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Volume 5
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Brookline Zoning Board of Appeals Hearing
40 Centre Street Comprehensive Permit Application
Roth Family, LLC
September 1, 2016 at 7:00 p.m.
Brookline Town Hall
333 Washington Street, 6th Floor
Brookline, Massachusetts 02445

Reporter: Kristen C. Krakofsky

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APPEARANCES

Board Members:

Jesse Geller, Chairman

Christopher Hussey

Kate Poverman

Steven Chiumenti

Town Staff:

Alison Steinfeld, Planning Director

Maria Morelli, Senior Planner

Traffic Peer Reviewer:

James Fitzgerald, P.E., LEED AP, Director of
Transportation, Environmental Partners Group

Applicant:

Bob Engler, President, SEB

Peter W. Bartash, Associate Principal, CUBE 3 Studio

1 Members of the public:
2 Chuck Swartz, Centre Street
3 Harriet Rosenstein, Centre Street
4 Steve Pendery, 26 Winchester Street
5 Elissa Rosenthal, 19 Winchester street
6 Cynthia Allyn, 19 Winchester House
7 Karen, Babcock Street
8 Wendy Darland, 103 Centre Street
9 Rich Simonelli, 19 Winchester Street
10 Linda Swartz, 69 Centre Street
11 Suzanne Farlin, 103 Centre Street
12 Derek Chiang, Centre Street
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1 PROCEEDINGS:

2 7:06 p.m.

3 MR. GELLER: Good evening, everyone. This is
4 a reconvened hearing for 40 Centre Street. Again, for
5 the record, my name is Jesse Geller. To my immediate
6 left is Christopher Hussey, to Mr. Hussey's left is
7 Steve Chiumenti, to my right is Kate Poverman.

8 Tonight's hearing is being recorded for a
9 record as well as there's a transcription being made.
10 You are able to retrieve copies of transcribed -- the
11 transcribed testimony online at the town's website.
12 They are posted approximately -- what window? Do you
13 have an average?

14 MS. MORELLI: Two weeks.

15 MR. GELLER: Two weeks after the hearing,
16 they'll be available. Also, written materials that
17 have been submitted as part of this application are
18 available online for anybody who wants to access those.

19 Tonight's hearing will be -- will involve the
20 following: We'll hear from Maria Morelli with any
21 updates that there may be. I understand then we have a
22 presentation from the applicant or the applicant's
23 architect. We'll then hear from the ZBA's traffic peer
24 reviewer who will report back on his review of traffic

1 studies. We'll give the applicant an opportunity to
2 respond. It's good to see Mr. Engler, the junior, once
3 again here tonight -- the younger, right, junior. We
4 will then give the public an opportunity to speak.

5 If you do speak, again, ground rules: Listen
6 to what other people say. If you agree with other
7 people, point at them and say, I agree with them. If
8 you have new information that pertains -- this is the
9 important part -- that pertains to the subject of this
10 hearing, then we want to hear it. But we've obviously
11 taken a fair amount of testimony in the past, and we're
12 not here to reopen past issues. Okay? We have, on the
13 record, prior testimony. If you do wish to speak,
14 speak loudly and clearly so we can get all the
15 information. Start by giving us your name and your
16 address.

17 Maria?

18 MS. MORELLI: Maria Morelli, planning
19 department.

20 I'd first like to remind the ZBA what your
21 instructions were to the developer. Where there was
22 concerns regarding the front yard setbacks, we have
23 advised a 15-foot setback, which is the minimum
24 required for this zoning district, to at least

1 reinforce the modal pattern. The front yard setbacks
2 in this district are considerably more, but we felt
3 that 15 feet was compliant with zoning; a residential
4 rather than commercial office appearance; take cues
5 from the single two-family homes in the surrounding
6 neighborhood; achieve human scale at ground level;
7 deemphasize the prominence of the garage entrance;
8 improve the parking ratio; locate the infiltration
9 system outside of the building footprint; relocate the
10 transformer; obtain input from the fire department.

11 Additional ZBA comments from individuals on
12 the ZBA: All setbacks should be increased. That was
13 Ms. Poverman.

14 And from Ms. Poverman and Mr. Chiumentì,
15 reduce the height.

16 So we had another staff meeting on
17 August 25th, and the site plan that you have there was
18 the site plan that we were looking at at that staff
19 meeting. I understand that Mr. Bartash is going to
20 present a slightly revised site plan, so keep that in
21 mind.

22 One thing that we were not able to look at --
23 so what we looked at in that staff meeting -- remember
24 the previous hearing you were able to see the applicant

1 present a revised concept plan for the site plan
2 regarding the front yard setback and the reconfigured
3 garage entrance. What we saw at the most recent staff
4 meeting was that site plan with an elevation for the
5 front facade, but the side elevation, certainly in that
6 short period of time, could not have been worked out,
7 so that is something that we could not comment on.

8 But here are some of the things that we
9 responded to in that staff meeting: We felt the
10 positive changes were setting back the principal mass
11 of the building to 15 feet. De-emphasizing the garage
12 entrance was done in a very responsive manner.
13 Incorporating building materials, again you will see
14 that tonight. There were brick materials that were
15 incorporated. We felt that was responsive to materials
16 used in the surrounding neighborhood. Reducing the
17 first-floor area from 45,000 square feet to 31,000
18 square feet. And they've also revised the unit mix.
19 So the previous unit mix were 5 studios, 20
20 one-bedrooms, 15 two-bedrooms, and 5 three-bedrooms.
21 The recent change is to 20 studios, 17 one-bedrooms,
22 and 8 three-bedrooms.

23 Some of the things that we were concerned
24 about and we want to see in a future staff meeting,

1 just to fulfill the ZBA's charge, was articulation.
2 Clearly you all felt that you could not comment on the
3 site plans and the setbacks until you had a better idea
4 of how the building was going to be articulated. One
5 of our concerns was the vestibule was shown on this
6 site plan as probably a 36-foot-wide vestibule, which
7 is more than half of that front facade, and Mr. Hussey
8 also commented on possibly excess space there. We felt
9 that the vestibule actually did not really achieve much
10 of a front yard setback, and we also felt that it
11 detracted from the positive change of reducing the
12 setback for the bulk of the building to 15 feet.

13 And also keep in mind that bump-outs like
14 that, because they take up a certain percentage of that
15 front facade, really aren't compliant with the front
16 yard setback, so within a certain percentage you are
17 able to disregard a bump-out into the front yard.

18 The other thing that we were concerned about
19 in our initial design analysis that we presented: If
20 you recall the side elevations, there were porches that
21 basically -- I'm not sure if it created a zero setback
22 or a near -- I think it was a more like a -- there was
23 a two-foot-or-so setback, the property line to the
24 balconies on both sides. And we felt that without any

1 articulation of the building, those porches and decks
2 simply exacerbated the massing rather than articulated
3 and reduced its perception of the massing.

4 Another thing that we were very concerned
5 about was the parking ratio, and we spent some time
6 talking about this. Now, we do appreciate and we
7 acknowledge that the change in the unit mix was an
8 attempt by the developer to be responsive and apply a
9 parking ratio which they say that they are drawing from
10 the planning board's letter, and I do want to
11 acknowledge that they are attempting to be responsive
12 by altering that unit mix.

13 On behalf of the planning board, I just want
14 to read from their letter. "Parking ratio: The
15 parking ratio of .38 seems impractical, even for this
16 highly walkable neighborhood. If one were to apply the
17 following formula, which deviates considerably from
18 zoning requirements, the project would need 30 spaces
19 or a ratio of .67, zero parking spaces for five studio
20 units, .5 parking spaces for 20 one-bedrooms, 1 parking
21 space for 15 two-bedrooms and 5 three-bedrooms.

22 They go on to quote, "If recommendations to
23 reduce building massing and increase setbacks are
24 considered, it is very likely that the project would

1 achieve a more practical ratio of parking spaces to
2 dwelling units."

3 So their commentary -- because I was at the --
4 I was staffing the planning board meeting when they
5 drafted this letter -- they didn't specifically make a
6 recommendation for zero parking spaces, etc., per unit
7 type. They were providing it as an illustration.
8 Okay? And the overall -- the concept here is that the
9 overall parking ratio is low and that they were making
10 recommendations about the massing and the setbacks,
11 which would have impacts on lowering that parking
12 ratio.

13 To continue this discussion about parking,
14 Cliff Boehmer is the urban design peer reviewer, the
15 independent technical consultant who attended this
16 staff meeting with the project team and with Alison
17 Steinfeld and myself. And one of his concerns was --
18 one of his suggestions was taking advantage of some
19 slope and having depth at the ground level at the rear
20 of that ground floor to allow for a stacking system
21 that would be -- just modestly have maybe 10 additional
22 cars. So that would improve the overall number of
23 parking spaces to about maybe 24 to 28. And Cliff
24 Boehmer -- I can quote him. He's not here tonight, but

1 he actually prefers that the applicant include stackers
2 in the program now rather than later, and that will
3 also give you an opportunity to have it vetted by a
4 specialist during traffic peer review.

5 One other thing that I'd like to channel:
6 Unfortunately our 40B consultant, Judi Barrett, is not
7 here this evening because she's ill. Affordable units
8 should not have to pay market-rate parking fees, and
9 that is a really important point that Ms. Barrett has
10 been emphasizing throughout this process. And even if
11 there is an alternative outside of the project site,
12 there is the very real possibility that occupants of
13 affordable units will be faced with that situation.

14 And last, Mr. Ditto, director of
15 transportation and engineering, has read
16 Mr. Fitzgerald's report with Todd Kirrane in
17 transportation, and they are very supportive of
18 Mr. Fitzgerald's findings.

19 And if I could also just skip to other
20 aspects, the other departments that we have consulted
21 with, the applicant's civil engineer has met with DPW
22 to discuss infiltration, and that meeting has gone very
23 well. I understand that they are meeting Mr. Ditto's
24 requirements for the infiltration system.

1 Duty Fire Chief Kyle McEachern attended our
2 first staff meeting and confirmed that emergency access
3 would not be impeded, that the access from the public
4 way to the rear of the site is within the distance
5 stipulated in the state fire code. And as the plan
6 changes, the fire department will continue to review.

7 Do you have any questions?

8 MR. CHIUMENTI: Is he presuming -- the fire
9 chief -- that the parking lot next door is going to
10 remain a parking lot?

11 MS. MORELLI: So the building commissioner, I
12 think, has addressed that issue of current buildings
13 that might be very close to the property line as well
14 as future development regarding proximity, so we can
15 have that -- you know, as long as the building code is
16 met, the fire chief doesn't have a problem. They look
17 at other sites, whether it is a very close connection,
18 and the fire chief has not been concerned about that.

19 MR. CHIUMENTI: So if the owner of that
20 parking lot would develop as of right, presumably the
21 fire chief would -- if it were --

22 MS. MORELLI: As long as it meets fire code
23 and building code, yes.

24 MS. POVERMAN: All right. So as I recall, the

1 fire chief was comfortable if there was a -- possible
2 to get access within 250 feet of a public way.

3 MS. MORELLI: Correct.

4 MS. POVERMAN: So if -- my concern was access
5 to the back of the building, especially high up on the
6 back of the building where there's, I think, a six-foot
7 space. So on that property, my concern was: What does
8 the fire department do to get up there? Because I'm
9 assuming that 19 Winchester is not accessible because
10 it's blocked off. So was that particular question
11 addressed?

12 MS. MORELLI: Yes. So the fire chief
13 understood the nature of your question, that they
14 wouldn't be fighting a fire at ground level, but it
15 could be at the top floor.

16 So, you know, again, they can walk that
17 through you, but -- through for you -- but it is
18 within -- a building, even of that height, as long as
19 the access from the public way is within 250 feet, it
20 is appropriate.

21 MS. POVERMAN: Yeah. I would love to be
22 walked through it, because I don't understand --

23 MS. MORELLI: It's quite an education. There
24 are a lot of things that they might assume that we

1 understand that we don't, and he certainly -- I'll make
2 a note of it and --

3 MS. POVERMAN: Thank you. Great.

4 MR. GELLER: Anybody else?

5 (No audible response.)

6 No. Okay. Thank you.

7 MR. BARTASH: Thank you. Peter Bartash,
8 CUBE3 Studio, project architect.

9 I appreciate everyone giving us the
10 opportunity to share these new plans and elevations. I
11 didn't realize that no one expected us to have them
12 done in time, but we've been working hard to try to
13 make sure we keep moving forward and keep the process
14 moving because we've been getting great feedback from
15 everyone.

16 So tonight what I'd like to do -- I think we
17 actually covered the update of what was covered at the
18 working group session we had on August 25th, and I
19 would like to walk through the changes that we've made
20 to the ground floor plan, which are relatively minor
21 compared to the plan that we reviewed at the last
22 hearing. I'd like to show you the upper floor plans,
23 which we have developed with some level of detail, and
24 then show you some new perspectives and new elevations

1 now that we've completed the design on all four sides
2 of the building.

3 So, again, we're looking at the original site
4 plan that we started with. This is the modified plan
5 that we've been looking at for the last couple of
6 weeks, and this is the revised plan. So there are a
7 few areas to really take note of on this plan, and
8 they're all along Centre Street.

9 One of the comments that we heard from the
10 board was about the use of space within this lobby and
11 also the relationship between this lobby and the
12 pedestrian experience along the street edge.

13 We also heard comments about the transformer,
14 its enclosure, how that was going to be managed and
15 screened, and its potential to possibly limit sight
16 lines coming out of the driveway here.

17 So we actually took a step back. We relooked
18 at the space within the lobby itself, and we
19 consolidated some of the area that was dedicated to
20 mail and other functions in order to allow us to
21 integrate the transformer within the architecture of
22 the front facade here.

23 So as you'll see when we get to the elevation
24 perspectives, we integrated a screening wall that sits

1 next to the vestibule, so we've shortened the length of
2 the vestibule. And this screen wall does serve to
3 shield the transformer from view when you're walking
4 along the street but still allows us to provide access
5 from the public way for the utility company.

6 One thing I do need to mention about the
7 transformer is that the utility company is very
8 particular about how these get placed, where they're
9 placed, how they're accessed. And so this is the
10 approach that we're going to pursue when we enter into
11 those conversations during the documentation process.
12 And based on our experience on other projects, based on
13 experience in this town, we feel that this is within
14 their constraints and feel that this is achievable, so
15 we are moving forward with this approach at this time.

16 So that means that we've actually opened up
17 the entire corner of the site here back to landscaping,
18 back to being an open, visual corridor from the
19 driveway to the sidewalk and from the sidewalk through,
20 underneath the building, and past.

21 We've also, as you'll note, taken the
22 vestibule door and stepped it back by about four feet
23 toward the face of the building. And so what that's
24 allowed us to do is to place a column here so that we

1 can maintain structure for the covered canopy up above.
2 But we've created another view corridor through that
3 vestibule corner out to the sidewalk, so we've widened
4 that cone of view even further.

5 You'll see that we're starting to incorporate
6 and show areas that would be planted or landscaped,
7 especially along the sidewalk. We really want that to
8 feel like a pleasant experience for people walking the
9 project. It can also soften the transition from the
10 vestibule to the street. And we're also landscaping
11 along the eastern facade and within this new area that
12 we've been able to carve out that we spoke about at the
13 previous hearing.

