anything.
24 MR. BARTASH: Yes.

1 MR. GELLER: So when you're showing us this
2 outline, this elevation, this is simply -- you're not
3 suggesting that this is -- this may or may not be what
4 you come back with. You're simply trying to address
5 ground floor at this point.
6 MR. BARTASH: That's correct. That is just
7 imagining that nothing -- just cut right through the
8 middle of the building.
9 MR. GELLER: Okay. And parking, which was
10 another issue. I think it was the -- shall I say the
11 opinion of this board that the ratio should be --
12 Kate, I know you were strong on one parking
13 space --
14 MS. POVERMAN: Per unit, at least, yeah.
15 MR. GELLER: Per unit. And it appears from
16 your chart that one bedrooms, you're suggesting half a
17 space, and then you go to one space per unit at two
18 bedrooms, three bedrooms.
19 Remind me, how many one bedrooms?
20 MR. BARTASH: At this point, we haven't gotten
21 to the --
22 MR. GELLER: So programmatically, that will
23 change?
24 MR. BARTASH: It'll evolve based on what we're

1 finding here.
2 MR. GELLER: So the ramification of half a
3 space per one bedroom unit is to be seen?
4 MR. BARTASH: That's correct.
5 MR. GELLER: Okay.
6 Anybody else?
7 MR. CHIUMENTI: Yeah. Basically, this parking
8 level drops down. What would be the problem with
9 dropping it down sort of mid or two-thirds from the
10 back a full story so that you could actually, maybe,
11 lower the very front of the building a story,
12 essentially lowering midgrade or a little bit below
13 grade. What prevents you from going a level below
14 grade?
15 MR. BARTASH: So the challenge here is the
16 limitations for the slope of the parking ramp and also
17 the clearance that we have above that ramp. As you
18 start to increase the clearance and drop the building,
19 you're kind of just fighting against two different
20 opposing forces. But what we could look to do is to
21 try to increase the slope of that ramp a little bit
22 more, try to get a little bit more out of that move or
23 that gesture if the goal is to really even further
24 lower the presence of the building along the street

1 edge.
2 MR. CHIUMENTI: Right. That's what I was
3 thinking.
4 The other thing I was going to comment that
5 you were up against a tight schedule. That's pretty
6 much partly at your discretion, too, as far as asking
7 the board for a delay as well. So if you feel there
8 needs to be more time, I think that our schedule would
9 indicate that wouldn't be inappropriate.
10 MR. HUSSEY: Could you go back to the full
11 section? This sort of light wall, is it across the
12 entire back of the building?
13 MR. BARTASH: So at the very rear of the
14 building, the only program that we have there -- I'll
15 shift back to the plan to talk about that -- is a paved
16 sidewalk that gets you from the egress stair back to
17 the public right of way.
18 MR. HUSSEY: Here?
19 MR. BARTASH: Yup. Right at that location.
20 MR. HUSSEY: And so that's why it's dropped
21 down -- the grade -- to accommodate that?
22 MR. BARTASH: The grade is dropped down
23 relative to the parking level and trying to maintain a
24 clear height within the parking level, but it reduced

1 the overall height against Centre Street.
2 MR. HUSSEY: I understand that. But the
3 reason this is dropped down is just because of that
4 door and that egress; right?
5 MR. BARTASH: That's correct. And so what
6 they're saying is it could be brought back up to
7 existing grade.
8 MR. HUSSEY: Well --
9 MR. BARTASH: Possibly.
10 MR. HUSSEY: Possibly. But you could also,
11 could you not, exit this way and have that up to a
12 grade matching the existing grade out here so you
13 wouldn't have quite such a long, you know, well to
14 collect leaves, so forth and so on? I'd think about
15 that.
16 Could you go back to the enlarged entryway
17 plan -- enlarged plan? I think this whole area needs a
18 little bit of work. I think you've got a lot of space
19 here. I'm not sure it's all necessary. If you could
20 move this over a bit or even install it over here
21 somehow, instead of having lobby and a vestibule, have
22 both the lobby and the vestibule much tighter in this
23 area.
24 And the doors over here, you could do a couple

1 of things. One is you could cut this back at bit, and
2 the other, maybe you could bevel it. You could
3 certainly bevel it here. I'm still a little bit
4 worried about sight lines driving out of this ramp.
5 You've got it covered here, but I think it still needs
6 some better sight lines right at this point. And if
7 you get this door over here and tighten up all of this,
8 you could bevel that corner, which would give you
9 better sight lines. It also, then, would begin to look
10 like a bay similar to some of the other residential
11 bays that occur throughout. So I would look at that
12 more closely.
13 The transformer, is there any chance you could
14 have that underground?
15 MR. BARTASH: Technically, it's feasible.
16 It's unlikely here.
17 MR. HUSSEY: Why is that?
18 MR. BARTASH: Given the space on-site. And
19 most utility companies that we deal with don't prefer
20 them to be underground, so it's something we'd have to
21 review with them and also review as part of the
22 construction plans, too, late on down the line.
23 MR. HUSSEY: All right. And, let's see, the
24 main setbacks -- going back. So the setbacks for the

1 building are here; right?
2 MR. BARTASH: That's correct.
3 MR. HUSSEY: And along here as well?
4 MR. BARTASH: Uh-huh.
5 MR. HUSSEY: And I see -- you mentioned you've
6 got a compactor at some of these --
7 MR. BARTASH: Yes. Right here, to the right
8 there.
9 MR. HUSSEY: Right in here?
10 MR. BARTASH: Yeah. It's in that room.
11 MR. HUSSEY: It's in that room?
12 MR. BARTASH: Uh-huh.
13 MR. HUSSEY: How many barrels of trash do you
14 think you're going to have? Any idea?
15 MR. BARTASH: I do not. But with a compactor,
16 typically what happens is there's a -- almost a
17 cartridge.
18 MR. HUSSEY: Right.
19 MR. BARTASH: And the trash stays within that
20 cartridge, and the trash management company comes,
21 hauls that cartridge out, and then loads it into their
22 trucks. So it isn't as if there are -- you know, 45
23 individual barrels get filled up.
24 MR. HUSSEY: Right.

1 How many units do you have now? About 44
2 still, you think?
3 MR. BARTASH: We don't know yet.
4 MR. HUSSEY: It will be in that range; right?
5 MR. BARTASH: It will be no more than 45.
6 MR. HUSSEY: I live in a 72-unit condominium.
7 I've counted the trash barrels, the 95-gallon type, and
8 we've got about a little under half per unit, actually.
9 So I think -- I'm wondering if you need all that trash.
10 I'm a little bit worried about the compactor, because
11 it sounds good when it's fresh and new and more or less
12 kept up, but it does get to be a problem with odor
13 going down the pike if it's not really maintained, you
14 know, very, very well. We talked about that, I think.
15 I think that's probably it at the moment.
16 I'll be curious to see what kind of mix you come up
17 with with your units. I think it would be better if
18 you could have one parking space for each of the
19 one-bedrooms as well as the two- and three-bedroom
20 units. I don't know why, but I think the studio units
21 are perhaps less apt to have a car, but I don't know
22 for sure. I see the real problem is getting one -- if
23 you've got -- so how many parking spaces do you have
24 now? Eighteen?

1 MR. BARTASH: Eighteen.
2 MR. HUSSEY: So the only way to really get one
3 car per unit would be to reduce the number of units
4 down to eighteen; right?
5 MR. BARTASH: Yes.
6 MR. HUSSEY: Well, let's how you do when you
7 get into the design of the upper floors. You may want
8 to revisit that going forward.
9 But I think the main thing right now, I think
10 we could tighten up on all of this area, as I
11 indicated. You've got this, so you've got more green
12 space here, and you've got a angle.
13 MR. BARTASH: Those are great comments.
14 MR. GELLER: Kate?
15 MS. POVERMAN: Okay. First, why couldn't you
16 put the whatever -- why couldn't you just put it back
17 there, the transformer. Because this is very pretty,
18 but that's going to be very ugly.
19 MR. BARTASH: Yeah. Unfortunately, the
20 utility company won't let you put the transformer
21 underneath or within the building footprint. It has to
22 be open to the sky.
23 MS. POVERMAN: Okay. And I -- so I confess
24 that I just haven't quite figured out exactly what you

1 meant. So there's a 15-foot setback. Obviously it
2 doesn't apply to the bump-out, which goes up to five
3 feet; right?
4 MR. BARTASH: That's correct.
5 MS. POVERMAN: So the bump-out at grade is not
6 talking about anything. It's just describing. This
7 isn't actually part of the building, that bump-out at
8 grade?
9 MR. BARTASH: So that is -- that bump-out at
10 grade is the part of the building that is called out as
11 the lobby and the mail area and that -- part of that
12 vestibule.
13 MS. POVERMAN: Okay. But that green part is
14 not actually part of the building?
15 MR. BARTASH: No.
16 MS. POVERMAN: Okay. So what happens on the
17 second floor?
18 MR. BARTASH: So at the second floor, the
19 facade steps back to that 15-foot setback and continues
20 up from there. So I'm just going to flip to the
21 section --
22 MS. POVERMAN: Yes.
23 MR. BARTASH: So you can see on the very
24 right-hand side of the section there's a small light

1 bump.
2 MS. POVERMAN: Yup, okay.
3 MR. BARTASH: And it steps back and goes up
4 from there.
5 MS. POVERMAN: Okay. And so the part where --
6 if you could go back to the other one -- where it kind
7 of goes, you know, moving on back, there will still be
8 the square building above that?
9 MR. BARTASH: That's correct.
10 MS. POVERMAN: And the pillar here just
11 connects with what's above?
12 MR. BARTASH: That's correct.
13 MS. POVERMAN: I agree with Mr. Hussey. I
14 think that has still got some sight line -- significant
15 sight line problems if you've only got five feet there.
16 I like Chris's comments about making more room by
17 consolidating things with what you've done with the
18 first floor bump-out.
19 One of the concerns I have with compactors and
20 people -- well, I know Newton has outlawed them. I
21 don't know if there's ever been grumblings in Brookline
22 about doing the same, but that could cause problems.
23 And I still think that since my household generates two
24 or three times as much trash as Mr. Hussey's, as we

