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Volume VI
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Brookline Zoning Board of Appeals Hearing
40 Centre Street Comprehensive Permit Application
Roth Family, LLC
September 12, 2016, at 7:00 p.m.
Brookline Town Hall
333 Washington Street, 6th Floor
Brookline, Massachusetts 02445

Reporter: Kristen C. Krakofsky

1 APPEARANCES

2 Board Members:

3 Jesse Geller, Chairman

4 Christopher Hussey

5 Kate Poverman

6 Steven Chiumenti

7

8 Town Staff:

9 Alison Steinfeld, Planning Director

10 Maria Morelli, Senior Planner

11

12 40B Consultant:

13 Judi Barrett, Director of Municipal Services,

14 RKG Associates, Inc.

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16 Applicant:

17 Bob Roth, Roth Family, LLC

18 Geoff Engler, Vice President, SEB

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

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1 PROCEEDINGS:

2 7:04 p.m.

3 MR. GELLER: Good evening, everyone. I
4 want to welcome you to our continued hearing on
5 40 Centre Street. My name is Jesse Geller. To my
6 immediate left is Christopher Hussey, to Mr. Hussey's
7 left is Steve Chiumenti, and to my right is Kate
8 Poverman.

9 Tonight's hearing will largely be dedicated to
10 a final presentation by our urban design peer reviewer.
11 I understand that there will be some updates offered by
12 our applicant, and Maria Morelli has some updates also
13 for us.

14 Our consultant -- this is for the ZBA members.
15 Our consultant, Judi Barrett, is en route and will be
16 here as soon as possible.

17 In terms of planning and scheduling, I just
18 want to note for the record that the next hearing in
19 this matter will be September 27th, 7:00 p.m.

20 Just for the record, tonight's hearing is both
21 being recorded as well as a transcript is being put
22 together. Those transcripts are available online at
23 the town's site, so anybody who wants access to the
24 information is able to obtain them.

1 We're going to jump around a little bit, so I
2 think what we will do is, Maria, if you don't mind,
3 we'll start with you.

4 MS. MORELLI: Maria Morelli, planning
5 department. At the last ZBA hearing that was September
6 1st, the project team presented elevations in addition
7 to what the staff and Mr. Boehmer, the urban design
8 peer reviewer, saw at staff meetings. So those were
9 side elevations and rear elevations. So staff and
10 Mr. Boehmer really didn't have an opportunity to
11 comment on that and for us to give you a report at the
12 September 1st hearing.

13 At that last hearing, the ZBA did provide
14 additional instructions to the project team, mainly to
15 eliminate the sixth floor and achieve a parking ratio
16 of one space per unit.

17 Our most recent staff meeting held on
18 September 7th consisted of the project team, staff, and
19 Mr. Boehmer to address these latest instructions.
20 Mr. Roth, the applicant, was pretty adamant that
21 eliminating the sixth story would not be something that
22 could easily be achieved.

23 Regarding the parking ratio, this is what we
24 discussed at our staff meeting: It seemed obvious that

1 the 31,000 square feet of GFA could translate to 30 or
2 31 units. Right now there has been a significant cut
3 in the GFA from 45,000 to 31,000, and that is a pretty
4 substantive change on the project team's part. The
5 unit count remains the same at 45, and that is achieved
6 through a change in the unit mix going from the
7 two-beds, the one-beds, three-beds to more studios, a
8 higher proportion of studios.

9 So regarding the parking ratio, it did seem
10 obvious that the 31 square feet of GFA could possibly
11 translate to 30 or 31 units instead of 45 and that
12 accompanying stackers could bring up the number of
13 parking spaces from 18 to 28, which would achieve a
14 ratio closer to one to one. Again, the applicant is
15 amenable to some changes regarding articulation, but
16 eliminating the sixth floor and including stackers into
17 the program are not things that he is willing to make
18 changes on.

19 Regarding the height, I do want to point
20 out -- and Mr. Boehmer will explain this when he
21 presents his final report to you -- Mr. Boehmer does
22 not have a problem with the sixth story, and he'll
23 explain why in his report.

24 So we discussed at the session that there

1 might be a perception of height that could better be
2 managed or mitigated to articulate the building, and
3 Mr. Boehmer will explain that the current articulation
4 is really confined to the upper two -- two upper floors
5 on the upper-left corner. And there is probably a way
6 to better improve the impact on Centre Street both
7 visually and in terms of shadow if that articulation
8 were reconsidered.

9 It is staff's understanding -- the applicant
10 will speak for himself, but it is staff's understanding
11 that the applicant is amenable to some of these
12 considerations, and that does depend on your discussion
13 after you hear Mr. Boehmer's testimony this evening.
14 He is less willing to consider stackers. I just want
15 to reiterate that.

16 There was also another charge that you
17 instructed the applicant at the last hearing, and
18 that's regarding the traffic study that was submitted.
19 We did have a traffic peer review provided by James
20 Fitzgerald, and I just want to repeat very quickly what
21 your charge was to the developer.

22 The study must be performed during a weekday
23 with school in session; provide traffic counts,
24 existing and proposed; factor in prospective

1 developments currently under review and consult with
2 the transportation division for those projects to
3 include; provide crash history and analysis; quantify
4 the space needed off-site; provide backup information
5 that verifies the tallies of available private and
6 municipal parking spaces; what is the daytime parking
7 plan for occupants who would rely on overnight parking
8 permits; what is the parking plan for occupants of
9 affordable units; does the developer expect us to pay
10 for market-rate parking; provide data from analogous
11 sites.

12 Regarding the staff's discussion of
13 introducing stackers to achieve a better ratio, there
14 were a few things that were really important. One
15 thing is Ms. Barrett -- she'll speak more about this
16 tonight -- felt it's really important that occupants of
17 affordable units have parking. And so if there are
18 forty-five units and there are nine affordable units,
19 if each of the affordable units had assigned parking,
20 that would be nine units for the affordable and nine
21 left over for the remaining thirty-four market-rate.
22 And that seemed to be something that really would not
23 work out. We just don't know how that would even be
24 marketed, and so that's certainly an issue regarding

1 that issue.

2 Regarding parking off-site, there is a lot of
3 discussion about parking off-site, so the building
4 commissioner has addressed permitting regarding that
5 issue, and I'd like to read the very brief memo. It's
6 dated September 12th. You've all received it. It is
7 posted online. This is from Dan Bennett, the building
8 commissioner.

9 "The issue of off-street parking for this
10 project has been the topic of discussion at many
11 meetings. The issue raised by the board has been the
12 number of parking spaces provided, and the response by
13 the applicant is: There are plenty of spaces in the
14 municipal parking lots.

15 "Pursuant to Section 6.03.1 A and B of the
16 zoning bylaw, required off-street parking facilities
17 shall be provided:

18 "A, On the same lot or premises with the
19 principal use served.

20 "B, Where the requirements in subparagraph A
21 above cannot be met, the board of appeals by special
22 permit under Article 9 may authorized within the same
23 district required parking on any lot in the same
24 ownership within 400 feet of the principal use served,

1 subject to such bond or other assurance of permanence
2 as it may deem adequate.

3 "The language is clear" -- Mr. Bennett
4 continues, "The language is clear: provide adequate
5 parking on the same lot or premises or on a lot in the
6 same ownership within 400 feet of the property.

7 "The board of appeals, to the best of my
8 knowledge, has not considered town-owned properties
9 used as parking lots as a measure to determine adequate
10 parking."

11 I also want to continue -- so staff has
12 involved other departments, such as fire and the
13 department of public works. In regard to fire, I know
14 that there have been questions from the ZBA regarding
15 how a fire would be -- with this site configuration,
16 how a fire would be fought. And so Deputy Chief Kyle
17 McEachern unfortunately could not be here tonight, but
18 he did submit a letter to address your concerns, and
19 I'd like to quote from his -- or read his brief letter.
20 It's dated September 12, 2015. It is from Deputy Fire
21 Chief Kyle McEachern.

22 "The Brookline Fire Department has reviewed
23 the proposed plans for a five- to six-story residential
24 building at 40 Centre Street. These plans meet all

1 requirements for fire department access. In the event
2 of a fire at this address, the Brookline Fire
3 Department would initiate an aggressive interior attack
4 utilizing the interior stairs and standpipe system.
5 The building is fully sprinklered, which should assist
6 in keeping the fire involvement to the area of origin
7 until fire crews arrive and distinguish the fire. As
8 proposed, the structure has two to three sides that can
9 be laddered by our ladder companies.

10 "As is the case in hundreds of buildings
11 across the town, the fire department does not require
12 access to the rear of the building. According to
13 Massachusetts 527 CMR Chapter 18, access is only
14 required to one side of the building within 250 feet of
15 fire department access if the building is sprinklered
16 per NFPA 13."

17 Okay. To continue regarding stormwater, for
18 the applicant to design an infiltration system outside
19 of the building footprint, as Peter Ditto, who is the
20 director of engineering and transportation, has
21 advised, there has to be some guidance or some
22 instructions from the engineering department. So the
23 charge was -- from Mr. Ditto to the applicant -- was to
24 design an infiltration system for a 25-year storm. And

1 what he's requested at this time, and is awaiting, are
2 calculations that would indicate how much overflow
3 there would be or if it would be managed on the site.

4 Keep in mind that this charge from Mr. Ditto
5 does not affect the massing of the building. He's
6 looking at the footprint. So as long as it's contained
7 in the front yard setback or elsewhere on the site and
8 it meets his standards when he looks at the
9 calculations, he has no further commentary on
10 increasing the side-yard setbacks or rear-yard
11 setbacks.

12 As you might recall, he highly recommended
13 that the front-yard setback be increased to accommodate
14 an infiltration system outside of the building, which
15 the applicant did meet.

16 In regard to public health, Pat Maloney is the
17 director of public health, and he has met with the
18 applicant in the presence of staff. And one thing that
19 he does want in writing is a narrative from the
20 applicant regarding a rubbish plan, what that schedule
21 would be, if it's going to be a private service, where
22 anything would be put in the public way at times, for
23 how long; anything regarding recycling, to ensure it
24 doesn't run afoul of any sanitation or fire codes; and

1 also issues pertaining to noise and mechanicals that
2 would be located on the roof.

3 Now, while the applicant is still working
4 through the design issues, it is a little premature to
5 provide that narrative, but that narrative will come
6 during this public hearing process and it will be
7 presented, we're hoping in early October, to the ZBA.

8 Do you have any questions?

9 MR. GELLER: Questions?

10 MS. POVERMAN: Yeah.

11 MR. GELLER: Go ahead.

12 MS. POVERMAN: Okay. So you said that with
13 the -- and please correct me if anything I say
14 misrepresents what you said -- that the building now
15 has 31,000 GFA down from 45,000, is that correct, and
16 that the staff's position is that this could
17 accommodate 31 units?

18 MS. MORELLI: Well, it's an estimate. No one
19 has really worked out -- we don't design a plan for --

20 MS. POVERMAN: How is this relevant? What
21 does the developer say about this? Because he still
22 wants 45 units, right, so there's not been any movement
23 on that?

24 MS. MORELLI: He's open to some of these

1 considerations, and he can speak for himself. It's not
2 something that, you know, anything -- there's nothing
3 that's decided. We're only reporting back on things
4 that were discussed in the staff meeting.

5 MR. CHIUMENTI: I thought I heard you say that
6 there's no consideration of removing the sixth story.

7 MS. MORELLI: Correct.

8 MS. POVERMAN: So that's off the table.

9 MS. MORELLI: That's something that the
10 applicant responded -- something he's not willing to
11 do.

12 MS. POVERMAN: Okay. Any stackers are, as far
13 as he's concerned, off the table.

14 MS. MORELLI: He can speak for himself. I
15 know that he has designed the rear ceiling height of
16 the ground floor where the parking level is located to
17 possibly accommodate stackers in the future. And if
18 I'm incorrect, I'm sure he will correct me. But the
19 reason for that ceiling height is to accommodate
20 stackers at a later time. He's not willing to include
21 the stackers in the program at this time.

22 MS. POVERMAN: And that's one of the questions
23 I will want the answer to, just so you're prepared, as
24 to why you will not -- are not willing to include those

1 at this time, because that doesn't make sense to me.