14 So looking at the unit mix, Maria already
15 summarized where we're at here, but globally speaking,
16 we are still at 45 units. And looking at the floor
17 plans that reflect that mix, here we're looking at the
18 second floor of the building, and so you'll note again
19 that the entire primary mass of the facade is stepped
20 back to the 15-foot mark measured from the street, so
21 you're looking at the vestibule below here. You're
22 seeing the transformer enclosure below.

23 But you'll note that we've taken the
24 circulation core for the building and we've pushed it

1 forward to the front facade. That's done a few things
2 for us. That's allowed us to add the parking space
3 that we looked at at the last hearing, and it's also
4 allowed us to really limit the amount of space needed
5 at the ground floor for circulation and access to these
6 primary circulation cores. So we're still using the
7 double-loaded corridor approach, but we have units on
8 either side of the common corridor.

9 But in this configuration, the experience for
10 the resident of walking into the building, getting into
11 the elevator, arriving at their floor, and being able
12 to turn back and look out again to natural light is
13 actually an amenity for this type of project. It's not
14 often that we get natural light in corridors. It's not
15 often that we really are able to provide that level of
16 experience for users who are traveling from the street
17 to their building or to their home within the building.
18 So it doesn't seem like much, but it's actually a
19 meaningful improvement for the plan, for the character
20 of that common space.

21 And as we start to move up to, now, the fifth
22 floor of the project, you'll note that what we've done
23 is we've actually shifted from the three-bedroom unit
24 we have on floors two through four -- we've shifted

1 that to a one-bed unit, created a small common space
2 that opens out onto a common balcony.

3 And so this common balcony does a few things
4 for us. It provides usable outdoor space for the
5 residents that is privatized but it's also -- it's
6 available for anyone to access in the building. And it
7 also allows us to take the mass of the building along
8 Centre Street and step it back to create even more
9 relief along that elevation.

10 You'll note that we're also stepping back the
11 side of the building here and integrating the balconies
12 at the upper floors but using that natural break to
13 allow us to break the cornice line at the roof, which
14 we'll look at in a second, but also create some
15 articulation along the length of the facade.

16 And so at the upper-most floor, you'll see
17 that this unit does expand back to the front of the
18 building, but that's just the same line from the floor
19 below that's being held, so just recapturing the space
20 that's common on the floor below.

21 We want to show a roof plan just to
22 demonstrate our concept for all of the rooftop
23 mechanicals. I know we've heard that question a few
24 times. You know, you're looking at individual systems

1 for each unit. There is no central chiller or central
2 utility plant that goes on the roof. All you have are
3 these small connectors, a shared wall that allows all
4 of these connectors to be piped down to the corridor to
5 the units below. And you're seeing the elevator
6 overrun that's near the front of the project above
7 that -- above the elevator shaft.

8 So looking at some updated perspectives -- so
9 you'll see we've -- we've heard from the board and from
10 everyone that this location needs a design that's more
11 closely related to its context. We looked closely at
12 the design and detailing of the existing building
13 on-site at the moment, we've looked carefully at the
14 neighborhood, at some of the art deco themes you see in
15 Coolidge Corner, and we thought: How can we start to
16 stitch these two ideas together into a building that
17 feels contextually appropriate but also has its own
18 identity?

19 And so we're trying to take these materials
20 and create a language that helps manage the scale and
21 visual mass but also feels like it belongs on the site
22 and in this neighborhood. So we're using masonry.
23 We're using a brick material you'll see here, and that
24 brick material really does create the public face of

1 the project.

2 We have windows that do have divided lights.
3 That's a very residential-feeling detail. That's
4 something we see in the neighborhood in all of the
5 existing homes.

6 And you'll see that as we get up to the break
7 between the fourth and fifth floors, this is where we
8 have a step-back and we have the facade of the building
9 stepped back even further and we have that common space
10 out front.

11 So suddenly, from the pedestrian edge, you
12 have a primary element at the sidewalk that is human
13 scale, that has human-scale details that are relatable
14 for the person on the street. That steps out and that
15 greets you. It's landscaped, it's soft, it helps
16 transition the building to the street.

17 We then have the primary mass of the building
18 that is masonry, it's warm, it's got weight. And that
19 ends up providing the true scale that you feel along
20 the street edge.

21 From that break between the fourth and fifth
22 floor, we're transitioning to a metal panel material
23 that ends up allowing this upper floor to be treated
24 with one color. And the reason for that is we want

1 this to be monochromatic. We want it to be modern and
2 feel modern, but we also want it to be very quiet. We
3 want it to visually just kind of disappear as you look
4 up and fade into the sky. And the reason being, we
5 don't want to call attention, really, to what's
6 happening up here. We want to allow the attention to
7 focus on the elements that are closest to you on the
8 ground level.

9 You'll note that we're also using accents here
10 in the masonry. We're creating this banding that
11 begins to run around and along the project, and that
12 banding helps to create shadow, it helps to create
13 texture, and it has a little bit of a relationship to
14 some of the long horizontal lines we see in some of the
15 other art deco context in the nearby area.

16 You'll note that now that we've taken the
17 transformer and shielded it within the architecture of
18 the building in this location here on the right, that
19 the entire left-hand side becomes an opportunity for
20 landscaping and for softening that edge even further
21 and maintaining those views to and through, beyond the
22 building.

23 So as we get in a little bit closer to look at
24 the kind of street experience here, you'll note again

1 that we do have that transformer enclosure. You'll see
2 in a little bit more detail how we're handling the
3 vestibule, how we're carving away that corner to create
4 more views at this corner here, and how we're really
5 leaving the side of the project open as well.

6 The elevation of the vestibule and the
7 pedestrian entry to the project are at the elevation of
8 the street, and the driveway doesn't begin to slope
9 downward until you're past the edge of the sidewalk, so
10 we're maintaining a really consistent pedestrian realm
11 out here at the very front of the project.

12 And, again, looking from the other angle,
13 you'll see that we do have the garage door stepped down
14 in a way, as we've discussed. It's at an angle to the
15 street so that it is off of the facade. But you'll
16 note that we're starting to carry this banding around
17 the side of the elevation. And you'll see -- you'll
18 start to see hints here, which you'll see in a second
19 when we look at the elevations, that the masonry
20 material transitions to a lap siding. It also has a
21 residential scale and character. And we're using the
22 lap siding and the trim to create that sort of
23 residential identity for the project but also to
24 transition it as it moves away from its public space on

1 the street to its elevations along the side of the
2 building.

3 So we're going to look at some elevations
4 quickly, and then this is going to be the last piece of
5 what I have to show you tonight.

6 So this is the front facade. We're using a
7 really traditional approach to organizing the design.
8 We have a base -- a clearly defined base with a strong
9 trim line. You have the body of the building, which
10 starts to transition some of that trim as -- through
11 masonry accents to move up through the main floors of
12 the building. And you'll see that we have traditional
13 head details, we have traditional window details in
14 this traditional material.

15 And then we have the top that we're creating,
16 the top of this kind of cape. This top is modern.
17 It's meant to feel light. It's meant to really be a
18 very quiet backdrop that's happening at the middle of
19 the body and at the base where we have that true
20 engagement for pedestrian experience.

21 When we look at the side elevations, we'll see
22 that we're transitioning that material to the lap
23 siding for several reasons. We're trying to integrate
24 lap siding as a residential feeling material, like we

1 had discussed. We're also using it as an opportunity
2 to bring color into the building, too. We see a lot of
3 color in the signage in Coolidge Corner. We see a lot
4 of color on some of the facades and some of these other
5 features of buildings that are in the area. And we see
6 that color red fairly consistently in little moments
7 and accents, so we want to try to pick up on that
8 accent and bring it to the building.

9 But by creating a break in the material, we're
10 also breaking down the apparent length of the facade
11 when we look at it visually, as so we're using the
12 natural break in those upper floors to really drive the
13 location where the project transitions from that
14 masonry to the lap siding around the back.

15 So when we look at the rear facade, we're
16 trying to minimize the opening of this facade to really
17 cut down on views from the project to 19 Winchester and
18 to the pool at this location. And you'll see that
19 we're also carrying that lap siding around. This is
20 the stair enclosure at the very back side of the
21 building. We're carrying that lap siding around, we're
22 carrying that metal panel around. We're trying to
23 create a consistent identity for the building on all
24 four facades.

1 And here we're looking at the eastern edge of
2 the building, and we're seeing that same language of
3 transitioning along its length where we're creating
4 that strong base, we have the middle body of the
5 building and we have the top, and we're trying to
6 really make this feel like it has a connection to the
7 past that's here on the site. We're trying to make it
8 really feel like it's a smaller building in the sense
9 that it's only four stories, it's not six. And we're
10 trying to allow the natural breaks in the building and
11 the natural limitations of some of these building
12 materials to drive and inform how they're applied to
13 the facades.

14 So that's just our update, and I'd be happy to
15 answer any questions that you might have.

16 MR. GELLER: Thank you.

17 Questions?

18 MS. POVERMAN: Comments or questions?

19 MR. GELLER: Well, start with questions.

20 MS. POVERMAN: So just stylistically, why
21 don't the -- all the windows have the same pane
22 structure? I don't know exactly what it's called.

23 MR. BARTASH: The divider panes.

24 MS. POVERMAN: The divider panes.

1 MR. BARTASH: Yeah. Sure. So originally, we
2 did look at that as an option, but we felt that the use
3 of color on the lap siding, the detailing on the lap
4 siding, and then the detailing in the metal panels are
5 much more modern than they are traditional, and so we
6 want to start to create a distinction between the areas
7 of the facade we felt had a more traditional feel and
8 areas that we felt are more modern.

9 And by allowing those two to kind of run
10 together and using divided lights everywhere, it was
11 adding, I think, an unnecessary element of detail to
12 the more modern aspects of the building and kind of
13 confusing the language a little bit for us.

14 So we decided to take a modern approach to
15 windows that are in the lap siding and the metal panels
16 but to allow the traditional feel to really live at the
17 street edge in the traditional material where you can
18 real feel it and receive it.

19 MS. POVERMAN: Why was there a switch to lap
20 siding at all?

21 MR. BARTASH: The switch to lap siding was
22 actually governed a lot by the limitations of masonry.
23 There are very specific rules about how high and how
24 far you can go without relieving it or supporting it in

1 other ways. And on a wood-framed structure, it's
2 actually fairly difficult to accommodate brick at this
3 height and in this amount of proportion here.

4 So what we chose to do is rather than
5 compromising and bringing brick all the way around the
6 building where we knew we couldn't really successfully
7 detail at that scale, we chose to use a material that
8 we know we can successfully detail and control over the
9 primary expanse of the facade here. And so we made
10 that transition really to give us the flexibility to be
11 able to truly control the accuracy and level of
12 detailing on those different pieces.

13 MS. POVERMAN: And why did the -- I'm not
14 saying I favor the balconies, necessarily, but why are
15 there just those four just kind of jutting out right
16 there?

17 MR. BARTASH: Actually, that's a fantastic
18 question. Maria and I were just talking about that
19 earlier.

20 But the reality is that there are zoning
21 restrictions for how far a balcony can project over a
22 setback. And we know, obviously, that we're projecting
23 further over that setback than what would be
24 required -- or limited by zoning.

1 There's a second set of requirements within
2 the building code that also limits how close to the
3 property line you come with the balcony. And it's a --
4 the closeness of the balcony to the property line is a
5 ratio that's driven by a distance from the face of the
6 building to the property line. And so the balconies,
7 for fair access, have to be a specific size. They have
8 to be at least five feet clear to allow for a turning
9 circle for accessible use.

10 And so we have a fixed width for our balconies
11 that we have to provide, and we also have a limitation
12 for how close we can get to the property line based on
13 the facade of the building. In those locations where
14 you see the balconies, that is the only place on the
15 facade where the base of the building is far enough
16 from the property line to allow to us to meet building
17 code and to provide those balconies.

18 MS. POVERMAN: And how close are they from the
19 adjacent building on the side closest to Beacon Street?

20 MR. BARTASH: Sure. So the very edge of the
21 fascia on the balcony, which is this band here, is
22 roughly two and a half feet from the property line.
23 And the neighboring building at 34 Centre Street, it
24 has a bump-out on the ground level that comes within, I

1 believe, three or four feet of the property line. But
2 the main facade of that building is set back almost six
3 feet from the property line, so you're talking about an
4 aggregate between eight and nine feet between the face
5 of these balconies and the building.

6 However, that building really, as you start to
7 get up past this area, which is on our -- at the middle
8 of our fourth floor, does transition to a pitched roof.
9 So the building -- the envelope of that building will
10 be further in reality from where these balconies are
11 located because the roof is starting to pitch away from
12 the project by the time you get to that height.

13 MS. POVERMAN: That's all I have for now.

14 MR. GELLER: Okay. Anybody else?

15 MR. HUSSEY: Yes. Could you go to the
16 perspective on the elevation of the front.

17 I'm just wondering about why you put the wall
18 where the generator is -- that's masonry -- rather than
19 having it -- the lighter material as the entryway.

20 MR. BARTASH: We looked at it both ways. We
21 felt, using a material that was similar to the
22 entryway, that it elongated the vestibule and we were
23 trying to limit the length of the vestibule but we were
24 also trying to think about how to almost disguise it in

1 a way and to try to make it feel like it was much more
2 a part of the body of the building.

3 I think in later development we may end up
4 revisiting that to decide exactly how that gets
5 designed in, how it fits. But I think your point is
6 accurate in that in terms of the language throughout
7 the design, it is a little confusing to have the body
8 of the building that suddenly breaks off from itself
9 and appears as one little wall that sits against the
10 edge of the sidewalk.

11 MR. HUSSEY: Because around the corner, you've
12 got a gated -- a steel, sort of, fenced gate.

13 MR. BARTASH: Right.

14 MR. HUSSEY: And I think that takes a little
15 bit more thought perhaps. It would also be lighter,
16 this material. But I think in general you've done a
17 good job breaking down the facade and the components.
18 That reduces its overall scale.

19 And can you go to the floor plan of the
20 entryway -- the first-floor plan. I just want to see
21 that for a minute.

22 So I think I'm pleased that you've done that.
23 I think that improves it a bit. And I think the
24 storage area -- I was curious about that. Is that

1 storage for one or two of the units? Or what sort of
2 storage is that for?

3 MR. BARTASH: So that's actually for use by
4 building management. We wanted to give them an extra
5 amount of space if they need it for any reason.

6 MR. HUSSEY: Do you have room for all of the
7 trash? You've got a compactor in here someplace;
8 right?

9 MR. BARTASH: Uh-huh.

10 MR. HUSSEY: Are you still going with that
11 compactor as a way to treat trash?

12 MR. BARTASH: Yes.

13 MR. HUSSEY: Okay. That's all I've got.
14 Thank you.

15 MR. GELLER: Okay. Mr. Chiumentti?

16 MR. CHIUMENTTI: I just have a comment because
17 I felt the building should reflect the building next
18 door and be not more than 40 feet.

19 But I do like -- I like the way the facade is
20 done. And if we look at the brick part, the lighter
21 upper floors really -- it does separate that very
22 nicely. But I wonder -- it would be nice if one of
23 those top floors went away.

24 Alternatively, if they were further stepped

1 back or, like, the top floor was stepped back more from
2 the first gray floor to make it not echo the roof line
3 or the -- because I'm remembering the building next
4 door and it had kind of a stepped-back roof. And it
5 was a pretty tall building, but it did kind of get
6 smaller and smaller on the roof line. And if those top
7 floors were stepped back more, they would sort of echo
8 that sense and still allow you to have something up at
9 that height. But I do like the way the brick separates
10 that out and makes it 40 feet.