1 were talking about, I still think that trash could be a
2 problem.
3 And I -- like I said before, I think this
4 is -- I really like the differentiation you're starting
5 to make and the creativity, but I'm still very
6 concerned about the parking. I wish there had been
7 some more give in terms of the setbacks, I think,
8 especially in the back. And, you know, I realize it's
9 still a work in progress and -- so nothing's set in
10 stone, like height, especially if we get down to the 18
11 per unit to match the cars. But I think these are nice
12 changes that you've started on.
13 MR. GELLER: Anything else?
14 (No audible response.)
15 MR. GELLER: Okay. I want to thank the
16 applicant for starting the process of thinking about
17 this and thinking about our comments. I'm appreciative
18 of them.
19 I do think that it's important to make one
20 comment, and I know I sort of hammered this a little
21 bit at the last hearing. The process is a discussion.
22 The only party that has a vote here, up or down, good
23 or bad, go in this direction, don't go in this
24 direction, are the ZBA members. So when the applicant

1 comes in with a proposal, they're taking the words that
2 we've given them at open hearings and they're trying to
3 work through that. And that's what I mean by an
4 "iterative process."
5 So they're here starting that process as a
6 discussion with the board, and we, just like you, are
7 seeing this for the first time. And ultimately, as I
8 think you can already tell, they'll have further
9 comments and there will be a whole process of this.
10 But at the end of the day, the only one, the only group
11 that makes the final decision is the ZBA, and that will
12 be at open hearing.
13 Maria.
14 MS. MORELLI: For the record, Maria Morelli,
15 senior planner, planning department.
16 And, Mr. Chairman, I just wanted to pick up on
17 the aspect of it being an iterative process. I very
18 much appreciate Mr. Bartash proposing a schedule. I
19 think he's being very diligent and just trying to be
20 responsible about laying out a schedule to make sure
21 there would be time to make some meaningful changes in
22 the schedule that we have. But in no way was the
23 planning department or staff dictating that the
24 schedule is solely in the project team's hands. I

1 think they were just looking at an overview. Clearly
2 it's the ZBA's charge to the developer that sets the
3 tone, and if they're coming back to you and you still
4 need more changes, clearly, we would be revisiting the
5 schedule accordingly. And I think the project team
6 does understand that.
7 Also, I just want to be careful when words
8 like "we agreed" -- I want to make it very clear -- and
9 I will actually summarize the ZBA's charge to the
10 developer that we started off -- it was a very
11 collaborative session. And what the project team -- I
12 think what Mr. Bartash means is that they were very
13 open-minded and they agreed with a lot of the points
14 that were brought up. Again, staff and the urban
15 design peer reviewer and the project team are not
16 negotiating or making agreements on your behalf.
17 That's just a minor point. I just wanted to point out
18 that the project team was very amenable and open-minded
19 about the changes.
20 So with that, I would like to just give an
21 overview of the summary that we heard. This was the --
22 where there was consensus among the four ZBA members
23 and then there were some additional comments from
24 separate members.

1 But certainly the front yard setbacks would be
2 the thing that we heard. And one of the things that
3 that was brought -- why that was brought up, certainly
4 there is a set modal pattern that's about 20 to 25
5 feet. A 15-foot setback is certainly what is the
6 zoning minimum requirement for the M-1.0 district, and
7 that seemed to be a good baseline to start with, that
8 15-foot setback.
9 Another was to just have a -- engage or mimic
10 the streetscape. And the other was to improve, for
11 public safety, that garage setback. A garage setback
12 is an entrance of 20 feet from the property line. And
13 what the project team is proposing is a good 30, 32
14 feet and angled away, so that's certainly an
15 improvement.
16 A residential rather than commercial office
17 appearance; cues from single- and two-family
18 neighborhood in terms of materials and architectural
19 details; achieve a human scale at ground level;
20 deemphasized the prominence of the garage door, the
21 garage entrance at the street level; improve the
22 parking ratio; have the infiltration system be located
23 outside the building footprint, and therefore the
24 building footprint would need to be smaller; and obtain

1 input from the fire department early.
2 Some additional comments we heard from ZBA
3 members were that all setbacks should be increased. I
4 believe that came from Ms. Poverman; reduce height, and
5 that came, I think we understood, from Mr. Chiumenti
6 and Ms. Poverman; tree protection, there are some trees
7 on the right side where there is a parking lot that
8 belongs to 19 Winchester; and address abutting
9 properties and some construction issues.
10 So I'll just start with that last piece about
11 the abutting properties and construction issues that
12 could damage abutting properties, whether they're below
13 grade or above ground. The state building code governs
14 a lot of these issues, and it's really not the purview
15 of the ZBA, although certain things can come out and
16 inform the construction management plan later.
17 But what I have given you from the building
18 commissioner -- because we have several 40B projects
19 where construction is proposed very close to existing
20 properties or existing buildings. The building
21 commissioner has outlined what the state building code
22 covers, what issues there might be in terms of
23 fenestration, setbacks, and so forth. So that's
24 provided as a baseline. And if there's still concerns

1 about that because of a specific project, that can
2 certainly come out. The building commissioner isn't
3 here this evening, but we just received that memo and
4 we will post it online, distribute it to the community.
5 If you have any further questions, certainly you can
6 address it directly with him.
7 Just to reiterate, we did have two staff
8 meetings. The first was August 2nd. It consisted of
9 Alison Steinfeld, planning director; building
10 commissioner, Dan Bennett; myself; Cliff Boehmer, the
11 urban design peer reviewer; Mr Roth and Mr. Bartash,
12 the architect -- the owner and the architect
13 respectively.
14 At meeting two on August 11th, we met with a
15 larger group. Again, it was Ms. Steinfeld;
16 Mr. Bennett; myself; Kyle McEachern of the fire
17 department; Peter Ditto of transportation and
18 engineering; Todd Kirrane, transportation; Pat Maloney,
19 public health; and we are working with Tom Brady who's
20 from the conservation department and the tree arborist
21 separately. Mr. Boehmer, our urban design peer
22 reviewer was there, as was Mr. Roth and Mr. Bartash.
23 So the goals for the first meeting were to
24 break down your charge to the developer into manageable

1 chunks, and that's why you're looking at really -- we
2 focused on the geometry of the site. And I realize it
3 can be a little difficult to look at a site plan that
4 is altered but see that disembodied from the elevations
5 and the volume of the building.
6 And I just want to point out that this is an
7 iterative process, so you cannot just do, you know, an
8 updated site plan and then it's set in stone and you
9 just build the elevations from there. You're going to
10 circle back and start looking at elevations after this
11 meeting and then see how the setbacks or how that
12 vestibule, the dimensions might be altered because it
13 looks out of proportion or it still seems too big.
14 One of the things that I just want to make
15 clear, because it can be very confusing to look at site
16 sections, that layer cake, that building section.
17 There's nothing agreed upon with those upper floors.
18 Certainly one way to mitigate some of the issues
19 concerning the height is to start carving away or
20 articulating the building on those upper floors, so
21 there might be step-backs. And that's certainly
22 something that the urban design peer reviewer has
23 pushed at these two sessions, and it's something that
24 we will think about and actually address directly and

1 specifically at our next staff meeting. That's just
2 not addressed here, but that is an important agenda for
3 the upcoming staff meeting.
4 Okay. So the charge for our first -- the
5 first two meetings were really to address that front
6 yard setback, the garage entrance, safer or improved
7 driveway visibility, the parking ratio and the plan,
8 and having that drainage system outdoors.
9 Mr. Boehmer had suggested a ramp,
10 Mr. Chiumenti had suggested a ramp that would lead to a
11 parking level below grade, and Mr. Bartash -- the
12 project team did seriously consider that and there were
13 some design challenges and it wasn't going to achieve
14 more parking space. So we decided to just look at how
15 the improved layout for that garage entrance, how that
16 would look at the ground level.
17 There still are opportunities to -- in
18 addition to articulating the building and improving the
19 massing, the perceived height, Mr. Boehmer does think
20 that even with these number of stories, there is a way
21 to reduce the building height by six feet. And that's,
22 again, something that we'll just work out in sessions
23 to see where the architect can further work on that.
24 But he has that experience, just reducing the overall

1 height by six feet, which can makes a substantial
2 difference by improving that parking area.
3 The width of the building -- so I just want to
4 speak to the front yard setback. Certainly having the
5 body of the building set back 15 feet is a positive
6 thing. We certainly will circle back and look at the
7 proportions for the vestibule. The fact that the
8 project team is thinking about a bump-out that's one
9 story, mostly glass, that is inspired by the existing
10 building where there is a glass vestibule that is quite
11 handsome, that is a good start. Certainly, we still
12 have yet to talk about how the proportions of that
13 vestibule actually work. So that 15-foot setback for
14 the mass of the building is a good start. Further
15 articulation on the upper floors would be better, but
16 the ground floor does need to accommodate the width of
17 the drive aisle and the parking spaces itself. So
18 there is -- it's a very important goal.
19 I will iterate that we feel, also, that the
20 parking plan -- the parking ratio is low and that there
21 could be a way to improve that, and I'll speak to that
22 a little bit later.
23 I do want to mention something about adaptive
24 reuse, because that was certainly a passionate plea

1 that was made. I think that it is clear that the
2 current structure is very handsome. It's something
3 that does set a beautiful tone and part of that
4 streetscape that people are very attached to. But
5 while, for several reasons, adaptive reuse isn't
6 possible, certainly the driveway width cannot
7 accommodate, you know, what we would need for something
8 with more than six parking spaces, the front yard
9 setback is a lot deeper than 15 feet, I think that the
10 project team has made it very clear that they want to
11 be -- they do want to be inspired by some of those
12 architectural details and materials like the red brick
13 moving forward.
14 Okay. So our goals for meeting two were after
15 we discussed -- right after we -- the developer
16 received your charge, we talked about how we could
17 achieve some of those objectives. The project team had
18 spent about two weeks analyzing that and provided us
19 with a plan which we commented on. I will just quickly
20 go over some of the positive changes and then areas
21 where we discussed with the project team where there
22 needs to be further analysis or a little more work.
23 The revised site plan is heading in the right
24 direction. Achieving a 15-foot setback for the body of

1 the building is consistent with zoning for this
2 district, and it does reflect better the setback modal
3 pattern for the street.
4 Echoing the vestibule concept of the
5 single-family homes in the nearby context is
6 responsive.
7 There is also an opportunity to improve the
8 viewshed on that -- with the vestibule and with the
9 driveway being configured the way it is.
10 Increasing the setback between the left
11 building and the project for at least, maybe, 25 feet
12 where that building starts also is an improvement.
13 On the right side, the setback was increased
14 by a foot, which is modest. Again, we haven't seen the
15 upper floors, and those might be articulated further.
16 I just wanted to keep that in mind.
17 Creating an open-space amenity on the left
18 portion of the site is a positive thing, although
19 Mr. Boehmer was concerned about the low product
20 location of the transformer so I believe that we will
21 be revisiting that, and certainly from hearing the
22 feedback, we would like to revisit that.
23 The rear yard setback is currently five feet.
24 One of the things we thought about was having the rear