2 MR. CHIUMENTI: Well, the real requirement is
3 that there be one parking space per unit, however
4 achieved.

5 MS. POVERMAN: Right. Why not get there and
6 save us all this pain?

7 So the traffic study, you have said -- set
8 forth what we asked for. I'm not seeing that, and the
9 things we asked for. What is the status --

10 MS. MORELLI: So we did ask the -- in
11 anticipation of this hearing, we wanted to discuss a
12 due date for that because it does take some time to
13 assemble that information. And again, it is my
14 understanding that the applicant would provide more
15 information if something came out of this discussion
16 regarding -- so if I can just put it directly. If
17 you're insisting on the sixth floor, he is not
18 providing additional information regarding traffic --
19 or would provide that information if you would
20 consider, I guess, a different -- if you would consider
21 maybe articulation of the building. So he would
22 provide it depending on maybe further discussion at
23 this hearing after you've heard --

24 MS. POVERMAN: I think that's putting the cart

1 before the horse, and I'm sure Mr. Engler --

2 MR. GELLER: I think that the purpose of
3 Maria's report is simply to report information to us
4 which, when we get to the appropriate moment of the
5 hearing, we will ask the applicant to respond to these
6 kinds of questions. It's not for Maria to speak for
7 the developer.

8 MS. POVERMAN: I was just making my comments.
9 But I think you're right, it's better made later on.

10 Okay. And so we can address Mr. Ditto's
11 comment about -- it still seems like the cart before
12 the horse. How do we determine whether or not
13 Mr. Ditto can get the calculations he needs for
14 stormwater when we don't have -- what does -- do we
15 have a final footprint?

16 MS. MORELLI: So based on the footprint that's
17 been provided -- that's what the applicant is working
18 off. They're preparing calculations based on this
19 footprint, and that's all that Mr. Ditto needs. It
20 doesn't matter how many floors. It's the footprint
21 that matters.

22 MS. POVERMAN: Is there going to be a delay in
23 providing that or a reason for a delay?

24 MS. MORELLI: Mr. Ditto wasn't concerned with

1 that. He expects that to come, and he'll be able to
2 review those calculations for October.

3 MS. POVERMAN. Okay. That's all for now.

4 MR. GELLER: Thank you, Maria.

5 MS. STEINFELD. Alison Steinfeld, planning
6 director. There's been some discussion and questions
7 about what the planning department and other municipal
8 departments have planned for municipal parking lots,
9 given that the applicant is proposing to rely on using
10 them to satisfy some parking demands.

11 I think we all know that there are certainly
12 limited development opportunities in the town, both
13 public and private. Parking lots -- municipal parking
14 lots represent one of the few opportunities for
15 development on public property, and as a result,
16 there's been considerable interest in the past few
17 years regarding all of our lots. As an example, we've
18 certainly seen the problem with the lack of sufficient
19 municipal property with the search for a ninth school
20 site.

21 But a number of agencies, perhaps most notably
22 Advocates of Affordable Housing, have focused attention
23 on redeveloping municipal parking lots for affordable
24 housing. There is, in fact, a pending warrant article

1 focused on the Tenth Street municipal parking lot,
2 proposing that the board of selectmen consider
3 redeveloping that lot for subsidized housing.

4 In terms of the Centre Street parking lot
5 specifically, certainly within the last year the
6 library board of trustees has proposed building a new
7 Coolidge Corner branch on that property. Our
8 consultant on the ninth school also proposed the
9 possibility of the ninth school on that parking lot.
10 Again, all -- there's so much interest in these lots
11 because we don't have much other property.

12 There are two initiatives pending in the CIP,
13 the Capital Improvement Program. One is by DPW, and
14 that's to effect improvements to the lot itself, and
15 the other is by the planning department. We had
16 expected to undertake a significant planning initiative
17 on that property in order to, quite honestly, provide
18 new public amenities, most notably open space, and to
19 interface that with the proposed expansion of the
20 Coolidge Corner movie theater.

21 Both of those initiatives are on hold at the
22 request of the planning department, because we are
23 undertaking the Strategic Asset Plan, or the SAP. That
24 SAP has been funded by town meeting at \$100,000, and it

1 basically consists of two components: a needs
2 analysis, which is largely done, and a facilities
3 analysis.

4 The needs analysis is focused on identifying
5 all current and projected needs for the town, be it
6 schools, open space, libraries, affordable housing.

7 The facilities analysis will identify all of
8 the municipal properties, land and buildings, including
9 the parking lots, and addressing how we can more
10 efficiently use those municipal facilities to
11 accommodate unmet needs. And I fully anticipate that
12 the parking lots, as one of the few remaining
13 publicly owned spaces that are clearly inefficiently
14 used, will play a paramount role in that study as we
15 move forward.

16 Are there any questions?

17 MR. HUSSEY: I've just got one, Alison. This
18 may not be appropriate, but there was a comprehensive
19 town plan in 2015. Is this all a part of upgrading
20 that plan, or is that a separate issue?

21 MS. STEINFELD: The comprehensive plan, by
22 state law, is supposed to include five elements. The
23 facilities element is notably short, so the
24 facilities -- the consultant is nodding in agreement.

1 The strategic asset plan will ideally expand upon the
2 facilities component of the comprehensive plan.

3 MR. HUSSEY: All right. Thank you.

4 MS. STEINFELD: Thank you.

5 MR. GELLER: Thank you.

6 Okay. I want to call on our consultant, Judi
7 Barrett. I know Judi has recirculated a memo that she
8 prepared, and she'll speak to that. But before you do,
9 I would like to get into a few carry-over issues from
10 the last hearing and get some input from you on that
11 for the board.

12 The first issue is -- and I'm sorry. The
13 older Mr. Engler is here tonight. Mr. Engler had --
14 I'll be kind and say "suggested." He suggested that
15 45 Marion Street is an unbreachable precedent for this
16 board in its consideration.

17 MS. BARRETT: With respect to what?

18 MR. GELLER: With respect to this project:
19 the height, the parking.

20 MR. CHIUMENTI: His implication was we were
21 constrained to require anything other than --

22 MS. BARRETT: Well, it's a different project.
23 It's a different site, it's a different location, it's a
24 different development. I don't see why the board would

1 be constrained by one decision that would sort of have
2 uniform applicability to all other sites. I've never
3 heard that. I've never seen that. And besides which,
4 I don't even know what board acted on that case and how
5 many of you may have been on it, but frankly, I don't
6 see why the board would be confined by that decision.

7 MS. POVERMAN: Actually, I became very
8 curious. I've looked at the case before, but I went
9 back to it after Mr. Engler's comment, especially
10 because he seemed to be citing the housing appeals
11 case, not the actual case.

12 And what's really interesting about that --
13 and I actually have questions for the developer because
14 there's some parallels -- is that that case is totally
15 different, as you say, than this one they proposed.
16 But I think what he found similar is it was a
17 twelve-story building and the ZBA wanted to make it
18 eight stories, and the HAC said, no, you can't do that.

19 But when it was made -- it was a new
20 developer -- it was a totally different project. But
21 one of the points he kept making -- and this was done
22 in support of his claim that the parking was sufficient
23 as built with 17 parking spaces for 60 units
24 currently -- is that the actual opinion here has --

1 first it came out with 96 spaces for 88 units, and then
2 it was reduced in here to 68 units at 80 spaces. So
3 that, I find totally unconvincing and inapplicable to
4 our situation here when we were fighting about parking.

5 MR. GELLER: Are you asking Judi a question?

6 MS. POVERMAN: Well, no. I think that it is
7 totally inapposite -- inapposite as a legal matter and
8 not just as a fact that it's a totally different case.

9 MR. CHIUMENTI: So you're saying not only is
10 it not precedential, he even has the facts wrong as far
11 as the nature of the parking.

12 MS. BARRETT: I would look at the factual
13 similarities and differences between the two projects.
14 Now, I'm not an attorney. I'm a planner. But 30 years
15 in this field tells me that the fact that a board
16 reaches a decision -- or a court does, as the case may
17 be -- about one project does not mean that all other
18 projects are going to follow suit. That's frankly, I
19 think, kind of ludicrous.

20 MR. GELLER: We'll get to you, but let me get
21 to the next question.

22 So the next component is the notion that for
23 purposes of 40B, that parking is irrelevant. If it
24 ain't safety or health --

1 MS. BARRETT: Well, I think if anyone takes
2 the time to actually read Chapter 40B, you'll find that
3 it refers to more than public safety in terms of local
4 concerns that can be taken up by the board. If you
5 read DHCD Chapter B40 regulations, you'll see there's
6 more than public safety listed as a valid concern of
7 the board. If design and other considerations were not
8 a valid concern, you wouldn't need to have peer review
9 on design. And, you know, public safety is sort of
10 paramount. That's sort of like a deal breaker. But to
11 say that everything else is irrelevant just simply
12 isn't true.

13 I think one of the issues is that a lot of the
14 cases come down to public safety disputes because
15 everyone knows that's a deal breaker. But to say that,
16 then, nothing else matters is simply not consonant with
17 the law. That's not the way the statute is written at
18 all.

19 MR. GELLER: Does anybody have follow-up?
20 Those were our two questions from --

21 MR. CHIUMENTI: That was exactly where our
22 conversation went at the time. Site and building
23 design and open space were considerations, and I went
24 to the regulations --

1 MS. BARRETT: It's in the regulations. It's
2 in the statute.

3 MS. POVERMAN: Totally following along that, I
4 would find it very helpful to be directed towards cases
5 which do give greater emphasis towards site and
6 building design.

7 MS. BARRETT: I don't think you're going to
8 find them. I mean, I think that's something I can --
9 because most of the disputes are going to come down to
10 public safety because it's a deal breaker. So I think
11 you're going to be hard-pressed to find a case that's
12 going to give you the answer you're looking for.

13 I mean, the board is going to have to have the
14 will, if you will, to sort of make a decision based on
15 what you think is going to be best project for your
16 town, bearing in mind that you need to be careful not
17 to impose conditions on the project that will make it
18 uneconomic.

19 MR. CHIUMENTI: Well, that leads me to the
20 question I did really have for you, and that is that,
21 all right, if they're refusing to do the things that we
22 felt were minimally required -- now, my understanding
23 at this point, then, they've got to come back and say
24 that providing one parking space per unit and

1 eliminating the sixth floor is uneconomic. That's
2 where they go. They don't just say, we don't want to
3 do it. They basically need to demonstrate to us and
4 ultimately to the housing appeals committee that it was
5 uneconomic, they couldn't make whatever minimal amount
6 of profit they're supposed to make on the project if
7 they had to be constrained to five stories and
8 providing one parking space per unit.

9 MS. BARRETT: They have the burden to
10 demonstrate that if you ask them to make some kind of
11 change that is within your purview and they say that
12 they can't accommodate that because it would make the
13 project uneconomic, you have the ability to ask for an
14 independent review of their financials, their
15 pro forma.

16 And so they have to give you, essentially, a
17 pro forma that shows they can't -- to support their
18 argument that we can't do this. And then your
19 independent consultant will review that and report back
20 to the board whether or not what the board is asking
21 for makes the project uneconomic.

22 I mean, I find it kind of interesting if the
23 building is sort of being designed to potentially
24 accommodate stackers in the future, it's a little weird

1 that somehow that'll make the project uneconomic. But
2 I'm not a developer either. I'm a planner.

3 MR. CHIUMENTI: I think, too, I mean, the idea
4 was there would be one unit per -- one parking space
5 per unit, however achieved, and I think we were willing
6 to consider stackers, however undesirable that may be
7 all around. But I think the concern was that there
8 would be one parking space per unit as a minimum
9 adequate parking --

10 MS. BARRETT: Well, and, you know, I'll push
11 back a little bit with you. I think that if you
12 actually look at the demand for parking in mixed-income
13 developments, I'm not sure that in practice on the
14 ground it's one space per unit. So I think you might
15 want to actually get some factual data on that before
16 you just assume that you need one space per unit
17 because I'm not actually sure if you look at the data
18 that you're going to find that.

19 MR. CHIUMENTI: Well, I don't know -- I mean,
20 we had the explanation here that the parking is such
21 that -- I mean, already parking is overwhelmed in that
22 area.