11 And I don't know what meeting I was at, but
12 someone commented that it's annoying to have an
13 illustration of a project that includes trees that are
14 on somebody else's property. But I do think this is a
15 good step.

16 MR. GELLER: Thank you. I don't have any
17 questions at this time.

18 MR. BARTASH: All right. Thank you.

19 MR. GELLER: I want to invite James
20 Fitzgerald. He's the ZBA's traffic peer reviewer.

21 MR. FITZGERALD: Thank you very much. Again,
22 my name is Jim Fitzgerald. I'm with Environmental
23 Partners Group where I'm the director of
24 transportation. I have over 20 years of experience in

1 the transportation field both performing and peer
2 reviewing transportation studies and design.

3 In this project for 40 Centre Street, we
4 reviewed a number of documents, primarily the traffic
5 evaluations that were performed by the applicant's
6 traffic engineer along with a number of documents that
7 were available online. The two documents that were
8 available from the applicant's traffic engineer were
9 two memorandums that were relatively short. One was
10 dated April 15th. It was about three pages of text.
11 The other document was dated August 22nd, and that was
12 less than one page of text.

13 The project, as we understand it, consists of
14 45 apartments, as you all know, with 18 parking spaces
15 located on the ground floor.

16 So the first thing that we focused and
17 reviewed was the trip generation methodology. A lot of
18 this was dependent on the amount of traffic generated
19 by the site while keeping in mind that there are a
20 number of alternative modes of transportation including
21 transit, walking, bicycling, etc., and reasonably so.
22 These presumptions were based off of census data,
23 journey-to-work data that basically identifies what
24 percentage of each mode of transportation typically

1 would take place in a development like this. The trips
2 generated by the proposed development were also based
3 on the Institute of Transportation and Engineering,
4 ITE, land use code for apartments.

5 We had some minor differences with the traffic
6 memorandum, but they were only minor and different --
7 it was just a different way of calculating trips.

8 In the end, after reducing the amount of trips
9 anticipated to be used using transit or bicycling or
10 walking, we end up with about 15 trips in the morning
11 peak hour and about 24 trips in the evening peak hour.
12 Now, each trip is two ways. That's not all approaching
13 or departing the site. It's split between the two. So
14 the more critical period, obviously, would be the
15 evening peak hour with 24 trips.

16 The memorandum does not include any sort of
17 traffic counts along Centre Street or the adjacent
18 intersections. It does not look at what the traffic
19 volumes will be in the future, what impact there might
20 be from nearby development in the area or what the
21 crash history is.

22 So we went to the site, observed it during
23 typical morning and afternoon periods during a
24 weekday -- during a typical weekday -- and what we

1 found was that the traffic volumes along the roadway
2 were relatively minor in nature. Perhaps the most
3 critical location, being the Beacon Street
4 intersection, was looked at more closely. During the
5 morning peak period -- that would be a typical morning
6 peak period during a weekday, we only observed about
7 five cars queuing along the Centre Street approach.
8 And during the PM peak hour, we only saw a maximum of
9 seven vehicles queuing. In all instances, vehicles
10 were able to clear through the intersection within one
11 cycle.

12 I should point out that these observations
13 that we made were performed in August, this last month,
14 and while school was out of session. So school
15 certainly would have an impact on how things operate,
16 so I did recommend taking another look when school is
17 back in session again.

18 MR. GELLER: It started today.

19 MR. FITZGERALD: We next looked at -- I do
20 want to point out one thing, however, with the trip
21 generation. In all fairness, I had mentioned that
22 there were -- we anticipate 15 trips in the morning and
23 24 trips in the evening. The traffic evaluation did
24 not discount for the removal of existing trips, meaning

1 how many trips currently drive to the building that's
2 there today. That will be eliminated when that
3 building is removed and replaced with these 45
4 apartments.

5 So moving on to perhaps a more important issue
6 would be parking, because in theory the amount of trips
7 generated here only equate to about one vehicle every
8 two and a half minutes, so it's not a tremendous amount
9 of traffic. And we don't have quantities to identify
10 what the actual delay difference would be. Ideally, if
11 we had counts and analysis, we'd be able to quantify
12 this and say that the increase in delays would be X
13 amount of seconds and impact on the operations. We
14 don't have that. I would suspect it probably would not
15 be a substantial increase, but I can't say with
16 certainty what that exact number would be.

17 So moving on to parking. As you know, there
18 are 18 parking spaces proposed for the development,
19 which is substantially lower than what the zoning
20 bylaws would have required for a project like this.
21 The parking summary that was included in the documents
22 assumed that there were zero spaces per studio
23 apartment, .5 spaces for a one-bedroom apartment, and 1
24 space per three-bedroom apartment, which in our opinion

1 seems realistic. In fact, other parts of the
2 memorandum identify that -- anticipate that there would
3 be overnight spaces elsewhere.

4 So one way of -- in our opinion it's critical
5 to identify what number of off-site parking this site
6 will generate in order to understand what the decreases
7 in parking capacity would be experienced in the area,
8 and we don't really know what that number is without
9 doing the evaluations ourselves.

10 Just looking at the raw numbers of how many
11 trips are generated, for instance, you might be able to
12 just come up with some sort of order of magnitude idea
13 that would reinforce the statement that 18 parking
14 spaces is not enough.

15 We again anticipated 24 trips taking place in
16 the evening peak hour. That's just a one-hour period.
17 We would anticipate that each of those vehicles likely
18 would require a parking space. This does not
19 include -- the number 24 does not include the other
20 trips that are occurring during the other hours. It
21 also does not include a vehicle being parked for
22 somebody who's living in one of the apartments that
23 commutes via transit but still owns the car. So we can
24 certainly say that the number would greatly exceed 24

1 vehicles, I would suspect.

2 As far as the alternative parking lots, I just
3 want to point out that I heard that there has been
4 discussion about potential development in the future of
5 some of these lots, so it would be helpful to know how
6 many parking spaces will rely on these lots and where
7 they may end up -- where these parked vehicles may end
8 up.

9 Also having to do with the parking is the
10 number of compact vehicle spaces. Right now, three of
11 the 18 spaces are for compact vehicles. Given that
12 we're already dealing with a deficit for parking, that
13 seems excessive. Typically the zoning bylaw requires
14 no more than 25 percent of parking spaces, and in this
15 case they're at 39 percent. So it would improve the
16 parking situation if these spaces could be at least
17 changed to -- also changed to traditional vehicular
18 parking spaces.

19 As far as the circulation and layout of the
20 spaces themselves, we've looked at the layout using
21 vehicle templates, and they seem to work fine for a
22 traditional passenger vehicle.

23 We also reviewed sight distance for the
24 driveway, keeping in mind the recent changes to the

1 setback. And because there was no traffic data
2 provided along on the roadway, I'm not entirely sure of
3 what the 85th percentile speeds are along the roadway.
4 And, also, we tried looking up through Special Speed
5 Regulations registered with MassDOT to see if there was
6 any information there. There was not. So the
7 assumption of 30 miles an hour, based on our
8 observation, however, seems reasonable as far as what
9 the vehicular travel speed could be along that roadway
10 when calculating site distance requirements.

11 Although a calculation was not provided, we
12 performed one using AASHTO, American Association of
13 State Highway and Transportation Officials, and
14 verified the site distance requirement of 200 feet that
15 was mentioned in a memorandum for a 30-mile-an-hour
16 roadway was correct.

17 Visibility with this new setback appears to be
18 appropriate, that we have in excess of 200 feet of
19 visibility of oncoming traffic. And that would be
20 assuming the vehicles stopped behind the sidewalk and
21 not impacting pedestrians walking by.

22 As far as bicycle accommodations, there was
23 mention in the memorandum that bicycle racks were
24 anticipated at the ground level. I didn't necessarily

1 see any shown on the plans, but I'm sure that that will
2 be on its way.

3 As far as pedestrian accommodations are
4 concerned, the ground floor lobby is at the same
5 elevation -- or it's proposed to be at the same
6 elevation as the sidewalk, so pedestrian accommodations
7 seem adequate.

8 One thing that we would recommend considering,
9 however, would be the increase in foot traffic
10 resulting from 45 apartments on the surrounding
11 intersections. So, for instance, the intersection of
12 Centre Street at Williams Street, we might consider
13 improving the pedestrian signals there to include
14 accessible pedestrian signals, they call them. The
15 audible signals that are handicap accessible could
16 certainly take some improving at that intersection.

17 And that is the conclusion of my summary.

18 MR. GELLER: Thank you.

19 Questions?

20 MR. CHIUMENTI: The question really is of
21 Mr. Ham's memo, the second one you referred to. At the
22 end, he concludes -- or it appears to be just a
23 conclusion that the .4 spaces per unit is acceptable.
24 I'm assuming that's nothing but a conclusion, and it

1 doesn't actually flow from an elegant model tying
2 bicycles and Zipcars to the need for parking.

3 MR. FITZGERALD: There was no backup provided
4 for that, unfortunately. And that was one of our
5 concerns, was that in -- this document states that .4
6 spaces per unit is acceptable, but it also states that
7 off-site parking could be -- there could be off-site
8 park elsewhere at some of the municipal lots. So I
9 think it's safe to say that the number of parking
10 spaces within this building will not be adequate with
11 the amount of parking being generated. As far as how
12 far over it will go, we don't know without having
13 received any calculations or backup.

14 MR. CHIUMENTI: Right. So it's just a
15 conclusion. It's not based on anything in particular.

16 MR. FITZGERALD: Correct.

17 MR. GELLER: Anything else?

18 MR. CHIUMENTI: No.

19 MR. HUSSEY: So the deficit in parking, have
20 you been involved in any other projects that would have
21 such a deficit of parking in the development?

22 MR. FITZGERALD: Parking is always a major
23 issue in many developments. As far as one that is this
24 far of a deficit, no. Traditionally, adequate parking

1 is provided. In this spot, obviously you're very tight
2 and restricted, so there's got to be -- in our opinion,
3 there's got to be some sort of a plan to decide how
4 many parking spaces are needed elsewhere, where would
5 they be, and how would they impact the community.

6 MR. HUSSEY: Do you think the market forces
7 will resolve this to any extent? That is, there will
8 be people who will not be willing -- is this a rental
9 or a condominium?

10 MR. FITZGERALD: Rental.

11 MR. HUSSEY: So do you think the market forces
12 will resolve this? In other words, people who have
13 cars will not rent here because there's no space for
14 their car. Do you think that's --

15 MR. FITZGERALD: Anything is possible. I
16 would suspect that the number of parking spaces is
17 probably still low. However, by having calculations to
18 back up how many parking spaces are needed would truly
19 be helpful here. From other similar developments, what
20 was experienced? How many vehicles per unit were
21 needed at a setting similar to this? These are all
22 things that could be looked at by the applicant's
23 traffic engineer, so that's how I would have approached
24 this topic, in my opinion.

1 MR. GELLER: Actually, Chris, the question
2 that you raised, which is an interesting one, we'll
3 talk about a little more when we get into more
4 discussion.

5 You know, typically, the applicant is
6 motivated to provide parking because the impetus before
7 you get to the end-line user is, of course, their
8 lender. And they must be fairly confident that their
9 lender -- either they don't have a lender, or if they
10 have a lender, their lender, for whatever reason,
11 doesn't care about parking.

12 MR. HUSSEY: Or isn't worried about it.

13 MR. GELLER: That's my point, that's my point.
14 So it's an unusual circumstance, to say the least.

15 MR. CHIUMENTI: I think, also, Maria Morelli
16 raised an interesting point, and that is that there's
17 supposed to be a certain number of subsidized units.
18 Let's assume there's no parking. And, in fact, they
19 have a situation where you -- you know, there would
20 normally be some parking. In effect, people would have
21 to go out and make other arrangements that are not
22 subsidized. In a sense, they're getting away without
23 subsidizing the subsidized units for the parking to the
24 extent that people have to go out and rent parking

1 spaces.

2 MR. GELLER: Yeah. I'd rather not touch on
3 that without Judi being here to sort of guide that
4 discussion.

5 MR. HUSSEY: That's okay. That's fine.

6 Are you familiar with the stacker systems?

7 MR. FITZGERALD: Yes.

8 MR. HUSSEY: Could you talk a little bit about
9 that?

10 MR. FITZGERALD: I am familiar with the
11 stacker systems. I am not an expert in stacker
12 systems. For future projects involving stackers, we
13 actually have a parking consultant who specializes
14 specifically in that, and they would be able to really
15 educate on them -- educate people on them.

16 I do know that it's imperative that they be
17 designed properly. There have been installations that
18 have been less than ideal and have resulted in delays
19 and waits -- people waiting for cars and queues, etc.

20 But the parking consultant that we have, as
21 I've said, included in other projects involving
22 stackers would certainly be able to go through an
23 entire presentation on that topic for you.

24 MR. HUSSEY: Peter, that came up at the last

1 meeting. Did you look into the stacker possibility, a
2 stacker system here?

3 MR. BARTASH: We haven't looked into it any
4 further because it's not our -- the applicant doesn't
5 want to provide the stackers as a function of the
6 permit itself.

7 MR. HUSSEY: Okay. Fine. I don't blame you.
8 I think that's all I had. I think the only
9 other sort of question I have -- well, actually I do a
10 couple questions.

11 One is: The developer's consultant suggested
12 there be 170 trips per day off the site total. You
13 indicated 15 a.m. and 24 p.m. Do you have a number
14 that would be the probable total trips per day?

15 MR. FITZGERALD: So the trips per day that
16 were included in the brief memorandum dated April 15th
17 included 300 trips per day before discounting those
18 trips to reflect the fact that a number of them will be
19 using transit or biking or walking. And that dropped
20 that 300 down to 170 vehicle trips per day.

21 MR. HUSSEY: Right.

22 MR. FITZGERALD: So with -- you say, wow, that
23 is a lot of vehicles, but over the course of a day,
24 it's not a -- we really tend to focus on the peak hour

1 because that's really what we want to make sure,
2 traffic flows smoothly during that peak-hour period
3 when there are already delays being experienced in some
4 locations. That's why we really focus on that, that
5 period. And in this case, that would be evening peak
6 period.

7 MR. HUSSEY: Right. And you addressed, a bit,
8 the sight lines of the cars coming out of that space
9 and what have you. And the architect has improved on
10 this design a little bit. There's been considerable
11 discussion and testimony that there are a lot of
12 elderly people walking from the units further down the
13 street. There's something like 140 units. Do you have
14 anything to say about the safety, pedestrian safety and
15 the sight line issue?

16 MR. FITZGERALD: Driver behavior sometimes can
17 be a tricky thing. As a transportation engineer, we
18 hear many times about these outrageous situations and
19 people flying off of roadways that have been designed
20 adequately. Sometimes they haven't been designed
21 adequately. But there's only so much you can
22 control -- driver aggression.

23 Typically, pulling out of a driveway, one
24 tends not to be all that aggressive, and they are going

1 nose front into the roadway, so they should have
2 adequate visibility of any pedestrians driving by.

3 In more urban situations, you always have the
4 buzzers that -- as the vehicle is approaching the
5 sidewalk, then there can be buzzer to alert
6 pedestrians. Of course, that can tend to be a nuisance
7 for the residents in some instances.

8 MR. HUSSEY: Do you think that might be an
9 appropriate thing to require in this instance?

10 MR. FITZGERALD: I don't think it's entirely
11 necessary given the current setback. If the building
12 was right on the back of the sidewalk, it would be an
13 important thing to consider.