1 yard surface parking, but that would have eliminated
2 four parking spaces and we're trying to look for a more
3 efficient parking plan. So at this stage, there is a
4 five-foot setback, but keep in mind we don't know how
5 the building will be articulated on the first -- on the
6 upper floors to improve viewsheds. So let's see what
7 comes out of the next staff meeting, and we'll better
8 be able to report on that, and then we can go back to
9 the setbacks again. That's what I mean by being an
10 iterative process. It's a matter of going to the
11 elevations and then returning to the site plan and vice
12 versa.
13 Okay. The elimination of the 3,000 square
14 feet already on the ground level is very promising, and
15 that certainly is why Mr. Bartash is not committing to
16 the number of units and a unit mix. We do agree that
17 that's something that has to be circled back to and
18 that if there is further articulation of the upper
19 floors, there would be also more of a reduction of the
20 living area.
21 Again, as I mentioned, the parking ratio is
22 still pretty low for what we think -- where we are with
23 the 42,000 square feet of living area that we could be
24 at right now. Again, this is not about -- it's not

1 final, but we'll just calculate as space is reduced.
2 And the number of compact spaces, the percentage -- so
3 7 out of the 18 spaces would be compact. In our bylaw
4 we have about a 20 percent or 25 percent of -- no more
5 than that percentage of parking spaces would be
6 compact. So that's just something to think about. And
7 when we look at this parking plan a little more with
8 the project team, that's something that we'll discuss
9 further.
10 Putting the transformer elsewhere so it's not
11 so visible, what are the options and how can they best
12 be met? Because that is a very visible location.
13 Enhancing that open space amenity.
14 And the other thing I just want to cautiously
15 bring up because it was something that our urban design
16 peer reviewer mentioned as a way to increase parking:
17 It is a bit controversial because we, as a town, do not
18 have experience with car stackers. We certainly have
19 frowned upon and actually advised that a more
20 traditional system be used.
21 However, Mr. Boehmer just wanted to suggest a
22 conservative approach where at the rear of the
23 building, if stackers were used for 10 additional
24 parking spaces where it's not -- and again, this would

1 have to be vetted by a parking specialist -- not just
2 traffic peer review, but a parking specialist -- to vet
3 any impact on the community and to see if this would
4 even be viable. But the fact that there would be
5 sloping toward the rear of the site actually means that
6 there is height to accommodate it. And again, this is
7 a report to the ZBA, so I want to be very clear that
8 this is something that Mr. Boehmer brought up as a
9 possibility.
10 So in terms of traffic safety, as I said, we
11 had several departments represented at our staff
12 meeting. The parking ratio still needs to be improved,
13 according to Mr. Kirrane. There needs to be -- the
14 project team need to supply engineering calculations so
15 that DPW and the building commissioner can analyze
16 driver visibility where it faces the street to make
17 sure that pedestrians can be seen and there's nothing
18 obstructing that view of pedestrians. So the project
19 team knows to be supplying that, and that's what they
20 will be doing in the next couple of weeks.
21 The 45 bike racks is actually a pretty high
22 ratio. We don't, even in our bylaws, actually have a
23 very high ratio, so this is a very positive thing.
24 This is what we would call transportation demand

1 management, and that is actually a good thing. Other
2 things that the transportation division would advise
3 down the road are actually a commitment to two TDM
4 standards.
5 In regard to rubbish and recycling and any
6 noise with mechanicals, Pat Maloney from public health
7 was there and has requested a narrative from the
8 project team that describes the rubbish plan. So trash
9 compactors are good, but how they're going to be -- if
10 they're going to be delivered to the street. Is there
11 going to be a private management company? How many
12 times would they be removed? What is that streetscape
13 going to look like with the number of receptacles? All
14 of this has to be put in writing in narrative early on
15 in the process so Mr. Maloney can provide some feedback
16 and some recommendations.
17 One concern that he has is actually the
18 recycling storage because there can be some fire safety
19 issues as well as sanitation issues, so that has to be
20 part of the narrative as well.
21 One of the things that Mr. Maloney didn't get
22 into, but he cited 45 Marion as having a responsible
23 recycling and trash management plan.
24 Mr. Maloney's also been getting a lot of

1 complaints at other commercial sites concerning sound
2 and mechanical noise, and he also would like to have a
3 narrative, something in writing, that explains how it
4 is going to be screened, the auditory screening, where
5 it will be located on the roof, and other noise
6 mitigation measures. And that's something that he will
7 be commenting on as well.
8 Mr. Ditto is going to provide a -- just a
9 comment on where we are. Clearly, with any change on
10 the site plan, the stormwater report from the applicant
11 will be updated. So the civil engineer is prepared to
12 be updating that, certainly, pending any further
13 instructions from the ZBA. But they do need to update
14 the stormwater report, and Mr. Ditto will need to
15 comment on that when the calculations are updated.
16 In terms of fire, again, this is going to be
17 something that every time there is a change to the
18 plans, we will be consulting with the fire department.
19 As it currently stands, even without looking at
20 elevations, Deputy Chief McEachern does feel that there
21 is access per the fire code, as long as there is 250
22 feet from the public way to any entrances on the
23 building, that it meets the fire code. And also, this
24 will be a sprinkler building, and it will also meet

1 NFPA standards. So so far he feels that it is
2 compliant.
3 However, it does not take the place of a
4 thorough review that the fire department would conduct.
5 The reason why we're bringing the fire department in
6 now is because anything that could affect the
7 configuration of the site plan and setbacks, it's
8 something we would want to know earlier rather than
9 later.
10 Other details, it seems like we're getting too
11 far ahead when we talk about construction management,
12 but we're always making a note of things that would be
13 an issue or might get resolved in these sessions. So
14 we wanted to assure you, because we have Mr. Maloney
15 present, he would be looking and commenting and
16 providing recommendations for any construction
17 management plan. And I say that because we've
18 certainly heard concerns about that from the community,
19 so it's not too premature to at least address it.
20 But rodent control, dust control, noise, where
21 trucks are going, how they're going to be laid out --
22 it is a very tight site -- DPW, the building
23 department, public health, they all work in concert to
24 provide a very comprehensive CMP -- construction

1 management plan. And our previous decisions actually
2 have some very robust guidelines that we can look to
3 and draw from.
4 And I don't want to overlook the tree
5 protection plan. Again, that is private property, but
6 we certainly are asking the town arborist to take a
7 look at that should there be any advice that he can
8 offer.
9 So our next meeting is going to be after the
10 ZBA meets, but there are, I think, agenda items. We
11 won't be able to -- or the project team won't be able
12 to show an updated plan necessarily, but one of the
13 topics that we will be addressing with the project team
14 will be the volume of the building and the massing so
15 that the building articulation and materials definitely
16 be a proportion of those architectural elements,
17 especially on the front facade.
18 Any ways to improve viewsheds, so if there's
19 any articulation of the building on the side, that
20 certainly will help the experience that the residents
21 at 19 Winchester have.
22 The engineering and calculation so that DPW
23 and the building department can assess the driver
24 visibility and public safety.

1 The fact that the stormwater plan needs to be
2 updated.
3 And again, it's just being explored. It's not
4 decided. It might be that it's not good for the site
5 and that therefore, if we were to have a low parking
6 ratio, we would have another set of conditions to think
7 about. But it seems to be worthwhile for the project
8 team to analyze the use of stackers because there is
9 some engineering involved. And so it would possibly
10 add 10 spaces and not necessarily to the building
11 height. We do not want the building height to increase
12 in any way. In fact, we're looking for ways to
13 decrease the building height. But at this point, the
14 parking ratio is so low it really was just -- we wanted
15 to find some options that could accommodate more
16 parking on the site.
17 So that appears to be it. I'm not sure if --
18 Ms. Steinfeld, if you have anything to add.
19 MR. GELLER: Are there questions?
20 MR. CHIUMENTI: The stackers are going to
21 involve a full-time attendant. I would think that
22 would be a complicated and kind of be an unattractive
23 prospect for the applicant to begin with.
24 MS. POVERMAN: What are stackers? That would

1 be helpful.
2 MR. CHIUMENTI: Cars parked on top of each
3 other.
4 MS. POVERMAN: The mechanical -- the same --
5 MR. GELLER: That was one design. There are
6 different companies that make different stackers. Some
7 are managed, some are unmanaged.
8 MR. CHIUMENTI: People are going to operate
9 this themselves.
10 MR. GELLER: Some are. The question
11 becomes -- Maria is actually correct. I think it's
12 important that the developer not wait on reviewing that
13 possibility. The parking count is low, and anything
14 that needs to be done to increase the number of parking
15 spaces, I think you need to do it, and you can do it at
16 the end of the process.
17 That goes hand in hand with your suggestion,
18 which is, frankly, in order for us to be able to assess
19 whether managed parking -- I'm sorry -- whether
20 mechanical parking systems make any sense, we would
21 have to have peer review to review noise, vibration,
22 tell us whether these systems function. And
23 Mr. Chiumenti is right. Do these systems function --
24 if their proposal is that this be a tenant-run system,

what would the peer reviewer have to say about that? Does it function?

MR. CHIUMENTI: It's a safety issue, I would think.

MR. GELLER: So I wouldn't wait until the end of the process for this.

MR. CHIUMENTI: I have one other ask. We received today or was sent -- the building commissioner's memo. I assume that's been shared with applicants to whom it applies. He suggested we -- that the board ask for a demonstration that these projects comply, and he cites three Massachusetts General Law sections. I think that's premature here where the project is not really defined, but, I mean, are we going to be really doing that, or is that something you're going to be asking, routinely, the right applicants to be doing?

MS. MORELLI: No. I think this is -- this is a memo from across the board, and it came rather late. I think I got this at like 4:00 from the building commissioner, so if the applicant hasn't seen it, that is the reason why. But the project team did know this was coming.