23 MS. BARRETT: Understood.

24 MR. CHIUMENTI: Every demanded parking space

1 we add to that area makes it worse for everybody in the
2 neighborhood. Now, I don't know if -- you know, where
3 we're going to go look for exactly this kind of
4 community and situation. Obviously, if you live next
5 to farmland and stuff, you might be able to find a
6 parking lot.

7 MR. GELLER: No. I don't think Judi's
8 proposal is that we take a universal look at parking
9 demand and make a judgment based on that. I think the
10 suggestion is that within our -- within the Town of
11 Brookline, what exactly has happened in the past.

12 MR. CHIUMENTI: Yeah. Except that, I mean,
13 one to one is already grossly below any standard we
14 would --

15 MR. GELLER: But that's a question we would
16 find out, hopefully, from an audit. And again, it
17 would be a local audit.

18 MS. BARRETT: Could be a local audit, or, you
19 know, you might ask your architect peer reviewer if he
20 has any information that might be helpful to you to
21 make a decision.

22 MS. POVERMAN: Under the case law 1.18
23 exactly.

24 MS. BARRETT: Well, I'm not going there. I'm

1 talking about today, what is the parking demand in
2 mixed-income developments? And I can only tell you,
3 just based on my experience as a planner -- I do a lot
4 of this work -- that one for one really is not the
5 norm.

6 So I'm not saying you shouldn't require more
7 parking or that you shouldn't require a remedy, but I'm
8 not sure one for one is necessarily the appropriate
9 goal for this or any other project. You know your town
10 better than I do. I'm not going to debate that issue
11 with you. I'm am suggesting that to equip yourselves
12 for a potential appeal, you will probably want to know
13 what market demand really looks like in a mixed-income
14 development so that you're not asking for something
15 excessive.

16 MS. POVERMAN: How do we get that?

17 MS. BARRETT: You ask your architect.

18 MS. POVERMAN: We suggested it last time, and
19 it was dismissed as a possibility to get a parking
20 analysis, as I recall.

21 MS. BARRETT: I don't know if you asked your
22 peer review architect that question. I'm not sure. I
23 wasn't here at the last meeting.

24 MS. POVERMAN: I mean, we have to ask the

1 developer, don't we?

2 MS. BARRETT: I'm saying that you have a peer
3 review consultant, and you can ask him if he has any
4 information about this that might be helpful to you. I
5 can also try to help dig up some information if you
6 would like.

7 If you're not going to get what you need from
8 the applicant but you're making a decision that might
9 have an impact on this project that takes it into an
10 appeal, I think you want to have the facts. That's
11 what I'm trying to say.

12 MS. POVERMAN: So similarly -- I know this is
13 something we're going to address later -- is -- since
14 we've been talking about traffic -- and I apologize for
15 getting into this now -- but the traffic analysis, as
16 far as I'm concerned, is directly related to health or
17 safety concerns because without that crash data, etc.,
18 you know, kids going back and forth -- it's directly
19 related to how many cars and how many units there are.

20 If we can't get that information from the
21 applicant, how can we demonstrate whether or not --
22 there may not be safety concerns after the analysis is
23 done. It may not support that conclusion. But if we
24 don't have that information from the applicant and he

1 is refusing to give it unless we agree to a certain
2 form of the building, what do we do?

3 MS. BARRETT: You ask the applicant to accept
4 whatever changes they are that you are asking them to
5 make. And if they refuse to do that on the grounds
6 that --

7 UNIDENTIFIED AUDIENCE MEMBER: Is there a mic
8 you could use?

9 (Interruption in the proceedings.)

10 MS. BARRETT: The procedure is simple. The
11 board asks for a project change, and the applicant
12 says, I'll do that or not.

13 And if the applicant refuses to make the
14 change on the basis that your request is going to make
15 the project uneconomic, they have the burden to show
16 you, in terms of financial submission, that that is the
17 case. You then get to have that peer review. That is
18 exactly what the process is laid out in the
19 regulations, and that's the process you need to follow.

20 MS. POVERMAN: But then, okay, let's say they
21 show that it's uneconomic. We then have to show that
22 there's a local concern that supports our change to the
23 application. And if we don't have the evidence showing
24 that there is a safety problem, then we're screwed.

1 MS. BARRETT: If the applicant will not give
2 the information, you're going to have to try to get the
3 information to help you from other means. You can't
4 make the applicant give you the information they don't
5 want to give you.

6 So I'm saying you have peer review
7 consultants, you have staff, you have me. We can try
8 to help you get the information that you're looking
9 for.

10 But that's reality. I'm just -- I'm not going
11 to sugarcoat it. The applicant will either accept what
12 you're asking him to do or not. And if not, then you
13 move into the next phase, which is: Demonstrate to us
14 that what the board is asking you to do will make the
15 project uneconomic. That's the issue.

16 And so you're right that in the end there's
17 still this question of, well, is there a local concern
18 that somehow outweighs the economics of the project?
19 But I would encourage you not to go there yet. I would
20 encourage you to take this one step at a time.

21 MS. POVERMAN: Thank you.

22 MR. GELLER: Now, you can go to what you
23 thought you were going to say. Did you want to speak
24 to your memo?

1 MS. BARRETT: Did you have any particular
2 questions about that?

3 MR. GELLER: I do not.

4 MS. BARRETT: You asked me to look at two
5 issues and I --

6 MR. GELLER: Does anybody else?

7 MS. POVERMAN: No. But I was wondering if it
8 would be helpful for it to be discussed publicly or if
9 it's just available on the website.

10 MR. GELLER: No.

11 MS. MORELLI: Could you repeat the question
12 about --

13 MR. GELLER: Has the memo been posted? Judi's
14 memo?

15 MS. MORELLI: Judi's memo, yes.

16 MR. GELLER: Good. So it's available to
17 everyone.

18 Thank you, Judi.

19 MS. BARRETT: No problem.

20 MR. GELLER: Okay. Cliff Boehmer, I see
21 you've sat through this quietly.

22 MR. BOEHMER. Hello. What I'd like to do is a
23 little bit of a recap, as I did the last time I was
24 here, which was August 1st. And a number of things

1 have happened since. I've seen about a dozen new
2 documents, most importantly of some -- what I've been
3 charged with, most importantly the revised designs.

4 And what I'm going to do tonight is quickly
5 run through just to make sure everybody's oriented. I
6 know all of you have seen these slides already, but
7 I'll point out a few things that I'm going to focus on
8 in my review, which I think you have in front of you.
9 I hope that it's useful that I overlaid the new
10 comments on the old report, but take note that the
11 highlighted comments are really about the materials in
12 front of us today. I really didn't want to go back and
13 talk about previous design because it has changed
14 significantly and the developer has abandoned that
15 previous design at this point.

16 So I will quickly run through these slides
17 again just to get us oriented. These are not my
18 slides. These are exactly the slides you saw. I
19 haven't added any of my own information to this, only
20 my review that's in the written report, so some of
21 these we don't need to really talk about.

22 MR. CHIUMENTI: So the changes that you're
23 considering now -- it's still a six-story building, but
24 it's got a better setback and still has 17 parking

1 spaces?

2 MR. BOEHMER: Well, now it has 18 parking
3 spaces. There have been a few modifications and I'll
4 hit -- well, there have been a number of modifications,
5 and I'll hit on all of those, and that's really what
6 the focus is right now.

7 So I don't need to point out the site to
8 everybody. This is the original ground level plan. I
9 think everybody remembers there was a very small
10 setback on the front, the garage door directly facing
11 the street, not set very far back at all.

12 Again, this is 17 parking spaces. That has
13 changed a little bit.

14 There was a kind of intermediate solution that
15 did increase setback here. There's a 5-foot setback
16 here, a really significant change in the treatment of
17 the garage entry. That's set -- I think it's 40-some
18 feet. I've got it in my report, and we'll get to that.
19 This is intermediate in the sense that I think there
20 was still some concern about sight lines off to the
21 west side, the west direction, so that there was a
22 modification made. Cutting the corner off it does
23 improve the sight line down the street.

24 A few changes in rendering, but I don't think

1 that's all been defined at this point, what that
2 material would actually end up.

3 The unit mix did change considerably from the
4 original presentation that we saw. It's now at 20.
5 I'll get to those in detail, but there's 20 studio
6 units and I don't remember how many of the threes, but
7 I'll get to it. But it was a pretty big change in unit
8 mix.

9 Residential floor plans were redesigned to
10 accommodate the new footprint in the building, and you
11 start to see more of the smaller studio types in the
12 unit mix.

13 This is the second through the fourth floor.
14 We already saw the ground levels. This is two through
15 four, and you're looking down on the roof of that entry
16 piece that is closest to the street.

17 As you get up into the fifth floor, there is
18 an entirely new piece of program that the developer is
19 now proposing. That is a common space for the use of
20 the residents with a balcony that's about -- I think
21 it's about 11 feet deep. So that face of the building
22 is now back 15 feet, and then the face on the east side
23 on the front elevation is back another -- I think it's
24 10 foot 11, but significantly further back.

1 There are now four balconies and a small
2 recess on -- once you're at the fifth and sixth floors,
3 you see a little bit of a recess there. Again, I'll
4 comment on those, and we can flip back through these
5 slides to whatever degree you need to.

6 This is the sixth-floor plan. The balcony is
7 not available at the sixth floor because this is an
8 open two-story space at that point.

9 That's, I think, their guess at the roof plan
10 right now. And I don't mean "guess" in a derogatory
11 fashion. It's a normal assumption about where you
12 would place some of the mechanical equipment along the
13 middle of the roof to minimize views of it. This is
14 the mechanical equipment shown that would service
15 corridors, and you see a little bit of overrun on
16 the -- overrun for the hoist on the left.

17 The perspective views, these are also new.
18 These may be the ones that are best to leave on the
19 screen, but we'll get to that.

20 So here you can see pretty much everything I
21 was talking about. This is that new cut-back piece to
22 improve the sight line to the west. This is a single
23 column that's supporting that corner of the building to
24 accommodate the setback of the -- the structure no

1 longer goes directly to the ground, so they need a big
2 column there in order to set the garage back.

3 There's that balcony that occurs on the second
4 level down from the top. And as you probably recall
5 from those plans, the west side of the top two floors
6 is still very closely in plane with the main body --
7 the main setbacks on the building.

8 I think that the biggest changes -- and for
9 those of you who remember the original elevations,
10 really the biggest change as far as -- I think for most
11 people it immediately jumps out -- is a pretty
12 significant change in the language of the building. So
13 you can probably recall there was a lot of concern
14 about the original proposal appearing to be an office
15 building with a lot of vertical expression.

16 These are some details. Not a lot to say here
17 that you didn't already see. There are some plantings
18 proposed in that 5-foot space in front of where the
19 vestibule entry piece is, a little bit of a view of --
20 an abstracted view of the adjacent building to the
21 east. And there you can see you're looking pretty
22 much -- it looks to me like you're pretty much
23 perpendicular to where the garage doors are, looking
24 back at the other corner of the building. There's the

1 main residential entry.

2 And I believe that's it. Yeah. So I'll go
3 back, maybe, to the site plan now. So again, I'm going
4 to really -- if you do need me to comment looking back
5 to the end of July where they were, then I'm happy to
6 do that, although I didn't load those images for to us
7 to look at.

8 So if you're following along in my written
9 thing, I'm jumping all the way up to No. 4 on the
10 report which was, "Consulting with the applicant's
11 design team as appropriate." And what's happened since
12 the presentation on August 1st, there have been four
13 working sessions held here at town hall attended by the
14 developer, the developer's architect, the developer's
15 consultant, me, and various mixes of town staff have
16 attended those meetings. They went across three dates
17 in August, and the last one was September 7th, so not
18 long ago.

19 Design-related issues that were discussed
20 included the overall building height, the massing, the
21 facade design, the balconies, setbacks, landscaping,
22 vehicular ingress and egress, the unit mix, parking
23 ratio, stormwater management -- which I didn't mention,
24 but while that slide is up, I'll show you that --

1 current site plan and current proposed location for an
2 infiltration system, unit mix, parking ratio,
3 stormwater, rubbish and recycling system, HVAC, noise,
4 placement of transformer -- which in the current
5 proposal is now shown in that corner shielded with a
6 low brick wall which is visible in that prospective
7 sketch that I showed -- bike parking, Zipcars,
8 potential future development on adjacent and nearby
9 sites. A very broad range in discussions over those
10 four different meetings.