14 If there is an issue with that or a concern
15 with that, perhaps that might be something that may be
16 added in the future. If driver behavior is less than
17 adequate or appropriate, that's something that could be
18 considered.

19 MR. HUSSEY: Well, I think the behavior issue
20 is an interesting one. Presumably, a number of these
21 drivers will be elderly, given the profile for the
22 units.

23 Okay. Thank you. That's all I have.

24 MR. GELLER: Thank you.

1 Ms. Poverman?

2 MS. POVERMAN: I may be jumping around a bit,
3 but just to specify, what information or what sort of
4 analyses do you expect to see and really need to see to
5 analyze the adequacy of parking for the building?

6 MR. FITZGERALD: Aside from looking at the
7 zoning bylaws, which seem to be a bit high for things,
8 especially like a studio, a practical, reasonable
9 evaluation based on information at a similar site that
10 could be used to make some educated assumptions as far
11 as -- and provisions as far as how many parked vehicles
12 there will be generated by this development.

13 MS. POVERMAN: And would this information be
14 available to Vanasse & Associates?

15 MR. FITZGERALD: Would it be available?

16 MS. POVERMAN: Would it be available to them
17 if they wanted to look for it?

18 MR. FITZGERALD: Depending on if they have
19 other sites that they have done in similar settings, or
20 they could collect that information from another site,
21 perhaps. There's not a clean-cut way of determining
22 this.

23 You know, with trip generation, we have the
24 ITE Trip Generation book where there's all sorts of

1 historical data collected. In instances where you
2 don't have that information at your fingertips, then
3 you become a little creative and come up with things
4 that make practical sense: looking at other
5 developments, soliciting that information through other
6 businesses that may be available. And that's really
7 one approach of looking at this, the one that I would
8 recommend.

9 MS. POVERMAN: Okay. As our peer reviewer
10 suggests, could we have that step taken to get that
11 information accurately?

12 MS. MORELLI: Are you asking staff to do it
13 or --

14 MS. POVERMAN: No, no, no. The developer.

15 MS. MORELLI: You can ask the developer.

16 MS. POVERMAN: Yes. Developer, I would like
17 your client to take this step because, based on what I
18 have seen, this was a sketchy analysis and I have seen
19 Vanasse do much more detailed traffic assessments. And
20 I think that we deserve more, and we need a much more
21 thorough analysis in order to determine what the real
22 parking situation here is. Because you've heard us all
23 jump up and down about this, and we don't want to just
24 be guessing. And I am happy to take the recommendation

1 of our expert, but -- if you're willing to totally
2 accept that, we can agree on a number tonight, but I'm
3 not sure you're willing to do that, so --

4 MR. ENGLER: We will consider. We are going
5 to respond, so that'll be part of it.

6 MS. POVERMAN: Okay. Well, my view at this
7 point is that the analysis you've done is inadequate.

8 In terms of traffic counts, have you ever seen
9 a traffic assessment that did not include traffic
10 counts?

11 MR. FITZGERALD: Not when that somebody -- a
12 community hires a peer review to do -- no, I haven't.
13 This was pretty brief.

14 MS. POVERMAN: Mr. Engler, why did it not
15 include traffic counts?

16 MR. ENGLER: The number of trips is so small,
17 it falls under the radar of needing traffic counts.
18 And under 40B, traffic volume is not a subject of local
19 concern. Traffic safety is. So to spent a lot of time
20 on volume when it can't be a condition of the permit is
21 a waste of our money.

22 MS. POVERMAN: Well, Mr. Engler, at
23 420 Harvard Street there were 36 units as opposed to 45
24 here, so there was a very thorough analysis done on

1 traffic, so I don't think that argument really stands
2 up. And it's the same analyst doing it. I'd hate to
3 think it comes down to what your client is willing to
4 put into this project since I know he's very interested
5 in doing a quality project and he's invested in
6 Brookline and he's built other businesses here. So I
7 think that that needs to be done because apparently
8 it's industry standard, so I hope that everything your
9 client would do would be industry standard.

10 In addition, we need a crash history. I
11 believe that is also industry standard?

12 MR. FITZGERALD: Yes.

13 MS. POVERMAN: I request that that be produced
14 by your client as part of the traffic assessment.

15 In addition, now it's moot, but it has to be
16 done when school is in. It is now, so during a weekday,
17 please.

18 Oh, a question: So there's sort of an average
19 size of cars or an average -- you commented on how many
20 cars or spaces are sort of designated for compact cars
21 and everything and how much is for an average car.
22 Does that house your SUV these days?

23 MR. FITZGERALD: Yes, yes. That would house
24 an SUV. Compact car spaces are obviously a lot

1 smaller, and when you're trying to squeeze as much in
2 as you can, that's what you install. In this case, I
3 believe -- I may be wrong on this, but I believe an
4 earlier version had 17 spaces, and now we're able to
5 gain one space but now we have three compacts, so ...

6 MS. POVERMAN: Right. But I also just want to
7 confirm: So the handicap space, it looks like there's
8 plenty of space for a van.

9 MR. FITZGERALD: Correct.

10 MS. POVERMAN: Great.

11 So going back to the August 22nd memo for
12 2016, in the second paragraph, Mr. Ham of Vanasse &
13 Associates says that not every tenant will be assigned
14 a space, and it is expected that many tenants will not
15 own a car. Did you see anything which formed a
16 basis -- an actual basis for that assumption?

17 MR. FITZGERALD: No.

18 MS. POVERMAN: Do you know anything that would
19 form a natural basis for that assumption?

20 MR. FITZGERALD: I think it's safe to say that
21 not all residents here will own a car. The question
22 is: How many? And without having backup or evaluation
23 to support that statement, I cannot validate it.

24 MS. POVERMAN: What sort of backup or

1 validation do you need?

2 MR. FITZGERALD: Well, that would really come
3 back to that study that I was referring to before: A
4 location similar with the amount of transit that's
5 available here and how many vehicles are needed for
6 each unit on average. It's not an exact science.
7 There are a lot of assumptions involved, but you do the
8 best you can to make an educated decision or an
9 estimate on number of parked vehicles.

10 MS. POVERMAN: So in determining, also, the
11 availability of spots outside, the immediate range,
12 you've indicated that the town has indicated that it
13 might have plans for these parking lots, which I don't
14 even want to consider. But could we have information
15 from the town as to whether or not there are plans for
16 these parking lots?

17 And would you also find it helpful in your
18 analysis as to whether or not there's adequate parking
19 to know -- for example, when it is referred to that the
20 Marriott has 90 spaces of parking, how many of those
21 are available for use by -- or rent by outside people
22 and how many are used by the 180 rooms there, including
23 how many spaces are available for use of the Winchester
24 apartments, which I think are actually 12, based on a

1 letter we got, and how many spaces are available across
2 the street? Because I don't think that's been
3 quantified for us, and that would be very helpful.

4 I know that -- and maybe this is something the
5 town knows. We have a fair amount of people who do use
6 the town's parking at night, but what do they do during
7 the day?

8 MS. STEINFELD: I have no idea.

9 MS. POVERMAN: I assume they have no analysis
10 anywhere of that.

11 MR. FITZGERALD: No. There are some numbers
12 that were provided online, on the website, on July 25th
13 that includes a number of sites and vacancies. There
14 was a photocopy of a chart included in that, but it
15 wasn't -- there was certainly no plan as far as how
16 many spaces were going to be required and a more
17 thorough discussion on that, so ...

18 MS. POVERMAN: And I think, as we've
19 discussed, there's all the Devotion people who are
20 going to be coming in, and I don't know how many spots
21 they're going to -- this is the renovation of our
22 school -- how many people are going to be coming in and
23 taking over spots there.

24 Oh, before I forget, as part of the traffic

1 analysis, there are three other projects being done in
2 the Coolidge Corner area, so I believe that a traffic
3 analysis should encompass those for a price --
4 cost-saving factor for your client. Mr. Engler has
5 already been included in the 420 Harvard Street
6 analysis, so you might want to do some cutting and
7 pasting from there.

8 But you were about to say something? I
9 thought I saw you were going to say something when I
10 was talking about Devotion or --

11 MS. STEINFELD: No. I think the plan that
12 Mr. Fitzgerald was referring to regarding the counts of
13 potentially available space was not prepared by the
14 town. It was prepared by the applicant.

15 MS. POVERMAN: Could the town please prepare
16 an analysis of that?

17 MS. STEINFELD: No. That's really incumbent
18 upon the developer.

19 MS. POVERMAN: Okay. Developer, could you
20 please prepare a tabulated count of that with something
21 more than anecdotal evidence and pictures of --

22 MR. ENGLER: It's not anecdotal evidence.
23 This is research done with the town.

24 MS. POVERMAN: Yes. For example, saying that

1 there are 90 spaces at the Marriott does not give me an
2 accurate picture of what is actually available,
3 especially since when I go park at the Marriott lot,
4 I'm often at the tail end of what's actually available.

5 MR. ENGLER: When it's my turn to comment,
6 I'll read this to you.

7 MS. POVERMAN: Okay. Fantastic.

8 Okay. I'm getting there, so hold on.

9 Oh, I also suggest that the developer hire a
10 parking consultant, as much as they might not like to,
11 since we are all here talking about parking so much.
12 And I may have said that already. I can't remember at
13 this point.

14 Okay. I'll ask for your indulgence for just
15 another minute or two.

16 Oh, one thing I did not understand: So if you
17 go to the second page of your memo relating to trip
18 generation, and the first paragraph says, "Given the
19 proximity to the above transit opportunities and
20 general mode splits for the Town of Brookline, a
21 reduction in anticipated site-generated traffic was
22 assumed based on the 2000 census data." I don't know
23 what that means.

24 MR. FITZGERALD: So there is information

1 available for the town relative to what the mode split
2 is. So if you look at the bottom of that paragraph,
3 57 percent auto, 31 percent transit, 10 percent
4 walking, 2 percent bicycle -- so the trip generations
5 was calculated using ITE standard equations for
6 apartments and then was reduced down to 57 percent for
7 autos and that was what was used for determining the
8 number of trips.

9 MS. POVERMAN: Okay. That was based on your
10 analysis using ITE's formula?

11 MR. FITZGERALD: Correct. And the memo from
12 the applicant included the same approach.

13 MS. POVERMAN: Okay. Great.

14 Why is the 2000 census data used and not 2010?

15 MR. FITZGERALD: That's a good question. I
16 would have to verify that one.

17 MS. POVERMAN: Okay. Do you think we can have
18 an updated analysis done?

19 MR. FITZGERALD: I'll verify that.

20 MS. POVERMAN: That would be fantastic.

21 And I think that's, actually, everything I
22 have to ask right now. Thank you.

23 MR. GELLER: I just have one question, and I
24 suspect I'm going to regret asking this.

1 What's the difference between the average rate
2 method and the fitted curb method? I mean, what are we
3 talking about?

4 MR. FITZGERALD: I was hoping someone would
5 ask this.

6 So there are different ways of calculating
7 trips, and long story short, it depends on the amount
8 of data points that are available in ITE. And so each
9 land use has options as far as how it's calculated.
10 It's just a matter of identifying which one is the
11 better fit for that specific development, that size,
12 etc., based on the data points.

13 MR. GELLER: So based on this specific
14 project, you felt that the alternative methodology was
15 more appropriate?

16 MR. FITZGERALD: Correct. And, in all
17 honesty, it did not increase the trips significantly.
18 In the morning, it increased. What was included in the
19 memo was 13 trips, and that increased to 15. In the
20 afternoon it jumped from 16 to 24. It wasn't huge at
21 all.

22 MR. GELLER: Great. Thank you very much.

23 We're going to take a two-minute break.

24 (Recess taken from 8:18 p.m. to 8:20 p.m.)

1 MR. GELLER: Okay, folks, we're reconvening.

2 I want to call on Bob Engler who is here on
3 behalf of the applicant and, I understand, who has a
4 response.

5 MR. ENGLER: Bob Engler for the applicant.
6 Not the traffic consultant. I don't even pretend to be
7 like the guy who slipped in the Holiday Inn and had
8 Mark perform surgery. Giles Ham will respond as the
9 traffic consultant, but I think I have some comments to
10 make on this study. Giles will comment on whether --
11 your question of 16, 24, 15, 18 trip generation. I'm
12 not going to comment on that.

13 The important thing is the safety, which is
14 satisfactory. That's the most important thing we glean
15 out of this because that's a local concern that has to
16 be addressed. And sight distances are good. The
17 safety works. So that's No. 1.

18 Beyond that we have the whole question of
19 parking. You're looking for real data and hard numbers
20 that don't exist. But anyway, I'll give you real data.

21 45 Marion Street: 18 parking spaces under the
22 building for 65 units. You approved it at a .21 ratio.
23 90 percent occupied, so the market speaks. People are
24 living there at a ratio much lower than we're

1 providing. That's market data, and we feel this is a
2 market question.

3 Now, I'm certainly open to the issue that the
4 affordable people should have underground parking. I
5 will support that because I think that's important. We
6 haven't gotten to that level of detail, but we'll talk
7 about that.

8 But in terms of the number of cars under
9 there, if people don't want to come to the space
10 because they can't find them or they can't find the
11 spaces around, which are -- we'll talk about in a
12 minute, they don't come. But the ratio, which you've
13 already approved as a precedent under 40B, I remind
14 you, is a .21, and that building seems to be doing
15 quite well.

16 I don't think Jim's point that it's inadequate
17 is any more backed up than my point that one building
18 down the road is very adequate in terms of the lease
19 out. So he has said, I don't think the ratio is right.
20 Where is the evidence? You've asked that question.
21 Where is the evidence of what's the right ratio? I'm
22 not sure there is because I think market conditions are
23 different. Boston has several buildings with no
24 parking. Hundreds of units with no parking at all.

1 MR. GELLER: Where are they? Downtown?
2 Financial District? Back Bay?

3 MR. ENGLER: One's right by TD Garden. I
4 don't know where all of them are but --

5 MR. GELLER: Jamaica Plain? Roslindale?

6 MR. ENGLER: I don't know.

7 MS. POVERMAN: Dorchester?

8 MR. ENGLER: Now, the issue of the spaces in
9 the area, Bob Roth was very disappointed that there
10 were three comments in this memo that said there's no
11 evidence of where there was any parking in the
12 vicinity. Maybe we're talking nomenclature, but what's
13 evidence? I'll read you what we have for evidence.

14 This is from Bob Roth on July 25th to Maria.
15 "I recently sent my agent to the town hall to
16 investigate the town's overnight rental and guest
17 parking program and its current capacity. What we
18 discovered is within a five-minute walk of the property
19 there are four town lots that rent out overnight
20 parking spaces and rent out guest parking spaces.

21 "In the Centre Street West, Centre Street
22 East, Babcock Street, and John Street parking lots,
23 there are, according to the town records that she
24 submitted, a total of 127 spaces available for rent as

1 of July 1, 2016. Of the those 127 spaces, there were
2 89 vacancies for overnight parking. Additionally,
3 there are 187 spaces that could be reserved for guests
4 overnight. There are a total of 90 privately owned
5 spaces available in three different locations within a
6 two minute walk: 60 spaces at the Marriott, 15 spaces
7 on Centre Street adjacent to our property, and 15
8 spaces on Williams Street.

9 "It is clear from our findings that 40 Centre
10 Street is uniquely situated and surrounded by four
11 underutilized, 70-percent vacant town parking lots and
12 187 guest parking spaces in addition to the 90
13 privately held parking spaces."