We wanted to address for all ZBA members on

1 all 40B projects, especially when there's this concern
2 about construction in close proximity to people's
3 underground parking, the swimming pools, or other
4 buildings, what is the purview of the ZBA and what
5 regulations exist at the state level to ensure there
6 isn't going to be damage to other people's properties.
7 And --
8 MR. CHIUMENTI: Certainly we're going to rely
9 on the building commissioner's advice about what we
10 expect to see. Do we actually need to vote this?
11 MS. MORELLI: No. So what his recommendation
12 is to the ZBA is that -- or even -- he requested this
13 directly of the project team, that the project team
14 provide building code analysis, and I haven't heard
15 that there are any concerns about the project team
16 being concerned about that.
17 MS. POVERMAN: So before the 3,000 square foot
18 reduction, what was the actual living space? Has the
19 actual living space been reduced at all? Because the
20 cut seems to come on the first floor. There wasn't any
21 living space there, was there?
22 MR. BARTASH: That 3,000 square feet is from
23 the building as a whole. It's not exclusively from the
24 first floor.

1 MS. POVERMAN: Okay. So does it reduce any
2 living space?
3 MR. BARTASH: It does.
4 MS. POVERMAN: Okay. 3,000 square feet of it?
5 MR. BARTASH: Yes.
6 MS. POVERMAN: Oh, so we have to do a traffic
7 analysis, and this is, again -- this was a
8 cart-before-the-horse thing. And that is one of the
9 biggest issues. It's parking, but it's not just that.
10 It has to do, in part, with how many people are in the
11 apartments as well as how many cars are coming and
12 going, and I don't want that to wait too far down the
13 line.
14 MS. MORELLI: No. For instance, the
15 parking -- the traffic peer review is going to be
16 looking at the number of trips and how the level of
17 service in the public way would be affected. So that
18 is not -- that is certainly going to be the next couple
19 of weeks, but it's --
20 MS. POVERMAN: Have to get things firm?
21 MS. MORELLI: Yeah. They just have to get
22 things firm, but then there's actually a substantial,
23 meaningful traffic review.
24 MS. STEINFELD: Alison Steinfeld, planning

1 director. I do want to acknowledge the applicant's
2 responsiveness, and I fully anticipate they'll continue
3 to be responsive.
4 I do, however, want to voice my concern that
5 we're halfway through the 180 days and we really don't
6 have a specific project, and I'm very concerned that
7 we're going to run out of time. I'm sort of in a
8 quandary as to what to review. We don't even know the
9 number of units we're talking about. So, again, I want
10 to voice that concern and reaffirm Mr. Chiumenti's
11 issue about getting an extension. Thank you.
12 MR. GELLER: As you're aware, we don't have
13 the unilateral ability to extend the statutory time
14 frame. We need the goodwill, on that specific issue,
15 of the applicant. And all we can do is make the
16 request of the applicant, which we do. And the
17 applicant says they'll take it into -- I assume your
18 response is you'll consider it. Is that fair to say?
19 MR. ENGLER: Yeah.
20 MS. POVERMAN: But isn't it also true that you
21 can only give an opinion on what is before us at the
22 time? So if what is before us is the original
23 proposal, then that's all we can comment on.
24 MR. CHIUMENTI: All we can vote on.

1 MS. POVERMAN: Exactly.
2 MS. STEINFELD: Actually, that's all you have
3 before you at this point because --
4 MS. POVERMAN: It's all in everybody's common
5 interest to get it together and to a point where --
6 MR. GELLER: Everybody's working diligently
7 within the time frame. If and when we get to the
8 moment, we'll press the developer again.
9 MS. POVERMAN: And we'll have five meetings a
10 week.
11 MS. STEINFELD: Well, unfortunately, you can't
12 have five meetings a week because there's three other
13 comprehensive permits. You can't do that. But thank
14 you.
15 MR. GELLER: Thank you.
16 Mr. Hussey?
17 MR. HUSSEY: Yes. I just would like to
18 express caution about these stacking units. We just
19 approved a project last week or the week before that
20 had some stacking units. I think we were convinced
21 they were workable, it could be done. But in that
22 case, this was a project that had a number of
23 multibedroom units, and so clearly they could be
24 assigned where a unit required two spaces.

1 Here, they're only going to be individual
2 spaces. I would guess there's going to be a fair
3 number of elderly living here. I don't know about
4 elderly people operating these somewhat complicated --
5 and so I would not rely an awful lot on these stacking
6 units, quite frankly.
7 MR. GELLER: They'll probably be controlled by
8 iPhones?
9 MR. HUSSEY: At some point.
10 MS. MORELLI: This was an opportunity to
11 ensure that if there was a glimmer of a possibility,
12 that there was time and space allotted for the traffic
13 peer reviewer to contract a specialist, because that is
14 not a standard part, obviously, of a traffic peer
15 reviewer. That's the only reason why it's mentioned.
16 MR. GELLER: They are becoming -- they are
17 used more and more. You know, I've had clients who
18 have bought high-end units in the Back Bay,
19 developments that have been redeveloped. They are
20 self-operated. And in one case, it's a gentleman who
21 owns his everyday car, which I think is a BMW, and then
22 his weekend Ferrari is on the top of a stacker and he
23 does it himself. And he's owned this unit for a while.
24 And you see them in developments. The devil's in the

1 details.
2 And, again, if that's a way to achieve a
3 better ratio of parking, then I don't want to look at
4 it at the back end of the 180 days. I want to look at
5 it now, and I want to have some technical advice about
6 it. And if the answer is that technically it can't be
7 achieved for whatever reason -- noise, vibration,
8 people can't do it themselves and they don't want to go
9 to a managed system -- I want to know about it.
10 Okay. Thank you.
11 I want to call on Peter Ditto, director of
12 Engineering and Transportation, who's been sitting
13 quietly, calmly, in fact.
14 MR. DITTO: For the record, I'm Peter Ditto,
15 director of Engineering and Transportation. I'll just
16 refresh your memory as to where we are with the
17 stormwater management plan. Back in April, the
18 applicant submitted a site plan showing an infiltration
19 system within the garage of the building. He also
20 submitted stormwater calculations and a stormwater
21 narrative.
22 The proposed plan was pretty much dead on
23 arrival, as far as DPW was concerned, and we sat down
24 with the applicant's engineer to express our concern

1 with that particular plan and ask that they look at
2 other options. They did so, and you can see it on the
3 screen. This is very conceptual. We look forward to
4 getting the backup data on this.
5 And just giving you an idea of what goes into
6 the design of these infiltration units, our
7 requirements are that they hold a 25-year storm, and
8 you may ask: What's a 25-year storm? Well, it's a
9 storm that succeeded only once in 25 years. But
10 getting down to the nitty-gritty, it's a storm that
11 within a 24-hour period, 5.5 inches fall. So it's
12 pretty significant, and we're very conservative on our
13 regulation with that. So we require that that unit be
14 able to handle a 25-year storm.
15 However, we also recognize that, you know,
16 Brookline ranges from 5,000 square-yard lots to
17 multiacre square yards, multiacre, acre lots. That
18 being said, what we like to have the engineer look at
19 is at the maximum extent possible, what you can fit on
20 that site, and realize that if we don't get the 25-year
21 storm that's fine. It will allow you to put an
22 overflow in the infiltration unit and tie it into our
23 storm drain. That's not uncommon, particularly in
24 North Brookline, so that won't come as a surprise if

1 that's the way we have to go.
2 We're looking forward to sitting down with the
3 engineer to move this project on quickly, and we're
4 ready to go.
5 MR. GELLER: Questions?
6 MR. HUSSEY: No.
7 MR. GELLER: Thank you.
8 Just by a showing of hands, roughly, how many
9 people from the public would like to speak this
10 evening?
11 We'll follow past practice. Again, I'm going
12 to say this again at the risk of people not following
13 it. Listen to what other people say. Be courteous.
14 If you agree with something that somebody before you
15 said, point at them -- or be polite. Don't point at
16 them, but say, I agree with the general comments that
17 the gentleman or the lady two times before me said.
18 If you have new information, we absolutely
19 want to hear it. But again, this evening's hearing is
20 about the specifics of the changes that have been
21 proposed, and if you have comments about that, we'd
22 love to hear it. The opportunity to speak generally
23 and globally about the project was -- whatever hearing
24 it was. We really want to focus on good, bad,

1 indifferent of these changes and obviously focus on
2 this project. Why don't people start up.
3 MR. PENDERY: My name is Steven Pendery,
4 26 Winchester Street, and I represent the Coalition for
5 Coolidge Corner.
6 The proponent clearly had two weeks to address
7 neighborhood concerns, and we have about an hour for
8 our initial response. That's self-evident. But this
9 isn't an easy task. The proponent recognized
10 neighborhood concerns but failed to address them, and
11 we're disappointed specifically with the following:
12 One of the major concerns of the neighborhood
13 was with maintaining a uniform 25-foot setback to this
14 building. Instead, what we are presented with is an
15 irregular 15-foot setback. And I note here the
16 diagonal elements of the garage door, which would be
17 visible from the street.
18 If there is difficulty in facing -- or in
19 engineering the bump-out with the building above, then
20 one possibility is then to move the entire building
21 back to observe the preferred setback and to step the
22 building back and to downsize the building.
23 Another point is that it's disingenuous to
24 show a first-floor plan without any attempt whatsoever

1 to depict the massing of the building above it. You
2 could have shown something conceptual or schematic. It
3 doesn't take very long to do -- an hour would do it --
4 to show what your idea of this building is. So you
5 have presented the floor of a building, you have not
6 presented the building, and it's the building that is
7 the concern of the neighborhood. This is like
8 designing a car and being shown the wheels of the car.
9 Okay? Well, we want to see the car.
10 We can't -- another point is we can't evaluate
11 architectural details provided in writing, described
12 verbally. One image is worth 1,000 words. We didn't
13 see any images to go along with your description of any
14 of the architectural details.
15 There is no indication, however, that the
16 architectural detailing of the immediate area of the
17 neighborhood was being reflected here. The immediate
18 context is, in fact, the building that is proposed to
19 be demolished and that sat on that site for a hundred
20 years. The immediate context is the building
21 immediately next to it to the left, the brick building
22 that currently is there and that we'll have to live
23 with on the proposed construction. Thank you.
24 MR. GELLER: Thank you.