11 So I'll start digging into my analysis and
12 critique of the design at this point with some of the
13 basic facts. The building's total gross square
14 footage -- and this is including the parking level, so
15 it's a little bit different from what Maria reported,
16 but -- including the parking levels, dropped from
17 almost 52,000 to about 46,000 counting the parking
18 level.

19 As I started to point out, the unit mix has
20 changed. It's now 20 studios, 17 one-bedroom units,
21 and 8 three-bedroom units. And that was a big change.
22 The previous mix was five studios, 2 one-bedroom, 15
23 two-bedrooms, and 5 three-bedrooms.

24 The building height up to the parapet level,

1 which we see on the elevations that we'll look at, has
2 dropped from 68 feet to 66 feet 4 inches.

3 Setbacks on the buildings, we touched on this
4 a little bit. The current proposal now has a 5-foot
5 setback to a one-story -- that's this section right
6 there -- to a one-story lobby and vestibule space that
7 extends over a little more than half the width of the
8 building -- so that's this entire width, although the
9 5-foot piece is limited to that area -- and a 15-foot
10 setback to the main volume of the building extending
11 from the second floor up through the fourth floor --
12 that's this yellow line that we noted on the -- I'll
13 show you that again. I'm sorry. That's that 15-foot
14 line, again, once you're up at the upper levels -- a
15 15-foot setback to the main volume of the building
16 extending from the second floor up through the fourth
17 floor. At the fifth and six floors, half of the
18 elevation is set back 15 feet, and the other half is
19 set back 26 feet 10. That's this area here, is 26 feet
20 10 according to the drawings we've reviewed.

21 The garage entry door has been significantly
22 recessed from the front lot line approximately 45 feet
23 at its furthest edge -- so that is this dimension
24 here -- approximately 45 feet at its furthest edge and

1 angled so that it's not parallel to the street.

2 The side setbacks vary from 5 foot 1 to 6 foot
3 3 with some additional recesses in the facade. I
4 pointed those out at the upper levels. They're back
5 about -- it looks to be about a foot. I don't think
6 they're dimensioned on the drawings. The four
7 balconies that occur on the fifth and sixth floors
8 extend into the side setbacks. So the balconies we
9 were looking at in the -- that go off of the studio
10 units do extend into the side setbacks.

11 The rear setback remains at 5 foot 2. That's
12 where it was previously.

13 There's a planted area in the 5-foot front
14 setback that I pointed out already and planted areas
15 indicated all along that west elevation between the
16 neighboring existing building and the proposed
17 building.

18 Before we commented -- back in August, we
19 commented on no on-site amenities. That's changed a
20 little bit. You can see it in the plans. The space
21 between the public sidewalk and the recessed garage
22 door, while not programmable beyond the potential
23 placement of a bench for residents -- that's this space
24 in here that's under the roof or under the overhang --

1 creates a sense of protected outdoor space that belongs
2 to the building. The developer has expressed an
3 interest in using contrasting paving materials in that
4 area: cobbles or pavers, along with a planted space.

5 While there is no upper roof-level deck
6 proposed -- reportedly because of the construction type
7 of the building -- the current proposal includes a
8 shared fifth-floor balcony recessed from the front
9 facade. It's about 10 foot 10 deep -- and we talked
10 about that -- about 25 feet wide.

11 The parking remains fully within the footprint
12 of the plan. The new plan that we're looking at here
13 has 10 typical-sized spaces, 7 compact spaces, 1
14 handicap space, up from -- up to 18 from the 17 that we
15 had before.

16 As noted, above the garage door is recessed
17 into the body of the building back at this plane,
18 effectively taking it off the street as it was
19 previously depicted.

20 The current parking level plan indicates a
21 sloped floor section -- and Maria was talking about
22 this -- that reportedly adds the option to add up to
23 12 -- my count was actually 12, but I guess the
24 developer can confirm that -- that indicates a sloped

1 floor section -- that's right in here -- that
2 reportedly provides the option to add up to 12
3 additional spaces by installing stackers. So I'm
4 looking at that and, as I said, I guess that would have
5 to be confirmed, that those are the -- that it would be
6 all 12 of those.

7 We talked the last time about some of the
8 sunlight impact, particularly, you know, for the
9 neighboring buildings and this building on neighboring
10 buildings. The additional front setback that I
11 discussed before, a slightly smaller building, less
12 tall, but certainly setback is more important, combined
13 with pulling back the fifth and sixth floors at the
14 balcony location. It diminishes the shadow impact on
15 Centre Street mainly by that cutback at the top two
16 floors. That's the most significant change, and most
17 notably in the morning hours.

18 Change in shadow impact due to the increases
19 in side setback, which is a very small increase, would
20 not really be perceptible. There's no change there
21 that we could really calculate accurately.

22 I'll jump ahead to some discussion about the
23 building massing. I'm down to point D in this section.
24 The increased setback in the revised plans combined

1 with the smaller scale entry piece and a fifth-floor
2 balcony space will greatly improve its fit on the
3 street and do create a more human-scale presentation.
4 Again, I'm not showing you the previous images, but as
5 you probably recall, it was no -- or it was a minimal
6 setback. It was a 2-foot-7 setback and a completely
7 flat elevation for the entire six floors.

8 The language of the building, as I talked
9 about before, has radically changed. I think this is
10 the most perceivable change. The use of significant
11 areas of masonry, change of the window types, addition
12 of decorative cornices, and strong horizontal
13 expression has changed the reading from an office to a
14 clearly residential type of building. So that was a
15 big change from before.

16 There was some discussion about -- concern
17 about demolition of an existing historic building, and
18 we talked in the meetings about making reference to
19 some of the pieces and other historic homes on the
20 street. And what the developer has proposed is this
21 add-on piece, the small-scale entry piece on the front,
22 that bumped-out area which is similar in concept to
23 what exists in the existing, much smaller building.

24 The elevations -- I think this might get a

1 little technical but -- so I'm going to start with this
2 one, I think. So the west -- we're looking at the west
3 elevation now, so this is the elevation that faces the
4 parking lot on the other side. The west elevation now
5 includes four balconies, as I mentioned before, only on
6 the fifth and sixth floors there were twelve balconies
7 on this -- in the previous version on floors three
8 through six. So the previous version had balconies
9 starting at this floor and went all the way up. There
10 were twelve of them.

11 The necessity for ventilation louvers
12 remains -- that's along where the parking is -- in
13 order to ventilate the parking area, but the masonry
14 base in the revised version is more strongly expressed
15 along here. I think that was a big change -- was
16 changing the reading from a really strong vertical
17 expression in the building to a much stronger
18 horizontal expression.

19 The masonry that predominates the front
20 elevation carries around about a third of the way
21 around both side elevations at the second through the
22 fourth and all around the sides and half the rear
23 elevation at the base of the building. And we saw that
24 in the other elevations. So the masonry that is on

1 these first-floor floors stops at this articulation
2 point in the side elevation. It goes a little bit
3 differently on the other elevation. You can see that
4 it's not quite as far back on that side.

5 Horizontal masonry banding is included that
6 accentuates a horizontal reading, as I mentioned
7 before. Areas of the elevations that are not clad in
8 masonry are depicted as fiber cement lap siding --
9 that's in these areas on both elevations, both the side
10 elevations -- with varying exposures. Not a lot of
11 detail about that, but clad in masonry -- fiber cement
12 lap siding with varying exposures rendered a deep brick
13 red with grayish-colored metal panels indicated on the
14 upper two floors of the building.

15 The same window pattern carries across all
16 floors, two through six, with the exception of the
17 common room fenestration where it opens out onto the
18 balcony space on the front elevation.

19 All eight unit-dedicated balconies and the
20 common balconies are shown with glass handrails. You
21 notice that on the front elevation too. These are all
22 indicated as glass panels.

23 The overall reading of the side elevation is
24 horizontal, as I mentioned, with banding at levels two

1 through four -- so an expression of every floor in the
2 hard panel sections, the cementitious panels -- and a
3 horizontal joint dividing panels at floors five and
4 six. On the metal panel area, there's a more subtle
5 line, but that is a division in the metal panels that
6 are proposed.

7 There's a 1-foot-deep recess area occupying
8 about a quarter of the length of the building on the
9 upper two levels that provides some articulation.
10 That's in this area here. It's not real easy to see
11 here because of the shadows. There another break at
12 that point. You can't really see it because of the way
13 the shadows are working on this drawing.

14 At the street end of the recess, the top roof
15 project trim transitions to a simpler version that
16 continues throughout the depth of the recess and all
17 the way around the back of the building. So this is,
18 you'll notice, on the front elevation. And the front
19 half of the front third or so of the side elevations,
20 there's a more developed complex trim treatment there.
21 That trim gets simplified when you go around the other
22 sides of the building.

23 The rear elevation, this elevation still has a
24 small break in plan. Right there you can see that

1 line. So it's a small break in plan along its length,
2 but it now carries the same strong horizontal banded
3 floor delineation along its entire length, although the
4 masonry base is only half of the width wrapping around
5 from the west -- so that only comes around to that
6 point -- and then a short length on the east side. So
7 there's a little piece of masonry that is peeking
8 around the corner.

9 Materials here are masonry at the base, lap
10 siding in the deep red sections, and metal panels at
11 the top two floors.

12 The previous versions of this building had
13 windows in the stairwell. Those have been eliminated
14 in this plan.

15 As far as -- I'll go back to the site plan
16 now. Now I'm going to speak a little bit about
17 pedestrian and vehicular circulation.

18 The sight lines when exiting the building have
19 been greatly improved towards the east because of the
20 garage door setback and the building setback. The
21 revised stepped-back lobby vestibule design along with
22 the increased overall setback -- as I mentioned, again,
23 comparing it back to what we saw in the May 23rd
24 version -- it improves the -- obviously as cars are

1 pulling out, with the larger setback they've got a
2 better angle in both directions including the more
3 difficult direction to the west.

4 The location, there was concern expressed
5 about the driveway entering the parking lot being very
6 close -- I think you can actually see it right there,
7 the curb cut -- being virtually in line with this
8 driveway, that has not changed. That has remained the
9 same in both proposals.

10 The main trash room location hasn't changed --
11 which is right there -- since the original submission.
12 It's not clear if the trash management issues have
13 been -- I think they probably have not been submitted
14 at this point.

15 I think the next section -- again, I'm trying
16 to stick with the plan we're looking at here. As noted
17 in my comments so far, the plan and massing changes of
18 the building have adapted to the concept of the -- have
19 adapted the concept of the building to specific
20 conditions on Centre Street. This came from our
21 understanding that the original version of this
22 building had been modeled from another building also in
23 Brookline, which, in our opinion, the first version of
24 that really was not a very good fit on this street.

1 Exterior materials, I think that's covered,
2 all of the exterior materials that we know of at this
3 point.

4 So I'm going to jump ahead all the way to the
5 last two sections -- actually, two and a half sections.
6 Kind of a catch-all phrase -- I'm at M now -- "Any
7 other designed-related considerations," and I'll just
8 jump to the ones where I do have some new comments.

9 The parking plan does -- indicates only one
10 accessible space. And what I did point out this time
11 around was that the inclusion of another accessible
12 space, if it is required, that would presumably share
13 the van-accessible width aisle -- which is this --
14 could potentially increase the number of compact spaces
15 verses typical spaces. It might end up shifting the
16 parking plan in a way that would end up with more
17 compact spaces than what we see now. And we talked
18 about this in a little bit more detail later. This
19 could be compensated for by the introduction of the
20 stacking spaces.

21 As far as the concerns about codes, building
22 codes, I made the suggestion that there should be a
23 preliminary code analysis done on the building -- the
24 building commissioner also requested the same thing in

1 the document that he submitted -- that would cover
2 floor areas, building height, construction type, wall
3 construction, and the percentage of openings in the
4 side elevations, which is impacted by the setbacks of
5 the building.