14 That's a lot of information. If you want it
15 in tabular form by location, we can do that. But, I
16 mean, that's evidence to me that he went and
17 researched with the town records on that particular day
18 what was available, what would our tenants be able to
19 find, and there's lots of spaces. So yes, we'd love to
20 have enough spaces in our building.

21 That reminds me. The other point we raised is
22 Maria is soft-shoeing around the planning memo. She
23 took an interpretation that we didn't take. I was
24 there as well. The planning department said, here's

1 what we would accept if we had to get to that level,
2 and we've used that ratio and cut down our unit mix to
3 meet that ratio. And I have to tell you, that's a
4 significant rental income loss to have all those
5 studios from what we had. So that was an attempt to
6 meet a ratio.

7 Now, the planning board is not the zoning
8 board. You don't have to follow them anyway. We're
9 looking for a methodology to say, well, let's see what
10 we can use that's out there as a methodology for having
11 this many spaces. Frankly, I don't think it's
12 necessary because you can make your own decision. Now,
13 I've got 45 Marion Street down the block which has even
14 less. So that's just the reason we went to that, and
15 it created a significant loss from rental revenues in
16 order to do it.

17 So, again, we are trying to show you that we
18 think, either by our method or the tenant selection or
19 market conditions or other avenues, that there will be
20 parking here.

21 And I have to end by saying that, again, for
22 the tenth time, is not a safety issue. It doesn't rise
23 to the level of stopping or modifying a project because
24 it's an internal issue to the developer and the

1 marketplace. And I can't say that I can see cars who
2 are parking there creating a safety issue in the
3 neighborhood. Maybe you can. I've never seen it
4 before. I've never seen it put on the record in any
5 court case. So that's what our position is on parking.
6 It is not a conditionable thing that says, we think you
7 ought to have more spaces. You may want them. We may
8 want them. I don't see it that way. But I'll
9 certainly have Giles get more details in response to
10 that.

11 MR. CHIUMENTI: I did not bring my regulations
12 tonight, but adequate parking is a local concern. It's
13 one of the local concerns we're supposed to take into
14 account.

15 MR. ENGLER: Find me a case.

16 MR. CHIUMENTI: I'll show you the reg.

17 MS. POVERMAN: Design site certainly is.

18 MR. CHIUMENTI: Affordable housing is
19 listed -- adequate parking is listed on an item by
20 itself.

21 MR. GELLER: We will have our discussion.

22 Maria, go ahead.

23 MS. MORELLI: So I -- in all fairness to
24 Mr. Engler, I know that -- I'm not soft-shoeing what

1 happened at the planning board. I actually drafted
2 that letter, and those ratios came from me as a way to
3 illustrate how inadequate -- it was not based on a
4 discussion that the planning board had, so I'm not
5 soft-shoeing because I drafted that portion and I know
6 where that came from. And the planning board didn't
7 debate those ratios as being something that they would
8 advise or even say that, you know, our bylaws should be
9 based on this. So I really do need to be clear where
10 it came from.

11 I also want to say that Mr. Roth has admitted
12 a couple of things. This insistence on available
13 parking off-site just reinforces that he knows that
14 tenants are going to need parking. If this ratio was
15 so sufficient, there wouldn't be this brouhaha over
16 parking available off-site.

17 He's also said that even though people will --
18 potential tenants self-select, they ask, do you have a
19 parking space for me? If they don't -- if they want
20 one and it's not available, they'll go elsewhere. He
21 doesn't want to lose those potential tenants. And he
22 admits himself that it would be more beneficial to have
23 parking to make this program more attractive.

24 He's also said that he doesn't want stackers

1 as a condition for this permit, but he fully expects or
2 he entertains the possibility of coming back to the ZBA
3 after the comprehensive permit to ask for a stacker
4 system. He's already designed a provision for stackers
5 by providing that ceiling height. So that's almost
6 admitting that that's an eventuality.

7 MS. POVERMAN: Can you go into that more? I
8 don't understand that.

9 MS. MORELLI: Which piece? About the
10 stackers?

11 MS. POVERMAN: Yes.

12 MS. MORELLI: There's a certain amount of
13 height that you would need to have those stackers at
14 the rear of the building on the ground floor. It's a
15 ceiling height, floor to ceiling height.

16 MS. POVERMAN: I have a question. So one of
17 the things that is certainly a local concern for towns
18 is municipal planning.

19 MS. MORELLI: Yes.

20 MS. POVERMAN: Is parking the sort of thing
21 that comes within municipal planning?

22 MS. MORELLI: So to address -- Judi Barrett
23 was prepared to address that because she has read the
24 correspondence. There's certainly a letter submitted

1 to the planning board referencing municipal planning.
2 Dan Hill, who's an attorney for concerned residents in
3 the area, has alluded to that. Ms. Barrett did work on
4 the Andover case. She can speak to it much more
5 professionally. And with her expertise, I'd rather
6 that she be here to address that.

7 MS. POVERMAN: That would be great. So we'll
8 have her testify.

9 MS. MORELLI: She's ill this evening and
10 couldn't be here, but for the next hearing she --

11 MS. POVERMAN: Fantastic. Thank you.

12 MR. GELLER: Thank you.

13 Mr. Engler.

14 MR. ENGLER: Thank you, Maria.

15 But I have to object that she's speaking for
16 my client. She's trying to tell you what Bob Roth is
17 thinking, and that's my job to talk about what he's
18 thinking, not what she thinks he's thinking.

19 It's nice that she said that she created that
20 ratio, because she told us the planning board had
21 written that memo, and that was written before we even
22 met with them, so that wasn't the best procedure in the
23 world. But we're still using it because it's a -- it's
24 one method to looking at parking ratios. As I said

1 earlier, don't use it.

2 We think we have a ratio that works. And
3 nobody's denying that we think we'd love to have more
4 spaces, or that we think, you know, it might hurt us if
5 we don't. We have this building, and that's what we
6 have in the building, and that's the number of spaces
7 we're going to have. So we're not going to have any
8 more. So people are either going to find these spaces
9 in the area, or they're not going to be there. And I
10 don't know what number you're looking for or how many
11 will find them or how many won't. We have to live with
12 the risk, just like any developer does, of who's going
13 to come and who's going to take them. So that's where
14 we are.

15 And we don't want stackers because we don't
16 want to be conditioned to have stackers and don't like
17 them and don't want them. So if we have to come back
18 five years from now or ten months from now, we have to
19 come back and see you about that. So we're not hiding
20 anything. We just would rather not have the stackers
21 right there. So that's as simple as I can put it, and
22 that's Bob and me talking about it, not somebody else
23 interpreting what he really feels. Thank you.

24 MR. GELLER: Thank you.

1 Okay. Just by a showing of hands, how many
2 people from the public want to offer testimony?

3 Okay. Again, I know I'm repeating myself.

4 MS. POVERMAN: You're repeating yourself.
5 Let's just point that out.

6 MR. GELLER: Listen to what other people have
7 to say. If you agree with what they said but you want
8 to underscore it, just point to them, accuse them of
9 having said it, and say, I agree with them.

10 If you have new information that pertains to
11 the subject of this hearing this evening, which is
12 parking and traffic and the changes that have been
13 presented by the applicant, we absolutely want to hear
14 it.

15 Why don't you line up as you have before.
16 Again, start by giving us, loudly, your name.

17 MR. SWARTZ: Thank you. Chuck Swartz, Centre
18 Street. Thank you again for the opportunity to speak
19 to you.

20 Once again, I just have some pictures about --
21 since traffic is the topic tonight, I have some
22 pictures of both traffic and pedestrian traffic in the
23 neighborhood. As you can see -- school was mentioned
24 not being in session at the time. This morning was the

1 first day of school. Here's the students lined up in
2 front of 62 Centre Street waiting for the bus, and the
3 bus came and picked up the students in front of
4 63 Centre Street. What the picture doesn't show is the
5 bus took several minutes to load, and traffic began to
6 back up behind the bus all the way back to Beacon
7 Street. And this was the first day of school.

8 Thursday is farmers market day, and farmers
9 market takes place every Thursday from the beginning of
10 June now until the middle of November, so that's five
11 and a half months. And you can see this is taken from
12 my house. You can see that cars are parked on the
13 illegal side of Centre Street, and this goes back all
14 the way to Williams Street, and it's typically every
15 Thursday. Again, both traffic -- cars parked on both
16 sides of Centre Street. And this is close to the
17 property at 40 Centre Street, people loading and going
18 in and out, traffic backing up. This is actually right
19 in front of 40 Centre Street, cars going in and out and
20 waiting for spaces. And there's 40 Centre Street, and
21 the cars are parked right up to -- to the opening to
22 the parking lot. The cars across the street, again, in
23 front of 40 Centre and 50 Centre. You can get a sense
24 of traffic at this point.

1 And we're beginning to see some of the
2 pedestrians. Harriet Rosenstein will talk about the
3 pedestrians in the neighborhood. She took some of
4 these pictures also.

5 Before I turn this over to Harriet, if you
6 don't mind, a couple of things about parking: First of
7 all, I know from several of my neighbors that have been
8 using -- have been parking overnight in the Centre
9 Street lots that you have to be out of there by 8:00 in
10 the morning, which means that they don't have any place
11 to put their cars during the day. They have to find
12 spaces. And they can't park in those lots until after
13 8:00, so if they get home from work at 6:00, there's no
14 place for them to park. Several of my neighbors have
15 been ticketed during that two-hour in-between period.

16 And as far as the Centre Street East parking
17 lot, there was a question about any development. There
18 has been talk about relocating the Coolidge Corner
19 library in that spot, the Coolidge Corner Theater is
20 planning an expansion into the lot, so there are plans
21 for the lot that we're anxiously awaiting.

22 Now I'm going to turn this over to my neighbor
23 and colleague Harriet Rosenstein.

24 MS. ROSENSTEIN: Hi. I'm Harriet Rosenstein.

1 I'm one of the many neighbors here. I live on Centre,
2 two houses from Chuck Swartz.

3 What I'm about to show you is minimal in
4 number. I hope, nonetheless, it will give you a
5 feeling for, again, what Thursdays are like on Centre
6 Street, particularly for a particular population who
7 constitute the majority of the people living on Centre
8 Street. These are people who live at 100 Centre, who
9 live at 112 Centre. There are certain stipulations --
10 you probably know this -- conditions under which people
11 are permitted to live in these two buildings. There is
12 a stipulation, for example, about age, about income,
13 and about physical capacity.

14 One of the major joys of life for many
15 residents in these two buildings is to come to farmers
16 market on a Thursday. So what I wanted to do, simply,
17 was to show you a few photographs of people I've
18 observed, some of whom I have a sort of, you know,
19 chatty acquaintance with, I don't know. But I just
20 wanted you to get a feel for pretty regular attendees
21 of farmers market. People love to hang out there.
22 There's an ice cream stand, and it's there in decent
23 weather, that many of the residents who come, who live
24 at 110 like to spend an afternoon. They sit and they

1 sort of schmooze.

2 We'll be looking, I think, at a photograph of
3 the same woman. I was trying to get it right. Here's
4 somebody who walks, as you can see, with double --
5 double assistance. She moves very slowly. And you may
6 not be able to tell it here, but she's really
7 profoundly impaired. I'm not saying that this, in any
8 way, affects automobile traffic. I am saying, however,
9 that she moves very slowly, that her ability really to
10 measure distances -- I know this as a fact -- is quite
11 limited. And for her -- and this is a joyous occasion.

12 Once again, you can see the ice cream truck
13 back there. You can also see people from 110 sitting
14 in those red chairs beside the ice cream truck, sitting
15 there for an hour or two. It's a major moment. It's a
16 long moment. And for this woman it's an
17 extraordinarily long moment because she walks so slowly
18 and with such difficulty. She's not atypical. Here we
19 see her again.

20 Here's another woman. I don't know this
21 woman. I just observed her. She's a woman certainly
22 no longer young. She too is reliant on something to
23 sustain her as a standing person, and she's waiting.
24 We don't know what or whom she's waiting for, but she's

1 waiting there in the market. She's chosen to come on
2 this Thursday to the market.

3 I would add a footnote, by the way. The
4 market ordinarily is jammed. The weather was not good
5 today. It was raining a lot of time, and that, I
6 think, prevented a lot of the usual people from coming.
7 It wasn't sunny. It's nicer when it's sunny.

8 Okay. Now, this is a true measure -- for me,
9 this is heartbreaking. This is a week ago. I was just
10 coming to farmers market, and there was a minor
11 accident. An automobile, one of them, very, very
12 briefly came up onto the sidewalk. A man in a
13 motorized wheelchair who had done his shopping -- you
14 can see, even, this ear of corn sticking out of the
15 bag. The force of the car propelled this man out of
16 his wheelchair, and he was injured. The police came,
17 the fire truck came, an ambulance came, the EMTs came,
18 and finally this man was indeed placed on a gurney. I
19 have no idea if he was conscious or not.

20 Now, I'm not saying this is a regular event on
21 Centre Street, next door at 40 on Thursdays, but I am
22 saying that we are talking, in part, about an
23 extraordinarily vulnerable population for whom being
24 next to 40 Centre Street is crucial every single

1 Thursday from spring through autumn, and that does need
2 to be taken into consideration, that is a local
3 concern, it does have to do with safety. It has to do,
4 indeed, with the respect for a large portion -- not
5 just the population of Centre Street, but the
6 population period.

7 MR. GELLER: Thank you.

8 UNIDENTIFIED AUDIENCE MEMBER: There were just
9 a couple of more pictures.

10 MS. ROSENSTEIN: Oh, those are mine.

11 UNIDENTIFIED AUDIENCE MEMBER: You're not done
12 yet.

13 MS. ROSENSTEIN: Again, they just speak for
14 themselves, I think. This was one week ago. There's
15 your ice cream stand again. This man is virtually
16 paralytic. I see him regularly there. He's also
17 partially blind. He needs assistance in moving. I
18 don't know his age.

19 You'll see, I think, a picture of his wife in
20 a moment. They're both extraordinarily gaunt people.
21 They look to me, really, like they're in their 90s, and
22 I've been astonished that they have the aliveness to
23 wish to come here to farmers market. But they come and
24 they sit there for long periods of time. And he looks

1 like he's preoccupied, like he's paying no attention.
2 But it's very clear that they are paying attention and
3 they feel alive in this environment. Maybe in their
4 apartment they don't. This is his wife.

5 Okay. I took this. I'm fond of these people.
6 I met her a week ago. She lives in 100. She's an
7 extraordinarily frail woman. She probably weighs 80
8 pounds. And this becomes an anecdote now. I asked her
9 if I could please take her picture. And this is the
10 absolute corner, by the way, of Centre and Wellman
11 Street, just a few doors from the market directly
12 across from my house. And I asked her if I could take
13 her picture, and she looked at me very sternly and she
14 said, no. I don't photograph well.

15 And that, I think, is the end of my story.

16 MR. GELLER: Thank you.

17 MR. PENDERY: Good evening. My name is Steve
18 Pendency, 26 Winchester Street. I'll try and keep my
19 comments brief.

20 I want to address the 10-point summary at the
21 conclusion of the traffic assessment. I think it
22 really summarizes quite a bit. Point No. 2, "Since
23 traffic may increase in this area during the fall when
24 the school is back in session" suggests a complete

1 ignorance of the traffic dynamics in our neighborhood,
2 because school makes a big difference.