1 Ma'am, before you speak, if you'll forgive me,
2 you were at a hearing last week, and I just -- at the
3 risk of your not listening to me, I'll caution you,
4 please speak to the specific issues of this hearing.
5 Thank you.
6 KAREN: Hi. I'm Karen. I live on Babcock
7 Street. And, you know, we are out-zoned and
8 out-placed. And 40 Centre would be just perfect for
9 us. And as your neighbors who provide stability and as
10 the landlord considers us good tenants -- and you can
11 ask -- of the low income, disabled, elderly, and a few
12 market people, we want to move.
13 And more than half of us don't have cars, so
14 you could take a survey: Who has cars? And we already
15 have balconies that we like. And we need more
16 one-bedroom units. You already have too many families
17 in the area, too many schools. Two schools within a
18 two-mile radius, I mean, it's already ridiculous. We
19 need more one-bedrooms. We don't want screaming kids
20 as our neighbors. This is for studious people. And I
21 urge you not to have studios because they attract the
22 undesirable to probably live in public housing, not
23 private housing.
24 And if you could keep the floor plans to each

1 apartment like my building, that would be just so
2 awesome, and have the heat and the air conditioning
3 controlled by the tenant but paid by the landlord, the
4 same as the building that we're living in. Thank you.
5 MR. GELLER: Thank you very much.
6 MR. SHERAK: Hello. My name is Don Sherak.
7 I've been living at 50 Centre Street for over 19 years.
8 Just very briefly, the image I have of the
9 current massing of the project reminds me of going to
10 Fenway Park with my 240-pound linebacker friend,
11 sitting in the cheap seats with him sitting next to me.
12 The image, I can't escape.
13 But what I want to talk to specifically today
14 is about the fact that there really isn't a setback of
15 15 feet. There is, in fact, a bump-out which would
16 obscure the driveway, and then there's a transformer on
17 the other side. And so, in fact, many of the same
18 problems that were discussed before --
19 And I'm going to give -- what I'm living with,
20 what it's like to pull out into the street on Centre
21 Street. As it was described before, I have a six-foot
22 cedar fence. It is slatted, so it is possible to see,
23 and I use it to see traffic through the slats of the
24 fence. But I have been pulling out for 19 years, and I

1 instruct anybody who visits me, people who are guests.
2 And there's a very, very careful procedure that I
3 sincerely doubt anybody living there would be willing
4 to live up to.
5 I've had a number of close calls over the
6 years. I'm well aware of the number of individuals who
7 have low vision, low hearing, who use wheelchairs,
8 motorized wheelchairs and similar things. I request
9 everybody who comes -- and I've taught both my sons who
10 are now 22 and 24 -- driving is that you hit the horn
11 and you honk when you start pulling out, and then you
12 become level with the fence and you again honk again.
13 And if it is dark or dusk, you also put your blinker
14 on. And this is a procedure that I follow. I always
15 honk. And people honk and sometimes I'm standing right
16 next to them as they go by and they blast my ear. But
17 the point is: I'm well aware of how tricky and
18 complicated it is. It's not a formal, rigorous study.
19 It is my 19 years of experience.
20 MR. GELLER: Thank you.
21 MS. ROSENTHAL: Hi. I'm Elissa Rosenthal. I
22 live at 19 Winchester Street. I'm the chair of the
23 trust there.
24 I appreciate that there were some changes made

as far as --

UNIDENTIFIED AUDIENCE MEMBER: Could you speak into the mic?

MS. ROSENTHAL: Sorry. I appreciate that there were some changes made as far as the front and the setback is concerned. I don't think that it's set back enough. I agree with what was just said about that.

But my greater concern is the side and the back setbacks. Those are the two that abut our parking lot on the side; and on the back, our swimming pool. I don't see any consideration given, after we spoke about it quite a bit, to something more than five, maybe six feet set back. That is a problem for us. We are -- we just don't want to be boxed in by a large, close, tall building. It's an invasion of our privacy. It's one of the reasons that we currently live where we live, is to enjoy the pool and to have that freedom and open space behind us. And as taxpayers, we feel that we should have some say in the open space in the area.

The other thing is that I noticed that the bicycle -- now we're adding more bicycles, and the bicycles are going to be exiting along our parking lot. So if anything, that's making it even worse for us.

1 That's not a concession that improved anything for us.
2 There was a comment about utilizing balconies
3 for extra space. We talked about balconies before. We
4 have balconies on the two sides that abut us. We have
5 people hanging over our parking lot and hanging over
6 our swimming pool. Once again, that's an invasion of
7 our privacy, it could also be a danger, and it just
8 doesn't seem necessary.
9 The trash situation we're quite concerned
10 about because of where it is and how it abuts us in
11 terms of -- we don't think it's not enough trash
12 containment there and that we're concerned about
13 critters, basically, you know, things that can come
14 into our area.
15 With regard to balconies, I'm under the
16 impression that at 420 the balconies were removed --
17 the 420 Harvard, I believe it is. The balconies were
18 removed because there were some concerns there. That
19 would be great if that could happen for us as well.
20 So it's a matter of height, privacy, massing,
21 setback, setback, setback, and I'll, you know, echo
22 everybody else with the parking and so on. Thank you.
23 MR. GELLER: Thank you.
24 MR. CHIANG: My name is Derek Chiang. I live

1 on Centre Street, for the record.
2 I just want to not echo and elaborate on the
3 parking issues that we've discussed. The real, sort of
4 precedent -- you know, in addition to the, sort of, two
5 spaces per unit required by code, that there are some
6 compromises that are going to be considered at
7 420 Harvard where it's roughly one parking unit per --
8 one parking per unit.
9 54 Auburn is a development on the south side
10 of Coolidge Corner that's undergoing design review.
11 They're proposing 1.8 parking spaces per unit. This
12 was designed by the same architectural firm. It
13 includes underground parking.
14 So I think that, you know, there needs to be a
15 further investigation of -- you know, we're really
16 proposing -- the architects are proposing to
17 overutilize the site. The concern made from Maria
18 Morelli that compact parking should be no more than 25
19 percent of parking spaces -- here it's about 40
20 percent.
21 I don't understand how this turning, swivel is
22 going to, you know, add or detract from pedestrian
23 safety, this difficult S-turn for cars to navigate.
24 This site really cannot accommodate, right, more than

maybe 15 full-width parking spaces, and the number of housing units should be adjusted accordingly. Thank you.

MR. SWARTZ: Hi. Chuck Swartz. I live on Centre Street.

I want to, first of all, agree with a lot of the comments that Steve Pendery made. I do want to thank the architect for finally recognizing the character of Centre Street, but the proposal with just that front setback does very little to create a project that blends with the character of the neighborhood. The side setbacks are still minimal. The height of the building is still overwhelming. It is still a box. And without setbacks, as Steve mentioned, it does very little to reflect the rooftops of the surrounding building. Thank you.

MR. GELLER: Thank you.

Anybody else?

MS. ROSENSTEIN: Hi. I'm Harriet Rosenstein. I live on Centre Street, and what I want to say -- first of all, thank you, guys, for being responsive.

Really a minimal observation, but I think it's worth keeping in mind. I think that the tense -- the actual verb tense in which people speak has, in some

way, an influence on what we expect, what we believe. I've observed that a number of people here spoke about what is about to happen, about how things are going to be, and I find this extremely disheartening. I'm hearing the language of done deals, and I'm hearing it in verb tenses, and it could be -- and I'm repeating myself here -- that there is a kind of unconscious expectation or, perhaps, a conscious expectation that this is going -- is going to be rather than would be or might be, and that's really the chief thing I want to say to you.

MR. GELLER: Thank you.

Anybody else?

MR. MCNAMARA: Hi. My name is Don McNamara. I live at 12 Wellman Street. I just have a couple quick comments.

I'd like to voice my agreement with the comments as well, especially about moving balconies on the side of the building. I find it a little difficult to remember all the variances requested by the developer. I know that the attorney that spoke a few meetings ago suggested maintaining a list of variances requested. I think I'd request that we do that.

Or alternatively, maybe we could add what the

1 property is zoned as on the diagrams as well, maybe
2 some lines just so we can see, you know, where the
3 building should be according to our zoning guidelines.
4 And then I just have one question about the
5 water infiltration unit. Is there any rule about how
6 close it can be to the -- like, the support of the
7 building? And that's it.
8 MR. GELLER: Mr. Ditto, do you know the
9 answer?
10 MR. DITTO: Ten feet.
11 MR. GELLER: Thank you.
12 With respect to the request for variances, let
13 me just make my note on that. Variance is a spin off
14 of whatever the final proposed project is that is made
15 by the developer, and they have to do it. And we will
16 review that request at a hearing in the future.
17 So as you saw in, I believe, our first
18 hearing, they put together this nice packet, and within
19 that packet there was a list of what they believe,
20 based on the project they originally proposed, would be
21 the variances or the waivers that they would be looking
22 for. As a part of this morphing process, that may or
23 may not change. I suspect it will in some ways, though
24 it may be minor.

1 But it's incumbent on the proponent to come to
2 us and request waivers X, Y, Z, and so on, and then we,
3 with assistance from the building commissioner, will
4 look at each of those waiver requests. And you'll see
5 us. We will have a discussion about that. And we'll
6 discuss those that we believe are relevant, those that
7 we believe are appropriate, those that we believe are
8 not appropriate. So it's flows off of the project as
9 designed by the proponent. Okay?
10 Anybody else?
11 (No audible response.)
12 MR. GELLER: No? Okay. I'd like to invite
13 the applicant to respond to any comments.
14 MR. ENGLER: Thank you, Mr. Chairman. My name
15 is Bob Engler of SEB. I'm the 40B consultant on this
16 project, and I have some things to clarify, which
17 nobody wants to hear. But I think it's important to
18 have this kind of overview.
19 We've spent some time on the design and
20 it's -- we're hearing it. And you may not like what
21 we're doing, but we're hearing lots of issues related
22 to design that's appropriate and how it works. That's
23 only one of the three stools that we have to look at.
24 It's a three-legged stool to put this together, and the

1 two other parts to this are market feasibility, which
2 relates to what the rents can be for the unit mix we
3 have and what the demand is out there, which we're
4 getting to. We haven't solved that.
5 And the third one is financial feasibility.
6 Can we really do this development? Or, to put it in a
7 40B context, is it going to be something with the
8 conditions imposed -- not including the denial, that's
9 a different story -- but with the conditions imposed,
10 it's going to render the project uneconomic.
11 So, as you know, and I think it bears
12 repeating, the whole 40B process, of which I've been
13 involved for most of my life professionally, is a
14 balancing act between serious threats for health and
15 safety -- those are the fundamental two issues --
16 versus the need for housing, which is a given because
17 you're less than 10 percent affordable.
18 We are paying close attention, and my job to
19 work with our team is to make them focus on the health
20 and safety issues. And like the comment made earlier
21 tonight about sight line visibility, that's a safety
22 issue. We take that very seriously. So we're going to
23 look at the safety issues that are involved here.
24 Traffic volume for 45 units, a car coming out