6 Jumping ahead, the infiltration system --
7 again, I'm looking for really new things -- that has
8 changed, the proposed location of that. It is now
9 shown with open sky above. That's in this area
10 underneath the driveway.

11 I'm going to talk a little bit about the
12 parking ratio that I talked about before, and this
13 changed a little bit in some senses. The unit count is
14 the same as it was at 45 units. While the number of
15 proposed units hasn't changed, the unit mix has been
16 modified to reduce the overall bedroom count -- so the
17 count version now has 61 bedrooms; the previous version
18 had 70 bedrooms -- which could decrease demand for
19 on-site parking spaces.

20 The proposal to slope the parking level floor
21 down to potentially accommodate stacked parking while
22 not increasing the overall height of the structure --
23 which was good -- could radically change the parking
24 ratio if the stacking is installed. I think that's

1 pretty clear, if there were an option to put in 12 more
2 spaces, that would radically change the parking ratio.

3 There was discussion about a roof deck. I
4 think I covered that. There is this roof deck now on
5 the fifth level -- that the high roof would not be
6 included in the plans.

7 There was a comment that I made about making
8 sure they understood the residency on that street, and
9 I had noted engaging with neighbors. I don't really
10 have new comments beyond recognizing that the increased
11 setback and the enhanced sight lines in the new plans
12 will address some of the concerns about pedestrian
13 safety on the street.

14 So I'm going to jump now to the last section,
15 which is the new section, which is the recommendations
16 relative to design-related conditions to be
17 incorporated in a potential approval of the
18 comprehensive permit including but not limited to
19 modifying specific aspects of the site and building
20 design in order to improve the overall development and
21 its relationship to its surroundings and to mitigate
22 potential negative impacts.

23 I have not drafted these. I'm not an attorney
24 and neither is Judi. You know that. I'm an architect.

1 So I'm not pretending that these are specifically
2 anything that could be turned into conditions that
3 would be attached to it, but they're my own thoughts.

4 The developer has made substantial progress in
5 developing facades and massing that will better fit
6 into the existing, very pedestrian-friendly context of
7 Centre Street. While creating a tripartite reading by
8 the use of contrasting materials -- and this I think
9 I'm going to jump to the -- this is probably the most
10 expressive of the drawings.

11 While creating a tripartite reading by the use
12 of contrasting materials and horizontal banding -- and
13 by "tripartite," I mean base and body and top, which is
14 a fairly conventional mechanism used to make pleasing
15 proportions.

16 While creating a tripartite reading by the use
17 of contrasting materials and horizontal banding, the
18 proportion to the elements, the base, body, and top,
19 should be modified to look less top heavy. The need to
20 study this is most evident in the front elevation,
21 particularly in the section where the top two floors
22 are not setback from the primary elevation, which is
23 this area here.

24 And if you -- thinking back to where this plan

1 was back in the May 23rd drawings, the entire width of
2 that elevation was that height with equally unbroken
3 articulation, and it was much closer to the street.

4 The lack of a full-width setback -- which is
5 this line there where we're seeing the significant
6 setback at the upper levels -- it contributes to the
7 perception that the elevation issues and building
8 height could only be resolved by removal of the entire
9 sixth floor.

10 And I mention -- and I can clarify that. I
11 think what I'm really trying to say is that the -- what
12 is making this part of the building work and having --
13 minimizing the impact onto Centre Street is the fact
14 that it is set back another 11 feet along this area.
15 So the proportions I'm talking about is, you know, the
16 very top-heavy half of the building.

17 And it's possible that -- well, it certainly
18 is possible that that can be addressed even if there
19 were no additional setbacks. On the other hand, the
20 increase in the -- the diminution of the impact of the
21 building by that setback and how easily and effectively
22 it really does address the proportional issues is, I
23 think, kind of evident. So that's my first point,
24 which is actually clarified a little bit in the next

1 point.

2 Consideration should be given to setting back
3 all across the width of the top two floors on the
4 Centre Street elevation, perhaps in lieu of the
5 provision of the shared roof deck. And that is what
6 we're seeing here, is a generous-sized roof deck but no
7 setback on this side.

8 As far as impact on the street, my own opinion
9 is that having a setback all the way across, maybe not
10 even as far back as that is, taking that same area and
11 setting it all the way across would greatly improve the
12 reading of the building and cut back the impact.

13 Articulation along the side elevation -- I'm
14 going to go back. Articulation along the side
15 elevation is enhanced with the indentation at the top
16 two levels, but the gesture is not strong enough to
17 read very well. And that's, I guess, kind of obvious
18 from this drawing, although you can blame it on the
19 shadow-casting angle. But it's not very readable, and
20 it's only on the top two floors. And I'll talk a
21 little bit about the balconies in a minute.

22 The masonry base should be extended around the
23 entire perimeter of the building. I don't know why it
24 doesn't keep going around, all the way around the back,

1 but it looks rather awkward.

2 The building elevation should have a more
3 unified look. And by that -- I think the attempt was
4 made to really help break down the massing of the
5 building by using a variety of materials in addition
6 to, you know, providing the banding that helps with the
7 horizontal reading. My own opinion is now that it
8 appears a little too collage-like, that there isn't a
9 unified building -- there isn't a unified reading of
10 the building.

11 And I think an important understanding of this
12 building is the way that it sits on the site. It's
13 very visible. As you know, there's a big parking lot
14 on the other side that's open; there's a parking lot on
15 this side that's open. And while there's a somewhat
16 diminished view on the east side, it's still -- it's
17 what we call an "object building." It's there and seen
18 as an object. It's not an infill building, it's not a
19 fabric building that tries to fit in and not make a
20 statement. The scale of the building is such that it
21 will be -- it is making a statement.

22 And in any case, at our last meeting back on
23 the 7th, that was one thing we did discuss was
24 attempting to have a more unified appearance to the

1 building while not losing some of the things that are
2 already working.

3 One thing that -- well, for example, building
4 elevation should have a more unified look. Consider
5 elimination of the lap siding -- which is in this area
6 of the building -- and replacing the main body and
7 attic levels with a different type of material. So
8 perhaps in this whole area, unifying -- you can still
9 have different colors, you know, to still help break up
10 the reading of the height of the building, but I think
11 the change in materials is not really working
12 effectively.

13 The balconies at the top levels are tacked on,
14 and you don't really have a good view of those in any
15 of the perspective views. I don't think you do. And
16 they do encroach on the side setback. Those would be
17 greatly improved by being recessed into the body of the
18 building, which would also address the point I
19 mentioned earlier of making a stronger statement about
20 articulation on the two sides of the building by
21 recessing balconies.

22 Next comment is that a stacking system for
23 parking, in my opinion, should be included in the
24 project. As Maria pointed out, the developer's current

1 position is that they would be added if necessary after
2 occupancy of the building.

3 Again, going on with my recommendations,
4 financial incentives for use of mass transit and shared
5 car systems by residents and/or subsidy for parking
6 space rental should be considered, at least for all the
7 affordable units.

8 Submission -- and this is really important
9 given the constraints of the site. Submission of a
10 detailed construction management plan and approval by
11 the building department should be required prior to
12 issuance of the building permit. It's a tight site and
13 a busy street, so that's difficult.

14 Visual and noise impact of all rooftop and
15 ground-mounted mechanical equipment must be reviewed
16 and approved by the building department prior to
17 issuance of the building permit for the project. That
18 includes knowing the sound levels at property lines,
19 etc.

20 Paving materials for the driveway area visible
21 from the sidewalk should be consistent with a
22 patio-like appearance as opposed to an asphaltic or a
23 Portland cement concrete paving.

24 If the building requires a ground-mounted

1 transformer -- which in all likelihood it will -- it
2 should be shielded from view in a manner similar to the
3 masonry wall as indicated in these renderings that we
4 saw before. That's there.

5 And then my last comment on the aesthetics:
6 Glass balcony guardrails are out of character with the
7 building language and should be reconsidered.

8 So that's what I have for now. I'm open for
9 questions.

10 MR. GELLER: Thank you.

11 Questions?

12 MS. POVERMAN: This is really a question for
13 Peter, probably. What is the common room by the
14 balcony?

15 MR. BARTASH: The common room by the balcony
16 is a space that's available to all the residents within
17 the building. It'll most likely have some furniture,
18 seating within it, and it has a glass wall that opens
19 up onto the balcony so that the space can be converted
20 for kind of mixed use between indoor and outdoor space
21 in the kind of nicer months of the year. But during
22 the winter it does provide an opportunity to sit and
23 just enjoy the view in a common space outside of their
24 unit.

1 MS. POVERMAN: How big is it?

2 MR. BARTASH: It's roughly 12 feet deep by
3 about 30 feet wide.

4 MS. POVERMAN: Mr. Boehmer, what I'm hearing
5 from you is that basically a lot of progress has been
6 made in terms of reducing the overall commercial feel
7 of this building and that the -- what was initially
8 presented by the developer as being in total
9 discordance with the neighborhood has been softened.

10 MR. BOEHMER: Very much so on that front. As
11 I went through, I do have issues with -- I mean, there
12 hasn't been a lot of time available, I think, for the
13 proponent to really work on refining this design, but
14 the suggestions that had been made had been consistent
15 with many of the recommendations that were made during
16 the working sessions.

17 MS. POVERMAN: Right now, that's all I have.

18 MR. HUSSEY: Seems to me that you mentioned in
19 your remarks something about the sixth floor and the
20 possibility of reducing the sixth floor. Can you
21 elaborate on your opinion about that?

22 MR. BOEHMER: The only reductions that I --
23 were sort of indirect, I think, in the sense that -- in
24 two senses. Increasing setback at this area would

1 reduce the size of the sixth floor. Again, you know,
2 I'm not the designer of the building, but for me, that
3 is what creates -- or actually, it's interesting. I
4 think that the other perspective kind of says it. I
5 think in the sense that when you see this building on
6 that -- what we see here -- forget the part that goes
7 up two more floors, but when you see this part of the
8 building, it doesn't really jump out. It's not fitting
9 as far as scale.

10 But anyway, as far as the sixth floor, I think
11 I only peripherally referred to that. It was either by
12 setting back -- or a combination of setting back more
13 on the street elevation, but also increasing the
14 recesses on the side elevations. Because right now
15 it's only set back to about a foot on the side
16 elevations, and then the balconies are tacked onto
17 that, so they're encroaching into the side setbacks.

18 But I think those are the only references I
19 made in this current review of reducing the sixth
20 floor.

21 MR. GELLER: Mr. Boehmer, distinguishing
22 between setback and height, which is something that I
23 think I spoke about at the last hearing, you clearly
24 said that you think that the building should be set

1 back further and you've given some suggestions about
2 ways in which they could do it and achieve a structure
3 that appears less large.

4 MR. BOEHMER: Yes.

5 MR. GELLER: Do you feel that the height, as
6 distinct from setback issues, is too great?

7 MR. BOEHMER: Well, I don't think that -- the
8 height, per se, is not the issue I have with the design
9 of the building. I've looked pretty carefully at the
10 impact of the building, the other surrounding
11 buildings, I think one directly abutting building,
12 others nearby also on Centre Street, and again, I'll go
13 back to what I said about this being an object
14 building. I think where this building sits, if
15 properly designed and -- it is fine as far as being a
16 six-story building. To me, that isn't the issue from a
17 design perspective.

18 It has many other associated issues: number
19 of units, parking ratios, all these are associated with
20 a bigger building. But the height, per se, from a
21 designer's perspective, in my opinion, is not the issue
22 at this point.

23 MR. GELLER: Thank you.

24 MR. CHIUMENTI: As I remember, Jesse, you

1 suggested setting back the whole fifth and sixth
2 floors. And the only other problem with that that came
3 up at our last meeting was that it meant you had to
4 move the elevator corridor, the service corridor. And
5 that's why we suggested, well, maybe taking off the
6 sixth floor and just leaving the fifth floor. But
7 ultimately, it goes back to there are too many
8 apartments in this building given the parking
9 situation.

10 But I think it was more a matter of maybe
11 eliminating the sixth floor was a more feasible way of
12 lowering the size of this building whereas just doing a
13 setback up to the sixth floor meant moving the entire
14 public core there, and that's not -- that was what we
15 were talking about.