3 And the knowledge that part of the Devo. has
4 now been transferred to a building on Webster Street
5 means that parents will look at Centre Street as an
6 extension of Webster Street because you can go right
7 across Beacon Street to get to the school. So it's a
8 fair assumption that there will be an uptick in the
9 number of -- not just regular traffic, but this will be
10 cars with school children going to school because we
11 don't really have an official school bus system in our
12 town, in case you didn't realize that. So speaking as
13 a parent here, you know, we spend a lot of time in our
14 cars taking our kids to school.

15 I wanted to make a point, too, that I've never
16 heard of a traffic study without traffic counts. I
17 used to work for the National Park Service, and before
18 they did anything -- you know, it's not that hard to do
19 traffic counts.

20 To have a one-day observation is -- I've never
21 heard of that. It's pretty crazy.

22 There are lots of service trips that are made
23 on Centre Street that have nothing to do with the
24 residents themselves, but these are services -- many

1 emergency services being brought to residents. And so
2 it's not just the number of trips, but it's the nature
3 of those trips that also has to be taken into account
4 here.

5 My point No. 3, but it's item No. 5 here:
6 "Police monitoring is recommended to ensure that
7 vehicles do not park in front of the site and decrease
8 visibility from the driveway."

9 Again, I suggest this reflects complete
10 ignorance of the conditions of traffic monitoring by
11 the Brookline Police. I live a block away. I have no
12 problem parking my car, letting it sit, perhaps, over
13 time because there is no monitoring in this particular
14 area. I do suggest, though, that perhaps the records
15 of the frequency of police monitoring of traffic is
16 provided for discussion purposes.

17 Now, my own experience living opposite
18 19 Winchester Street, which has a similar concept idea
19 of a driveway plunging down sort of under the building,
20 is that there actually is illegal parking that goes on
21 on the other side that's obstructing the view
22 constantly, at least on a daily basis. And I have a
23 photographic record, and I'll spare you that tonight
24 but I'll send it to Maria.

1 And so, yes, in effect you're saying, okay,
2 you know, we'll design this and assume that people will
3 be law abiding, and if they're not, well, that's not
4 really our problem.

5 I disagree with that position. I think that
6 what you're really doing is that you're deflecting the
7 liability here to another group here.

8 And this is my last, final point, is that
9 we're really looking at the services that the police
10 department offers to the town under contract because
11 there is no bylaw for police details here.

12 One area that hasn't been considered at all,
13 but I consider it justifiable in a discussion of
14 traffic, is that since we don't have a bylaw that
15 provides for required police detail at construction
16 sites, that the police figure out where and when they
17 want to provide details. Construction sites in public
18 ways that are left out of this have to deal with this
19 situation on their own. And I've noticed that, by and
20 large, we have the police details on Beacon Street. We
21 don't have police details on the side streets. Again,
22 I can provide more photographic evidence. So the
23 likelihood of there being police details at 40 Centre
24 Street during the construction phase is pretty slight.

1 I want you to imagine what I see taking place
2 in this neighborhood is that construction crewmen will
3 go out there and act as flag men. But it's interesting
4 to note, too, that flag men are discouraged by the
5 police department, probably because having a flag man
6 system would compete with the police options of
7 providing their own details. Okay?

8 So a complicated situation, but my point is
9 that we know what that is right now, a situation that
10 is defective at the present. And continued 40B
11 construction in this neighborhood -- I believe it's
12 your responsibility to issue permits with your eyes
13 wide open as to what the existing conditions are and
14 how they'll be aggravated with these kinds of projects.
15 Thanks very much.

16 MR. GELLER: Thank you.

17 MS. ROSENTHAL: Hi. I'm Elissa Rosenthal. I
18 live at 19 Winchester Street. I'm the chair of the
19 trust there.

20 I want to echo what Harriet said, Steve said,
21 and Chuck said. I agree with all of those things. I
22 will follow your rules, and I will not repeat them.

23 One thing Steve did mention about parking on
24 the driveway, our driveway is a slope. It comes out --

1 you go in on one side, and come out on the other. I
2 know I brought this up before. There was an incident
3 where someone was killed. An elderly person was killed
4 because of the sight lines there. So whereas the sight
5 lines were approved, it doesn't necessarily mean that
6 those are going to be abided by on either side of those
7 driveways.

8 So as someone else said, just the approval of
9 an okay sight line isn't really enough. We happen to
10 have -- on our side we have no parking next to it, and
11 we have a big sign that says "Watch for Pedestrians."
12 Within the no-parking area, we have UPS who parks
13 there, anybody working in the building parks there,
14 FedEx parks there, delivery people park there. The
15 sign doesn't mean anything. So it doesn't really
16 matter that the sight lines look good when there's no
17 business going on, but certainly people are going to
18 take those spots even though you're not supposed to.
19 The delivery people do that anyway. So that's the
20 important thing, and if you want to talk about safety
21 and -- safety issues, that certainly is one that needs
22 to be considered.

23 With regard to what Maria started with, there
24 were some charges for this new redesign, and one of

1 them was talking about setbacks. And there has been no
2 talk whatsoever about setbacks on the side of -- where
3 Winchester House's parking is and, more importantly, on
4 the back which overlooks our units and our pool.

5 I would argue that, also, that is somewhat of
6 a safety issue, as has been mentioned before in
7 testimony, that people could be looking out their
8 windows, jumping into our pool. We've had that in the
9 past, people jumping our fence and getting into our
10 pool.

11 And balconies. It seems balconies came back.
12 They went away, now they're back. We don't need
13 balconies on -- invading our privacy on any side.

14 The other thing is the materials. If my
15 understanding is correct, the materials are going to be
16 brick and then there's some sort of metal component on
17 the top. I would like someone to figure out what the
18 reflection of those metal panels is going to be into
19 19 Winchester Street because metal reflects. It's all
20 glass, the back of Winchester House. People in those
21 units, not only now are they going to have a blocked
22 view, they're going to have shiny metal in their eyes.
23 That's not right.

24 With regard to parking, here's a solution:

1 Cut off those top floors. Just go with those three
2 floors. We won't have the metal problem, we won't have
3 balconies. That solves a lot of problems. So cut off
4 the top floor.

5 My most important, my takeaway here, most
6 important is the setback. That has totally been
7 ignored on the two sides where there are some very
8 close abutters. Thank you.

9 MR. GELLER: Thank you.

10 MS. ALLYN: Good evening. My name is Cynthia
11 Allyn, and it's spelled A-L-L-Y-N. I live at
12 19 Winchester House.

13 I would like to support everything that was
14 said about traffic and parking and especially
15 everything that Elissa just said. I'm in one of the
16 ninety-two units on the back side of Winchester House
17 and will face this building. And while I recognize the
18 steps that were made to incorporate the brick, which I
19 love, right now I have very nice views. This building
20 is going to not only block my view, which is the reason
21 I bought there, it's going reduce my property value.

22 But more importantly, I plan to live there as
23 long as I possibly can, and I'm going to have to look
24 at back of this building, which is like a huge

1 monolith. I think that while they tried to make
2 interest and break up the structure at the sides and
3 the front, they did nothing to change the back of the
4 building. As hopefully a long-time resident of
5 Brookline, I hope that something could be done that our
6 views will be made more tolerable. Thank you.

7 MR. GELLER: Thank you.

8 KAREN: Hi. I'm Karen of Babcock, and I
9 wanted to say that although there aren't any, you know,
10 abutting residential neighbors except for that
11 exceptionally tall apartment building -- and, you know,
12 I just -- landlords, they don't seem to care about
13 attracting the best tenants of various incomes. We
14 don't want SROs or studios, but we want floor plans
15 that matches our functionally perfect 40B. You know,
16 you're attracting the most desperate, which is a
17 decline in livability, especially for the vulnerable.

18 So we're out zoned. And you have more than
19 100 people that want to move. We're middle income,
20 elderly people. We don't party. We don't jump in
21 other people's pools or scream out decks. We're
22 tenants with a long history, a long rental history, and
23 we don't want to live with the undergraduates and
24 families. And half of us don't have cars.

1 The Coolidge Corner Library is my favorite
2 location, and I feel that if other tall buildings are
3 allowed to have balconies, then we should be allowed to
4 have balconies too.

5 And my building, the owner, does rent out
6 parking spaces to the public on Babcock street. Thank
7 you.

8 MR. GELLER: Thank you.

9 MS. DARLAND: Hi. I'm Wendy Darland at
10 103 Centre Street, so I'm right across from 100 Centre
11 Street, so I can attest to all the trucks that are
12 there every day. It's very challenging to get out of
13 our driveway between people sometimes even blocking my
14 driveway because they think it's a parking space. And
15 there's always delivery trucks there, so I can imagine
16 at 40 Centre Street there will be, at a minimum, FedEx
17 and UPS that are parked in front.

18 Also, in the traffic studies, I would hope
19 that they would take into account the Uber and Lift
20 cars that will be coming by that stop for no apparent
21 reason. Then you go, oh, that must be an Uber driver.
22 He's looking for his pickup.

23 And also, I got here a little bit late. I
24 didn't hear anything about the trash, but that's huge,

1 when trash day is. That's going to block the front of
2 the street because there is nothing behind, so you're
3 going to have the trash trucks there as well.

4 And then I think I heard that this was an
5 age-restricted building, but I could be wrong. So
6 you'll just have housekeepers and other attendants that
7 come. But, you know, at 100 Centre Street, there's no
8 place to park.

9 So anyway, there's a lot of illegal parking
10 that happens. I'm not suggesting that the cops come
11 any more than they already do. They actually do -- I
12 watched at 8:00 they were starting to inventory the
13 cars that were there and record their license plates,
14 so maybe there will be the two-hour parking, which
15 isn't so great for my mother-in-law, but that's the
16 problem with living in Brookline, she can only come to
17 visit for two hours.

18 MR. GELLER: Sometimes a good thing, sometimes
19 a bad thing.

20 MR. SIMONELLI: I'm Rich Simonelli. I'm the
21 owner of 809, Unit 809 at 19 Winchester Street, and I
22 want to make three points.

23 Looking at the design of the building, new
24 design, the setback, Mr. Roth made a comment a few

1 meetings back about trees along the property line. The
2 guys very nicely put up some very nice shrubbery on
3 someone else's property in the drawings.

4 I went over to the building, looked at the
5 parking lot. You have a fence. On one side of the
6 fence, you have some -- you've got all kinds of trees.
7 You've got some maples that are large, tall trees, you
8 have some small shrubbery. It's probably all wild.
9 But you have tall trees on both sides of the fence.

10 Now, you are going to be five feet back from
11 the property line. Those balconies are going to be all
12 of two and a half feet back from the property line. So
13 the builder comes in, tears out the trees on his side
14 of the property line. The best they can do with the
15 trees on our side of the property line is to cut them
16 off at the property line. That means those trees are
17 going to be two and a half feet from their balcony.

18 My suspicion is that they're going to have
19 little visitors coming. Squirrels climb trees pretty
20 well and jumping, what, two and a half feet, about the
21 width of this podium. I think they're going to have a
22 problem there between raccoons and squirrels. It's
23 their problem, but it's also a health issue.

24 The other issue I want to talk about was

1 mentioned about the lack of use of the overnight
2 parking. I lived in Brookline in an apartment over at
3 50 Winchester one time, and my wife and I lived there.
4 And I had to rent a parking space. I did not rent from
5 the city parking lot. Not because I don't like it, but
6 you have to have your car out by 8:00. And you -- what
7 is it? 9:00? Something like that. You can't use it
8 during daytime hours. I needed a place where I could
9 leave my car all the time and have it convenient. And
10 I think that's a big problem with the city parking lots
11 and why they're not used as much as they could be.

12 The third issue I wanted to make was the
13 design of the parking spaces. I heard him talk about
14 going from little spaces, compact car spaces to larger
15 spaces, back and forth. Two things there: You're
16 going to have a lot of people coming in from -- you
17 know, needing help, assistance, whatever. They're
18 going to come with all-sized cars.

19 I don't know if you realize it, but I found
20 this strictly by accident when I was looking to buy a
21 car. The Ford Explorer today, the 2015 Ford Explorer
22 is only one inch narrower than the 1957 Cadillac
23 Biarritz, the boat of boats. Okay? You wouldn't think
24 it by looking at it, but this is the official

1 dimensions of their -- the Ford website and the website
2 for some group that used GM dimensions. You know, a
3 hobby group.

4 And the reason I was doing that is I had to
5 get a new car to put in my garage, which I didn't buy
6 and I wish I did after my disaster the other day. I
7 lost the gamble.

8 But in case, the new move with parking spaces,
9 I understand that they're taking them from eight
10 feet -- eight-foot-something dimension -- I think they
11 can tell me better what the exact number is -- down to
12 seven-feet-something. They've cut like six inches off
13 the size of the parking spaces. So I hope they have
14 enough space when someone shows up with a Chevy
15 Suburban or one of those other larger vehicles, because
16 I have seen them blocking cars that get wedged between
17 parking spaces.

18 So I just wanted to make you aware that the
19 cars are not smaller. A lot of them are getting bigger
20 and space could be a problem for them. Thank you.

21 MR. GELLER: Thank you.

22 MS. SWARTZ: Hi. My name is Linda Swartz. I
23 live at 69 Centre Street. It's on the corner of
24 Shailer, and directly across from me is an apartment

1 building.

2 I've lived a 69 Centre for 17 and a half
3 years, and I have to say the biggest problem I have in
4 terms of traffic and parking -- I have an issue with
5 the people moving in and out of the building. And
6 today happens to be the first of the month, and so
7 right away we have the Penske trucks. And people can
8 get permits to block out a portion of the Street.

9 But I am concerned with the building having so
10 many studio apartments -- which are usually not a long-
11 term housing solution -- if there is some provision for
12 how people are going to move in and out of the building
13 and whether there will be a designated space for moving
14 trucks. Thank you.

15 MR. GELLER: Thank you.

16 MS. FARLIN: Hi. My name is Suzanne Farlin
17 (phonetic). I live at 103 Centre Street. I just want
18 to -- I have a brief comment about pedestrians. So
19 we've lived in the house for 16 years, and my kids were
20 four and one when we moved in, and so I've spent a lot
21 of time walking from our house to -- along Centre
22 Street to Beacon Street. And I always cross the street
23 to the side of the 40 -- that that garage is going be
24 because the other side is the Centre Street parking lot

1 and it's got two sets of entrances and exits. So I
2 would cross the street so I wouldn't be on the side
3 where the cars were entering and exiting that parking
4 lot. But this is just going to make it -- so now
5 people will have no safe side to walk down the street
6 on. Thank you.

7 MR. GELLER: Thank you.

8 MR. CHIANG: My name is Derek Chiang. I live
9 on Centre Street. You've already received my comment
10 letter in terms of the potential economic impacts if
11 private vehicles for private developments aggregate to
12 town-owned parking spaces.

13 I just wanted to now rebut some comments made
14 by Bob Engler. He stated that parking is not a concern
15 under 40B, the safety of the parking. So let's take a
16 look at some of the precedents from the Housing Appeals
17 Committee.

18 100 Burrill Street, LLC versus Swampscott
19 Zoning Board of Appeals, Housing Appeals Committee
20 No. 05-21, pages 9 through 13. I quote from their
21 decision.

22 "The only question that bears serious scrutiny
23 is whether cars will be able to make it safely onto
24 Burrill Street. The board's expert drew our attention

1 to a number of additional facts that may affect the
2 safety of cars exiting onto Burrill Street.