1 an average every two to three minutes, is not a safety
2 issue. Traffic volume is typically not a 40B issue
3 that crushes a development because there's too many
4 cars, and certainly not with a small development like
5 this. So traffic safety, looked at by our traffic
6 consultant, is an important thing for us to get to.
7 Health relates to other kinds of environmental
8 issues and the stormwater management system, and those
9 are important issues.
10 The third issue, which we're spending all this
11 time on, is good design. In the 40B world that I live
12 in, that's a secondary issue to health and safety.
13 It's important, obviously. Maybe it's the most
14 important thing in Brookline, but it's secondary to
15 health and safety.
16 So we're doing our best to get a design work
17 that satisfies a lot of the comments. We're never
18 going to satisfy the comments of the neighborhood or
19 some of your comments because they're all over the
20 place and they're very difficult to live with: 15-,
21 30-foot setbacks, et cetera. I know, running numbers,
22 that we can't live with that, and we're going to have
23 to present something that's economically viable.
24 So those are the things that we have to

1 balance at the end of the day. And you're going to get
2 something from us in October/November, and here's the
3 plan. We've done the best we can with the design, and
4 you're going to have to vote on it, put conditions on
5 it that we're going to have to decide: Can we live
6 with them?
7 The other aspect of this that has to be
8 realized is asking for things that are not appropriate
9 from a timing point of view, giving a comprehensive
10 permit, that come when final engineering and
11 architectural plans are done and you have to pull a
12 building permit. You have to satisfy all those detail
13 questions. It's very clear in 40B what's early and
14 what's late. And I hear a lot of confusion about
15 asking for things that we think should come after the
16 permit but before we're allowed to build, but not at
17 this stage. So we have a lot of work to do to get
18 through that.
19 So that's the way I see the thing going, and
20 it always runs out of time. And it is a six-month
21 process, and we're working as hard as we can. Peter is
22 working with Bob and me and others to put a good plan
23 together, having heard all of this, and we have to see
24 what's the mix. What's the mix of the units? What can

1 we rent them for? What's the overall project cost?
2 And pull all that together internally and present that
3 to you.
4 And we'll live with conditions that have to do
5 with design as long as they don't cost us something
6 that makes the project uneconomic. So there's an issue
7 of design that's aesthetic, that's pleasing, that has
8 different points of view. And we can wrestle with
9 that. But if it's really a serious issue that says
10 you've got to move the building and then lose 10 units,
11 those are the things that we also have to wrestle with
12 from an economic point of view.
13 So we have all that in front of us. I want to
14 put that out there, that we're just trying to weigh all
15 those things together with health and safety and good
16 design and we'll give you the best shot we can.
17 MR. GELLER: Thank you. Okay.
18 MS. POVERMAN: I have a question related to
19 that and addressing Ms. Steinfeld's concern.
20 So we continue reviewing these iterations.
21 And let's say, to take a ridiculous example, we say we
22 want a building that's one story tall and has one unit
23 in it. And the developer comes back and says that's
24 uneconomic, and we get into the pro forma issue. So

1 the drop-dead date right now is November 21st. When do
2 we get into the issue -- when will we have to say, no,
3 you know, we think you can drop it down to, you know,
4 one unit and then have to deal with a pro forma? That
5 has to happen before the 11/21 date; right?
6 MS. STEINFELD: Alison Steinfeld, planning
7 director. I don't know if that question was directed
8 at me.
9 MS. POVERMAN: It was.
10 MS. STEINFELD: Okay. My concern is if we
11 don't have a plan by November, there will be no time
12 for financial peer review. We've programmed -- in case
13 the ZBA decides to go that route, we've programmed,
14 basically, to have time for peer review of the
15 pro forma. With a deadline of November 21st, you have
16 to make a decision by September 12th as to whether or
17 not pro forma review is necessary.
18 MS. POVERMAN: Why?
19 MS. STEINFELD: Because the next -- we would
20 have to have a presentation on September 27th.
21 October 5th is scheduled for all peer reviewers to
22 review and discuss waivers. The subsequent hearing is
23 the tenth hearing on November 14th, at which time you
24 will review your draft decision. And that's all based

1 on my already having a final peer reviewer in place
2 under contract with the town.
3 MS. POVERMAN: Do you currently have that peer
4 reviewer?
5 MS. STEINFELD: No. We've sent out RFQs for
6 the second time today, but I do expect responses due
7 next -- the 23rd, next week.
8 MR. HUSSEY: Good question, Kate.
9 MS. POVERMAN: So I think we might want to --
10 well, I'd look to Mr. Geller for advice on this.
11 MR. GELLER. Well --
12 MS. POVERMAN: Was it September 7th that you
13 said we needed to --
14 MR. GELLER: The 12th.
15 Well, I don't have a magic wand that suspends
16 time, so -- and I don't know the answer of whether
17 September 12th -- I take Alison's word as gospel,
18 but --
19 MS. POVERMAN: Well, why would peer
20 reviewers -- why would all the peer reviewers come
21 after our making conditions?
22 MS. STEINFELD: In order to discuss the
23 conditions with you, assuming you go that route.
24 MS. POVERMAN. I'm missing something.

1 Wouldn't we discuss that and then we'd say, okay, you
2 know -- what am I missing? Clearly I'm missing
3 something.
4 MR. ENGLER: Can I answer that question for
5 you?
6 MS. POVERMAN: Absolutely.
7 MR. ENGLER: The regulations are pretty clear.
8 After you've had all your peer reviewers and you've
9 wrestled with the substantive issues and you've got
10 some conceptual plans from us, what happens is you're
11 supposed to internally kind of do a straw pull and say
12 how you're thinking and talk about some conditions but
13 just enough to say what you're thinking that we should
14 hear from you. And that could be, say, on October 10th
15 or something.
16 If we say -- and it's our obligation to say to
17 you, we can't live with those conditions. It renders
18 us uneconomic.
19 You, then, can only say -- not before that --
20 but can say to us, well, we're going to hire a peer
21 reviewer to look at your pro forma. You have to prove
22 that. So the peer reviewer gets hired, and they come
23 in with a report and we debate it and you have that.
24 So it can't happen until that stuff is done.

1 But it behooves you to say when that's done --
2 whatever date that is that Alison has worked out -- you
3 have enough information to say, here's what we're
4 thinking of. We've heard a lot of stuff. We only want
5 four stories or we want a bigger setback or we don't
6 like your mix, something like that. It gives us a
7 chance to say we can't live with that.
8 Maybe we can live with that. In many cases,
9 we could say, all right, we can live with that and you
10 don't need a peer review.
11 Or you're likely to say, we're running out of
12 time. Will you give us an extra 30 days or 45 days to
13 hire a peer reviewer to say that you can live with what
14 we're asking you? And then it's hard for us to say,
15 no, we don't want to give you more time to just beat us
16 down, so we will run out of time.
17 So it's very important in September or early
18 October, as Alison just said, to try to come together
19 to see -- and I think Peter will have enough of the
20 design work ready so you can -- and you've heard from
21 your traffic reviewer, you've heard from the important
22 thing. Then you can decide where it is you're looking.
23 The waivers, to me -- and I may be different
24 from you -- but the waivers, to me, just mean this is

1 what we need to build the building. And if you can say
2 that you don't need that waiver to build that, fine,
3 but every waiver asked for is typically to build the
4 project we've given you or to make it economic. Those
5 are the only two reasons for waivers. If we have to
6 live with this, it would be uneconomic and we couldn't
7 build it.
8 So the package of waivers really relates to
9 the site plan and the building plans you're going to
10 have. So at that point, you're going to say, these are
11 the things we'd like to have done. We don't believe
12 anybody that said this, or we do believe them and
13 here's what we want, and that's when we try and get the
14 peer reviewers.
15 It's spelled out, and I sympathize because
16 it's a very tight time frame that you have to work with
17 at the end of the process. And maybe we don't need it,
18 but maybe we will.
19 MS. POVERMAN: Right. So it's exactly what
20 Ms. Steinfeld is pointing out. We don't want to get
21 ourselves in --
22 MR. ENGLER: Right.
23 MS. STEINFELD: To follow up on what the
24 consultant said, the waivers are relatively easy. Once

1 you come to terms with what you can and cannot accept,
2 the waivers are -- it's pretty simple.
3 MS. POVERMAN: To sort out.
4 MS. STEINFELD: Yes. I mean, just based on
5 advice of the building commissioner, based on his
6 understanding of zoning.
7 But my concern is we get toward the end, the
8 developer is not required to give us an extension, and
9 we will run out time. We will not have time for a
10 financial peer review if that's what you decide to do.
11 And, in fact, that was raised at our very first hearing
12 on this matter when the applicant indicated that if
13 there's time and you want financial peer review, then
14 sure, we'll do it, if there's time.
15 Quite honestly, I don't know what the traffic
16 peer reviewer is supposed to be reviewing at this
17 point.
18 MS. POVERMAN: Right. We need to come up with
19 some idea how the units -- well, among other things,
20 where the garage is, et cetera, so --
21 MS. STEINFELD: And let me also add: The
22 calendar for this application as well as the other
23 three don't necessarily make sense. They're based --
24 the dates that we chose are based exclusively on the

1 availability of the ZBA members and holidays and town
2 meeting. It doesn't necessarily make sense in the
3 flow, but we don't have any more nights to create more
4 meetings.
5 MR. HUSSEY: I want to get a clarification in
6 the sequence here because the way I think I understand
7 it, but I'm not sure I heard it explicitly either, we
8 reach a point where we state what we think the building
9 needs to be in terms of height, number of units, and so
10 forth, the basic conceptual design. We come to that
11 point and then you have to provide -- prepare and
12 provide a pro forma that says you can't do it.
13 MS. STEINFELD: Excuse me. Can I just -- if
14 the developer -- and correct me if I'm wrong --
15 considers the conditions and your ideas onerous and
16 financially unfeasible, he will indicate that to you,
17 at which point you say to the developer, please provide
18 a pro forma, we will engage a financial peer reviewer
19 to review that pro forma.
20 MR. HUSSEY: Right. But he has to prepare the
21 pro forma first before the financial peer reviewer can
22 review it.
23 MS. STEINFELD: I would guess it didn't take
24 too long.