16 MR. BOEHMER: Well, I could comment on that if
17 you want. I mean, at this stage -- again, I mean, I
18 want to repeat what I said. I don't, per se, think
19 that six stories is the issue.

20 But whatever the solution is to address the
21 perception of height or actual height at this level of
22 development of the design, moving the elevator core is
23 not an issue. It shouldn't be hung on that. There are
24 always things that fall out of it. It could

1 potentially diminish parking space count. That would
2 put more of a focus on providing the stackers up front.
3 There certainly are impacts in any -- when you start
4 moving pieces around. You can't move a single piece in
5 a design and not expect it to have an impact on other
6 pieces.

7 But I wouldn't say that that elevator core --
8 and I think Peter would probably agree with me -- is
9 not something that we need to all set our GPS by at
10 this point. It's a moveable element at this stage of
11 design.

12 MR. GELLER: Anything else?

13 (No audible response.)

14 MR. GELLER: Okay. Thank you. We may think
15 of something.

16 MR. BOEHMER: I'm not going anywhere.

17 MS. BARRETT: Mr. Chairman, may I ask a
18 question?

19 MR. GELLER: Sure.

20 MS. BARRETT: Who is reviewing the parking for
21 the board? Is there someone who is doing a technical
22 review of the proposed parking?

23 MS. STEINFELD: It's just part of the traffic
24 peer review.

1 MS. BARRETT: And when is that going to be
2 done?

3 MS. STEINFELD: It was.

4 MS. BARRETT: It's already done? I was not
5 here for that meeting.

6 MS. POVERMAN: But the analysis is that it's
7 not adequate. That's really what it comes down to.
8 It's really not much more in detail.

9 MR. GELLER: I want to call on the applicant
10 to respond and also provide any updates they want to
11 provide. Let me ask a question, as soon as you get up
12 to the dais. I know that Mr. Boehmer has worked
13 diligently on this, and I'd like to request that the
14 applicant contribute an additional \$1,800 for 10 hours.

15 MR. ROTH: I agree to that, yes.

16 MR. GELLER: Thank you.

17 MR. ROTH: I just want to say it was a very
18 nice and, you know, productive experience working with
19 Cliff. I think he stimulated a lot of ideas, pushed us
20 to rethink a lot of different points. And it's not
21 unusual. When you get a good peer designer mixed in
22 with a good group, a cooperative group, I think you get
23 results. And I think what you're seeing here and what
24 we've done over the past is clearly a big change to

1 this building. And I happen to think that the building
2 is looking a lot better. Can it be improved upon? I
3 think it can be improved upon.

4 You know, from the last hearing, I wasn't
5 here, but, you know, the charge that we got at the time
6 was that the board was looking for, you know, a one-to-
7 one ratio on parking and you were looking to take off a
8 story off the building. You know, taking a story off
9 the building is a very dramatic impact on the
10 building's economics.

11 And so we -- you know, we got to this point
12 and we are willing to work further if we felt that the
13 board was, you know, reconsidering allowing us to have
14 a sixth floor and maybe reducing the one-to-one ratio.

15 Now, we've heard -- you know, whether or not
16 we have data on the parking ratio, I can say that
17 besides the 45 Marion Street -- which Marion Street
18 happens to be in Coolidge Corner. It's only a few
19 blocks away from our site. The site is -- the building
20 is 95 percent occupied. People are renting units
21 there. I don't think it's this -- you know, it's very
22 much different than our site in many ways.

23 Another point is that the town itself just put
24 up a new building on Dummer Street. A brand-new

1 affordable housing project was put up. They took some
2 parking spaces. They built 32 or more units on the
3 Trustman Apartments. 112 apartments have 77 parking
4 spaces, 78 parking spaces, mostly two-, three-, four-,
5 and five-bedroom units. So that's a fairly good
6 example of what is going on in some areas in town.

7 I know for myself that we had -- in another
8 project, we had given to the town 6 three-bedroom units
9 on Boylston Street that were all three-bedroom units
10 that had no parking. The Town of Brookline accepted
11 them very happily. So there are other situations, I'm
12 sure, that can be pointed out that there is not one-to-
13 one parking ratios.

14 I happen to think that this discussion on
15 whether or not the parking lots in Brookline are going
16 to be developed -- I've been in Brookline since 1985.
17 I sat on some committees that looked at developing some
18 of these parking lots. That was 1985. Nothing's been
19 done. I've been told by others that they've been
20 evaluating probably from the '60s and '70s, doing
21 things on these parking lots.

22 Every morning when I do drive into the office
23 over on Centre Street, I look across the street and I
24 see empty spaces, lots of them. Within a five-minute

1 walk of our site, there's hundreds of spaces that are
2 sitting empty every night. There's 40 spaces available
3 as of September 8th on Centre Street West, and then
4 there's a number of spaces on Centre Street East.
5 There's a five-minute walk -- if people wanted to
6 actually take a walk, take a walk to Babcock Street,
7 St. John's, on John Street there's another 40 spaces
8 there available as of September 8th. And there's 146
9 overnight guest spots.

10 So if you come home, you could swipe your
11 credit card in any of those places and you have a space
12 until 8:00 in the morning the next day. They're
13 available. They're there. The town is being denied,
14 you know, potential revenue, and there's use for them.
15 And there's no reason prospective tenants of 40 Centre
16 Street couldn't live there -- I mean park there.

17 So, you know, there's a lot to be said about
18 the parking ratio. I think that we knew that our
19 footprint of the building had a certain amount of area
20 that could accommodate a certain amount of cars. We
21 squeezed out another parking space.

22 I took a very good hard look at the planning
23 board's recommendation. The planning board had
24 recommended for studios that there was no requirement

1 for studios, that on one-bedrooms there would be a half
2 a space per one-bedroom unit, and for and two- and
3 three-bedrooms, there would be one full space. Our
4 scenario has 16 -- under that guideline, has 16 and a
5 half spaces that are required.

6 You know, so in terms of parking ratios, in
7 terms of traffic, we talked about traffic. I think at
8 the end of the day, your peer reviewer had the two very
9 important points that he had pointed out in the very
10 end of his report: that the sight line was safe.
11 There was -- our sight line was safe and that the
12 prospective additional tenants would not increase the
13 traffic on the street.

14 So, I mean, we can go into other studies, and
15 if the board would tell us what direction we need to
16 go, we'd be very happy to do it. But evaluating 45
17 spaces, evaluating 18 spaces makes a big difference in
18 this traffic study.

19 MR. GELLER: Questions?

20 MS. POVERMAN: I do have some comments. I
21 just want to point out: You weren't at the last
22 hearing, so I do think it's important for you to get
23 correct information. Maria Morelli did correct the
24 record that, in fact, it was not the planning board's

1 position that studios do not need parking spaces.

2 In fact, am I correct in saying, Maria, that
3 the planning board did not say that studios do not
4 require parking spaces? That double negative may be
5 confusing, so perhaps you could explain it.

6 MS. MORELLI: I'm going to read that -- this
7 is from the planning boards's letter, and it is dated
8 June 3, 2016, to the ZBA.

9 "Parking ratio: The parking ratio of 0.38
10 seems impractical even for this highly walkable
11 neighborhood. If one were to apply the following
12 formula, which deviates considerably from zoning
13 requirements, the project would need 30 parking spaces
14 for a ratio of .67. That's zero parking spaces for the
15 5 studio units, .5 parking spaces for the 20
16 one-bedrooms, one parking space for the 15 two-bedrooms
17 and 5 three-bedrooms.

18 "If recommendations to reduce building massing
19 and increase setbacks are considered, it is very likely
20 that the project could achieve a more practical ratio
21 of parking spaces to dwelling units."

22 This is just using that formula as an
23 illustration. It wasn't a recommendation.

24 MS. POVERMAN: So I think you can see how that

1 could have been misinterpreted, but I think it's really
2 important to set the record straight that in no way
3 should it be interpreted that by increasing the number
4 of studios, that it decreased the need for parking
5 spaces.

6 MR. ROTH: Well, you know, I've sat in enough
7 of these hearings to hear from the people in the
8 audience and from the board that, you know,
9 three-bedroom units need more parking, two-bedroom
10 units need more parking. You know, we think that
11 studio apartments, if they need any parking, maybe it's
12 a very small amount, percentage of them.

13 MS. POVERMAN: We just told you differently,
14 so --

15 MR. ROTH: I'm sorry. I haven't heard from
16 you what you think is required for a studio apartment.

17 MS. POVERMAN: I just told you what was
18 required. And what we've consistently told you is that
19 we have thought that one -- I don't want to get into an
20 argument, but just to set the record clear --

21 But anyway, just to get on the other thing --
22 well, I do want to -- my position is that I don't see
23 anything as set in stone at this point, and I do want
24 to take into account very much what Mr. Boehmer's idea

1 is of how to -- whether or not to consider setting back
2 the building, to hear what your ideas were of
3 articulating the building differently.

4 One thing I'm really concerned about is the
5 traffic study because I see it as interconnected that
6 the number of units really can affect the safety issue,
7 whether it has to do with number of bedrooms or people
8 coming out and -- which may or may not relate to cars.

9 And, Maria, I think this is very important
10 and, Judi, you may know this but you may not. I've
11 been reading a lot of cases lately, and I wish I tagged
12 this one. But there was a case in front of the HAC
13 where they said that because a request was not written,
14 it was -- to the developer -- it was not sufficient to
15 demonstrate that the city had adequately asked for
16 something. So I would like that we make a written
17 request to the developer --

18 MS. MORELLI: We did. It was submitted --

19 MS. POVERMAN: Of the traffic --

20 MS. MORELLI: Absolutely. Everything I read
21 to you, all of those bulleted points were submitted in
22 an email to the applicant.

23 MS. POVERMAN: Okay. Do you acknowledge
24 receipt of it?

1 MR. ROTH: I have it. I've emailed it to the
2 traffic engineer, and he's working on it.

3 MS. POVERMAN: Okay. That's good to hear.

4 Oh, another thing, which we have repeatedly
5 requested, is the full-blown shadow study which Maria
6 requested in detail. One of the reasons, especially,
7 I'm concerned about this is the shadows on Wellman
8 Street, especially since we recently got information
9 about one of the residents who has seasonal affective
10 disorder who could be influenced by the lack of sun.
11 And apparently, based on the information we received,
12 the studies that were done previously may not have had
13 adequate or accurate measurements done of the building.

14 So if we have not already made a written
15 request for that, could we please do that, Maria?

16 You're nodding, so I take that as a yes.

17 MS. MORELLI: Yes. That was early on, I
18 think, we made that request. There are iterations of
19 the design going on, so we expect a shadow study to be
20 done when the plans are further revised.

21 MS. BARRETT: These are still evolving plans.

22 MS. MORELLI: They are --

23 MS. BARRETT: -- still evolving.

24 MS. MORELLI: Correct.

1 MS. POVERMAN: And this may not be possible,
2 but I guess you guys have been working on things in the
3 meetings. Is it possible to discuss what sorts of
4 things you guys have been coming up with that --

5 MR. ROTH: Well, what you see, this is what
6 we've been discussing. These things are being changed.
7 But, you know, we met last -- when did we meet?
8 Monday?

9 MS. BARRETT: Thursday.

10 MR. ROTH: I mean, we're changing these on the
11 fly. Designing a building takes a lot of time. It has
12 to be looked at. And like Cliff says, you move one
13 thing, another thing changes. This building is being
14 designed very, very rapidly.

15 MS. POVERMAN: So what has changed since this
16 design --

17 MR. ROTH: Well, I don't think anything we
18 changed this week -- nothing changed this week.

19 What happened is essentially we sat at the
20 meeting, we spoke about what potential changes we could
21 make. But the truth was -- is that the marching orders
22 that we had received at the last meeting was that we
23 were going to do 18 units here and we were going to
24 take off a floor. And I, honestly, didn't instruct

1 Peter to start working on more drawings. And we would
2 be happy to continue working on these drawings if we
3 felt that the project was economically viable.