3 "One, the existing demand for parking in the
4 area is already great; two, the proposed entrance to
5 the site is 140 feet south of the signalized
6 intersection; three, currently, during high volume
7 times, traffic stopped at the traffic single queues up
8 to or beyond the proposed entrance; four, no parking is
9 permitted on Burrill Street, but is calling for cars to
10 park illegally directly in front of the site. The
11 expert concluded that such illegal parking poses a
12 safety hazard by limiting visibility; five -- and then
13 they talk about Swampscott's zoning bylaws.

14 Then the Housing Appeals Committee goes on to
15 say, "Despite some reservations, we accept as
16 preliminary conclusions, first, that the illegal
17 parking will pose some degree of hazard to cars exiting
18 the site, and second, that the proposed development
19 will increase on-street parking demand. And then they
20 go on to weigh that local concern verses the regional
21 need for affordable housing.

22 And so the point I want to make is that, you
23 know, I don't envy the board's decision. You hear a
24 litany of testimony, and the 40B regulations ask the

1 board to focus on areas of local concern: public
2 safety, environment, design, and municipal planning. I
3 already mentioned municipal planning in my letter.

4 But what we need to bear in mind is, first,
5 that a lot of the facts of this case sound very similar
6 to 40 Centre Street; second, we've seen testimony
7 tonight about the illegal parking and backups during
8 the farmers market. So I suggest that, you know, the
9 transportation study take into account these problems.

10 When we come down to, you know, the board's
11 deliberations over permits, right, the regulations talk
12 about these balancing tests about local concerns and
13 regional need. We've heard before how Brookline is
14 potentially -- you know, has unique characteristics.
15 This particular site with 100 Centre Street and
16 112 Centre Street and the hundreds of seniors who live
17 there, I think it's a very large local concern that
18 gives extra caution to the public safety issue, which I
19 know the board is aware of.

20 But if we're coming to a balancing test, well,
21 let's have the facts. Bob Engler mentioned that, you
22 know, the market forces will determine how much parking
23 is needed and how many residents will need the
24 surrounding parking. He quotes from 45 Marion Street

1 saying this is a viable project even though it only has
2 whatever ratio of parking spaces. 45 Marion Street is
3 newly opened. It would be useful to see what is the
4 market rate situation for all of Coolidge Corner.

5 And when we talked about, you know, economics
6 at the last meeting, Bob Engler stated -- and I don't
7 quote directly, but he stated that, you know, a parking
8 ratio could impose or render this project uneconomic.

9 Well, I strongly suggest the ZBA consider what
10 would be an appropriate utilization of the site. What
11 are the appropriate number of housing units and the
12 number of parking spaces that are available to take
13 into account the public safety needs, the municipal
14 planning needs, the zero sum game that the lack of
15 parking entails? Because there's a fixed supply, and
16 when you increase demand, you have problems.

17 And let's see the pro forma. Let's ask the
18 developer to show what are the economic ramifications
19 of an appropriate sized project and leave adequate time
20 for a pro forma economic review. Thank you.

21 MR. GELLER: Thank you.

22 Anybody else?

23 (No audible response.)

24 Okay. So I want to invite the board members

1 to, again, continue the discussion about what's been
2 presented and issues that have been raised and also
3 give some further feedback and direction to the
4 applicant as well as the planning director.

5 Anybody?

6 MS. POVERMAN: Actually, Peter, can we have
7 your plans back up? I want to make a couple of
8 comments.

9 MR. BARTASH: Sure. Do you want to start with
10 the ground floor or --

11 MS. POVERMAN: No. Let's see the front.

12 MR. BARTASH: I'm sorry?

13 MS. POVERMAN: The front of the elevation.
14 The front of the building.

15 So I really like the changes you've made here
16 in terms of articulating, but -- I don't even know the
17 technical design terms, but I like the differentiation
18 that's been made artistically with the different
19 materials used, etc. And I agree with the comment that
20 it would be very nice to have this continued in the
21 back to give the viewers from the other side something
22 prettier to look at.

23 Myself, I -- you know, regardless of whether a
24 more modern material was used in the back, I like

1 the -- you know, nine-over-whatever windows, it's very
2 common in Brookline, as you know, so I wouldn't see any
3 problem in continuing that, and it would add a sense of
4 continuity.

5 And so jumping in to the -- not really the
6 elephant in the room -- I love the balcony, by the way.
7 I think that's great. But the problem we're having
8 here and we keep talking around is -- parking is a
9 problem. Safety is a problem partly caused by traffic,
10 but you have the parking, then potentially there are
11 more safety problems. But if you lower the building,
12 and have fewer units, then that solves part of the
13 problem.

14 And I think stylistically it would also help
15 the way this looks. I think that the jarring part of
16 that is the top part where it looks sort of like an
17 elevator shaft has been put on top of the building.
18 What I think would be gorgeous, personally, is glass,
19 but just facing the front, that would certainly
20 disappear.

21 But I don't know of a different material, but
22 certainly lowering the building and making it smaller,
23 as Ms. Rosenthal said, is going to solve part of the
24 problem and it's going to solve part of the -- you

1 know, it's a catch-22 we're facing here in terms of:
2 Do we have a fixed amount of parking? How do we deal
3 with parking?

4 Well, part of the way we deal with parking
5 is -- you can sit down because this isn't your issue.
6 Well, it is partly, but it's really the developer.

7 And people have heard me say it before, but in
8 my view, there is no way that this building has a
9 chance of fitting in with the design guidelines of 40B
10 that are set forth by the DCH- -- I can't remember the
11 last letter -- unless it is smaller. It is discordant.
12 At this point it's just too big, and lowering it by one
13 level would really just make it fit more nicely. You
14 know, two would be great, but that's too greedy.

15 And one of the things that happens -- or I
16 think is a problem here -- you know, Mr. Engler keeps
17 saying, well, you know, there's affordable -- you know,
18 parking isn't an issue when you talk about affordable
19 housing.

20 But we should not have to weigh the need for
21 parking against affordable housing because you can fix
22 that. It is in your control. It is in your control to
23 provide enough parking. So don't shake your head
24 because you have provided it. Just make those -- make

1 those -- well, we'll make you demonstrate it, if
2 necessary, but make those studios bigger again. If you
3 say you're losing income on them, then make them
4 bigger. It is -- I am just not convinced that you
5 cannot provide the parking. I find that just, you
6 know -- well, very unconvincing.

7 I agree that there has to be some way to take
8 deliveries into account. I don't know how you're going
9 to do it unless it's right out in front of the street.

10 One thing I'm concerned about, Maria, is that
11 everything we said tonight and the sort of requests
12 we've given are just going to get lost, like the
13 request we made for, you know, more complete shadow
14 studies or whatever. Is it possible to go over them
15 tonight or send a memo saying, to the developer, this
16 is what we have requested?

17 MS. MORELLI: You can direct absolutely any
18 request directly to the developer.

19 MS. POVERMAN: I may have forgotten my
20 requests at this point, and I don't want to take up
21 people's time. I can go over my notes and go over them
22 all again, but --

23 MS. STEINFELD: Any request should be from the
24 entire ZBA.

1 MS. POVERMAN: Oh, okay. That's fine.

2 Does anybody disagree with any of the requests
3 I made so far?

4 MR. HUSSEY: What are the requests?

5 MS. POVERMAN: That's the problem.

6 MR. GELLER: The requests she's made pertain
7 to the determination of parking as well as the
8 underlying statistical data for the traffic counts.

9 MS. POVERMAN: Right. So getting traffic
10 counts, getting information --

11 MR. GELLER: And I think added to that is, of
12 course, the notion that trip counts will be made now
13 that school is open because it may be different.

14 MR. CHIUMENTI: And I think, too, the notion
15 that the trip count -- the travel on that street needs
16 to consider the fact of the actual travel on that
17 street as far as what it --

18 MS. POVERMAN: Right. And crash and accident
19 data up to the date as of last week.

20 MR. CHIUMENTI: You know, you can ask what you
21 like. I think the question really becomes what the ZBA
22 is prepared to insist upon if they failed to produce
23 something.

24 MS. POVERMAN: Well, yeah. If they fail to

1 produce it, then we just have to act based on the
2 information we have --

3 MR. CHIUMENTI: Right.

4 MS. POVERMAN: -- is my understanding.

5 And, again, does anybody else think that the
6 developer should hire a parking consultant since that
7 seems to be a such a problem?

8 MR. CHIUMENTI: Well, I mean, it would seem to
9 me that our own planning department has said that this
10 parking is inadequate.

11 MS. POVERMAN: Well, no. But they don't seem
12 to have any idea how to come up with more parking. And
13 they say they're not going to use the stackers; right?
14 Out of the question.

15 As Maria pointed out, they've acknowledged
16 that the parking is inadequate because they expect
17 people to go other places. Maybe the only way we can
18 get it to be addressed is to say, you have to do more
19 parking. And they say, no, that's an uneconomic
20 condition.

21 MR. CHIUMENTI: Well, the only thing about
22 uneconomic is you don't get to necessarily say that
23 you're not going to make all the money that you'd like
24 to make. You need to be able to show you're not going

1 to make the regulatory minimum.

2 MS. POVERMAN: Well, yeah, it's the rate of
3 return.

4 MR. CHIUMENTI: And it's not necessarily that
5 they make less than they'd like to make. So I think
6 that we need to put on this project conditions that we
7 feel that this project needs -- it's too big -- and let
8 them show that they cannot make the regulatory minimum
9 as far as whatever profitability that it affects.

10 I appreciate if you take an apartment off this
11 project, you make less money. That doesn't -- that's
12 not what you need to show. You need to show you don't
13 make the money that the regulations --

14 MS. POVERMAN: Right. Exactly. Or that
15 putting in -- you know, they did underground parking at
16 Winchester. Obviously it's feasible in that area. And
17 I know it's more expensive, but, like I said, make the
18 units bigger. We're not at that point yet.

19 We're like two weeks away from the deadline of
20 having to determine whether or not we need a -- I hate
21 to even say it -- whether or not -- setting things
22 forth so as -- whether or not a determination of
23 economic feasibility, etc., needs to be made and
24 whether or not a pro forma analysis needs to be made.

1 MR. GELLER: Well, we need to make an ask.

2 They need to say --

3 MS. POVERMAN: And then the timing of that is,
4 like, September 13th.

5 MR. GELLER: 12th. It's the next hearing.

6 MS. POVERMAN: The 7th is the next hearing.

7 MR. GELLER: No.

8 MS. POVERMAN: The 6th?

9 MR. GELLER: The 12th.

10 MS. MORELLI: The 6th is scheduled.

11 MS. POVERMAN: We're hearing important
12 testimony on the 6th.

13 MS. STEINFELD: Do you want me to address --

14 MS. POVERMAN: Sure.

15 MR. GELLER: No. I'd like to get through a
16 discussion.

17 MS. POVERMAN: Okay.

18 MR. GELLER: Steve?

19 MR. CHIUMENTI: Well, as I said,
20 stylistically, I think this is a really good step from
21 where we were before. The project is, as I said in the
22 very beginning, still too big, and if those top two
23 floors were reduced, I think that would go a long way
24 to helping the parking situation and the -- what

1 remains to be still too big a building. And I think
2 that's really all. As I said, stylistically, I think
3 that this is good progress, but the top of the building
4 is still too big. And I think that that is part of
5 what's driving the parking and trash and everything
6 else.

7 MR. GELLER: Mr. Hussey?

8 MR. HUSSEY: I think that's right. I'm not
9 sure, quite frankly -- my gut feeling is that more
10 traffic studies and crash studies are not going to be
11 significant information. I think, no matter what
12 happens, we're going to get back to wanting to see a
13 pro forma and what's going to trigger that. And we can
14 probably make that decision tonight.

15 MR. GELLER: Well, again, you can ask for it.
16 They don't have to provide it. What you have to do is
17 you have to essentially ask for something on the
18 building. Mr. Chiumenti has suggested we remove two
19 floors. And their response, then, is it renders the
20 project uneconomic. So it's not -- you're not going to
21 turn to him and say, we'd like to see your pro forma.

22 MR. HUSSEY: I understand that. But let's say
23 that we do -- we request the condition that the top two
24 floors be -- then he would decide whether he wants to

1 accept that or provide a pro forma.

2 MR. GELLER: Right.

3 MR. HUSSEY: As I said, seems to me we could
4 do that tonight. It's up to you.

5 MS. POVERMAN: Well, one of my concerns -- and
6 this may be -- this is why I wish we had Linda here --
7 Judi. I'm hoping to avoid an appeal. I know that on
8 an appeal it would be necessary to show that a local
9 concern, such as municipal planning, outweighed the
10 need for affordable housing or justified it to give a
11 restriction on a project.

12 So what I'm wondering is if it were necessary
13 to get more information about the town's municipal
14 planning in order to have that inform our decision.

15 MR. GELLER: All due respect, I think our
16 discussion should not be about the things that we have
17 hired a consultant for. Let's talk about the project.

18 MS. POVERMAN: Okay.

19 MR. GELLER: Let's deal with the project. And
20 I think if you deal with the project, then that may or
21 may not lead to the issues you're raising, but we can
22 certainly rely on our expert, Linda/Judi. And I think
23 that's a more appropriate and constructive way to
24 address this.

1 So I want to hear from Mr. Architect.

2 MR. HUSSEY: About what?

3 MR. GELLER: Talk about what you've seen.

4 Talk about --

5 MR. HUSSEY: Well, I think it's going in the
6 right direction, but I think the tenor of the audience
7 and of the board is that we want to see results of
8 reducing one or two floors. But we would like to have
9 Judi here as part of that discussion.

10 So when is the earliest that we can meet with
11 Judi? And remember, I'm going to be away from the 14th
12 to the 20th, as I think I've mentioned to you already.

13 MS. MORELLI: So we have a staff meeting on
14 September 7th with the project team and with Cliff
15 Boehmer, and it would be helpful to give the project
16 team an opportunity to respond to some instructions so
17 that they can perhaps further articulate the building
18 or resolve this, the impact that you perceive, give
19 them an opportunity to adjust the plan and take
20 advantage of the staff meeting.

21 MS. POVERMAN: Good point. Okay. So I think
22 the consensus is that we think the building is too
23 large too. I think it's too intense a use of the
24 space, and I think that -- Jesse's being very

1 noncommittal, but I think it needs to be smaller.

2 MR. GELLER: Well, what I want to know is: Is
3 it the height of the building? Is it the setbacks? Is
4 it all of the above? That's what you need to tell
5 them.

6 MS. POVERMAN: I'm not happy about the
7 setbacks. I am placated, I have to say, about what
8 they've done to the front of the building. I like the
9 articulation. I'm going to leave it to the architect,
10 actually, to -- if he has a big complaint about that.

11 I think the biggest problem with the building
12 is -- well, the over-intense use. It's too big, it's
13 too tall. And the parking.

14 Now, if the applicant wants to address parking
15 by pulling in the setback in back and putting some
16 parking in back, God bless him. He's going to have to
17 figure out how to do that.

18 MR. CHIUMENTI: Of course, to the extent that
19 the building is smaller, it helps to mitigate the
20 parking issue. They're related. I think the point
21 is -- you summarized it right. It's too intense a use
22 of this site.

23 MS. POVERMAN: Yes.

24 MR. HUSSEY: Of course, there is another way

1 to handle the site -- handle the design of the building
2 and reduce the parking, and that's make more large
3 bedroom units. The studio units, maybe some one
4 bedroom, make them all three-bedroom units.