1 MR. ENGLER: The peer reviewer has to review
2 what we give them. We will have that after we hear it
3 from you. We'll kind of know we have to have A, B, C,
4 and D and all those options.
5 MR. CHIUMENTI: I thought we'd gotten -- I
6 mean, we basically said -- or I said and I -- at least
7 one other member agreed -- that we suggested the
8 building should be not more than 40 feet above grade,
9 it ought to respect the setback of the building next to
10 it, it ought to provide adequate parking, which was
11 probably one place per apartment.
12 Now, I appreciate that that was just a -- you
13 know, just the beginning, and I thought you were all
14 making progress discussing whether we would get,
15 ultimately, a project to consider that either would or
16 wouldn't take into account all of that.
17 So, in effect, I think we've given pretty much
18 what we thought was the objective here. If the
19 building, let's say, were 40 feet above grade and it
20 could provide adequate parking and it could have
21 adequate setbacks, we would be well on our way to being
22 in good shape, and the problems with that were being
23 worked out by you and the town staff. I don't think
24 this is still totally undefined at this point.

1 MR. ENGLER: There's two responses that: One,
2 I didn't hear that it was unanimous, this is what we
3 want. I heard you.
4 And two, you can't say that until you've heard
5 the traffic peer reviewer and any other peer reviewers
6 you have because under the regs you have to hear what
7 all the other people say substantively and then say,
8 okay, I haven't changed my mind or I have. So you need
9 to have that happen.
10 MR. CHIUMENTI: True. And Jesse asked us
11 where we were, where we stood, and we tried to give you
12 that advice.
13 MR. ENGLER: No. I know that. But that has
14 to -- that can come 20 minutes after you hear
15 everybody's comments and then take it upon yourself.
16 While I have the pulpit here, let me add one
17 thing: The parking, in my opinion and the developer's
18 opinion, is not a safety issue -- the number of spaces
19 we have. You may want more spaces. That's a matter
20 between us and the market and how it's going to work.
21 And there are spaces in the neighborhood. We have a
22 letter on that. So we don't consider that a safety
23 issue or a health issue. That's a private issue of how
24 we're going to market this with the spaces we have.

1 There are buildings in Boston with no parking and 150
2 units and that kind of thing.
3 So that's an issue that we have to wrestle
4 with. You're saying you want one for one or one for
5 two. You can say that. That's a condition we can't
6 live with, so we'll give you the pro forma if that's
7 the case. But that's not a safety issue. That's a --
8 MR. GELLER. With all due respect, let's wait
9 for peer review.
10 MR. ENGLER: Okay. Yeah. Let's wait for
11 the -- it's an important thing for the traffic peer
12 reviewer to see, what the ratio might be, but that's --
13 MR. GELLER: Let me say two things: One, our
14 job is not to design this project. It's their project.
15 They design it, they submit it. We then discuss it, we
16 engage peer review, we review it based on peer review,
17 and we give our decision, feedback, and we hope that
18 the project moves in a direction that is closer with
19 the things that we suggest.
20 Whether they're predicated on safety, whether
21 they're predicated on fitting in with the neighborhood,
22 we hope that there's movement. And they're obviously
23 interested in doing something, because otherwise they
24 would have come here tonight and said, that's our

1 proposal.
2 In terms of what direction the ZBA is giving
3 for purposes of the interim meetings, I don't
4 necessarily agree with your summation, Steve. I don't
5 think -- I think those were your comments. I have no
6 question of that. I do not think there was that level
7 of clarity from the rest of the ZBA.
8 I do think there was communication about the
9 setbacks. I think there was clear communication that
10 it would be -- that the ZBA members wanted greater
11 setback. I don't think there was any ambiguity there.
12 And in their fashion, they responded the way they want
13 to respond. Okay?
14 There was clear communication about parking.
15 And I'm not asking to get into a discussion about
16 whether parking -- whether you put cars on side
17 streets, illegal or legal, whether that's relevant.
18 That discussion is for later. Okay?
19 But there was clearly a discussion that there
20 had to be a better ratio, and that was the one topic,
21 frankly, that I thought that there seemed to be
22 consensus from the ZBA members, one space per unit. I
23 think Mr. Hussey was -- I think the recommendation by
24 the planning board was .68. I think it had an odd --

1 lower than one number. But there seemed to be
2 consensus on that issue.
3 There was some discussion about height. I
4 suggested that the front facade had to be broken up to
5 create an appearance that matched more of the
6 residential street. I had suggested at the two
7 story -- two and a half story there be a break. So I
8 think those things were discussed.
9 This is sort of a clever way of me to
10 reintroduce the topic of discussion because I want them
11 to continue to have meetings. So --
12 MS. POVERMAN: I do think that -- and I agree
13 with Steve, and I agree with you as well.
14 MR. GELLER: You're very agreeable.
15 MS. POVERMAN: I am. But we do want to give
16 some direction, given our time, and not, sort of,
17 pussyfoot around about what we are talking about.
18 So a couple of points: I also agree that the
19 height ideally could be lower. I do think it's worth
20 noting that this is a district where a, what, 40-foot
21 building is within zoning ability. Is that -- 40
22 foot --
23 MS. MORELLI: That's maximum.
24 MS. POVERMAN: So that's a four-story

1 building. So that's a fact that should be kept in mind
2 for comparative purposes, for what it's worth. So that
3 could be built as of right, which may go no way or the
4 other, but I just put it out there.
5 I think setbacks are important on both sides
6 in terms of quality of life. That may or not be
7 safety. We haven't heard directly from the fire
8 department or anybody else. That is another issue on
9 which Steve and I are more in agreement. I think we
10 all agreed on setback -- front setback, as we said, and
11 as well, we are all in agreement in terms of the design
12 guidelines of making, you know, everything more --
13 making the building fit in better, however that is
14 interpreted. It is coming to light, is how I would put
15 it.
16 MR. GELLER: Thank you.
17 I do want to complement Mr. Hussey because I
18 think he did raise the correct issue, particularly with
19 this iteration, which is there still is this question
20 about the view corridor, particularly -- your
21 suggestion was to sort of create a bay-like front
22 appearance because I suspect -- well, I don't suspect.
23 Your concern is that corner off of the driveway creates
24 a problematic viewpoint for cars exiting.

1 MR. HUSSEY: That's right.
2 MR. GELLER: I thought that was a legitimate
3 point.
4 MR. HUSSEY: Yeah, that's right. I'm not
5 making any opinions yet -- height, number of units,
6 parking spaces, I'm still open on that. But I think we
7 do have to arrive at those decisions fairly quickly.
8 MR. GELLER: We do. And I think the intent
9 was that -- are we going to start to see what an
10 elevated structure would look like on the -- at the
11 next hearing? That's what you said.
12 MS. MORELLI: Yes.
13 MR. GELLER: So that's going to lend itself to
14 some of that. I think what they're looking for is
15 direction on this ground floor.
16 MR. HUSSEY: "They" meaning the developer or
17 the applicant?
18 MR. GELLER: "They" means the applicant.
19 MR. HUSSEY: Well, also, I think number of
20 units, whether we're going to insist on a one-on-one
21 parking ratio, the height of the building. I think
22 those are things that need -- I think materials --
23 MR. GELLER: Step-back.
24 MR. HUSSEY: That's another possibility, but I

1 wouldn't say absolutely -- I think the issues that are
2 not that crucial --
3 MS. STEINFELD: Excuse me, Chris, could you
4 talk into the microphone?
5 MR. HUSSEY: Oh, sure.
6 The issues that are not absolutely critical at
7 this point are the so-called aesthetic or design
8 issues, the cladding on the outside, whether it's brick
9 or bays or -- and the things that affect the
10 fenestration, the windows, what they look like and so
11 forth. I think those can be resolved.
12 But we have to, I think, give some clear
13 direction to the developer about the basic fundamental
14 program and massing of the building.
15 MR. ENGLER: Could I add one thing on the
16 stackers? We didn't present them. We don't want the
17 peer reviewer reviewing the value or efficacy of
18 stackers. They're not in our program. So if we don't
19 have stackers -- if we get to the end of the day, a
20 year from now we want stackers, if it works, we have to
21 come back and see you and vet the whole thing. But
22 they're not on the table right now. There was a
23 suggestion about adding in more spaces, and it took on
24 a life of its own. They're not in our plans as we

1 speak.
2 MR. GELLER: Other discussion?
3 MS. POVERMAN: What are our peer reviewers --
4 what is the current -- what is the current schedule,
5 just so we all know in terms of who's coming up when?
6 MS. STEINFELD: The traffic peer reviewer is
7 next and, quite honestly, we haven't confirmed when
8 that will be. It will be possibly August 29th,
9 possibly September 1st. That's still being discussed.
10 MR. CHIUMENTI: Not to extend this, but I want
11 to be clear, and maybe to set the importance of what
12 the town people are doing here. And the relevance of
13 this design stuff is that the regulations require this
14 board to compare and balance local concern, basically,
15 with the local need for housing. And under local
16 concern, the regulations mention health, safety, and
17 environment. And I'm sure the importance over that has
18 been -- the relative importance of that reflects the
19 fact that when there's case law and there are
20 decisions, clearly any health and safety issue is a
21 nonstarter. The project would fail outright.
22 But the regulations, in describing the matters
23 of local concern that we are entitled and authorized to
24 take into account include one, health, safety and the

1 environment; two, site and building design; and three,
2 open space.
3 Now, open space might not be terribly relevant
4 here, but certainly site and building design is the
5 issue that we're talking about, the type, placement of
6 the project, physical characteristics of the project,
7 adequacy of parking arrangements. And we're left with
8 a lot of qualitative standards here that substitute for
9 what were numerical goals and our zoning bylaws. But
10 those qualitative characteristics are here.
11 We are entitled, and it's our responsibility,
12 to balance those local concerns that include site and
13 building design. Clearly, it may be harder to reject
14 this project and prevail in land court if, in fact, the
15 site and building design are the issues, not health and
16 safety, but those are factors. Those are things we
17 should consider.
18 Now, the only other matter I would mention is
19 that we are to balance local concerns with the local
20 need for housing. The local need for affordable
21 housing is not the subsidized housing index. It is the
22 relative -- the proportion of the population, the
23 households that earn less than 80 percent of the area
24 median income.