4 MS. POVERMAN: I'm through for now.

5 MR. GELLER: Mr. Hussey? Mr. Chiumentti?

6 MR. CHIUMENTTI: Just a comment.

7 MR. GELLER: Just questions. Let's let the
8 developer finish his update, and then we can --

9 MR. CHIUMENTTI: Never mind.

10 MR. ROTH: So just to catch up on the
11 drainage, storm drainage, we did have a meeting. There
12 was a meeting with Mr. Peter Ditto and our engineers,
13 Schofield Engineers. They have a fair amount of
14 information. We still need to get additional
15 information. We need to do some borings out there,
16 soil borings, to see the soil strata and to --

17 But the location of the structures outside the
18 building seems to be in compliance, and it seems like
19 it's been agreed by Peter Ditto that it's in a good
20 location, and the size looked like it was going to be
21 the right size.

22 One question we had that we still have to
23 figure out is what the soils in that particular area
24 look like. That will determine the depth of the tanks.

1 Right now we had proposed depths of the tanks to be
2 3 feet, and I think Peter Ditto wanted them 4 feet.
3 And I think after we take the soil samples, we'll know
4 what the soil samples will actually look like.

5 MR. GELLER: Okay. Thank you.

6 Any other comments? That's it?

7 Mr. Engler, do you have anything? I'm not
8 encouraging you. I'm just asking.

9 MR. GEOFF ENGLER: I just have a question or,
10 I guess, a comment on the parking, which is getting a
11 lot of attention.

12 From my perspective -- first of all, I wasn't
13 here, you know, at the last meeting. I don't pretend
14 to know exactly what the discussion was about Marion
15 Street or what Robert Engler said or didn't say. I
16 would tend to agree with Ms. Poverman's and
17 Ms. Barrett's observation that it does not lock you
18 into a certain parking ratio. Every project is
19 different, every design is different.

20 What I will say, though -- and, you know,
21 people won't like to hear this -- the local concern of
22 Brookline that this doesn't have enough parking spaces
23 has no chance to win at the HAC. None. I mean, that's
24 the local -- what's the local concern? That you're

1 going to have to ticket more cars or that people are
2 going to park in municipal spaces? People are going to
3 look in Coolidge Corner and see a million people, a
4 million parking spaces, other buildings that have
5 equivalent parking ratios.

6 So the local concern -- the presumed need
7 is -- Brookline is not at 10 percent, so your local
8 concern has to be significant. And I think Judi would
9 agree, those cases where the local concern has
10 overridden usually are like something -- discharging
11 into the municipal well system or some egregious
12 environmental --

13 You guys are talking about parking without any
14 kind of hard and fast information that says, yes, this
15 is an issue of -- severe local health and safety issue.
16 So I don't see that as a winnable argument or a reason
17 for the town to reduce the number of floors or units.
18 That's one man's perspective. You don't have to agree
19 with it, but I would ask you to look into that.

20 Because, frankly, I think there's a deal to be
21 cut here. I think there's some things that my client
22 could do, I think there's some, you know, things that
23 the board can do, and I think there's an opportunity
24 here. But to the point -- and respectfully, you did

1 say that's not set in stone, the one-to-one. I wasn't
2 here. To hear that is encouraging. But I think
3 there's something to be done.

4 But if the board were to go in that direction
5 to condition the project in a way -- A, I don't think
6 my client would have any problem showing it's
7 uneconomic; and B, I think the town's threshold to show
8 that's a local concern that overrides the need for
9 affordable housing would be very, very challenging.

10 MR. GELLER: Judi.

11 MS. BARRETT: Just a comment I would make.
12 And to some extent, I don't agree with the board, my
13 client, so I'm just going to be clear about that.

14 I think that it would probably be helpful to
15 the board and to the peer review consultant to look at
16 traffic if the applicant could put together something
17 more than anecdotal evidence. I appreciate your
18 comments about parking and so forth, but that's sort of
19 just stated here in a meeting.

20 And I think really what would be helpful to
21 the peer review consultant is to have an actual
22 analysis done of the parking demand for studio, one,
23 and two and three bedroom units. Something a little
24 bit more, dare I say, scientific than just, this is

1 what the situation is in the vicinity of the project
2 site. Because, frankly, I do agree that studio units
3 do not generate one parking space demand per unit.
4 That's my experience.

5 MR. CHIUMENTI: That was just a formula.

6 MS. BARRETT: Yes, it's a formula. But I
7 think that really it would be helpful to the board.
8 You're asking the board to approve a significant
9 reduction in parking from what this town is used to
10 seeing. And so to help them make that decision, I
11 think it would be really great if you could put
12 together -- just your traffic person -- just an
13 analysis of parking demand by different sized units in
14 an environment like this where you have access to
15 transit. I don't think a qualified traffic consultant
16 would have much trouble putting that data together.
17 It's out there.

18 It would be better for you to do that and have
19 the peer review consultant review it than for the board
20 to be laboring under, well, what really is the parking
21 need for a project like this. You're kind of asking a
22 lot of volunteers to figure that out when really it is
23 your burden to sort of show that what you're proposing
24 would work. So I'm just making that recommendation.

1 MS. POVERMAN: I want to throw this out
2 because there are just things I don't understand. It's
3 like I can't -- I just don't know. You know, don't you
4 get less money for studios than you do for one- and
5 two-bedroom apartments? So isn't it less favorable for
6 you to have studios? And you get paid for parking.
7 So, you know, obviously I don't understand the
8 economics, and I'm just throwing it out there for you
9 that some of the things you're suggesting to me do not
10 make economic sense as somebody who's a layperson.

11 MS. BARRETT: I would also just say, as part
12 of that analysis, it would be helpful to the board to
13 understand what the cost will be to the tenants to
14 provide parking that's not in the development.

15 And, yeah, I'll wear my hat here right now. I
16 am concerned about the affordable -- the tenants of the
17 affordable units. Because it's one thing for
18 Mr. Engler, Sr. to say, it's a market problem, let the
19 market take care of it. But the market isn't taking
20 care of affordable housing tenants and that's why --
21 you know, but for those tenants, you wouldn't have this
22 project.

23 So I think that there is a need here to look
24 at, well, if you're not going to provide what the board

1 considers enough parking, you know, if people are going
2 to have to find solutions out there in the market
3 somewhere, there needs to be some look at how the
4 affordable housing tenants are going to grapple with
5 that because, really, they're the ones for whom this
6 project is being built.

7 MS. POVERMAN: As I said -- neither of you
8 were here. Peter was here. As I said at the last
9 meeting, it's not a question of parking or affordable
10 housing, because it's a solvable problem. You guys
11 have ways of dealing with it, whether it's by stacking
12 or reducing the number of parking spaces. You know,
13 you have the wherewithal to figure out how to make
14 these numbers work. So I have the faith in you that
15 you can figure it out, and we can come to some sort of
16 agreement on how it's going to work. It shouldn't be
17 an either/or.

18 MR. GELLER: Okay. Thank you, Mr. Engler.
19 What I'd like to do before the board speaks --
20 you know, we have our discussion, I just want to
21 acknowledge some correspondence we did receive from
22 members of the community, including a letter that we
23 received dated September 12th from Attorney Dan Hill,
24 which will be part of the record that is posted and

1 will be available. We also had a few other
2 communications that were in the form of emails. We
3 appreciate all communications.

4 And while there won't be an opportunity at
5 this hearing for the public to speak, there will be
6 future opportunities for the public to weigh in as we
7 get further testimony and newer information. So we're
8 sort of at a stasis point. There are no changes to
9 speak of. I think it's an opportunity for the board to
10 have a discussion, talk about peer review comments, the
11 applicant's comments, and then see where we are. But I
12 do want to reassure the members of the public that they
13 will have another opportunity to speak, if not several
14 more opportunities.

15 Board, discussion?

16 MR. HUSSEY: Well, I'm still a little
17 confused. Seems to me we're right where we were the
18 last time we met, basically, and that we either have to
19 direct or request, which you have already have, the
20 traffic consultant and the developer to come up with
21 the analysis of setting up the ratio, what's an
22 appropriate ratio, possible ratio, or relating it to
23 other projects, not necessarily in Brookline, but
24 somewhat similar situations so that we've got something

1 to base a decision on. That's one thing.

2 The other issue that keeps coming up that we
3 haven't bit the bullet yet is this sixth floor. Are we
4 going to ask that that be eliminated and ask him to
5 provide the pro forma that's necessary to show that it
6 can't be done or not?

7 MR. GELLER: Well, again, to be clear,
8 whatever the decision is, if your decision is, as it
9 was in the last hearing -- because, again, I'll remind
10 you: I was an advocate of setbacks. So if you're
11 advocating that the applicant remove the sixth floor or
12 if you're advocating that the applicant remove the
13 fifth and sixth floor, which you didn't advocate in the
14 last hearing, then it is up to the applicant to tell
15 you that it renders the project economically inviable
16 and that's the methodology by which you go through that
17 process. So you don't ask him -- you understand,
18 you're not asking him for a pro forma.

19 MR. CHIUMENTI: No. What we're going to ask
20 him for is what -- the maximum we think the building
21 will be and he has to basically defend on the grounds
22 that it is --

23 MS. BARRETT: No. You are going to ask for
24 changes based on local concerns.

1 MR. CHIUMENTI: Right. Like adequate parking
2 and all that.

3 MR. GELLER: Right. And he responds. And
4 then depending on the response, you may or may not get
5 to --

6 MR. CHIUMENTI: Now, the sixth floor wasn't a
7 problem, except that we thought that moving the core
8 parts would perhaps be more burdensome than removing
9 the sixth floor. But if, frankly, removing -- adding
10 the sixth floor that you suggested, setting it back all
11 across the building, as Mr. Boehmer suggested, would be
12 feasible, I think that's not a bad idea.

13 The problem is that that still leaves us with
14 what is the one fundamental basic problem that really
15 leads us to all the other problems, and that is: The
16 building is too big.

17 Basically, the parking thing really relates to
18 how many apartments there can be on this site. Now,
19 ultimately, the -- and we can -- adequacy of parking
20 arrangements is one of the local -- legitimate local
21 concerns and, of course, that really relates to just
22 the burden of this particular building and the place in
23 the neighborhood. And the people around it have to
24 live there.

1 Fundamentally, that doesn't mean we go to the
2 housing appeals committee and say we're rejecting the
3 project because he doesn't have enough parking spaces.
4 It leads us only to the point where they've got to show
5 that they can't make -- not the profit they'd like to
6 make or as much money as they wanted to make, but that
7 they can't make the limited dividend they're permitted
8 to make under the statute. And that -- it seems to me
9 that that's where we're going if, you know, they're
10 going to be intransigent about parking and the number
11 of apartments and so on.

12 MR. GELLER: I think the point that Judi
13 makes, however, is a good one, which is that it -- I
14 think it needs to be important for this board to have
15 an understanding of some basis, some scientific basis
16 of what numerically is appropriate. And right now we
17 have nothing. So I think in order to answer that
18 question, whether the ratio is one to one or whether
19 it's a half a space per unit, I think we need that
20 information.

21 So for me, the question about the parking has
22 slightly changed in the sense that I want the
23 information because I want to be able to base my ask on
24 something. And I happen to think it's not going to

1 support -- and I could be wrong. I don't think it's
2 going to support what this applicant is suggesting that
3 he should provide. But I'm willing to look at the data
4 and make a judgment based on that.

5 The issue about setbacks is a totally separate
6 issue. I simply think that if you want this
7 building -- we started from the proposal that what they
8 designed and what they presented was -- had the
9 appearance of a commercial structure in a transitional
10 zone that really did not fit in with the neighbors, the
11 residential neighbors in particular.

12 And that building has been morphed. And you
13 can see, for me, there is a significant change once you
14 start to set back at the fifth-floor level. I think
15 that Mr. Boehmer is absolutely correct. If you set
16 back that fifth and sixth floor for the full width --
17 let's just talk about the front facade for the moment.
18 If you just set it back from that front facade, it now
19 really looks like a four-story structure.

20 So I try and get away from saying global
21 comments like the building's too big. It's a big
22 building. I'm not saying it's not. I want to deal
23 with the specifics.

24 MR. CHIUMENTI: No. I agree. And I don't

1 think we even disagreed with you at the last meeting.
2 Moving a whole building back at the sixth floor
3 would -- continues the improvement that they did make
4 of this thing. It doesn't happen to address the fact
5 that there's still too many apartments. That's all we
6 were saying, well, maybe if you solve the problem by
7 eliminating the sixth floor, at least you begin to
8 address the fact that there's just too many apartments
9 there. But I agree with you.