5 MS. POVERMAN: I think there has to be a
6 certain percentage --

7 MS. STEINFELD: Minimum.

8 MS. POVERMAN: There has to be a certain
9 number of, what, one, two, and three?

10 MS. STEINFELD: 10 percent have to be three
11 bedrooms. That's it.

12 MS. POVERMAN: Oh, okay.

13 MR. HUSSEY: What about the studios?

14 MS. STEINFELD: The only state requirement is
15 10 percent must be three bedrooms.

16 Is that correct, Bob?

17 MR. ENGLER: Yes. But you don't dictate unit
18 mix. That's a matter of the applicant and the
19 subsidizing agency, is the unit mix. So local boards
20 can't say, we want more twos, more ones. You have to
21 deal with what we give you.

22 But if I could comment --

23 MS. STEINFELD: Please go to the microphone.

24 MR. ENGLER: Bob Engler again.

1 To further what you're doing, it's great. We
2 need to know exactly. If you're saying, take out two
3 stories, that's concrete. We need to know that. If
4 you're saying setbacks, I need to know exactly what
5 you're talking about because we have to then create a
6 pro forma based on what you've asked us to do.

7 So general things aren't too helpful, but
8 taking out two stories, if that's what you're saying --
9 and that has to be the majority of the board, so we
10 take that as consensus, and we'll give you a pro forma,
11 which we welcome to do. And you can review it with a
12 financial peer review consultant.

13 Let's get it going. Why wait until the very
14 end? And then you're going to say we ran out of time.
15 I'm telling you right now, if that's your vote tonight,
16 we'll give you a pro forma and we can go from there.
17 But I need to know all the things you're saying that
18 have economic consequences. So setbacks certainly do.
19 Facade treatment or windows, that's not an issue. The
20 issue is what's economically going to affect what we
21 have. So if you say, take off two stories and that's
22 it, that's one thing. If you say set it back further
23 or do something else, we hear that and we can work with
24 it.

1 MR. HUSSEY: The setbacks, quite frankly,
2 don't bother me much, and I don't think -- you're going
3 to have to do pretty drastic setbacks to affect the
4 number of units.

5 And when I think what the real issue is -- as
6 I read you and the audience -- is the height and the
7 mass of the building and the number of units. So my
8 tendency would jump right to the two floors, vote to
9 recommend eliminating the two floors and see what
10 happens.

11 MR. CHIUMENTI: Yeah. I think when I was
12 mentioning setbacks, I was referring to the top two
13 stories as a way of dealing with that. But, you know,
14 if eliminating the two stories, or certainly one story,
15 is what the board would like to see, then I would agree
16 with that. But I was referring to setting back the top
17 two stories.

18 MR. HUSSEY: That would help. And that would
19 reduce --

20 MR. CHIUMENTI: -- the appearance of mass.
21 But I do think eliminating a floor -- as I said, I
22 think that helps to mitigate everything, the parking,
23 the trash, everything to the extent that there is some
24 reduction in the number of units and the intense use of

1 the site.

2 MS. POVERMAN: I'd like to hear your comments,
3 Mr. Chairman.

4 MR. GELLER: Sure. Here are my comments:

5 I think of things slightly differently than
6 the rest of you, I guess. I'm less concerned, frankly,
7 about the height in and of itself. My bigger concern
8 is how do you address height, and how do you make it --
9 how do you lessen its impactfulness?

10 And therefore, my conclusion is -- my answer
11 is: I don't think they need to lose a floor, and I
12 don't think -- certainly don't think they need to lose
13 two floors. I think what they need to do is they need
14 to step this building back in more than a minor
15 fashion. If you set back those top two floors, it
16 really starts to read as a much smaller building and it
17 is less impactful.

18 MR. HUSSEY: It's going to be very difficult
19 to do because of the needs of egress. Both ends of the
20 building have an elevator and two means of egress, two
21 stairs. If you cut back --

22 MR. GELLER: You have to put an egress in.

23 MR. HUSSEY: In the middle of the building.

24 MS. POVERMAN: Also they're eliminating --

1 MR. GELLER: I want to hear what this clever
2 architect can figure out. Come up with some clever
3 idea. You know, frankly --

4 MS. POVERMAN: I actually think a combination
5 will be -- I mean, we don't want to do something which
6 is, frankly, obviously going to make the project
7 uneconomic, and I'm not sure what taking two floors off
8 would do. I would think that eliminating one floor and
9 stepping the top floor back --

10 MR. CHIUMENTI: Maybe except to the extent
11 that the elevator requires you to not do it.

12 MS. POVERMAN: Right. 10 or 15 feet.

13 MR. CHIUMENTI: And again, as you're losing
14 apartments, you do tend to address the parking.

15 MR. GELLER: Yeah. I happen to disagree with
16 Mr. Engler on the parking. I don't think 45 Marion
17 Street, frankly, is the paradigm for every project
18 hereon after. I didn't sit on that panel.

19 MR. ENGLER: It's a precedent.

20 MS. POVERMAN: Nothing is a precedent.

21 MR. GELLER: I would also suggest that the
22 fact that in every one of these projects, with this
23 exception, we're provided with basic information and
24 there's a discussion about parking. Were you right,

1 you would just come in here and say, we're not
2 providing you with any parking. It's irrelevant.

3 MR. ENGLER: Despite what I said, I will
4 certainly tell the applicant and the developer and
5 Giles about a full study, because I happen to agree
6 with you. We didn't give you much. Okay? So we'll
7 get that done.

8 But that's not the -- believe me, that's not
9 going to change the economic consequences of what
10 you're asking us to do. So really the question still
11 remains: What are we doing with the building? We'll
12 give you the traffic study. That's clear that I think
13 that's necessary. But let's look at the building.

14 MR. GELLER: So my answer is: Step it back.
15 I'm not upset with the height of the building. There
16 are tall buildings.

17 MR. ENGLER: You have to agree that --

18 MR. GELLER: I understand that, I understand
19 that. And I think we all agree that whether you back
20 into it or front into it -- no pun intended -- parking
21 is an issue.

22 MS. POVERMAN: I disagree. And I think we
23 need to come to a majority decision on this because I
24 don't think your other board --

1 MR. GELLER: We already have.

2 MS. POVERMAN: No. I don't think --

3 MR. GELLER: The three of you are a majority.

4 MS. POVERMAN: Wait. I need to get this
5 sentence out. I know you want to step it back. I
6 think you're the only one who wants to step it back
7 instead of eliminating a floor.

8 MR. HUSSEY: Peter, can we see the typical
9 floor -- the top floor.

10 MR. BARTASH: So is this the sixth-floor plan.

11 MR. HUSSEY: That's the sixth-floor plan?

12 MR. BARTASH: Yes.

13 MR. HUSSEY: Okay. So what kind of stepping
14 back are you talking about? Because this whole
15 apparatus here, that's a problem.

16 This one not quite so much because if you cut
17 it back here, you could pull this all back in, but then
18 you're going to lose more parking spaces as well as --

19 MS. POVERMAN: Why would you lose more parking
20 spaces if it's pulled in on top?

21 MR. HUSSEY: You wouldn't if you pull it up
22 top. But if you pull this back and -- let's say you
23 pull the whole thing back to here, that means pulling
24 this back here as well and that lands in the middle --

1 MS. POVERMAN: We were just talking about
2 pulling the top back.

3 MR. CHIUMENTI: But you have to because you've
4 got to move the stairway to reach the top. That's the
5 point. That's why I think -- I mean, I'm okay with the
6 setbacks too, Jesse, but I think Chris -- I mean, I
7 understand your point that those things have to reach
8 the top of the building, and so it's easier to remove a
9 floor without having an impact that reaches all the way
10 to the ground. Then as they start stepping it back
11 aesthetically, that might be fine. But the trouble is
12 you've got to have these corridors reach all the way to
13 the ground.

14 Also, the stepping, that doesn't really help
15 the parking as much. I think eliminating the floor
16 would be the ask.

17 MS. POVERMAN: Eliminate a floor and keep the
18 parking to one per unit. And how you formulate those
19 units is up to you, whether it's studios, which are,
20 under our zoning laws, entitled to two. I'm not saying
21 that should be done.

22 MR. HUSSEY: Don't get me started on the
23 zoning.

24 MS. POVERMAN: That is what I would ask.

1 Fellow board members?

2 MR. HUSSEY: Say that again? I'm sorry.

3 MR. GELLER: Elimination of one floor --

4 MR. HUSSEY: Right. And?

5 MS. POVERMAN: One parking space per unit.

6 MR. HUSSEY: Okay. So reduce the number of
7 units.

8 MS. POVERMAN: Yes.

9 MR. HUSSEY: I understand. That's all --
10 that's what you're talking about.

11 MS. POVERMAN: Yes.

12 MR. HUSSEY: I gotcha. All right.

13 That's the directive, then, if we all agree on
14 it: eliminate one floor and reduce the number of units
15 so that you have one parking spot per unit.

16 MS. POVERMAN: All right. Jesse?

17 MR. GELLER: I'm okay with the parking, as I
18 said. So I agree with you about one space per unit. I
19 think that's a reasonable reduction.

20 MS. POVERMAN: Okay. So my question to Maria
21 is -- and I know Mr. Engler has something to say.
22 Having given this directive, what do we now actually
23 need in terms of expert testimony?

24 MS. MORELLI: Well, keep in mind that Cliff

1 Boehmer is -- keep in mind that Cliff has been
2 commenting all along on what he can and what materials
3 have been available to him. He's also going to be
4 giving you a final report.

5 And there is some question about the schedule.
6 We're thinking that 9/12 might be an appropriate time
7 for him to do that rather than 9/6 so that we have
8 another staff meeting.

9 I don't think that he feels entirely -- unduly
10 concerned about the overall height. We were really
11 trying to use the work sessions to talk about what kind
12 of articulation could be accommodated in the building
13 as a more conservative approach, so we really haven't
14 had discussions --

15 MS. POVERMAN: But articulation is
16 something -- I see it as a detail and --

17 MS. MORELLI: No. Articulation is a
18 substantive way we involve stepping back or carving out
19 space so that you don't have a queue, basically. So I
20 think his approach -- one thing that he would suggest
21 to the ZBA is to consider ways to reduce the perception
22 of the height. And I am speaking for him, so I'm in a
23 position that -- he's not here tonight, and I am
24 speaking for him. But the planning director can

1 correct me if I'm wrong. She was at the staff meetings
2 as well. But that has been my understanding of his
3 feeling about the building.

4 MR. ENGLER: Cliff's been terrific, and we've
5 made a lot of changes based on that. But from here on
6 out, it's minor changes to the design, which could be
7 terrific for the impacts of the building.

8 My job, as the economic person, is to say,
9 let's look at the numbers. And I'm ready to go.
10 Because if you take off those buildings, you're going
11 to see what it does -- if you take off those floors.
12 That's what I need to know, and I need to know the
13 consensus.

14 If you say you want one space per unit, we're
15 going to have two levels of parking, so we've
16 eliminated a whole level of housing because you now
17 have 25 -- or whatever the number is -- spaces that
18 can't fit in the basement, so they have to go upstairs,
19 and that's going to have economic consequences.

20 So as long as I know what you're asking -- and
21 we'll still meet with Cliff and we'll still look at the
22 building, but I think -- I'm speaking for you. I don't
23 want you to run out of time debating on the economics
24 of this thing. So most times -- the law is very clear,

1 the regs are clear. When you've had all the other
2 discussions, then you're entitled to say, here's what
3 we're thinking. And I'm saying you're very close to
4 all the rest of the stuff: groundwater, the parking
5 ratio, the way the building looks. I don't see much
6 that's going to affect your ability to say, okay, we're
7 90 percent there. Now let's see what we want to do.
8 And still if it's too big, let's get on and see whether
9 it makes economic sense or not.

10 And by the way, while I have the pulpit,
11 please read the 45 Marion Street HAC case. I think
12 it's very instructive. I just reread the whole thing
13 two or three times. 2007, January, your board came
14 down from twelve stories to six and lost. Different
15 cases, but very instructive, so I'd just encourage you,
16 if you're looking at cases, look at that one.

17 MS. STEINFELD: Alison Steinfeld, planning
18 director.

19 If I could respectfully request that perhaps
20 the board at this point could give the developer some
21 direction, particularly focused, perhaps, on
22 articulation at this point, let us go to a work session
23 with the peer reviewer, with our architectural peer
24 reviewer, come back on the 12th, and see what the

1 architect can deliver to you. And at that point --

2 MS. POVERMAN: I think we want a lower level.
3 I think we all agree on that.

4 MR. GELLER: Yeah.

5 MS. POVERMAN: So lowering -- I must have
6 misunderstood you. I'm sorry. Did you mean in lieu of
7 lowering --

8 MR. GELLER: If what you're asking for is that
9 they remove one floor from the top of the building,
10 that's what they are going to have in their working
11 session as the center point of their discussing.

12 If, in conjunction with that, the consensus is
13 that the result on the parking has to be one space per
14 unit, that's part of the working session discussion.

15 And then the applicant can make a decision
16 whether they can do this or want to do this or whether
17 it renders the project uneconomic.

18 MS. STEINFELD: Obviously the ZBA is going to
19 direct the applicant to eliminate the top floor, one
20 space per unit. The planning department and staff are
21 pleased to work with the developer. We can sit down in
22 a working group on the 7th to proceed with that.

23 Now it's up to the developer in terms of his
24 response.

1 MR. ENGLER: Do we have to eliminate the top
2 floor? How about the fourth floor?

3 MR. GELLER: I'd like to see that. If you can
4 do it -- Peter can figure that one out.

5 MS. STEINFELD: So we are prepared to have a
6 work session on the 7th, and I would suggest to you
7 that we meet again on the 12th, at which time they will
8 present what we have come up with and we will have our
9 urban design peer reviewer present -- make his final
10 presentation and then we'll take it from there.

11 And at that point I would hope that Judi's
12 better and that she'll be back. If not, then at least
13 we will be able to present her some questions we have
14 been forming on her behalf.

15 MS. POVERMAN: Maybe also hear from Carol at
16 that time, or does it not make sense to hear from her?

17 MS. STEINFELD: I think once you hear from
18 Ms. Barrett on this issue, you won't need to hear from
19 Carol.

20 MS. POVERMAN: Perfect. Thank you.

21 MR. HUSSEY: So you want to repeat what we're
22 doing?

23 MR. GELLER: So there will be a working
24 session between the applicant and our amenable planning

1 director. And it is the determination of the ZBA
2 members that one floor -- or the decision will be with
3 respect to the removal of one floor from the
4 building -- you can pick the floor. No. The top
5 floor -- and a reduction of parking, such that there is
6 one space --

7 MR. CHIUMENTI: Increase.

8 MR. GELLER: An increase in parking such that
9 there is one parking space for each unit.

10 Mr. Hussey?

11 MR. HUSSEY: I wouldn't say "increase in
12 parking." That's not going to happen. I would say
13 adjust the number of units so there will be one parking
14 space per unit.

15 MS. POVERMAN: One way or the other.

16 MR. GELLER: One way or the other, but they
17 can figure it out.

18 MR. HUSSEY: You've got to give them some
19 flexibility.

20 MR. GELLER: Our next hearing is September 12,
21 2016, at 7:00 p.m. We look forward to seeing all of
22 you then, and I want to thank everyone for their
23 participation. Thank you.

24 (Proceedings adjourned at 9:47 p.m.)

1 I, Kristen C. Krakofsky, court reporter and
2 notary public in and for the Commonwealth of
3 Massachusetts, certify:

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

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

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

13 Dated this 14th day of September, 2016.

14 

15 Kristen Krakofsky, Notary Public

16 My commission expires November 3, 2017.

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