1 And technically -- and as mentioned, actually,
2 in a couple of the PEL letters by the MassHousing
3 Association, that for Brookline, the proportion of
4 households below 80 percent of area median is 30
5 percent, which is fully a third less than the Boston
6 number, which is about 45 percent. So the relative
7 need for affordable housing in Brookline is less than
8 the regional number. Not that there isn't a need for
9 affordable housing, but, in fact, that's just an
10 adjustment to that factor.
11 The subsidized housing index is just a
12 jurisdictional requirement that entitles you to go
13 looking for a PEL, and that's that. At our level we're
14 comparing local need to the proportion of households
15 below 80 percent of the average median income to these
16 factors which include health, safety, and environment
17 among other factors, particularly site and building
18 design.
19 MR. HUSSEY: I'd like to get clarification on
20 something, though, Steve. You refer to the design as
21 being one of the criteria, but design can -- is a wide
22 door. That's a huge door. You can consider design as
23 being strictly limited to the number of units, the
24 parking, and the massing of the building. Or you could

1 take it the next step further and talk about
2 fenestration and materials and what have you.
3 Is there anything in the law or in --
4 MR. GELLER: Let me make a suggestion here.
5 MR. HUSSEY: Hang on. Just let me finish this
6 one question.
7 -- that signifies that the materials,
8 fenestration, and things like that are critical to the
9 decision?
10 MR. CHIUMENTI: What the regulation says for
11 site and building design is that the Housing Appeals
12 Committee may receive evidence of the following
13 matters -- and in the regulations it says that we are
14 to follow the same rules that the Housing Appeals
15 Committee would follow. And it says they may consider
16 height, bulk, and placement of the project, physical
17 characteristics of the project, height, bulk, and
18 placement of surrounding structures and improvements,
19 physical characteristics of the surrounding land,
20 adequacy of parking arrangements, and adequacy of open
21 areas including outdoor recreational areas proposed
22 within the proposed site. And then it goes on, as open
23 space is considered as well.
24 I don't think that if we rejected a project

1 because we didn't like the color of the bricks, that
2 the Housing Appeals Committee would agree with us -- or
3 even the land court would agree with us.
4 MR. HUSSEY: Good.
5 MR. GELLER: These are questions that, if you
6 want to pursue them further, are appropriate for our
7 40B expert.
8 MR. CHIUMENTI: Right.
9 MR. HUSSEY: Right. I understand that. Okay.
10 MR. GELLER: We have a 40B consultant, and
11 these questions are really for our 40B consultant.
12 MR. CHIUMENTI: But I did correctly read the
13 regulations.
14 MS. MORELLI: I'd like to address the ZBA.
15 We have a staff meeting set for August 25th,
16 which is clearly after the next hearing of August 23rd.
17 We feel with this schedule the project team would be
18 able to show elevations for this project on
19 September 6th. There would be a peer review before
20 that on possibly 8/29 or 9/1. So I would like to
21 actually work on a project plan getting us through that
22 to see how much -- how realistic that is. But what I'm
23 going to need from you for the staff meeting on August
24 25th is some kind of comment so far from what you've

1 heard.
2 So in terms of the setbacks, I'm hearing that
3 there might be some concern about the five-foot setback
4 on the left, the five-foot setback on the rear, and the
5 six-foot setback on the right. I just want to mention,
6 it was not disregarded during the work sessions with
7 the peer reviewer. We felt it could be better
8 mitigated by looking at the upper stories to see where
9 those floors could be stepped back further to improve
10 viewsheds from both Centre Street and 19 Winchester.
11 MR. GELLER: Right. And we obviously can't
12 respond to that until the next hearing when we see what
13 that looks like.
14 MS. POVERMAN: Well, I would like to respond
15 to that because I don't agree with that approach,
16 personally. I would rather see -- I'm just saying my
17 view, as somebody on the ground, I would rather see
18 step-backs on the sides. But, you know, it's a give
19 and take. Would I rather see step-backs on the side
20 or, you know, a reduction in height? It's all
21 qualitative. But, you know --
22 MS. MORELLI: The step-backs serve two
23 purposes. It's to increase any space between the
24 building on the left. To the rear and to the right,

1 there is a steep -- or a deep setback to the
2 19 Winchester condo. What we're concerned with is the
3 privacy for the open area. So there is a deep setback
4 on the 19 Winchester --
5 MS. POVERMAN: So it's a setback going back
6 from 19 Winchester that --
7 MS. MORELLI: From the rear property line to
8 the building itself, there is -- it's got to be at
9 least 70 feet right there. What we're concerned with
10 is -- there is an open space amenity, which is right on
11 the property line, and we're trying to look at -- there
12 are ways to step back the building to improve that
13 experience. There is a parking lot to the right. To
14 mitigate the height, it's possible -- and it has to be
15 analyzed -- step-backs on the side can improve the
16 appearance of the height from the street and the
17 viewsheds from the abutters.
18 MS. POVERMAN: Okay.
19 MS. MORELLI: The setback from the rear
20 property line to the actual building, not -- to the
21 actual building -- rear property line on 40 Centre to
22 the actual building.
23 UNIDENTIFIED AUDIENCE MEMBER: That's because
24 they have a setback.

1 MS. MORELLI: Yes. That's what I was speaking
2 to. Because we're also looking at space between the
3 side walls of abutting buildings.
4 UNIDENTIFIED AUDIENCE MEMBER: But that's not
5 really -- that doesn't seem to be relevant because
6 really the property extends further than that with the
7 swimming pool and the open space.
8 MR. GELLER: Underground garage.
9 UNIDENTIFIED AUDIENCE MEMBER: And the
10 underground garage.
11 MS. MORELLI: The underground garage,
12 that's -- the proximity to any underground structures
13 is governed by the state building code to ensure that
14 there's no damage to your site. It's what's above
15 ground -- we recognize that there is an open space
16 amenity. Absolutely, that deserves some attention to
17 ensure that we are not -- that the project isn't
18 impinging on your privacy.
19 One approach is, because of that ground
20 level -- they're trying to achieve as many parking
21 spaces as possible on the ground level, okay, because
22 they spoke about how going underground wasn't really
23 going to be feasible with the ramp. So what they're
24 working with is a ground-level scheme which needs a

1 certain width for the drive aisle and the depth for the
2 parking spaces. So even with those compact spaces, you
3 get like a 16-foot versus an 18-foot depth for the
4 parking spaces.
5 So that's why it was proposed that the
6 ground-level configuration be that, but any upper
7 floors have step-backs. It would essentially increase
8 space between side walls and abutting buildings,
9 improve viewsheds, possibly, and the perception of the
10 height from the public way.
11 MR. GELLER: Okay.
12 MS. MORELLI: That is an approach. And
13 certainly we haven't looked at it, we haven't seen
14 anything, and it could very well be that it's not
15 addressed in some of the issues that you raised
16 concerning the massing.
17 MR. GELLER: Again, it is their project. It
18 is their to project to propose. They take our input,
19 and they hear it, they don't hear it, but it's their
20 project to propose.
21 MS. POVERMAN: I saw Chris make a grimace at
22 one point about, I think, a step-back or was that
23 just --
24 MR. HUSSEY: No. You were misreading my

1 facial --
2 MS. POVERMAN: You were looking at the clock.
3 MR. GELLER: Okay. Thank you.
4 All right. Any other discussion?
5 MR. HUSSEY: No.
6 MR. GELLER: Kate?
7 MS. POVERMAN: No.
8 MR. GELLER: So our next hearing is, believe
9 it or not, August 23rd, 7:00 p.m., and at that point we
10 will see -- no. You're shaking your head.
11 MS. STEINFELD: You won't see anything.
12 MS. POVERMAN: Because they don't have a
13 meeting until the 25th.
14 MR. GELLER: Well, is there anything for the
15 23rd?
16 MS. STEINFELD: Just further discussion or
17 perhaps some discussion about 40B.
18 MR. HUSSEY: I'd rather have them move ahead
19 with some design, seeing what the upper floors are
20 going to be.
21 MS. STEINFELD: But they won't be ready for
22 that.
23 You can have Monday, August 29th?
24 MS. POVERMAN: Let's do it.

1 MR. HUSSEY: That's what we'll have to do.
2 MS. MORELLI: Can I just clarify, if we were
3 to continue to August 29th, what your expectations are
4 for that hearing?
5 MS. STEINFELD: Let me suggest you might be
6 able to have traffic review. I don't know yet.
7 MS. POVERMAN: Wait, do we have September 1st?
8 MS. STEINFELD: No.
9 MS. POVERMAN: Okay.
10 MS. STEINFELD: Wait. What was the --
11 September 1st was a possibility. That's a Thursday.
12 You're not having 40A on that night.
13 MR. CHIUMENTI: I think Alison has my
14 calendar, because all I'm doing is going to ZBA
15 meetings.
16 MS. STEINFELD: I'm very aware of that.
17 MS. POVERMAN: Okay. Let's say we were to
18 meet on the 29th and get a proposal from -- or get the
19 new whatever from the applicant and then get a traffic
20 analysis on the 1st.
21 MS. STEINFELD: August 29th and September 1st?
22 MS. POVERMAN: Yes. Because we love each
23 other so much.
24 MS. STEINFELD: You can see visuals on

1 September 1st is what the applicant just said.
2 Postpone until September 1st. That's a
3 Thursday; right?
4 MS. POVERMAN: And then would we be able to
5 get information on the 6th or have a traffic review on
6 the 6th?
7 MS. MORELLI: The goal of 9/1 would be to have
8 both.
9 MS. STEINFELD: I can't promise traffic peer
10 review yet. It's still in discussion.
11 So postpone it until September 1st for at
12 least a presentation by the applicant, and then you're
13 set for September 6th, which was supposed to be the
14 final presentation of the urban design peer reviewer.
15 MR. GELLER: What do we have under 40A?
16 MS. STEINFELD: That is cleared up. You don't
17 have anything that Thursday night, September 1st.
18 MR. GELLER: So September 1st we will see --
19 MS. MORELLI: Design -- yes, you'll see
20 elevations.
21 MS. STEINFELD: And hopefully traffic.
22 MR. GELLER: Okay. And we are forgoing the
23 23rd, because it seems like there is nothing
24 constructive that will be achieved.

1 MS. MORELLI: Correct. You're continuing to
2 September 1st.
3 MR. GELLER: So we are continuing this hearing
4 until September 1st at 7:00 p.m. There will not -- not
5 be a hearing August 23rd. I misspoke.
6 I want to thank everyone for their
7 participation.
8 (Proceedings adjourned at 9:25 p.m.)
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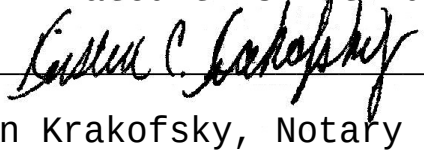
I, Kristen C. Krakofsky, court reporter and notary public in and for the Commonwealth of Massachusetts, certify:

That the foregoing proceedings were taken before me at the time and place herein set forth and that the foregoing is a true and correct transcript of my shorthand notes so taken.

I further certify that I am not a relative or employee of any of the parties, nor am I financially interested in the action.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 25th day of August, 2016.



Kristen Krakofsky, Notary Public
My commission expires November 3, 2017.

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