10 MS. BARRETT: Are there too many apartments
11 because there's not enough parking?

12 MR. CHIUMENTI: Yeah, really. And -- yeah. I
13 mean, it really is all tied together. I mean, just the
14 size of this -- the size of this thing. And it become
15 a serious problem because of the fact that -- you know,
16 that it's just inadequate. I mean, they never even --
17 they're going to remove all the trash through that
18 little two-door thing along the side alley? I mean,
19 it's all connected.

20 MR. GELLER: Well, but we haven't had a
21 trash -- so, you know, I don't want to talk about
22 things where we have not had actual input from peer
23 review or other -- from people who actually review
24 these things. And I know that is coming up. So I'm

1 not trying to diminish it as an issue, but let's wait
2 and hear what the experts -- so-called experts have to
3 say.

4 MR. HUSSEY: I want to get back to this
5 business of the setbacks, which I addressed last
6 meeting.

7 Peter, could you put up the ground floor plan,
8 please, for me and we'll do a little charrette.

9 Now, what you're talking about is basically
10 taking this component and moving it back; right?

11 MR. GELLER: Let's start with the most
12 obvious. It seems to me that most the obvious are --
13 you know, the low-lying fruit are the things that Cliff
14 has proposed, and he's really, by and large, proposed
15 two things. One is that at the fifth- and sixth-floor
16 levels on the front facade that you push the entire
17 level back as they have on the east side. Okay?

18 MR. HUSSEY: Right. Same thing.

19 MR. GELLER: Right. He's not talking about
20 the ground floor. I understand your issue with
21 mechanical systems. I understand.

22 MR. HUSSEY: No, it's not got to do with that.
23 I think Peter would agree with me that if you move
24 these elements on the top floors existing now back,

1 you're going to lose parking. You're going to lose
2 more parking. Is that not right?

3 MR. BARTASH: I agree with that.

4 MR. HUSSEY: Even if you say, well, let's not
5 do that. Let's move it back. Well, you're going to
6 get the same thing. You move the stairs back, you're
7 going to lose parking. So that's the linkage, that you
8 can't do that.

9 The only solution if you were trying to reduce
10 units is to lop off that top floor.

11 MS. POVERMAN: Okay. I'm lost. Because I
12 thought -- okay. Go to the one where you show the
13 whole height of the building, like with the balcony.

14 MR. HUSSEY: The elevation.

15 MR. GELLER: The elevation, the front
16 elevation.

17 MS. POVERMAN: So I thought they were talking
18 about taking the gray part and just moving that back.

19 MR. HUSSEY: Yeah, absolutely. But the
20 elevator is right behind --

21 MS. POVERMAN: No. But we can move that.
22 We -- Peter can move that.

23 MR. HUSSEY: Of course you can, but you're
24 going to lose parking if you do that.

1 MS. BARRETT: Right. That the issue. I
2 understand what you're saying.

3 MR. CHIUMENTI: It has to go all the way to
4 the ground.

5 MR. HUSSEY: Yeah. The elevator's got to go
6 to the ground. We can't step the elevator.

7 MS. POVERMAN: Well, then it's possible that
8 somebody in the room may need to consider stackers or
9 perhaps -- let me ask you: Is there a big difference
10 in building underground driveways between 77 feet and
11 72 feet?

12 MR. HUSSEY: Say that again?

13 MS. POVERMAN: A 77-foot lot and a 72-foot
14 lot.

15 MR. BARTASH: In terms of a -- are you asking
16 if you have a 77-foot lot, is it more feasible to build
17 an underground parking than it is a 72-foot lot? Is
18 that the question?

19 MS. POVERMAN: Yes.

20 MR. BARTASH: No. They're both infeasible.

21 MS. POVERMAN: Well, because it was supposed
22 to be done at 45 Marion Street. They did propose --
23 they were going to do two levels of parking --
24 underground parking there. It didn't get done, but

1 maybe that's because it just wasn't going to work.

2 But --

3 MR. HUSSEY: It's different dimensions.

4 MS. POVERMAN: 77 versus 72?

5 MR. HUSSEY: Well, the length, front to back.

6 MS. POVERMAN: No. It was the width. No. It
7 was the frontage on the street.

8 MR. HUSSEY: It was this way.

9 MS. POVERMAN: That way.

10 MR. HUSSEY: Yeah. That's not -- what's going
11 to kill you is the need for this ramp down. Not just
12 this amount, but another 10 feet to get to another
13 level.

14 MS. POVERMAN: So we get back to parking.

15 MR. HUSSEY: Agreed?

16 MR. BARTASH: Agreed.

17 MR. HUSSEY: I'm not supposed to be giving
18 testimony.

19 MR. ROTH: Let me make a suggestion. We hear
20 what you're saying. Right? We've got to this point,
21 this far. Right? We've heard what you've said --
22 relayed to Cliff, Cliff relayed it to us. We reacted.
23 All right. So we hear that you want the building a
24 little bit more set back maybe on the top. So instead

1 of trying to design it at a zoning board hearing, why
2 don't we take the time --

3 MR. GELLER: Let me also say -- I had
4 mentioned that there were two components. I think --
5 Cliff, by all means, correct me if I misunderstood your
6 testimony. I think the second element of sort of
7 drawing the building in, particularly at the upper
8 floors, was that along the east and west elevation, the
9 sides where you saw those balconies in particular,
10 where they have recessed, one, where the balconies come
11 out, he suggested that the balconies be recessed within
12 the structure.

13 But I think, more importantly, what he is
14 suggesting is -- and I don't know what the actual inset
15 is that you have at that level, whether it's a foot --
16 I think that's what you -- Cliff had said. But his
17 suggestion is that it be a more significant setback at
18 that height level which, again, creates a greater
19 breakdown of the massing, I think.

20 Now, does it address your concern with the
21 adequacy that you would want? I don't know the answer
22 to that question. You know, I think they have to play
23 with it -- the model -- and see where it takes your
24 count.

1 But I think those are two very clear ways in
2 which they could step this building back, make it
3 appear less --

4 MR. CHIUMENTI: -- massive from the street?

5 MR. GELLER: -- massive from the street. And
6 beyond that, I think the board needs to give clear
7 direction.

8 MS. POVERMAN: Can I make --

9 MR. GELLER: You can disagree; you can agree.

10 MS. POVERMAN: -- a critical comment here,
11 actually.

12 We're not -- parking is not just -- I'm not
13 talking about it just sort of as a frivolous thing.
14 Parking is a local concern because it directly relates
15 to safety. And I'll tell you why. I'll tell you why,
16 Mr. Engler the junior.

17 In the area -- right now we only have
18 testimony from the residents. But in the area, if it
19 is not possible to find parking, you drive around and
20 around and around. They have done it, I have done it.
21 If you're lucky enough to get there early in the
22 morning, you don't have to do it, because you have a
23 parking space.

24 We saw pictures last time of people who were

1 hit because of somebody who was driving at the time
2 that a farmers market was being held, somebody in a
3 wheelchair. There have been real injuries.

4 So you can't -- until you have the analysis of
5 what the traffic is and what the parking need is and
6 all that, you really can't say whether or not the
7 parking is sufficient or insufficient. So no, it's not
8 a, you know, Brookline -- oh, yeah. Brookline needs
9 parking. That's a local interest in and of itself.
10 But no, it is a health and safety issue. That's why
11 it's really important.

12 I have a related thought, so hold on.

13 MR. HUSSEY: Then doesn't that preclude you
14 should reduce the parking in the building?

15 MS. POVERMAN: Well, yes, I think it does.

16 But also, I am well aware that you can't just
17 knock off the height of the building because you think
18 it's too high and you don't like it that high. Again,
19 reducing the size, as Steve said, would be a potential
20 way of reducing the number of units and reducing the
21 number or need for parking.

22 But it's all kind of circular. We really have
23 to figure out what the safety issues are, how many kids
24 are going down that street. And there's a flock of

1 them. So it's a pedestrian analysis, it's looking when
2 that farmers market is there, which is -- I invite you
3 to come. It's hell. I just go right down that street.
4 I don't even go to that area on Thursdays. It's a
5 significant issue in Brookline and you have to take
6 that reality into account, not just the abstract.

7 I'm done.

8 MS. BARRETT: I think it would really help the
9 board to have a parking demand analysis for this
10 housing given this location. This information is out
11 there. And it's not just how many spaces are in a
12 building. It's what is the actual utilization. There
13 are plenty of 40B developers who develop housing with
14 less than one space per unit who I think can give you
15 data. And I'm encouraging you, to break this log jam,
16 I think this board needs information that then the peer
17 review consultant can actually look at and say, I get
18 it, I see why they're saying what they're saying, or
19 they're full of baloney.

20 MR. CHIUMENTI: I'm interested, too, to know
21 if the notion that there's parking in the neighborhood
22 means they're expecting the tenants to just go out and
23 find parking and pay for it on their own, or if they're
24 pointing to the town parking -- if they're expecting

1 the town to do something to facilitate that.

2 MR. ROTH: No.

3 MS. BARRETT: I think what they're looking for
4 is a waiver of the parking requirement. I think that's
5 what I heard, but --

6 MR. CHIUMENTI: For the building.

7 MS. BARRETT: -- you really need to get a
8 handle on what is the demand for parking in this
9 environment.

10 MR. GELLER: Let me -- before I make the ask,
11 are there other issues that you -- do you want greater
12 clarity on where you're going? I'm not trying to
13 short-circuit the comments I am mindful that you made
14 at the last hearing. So I think it is imperative that
15 we give this developer, this applicant clear
16 instructions.

17 Our next hearing is September 27th, and we are
18 really running out of time. So if these kinds of
19 things that I've mentioned -- you know, drawing in the
20 building rather than removing wholly a floor, if that
21 is not what you're considering at this time, you need
22 to tell this applicant because we then have a different
23 process we need to go to.

24 MR. CHIUMENTI: No. I'm on the same page as

1 you, I think. I get the impression, though, from --
2 and what Kate's research indicates, too, is that less
3 than one to one may be something for which there is
4 some examples. But, you know, we're talking .67 or .8.
5 We're not talking .37.

6 MR. GELLER: Absolutely, absolutely.

7 MR. CHIUMENTI: The problem with this building
8 is that they've got no place to go.

9 MR. GELLER: That is a fair comment, and that
10 may be the conclusion. So we may, in fact, wind up in
11 the same place you would otherwise get to, but I think
12 we have to go through that step.

13 MS. POVERMAN: And we need these studies by
14 the next meeting. We can't get anywhere without them.
15 We just can't. And we need -- we need the
16 representation, the promise that we'll have these.

17 MS. BARRETT: I would also point out, in
18 fairness to everybody here, that the parking
19 utilization demand is not just about cars. It's also
20 about bicycles. And just thinking about the market for
21 this type of housing, I think really what you're
22 looking for is, how do people get around, and that's
23 what you're asking the applicant to document. It's not
24 just about cars.

1 MR. GELLER: While true, I think that the
2 focus really is about vehicular transportation.

3 MS. BARRETT: I understand. But I'm just
4 pointing out to you that there's a market for
5 different -- housing is a product, and it appeals to
6 different types of households. And so if you put
7 blinders on to the households that are attracted to
8 different types of housing, you may be asking the wrong
9 question.

10 MS. POVERMAN: Maria, when -- or Alison, when
11 does the test start analyzing for taking away the lane
12 of traffic on Beacon Street by Summit Street?

13 MS. STEINFELD: I don't know when that starts.

14 MS. POVERMAN: That's going to be really
15 interesting.

16 MR. HUSSEY: The bicycle lane you're talking
17 about?

18 MS. POVERMAN: Yes, the bicycle lane. That's
19 going to be a disaster. That'll really do interesting
20 things to traffic in that area, too.

21 MS. STEINFELD: We can't expect them to
22 incorporate that.

23 MS. POVERMAN: No, I know. I'm just wondering
24 if --

1 MR. GELLER: Let me -- okay. So no further
2 discussion? No further comments?

3 (No audible response.)

4 MR. GELLER: Okay. So I want to turn to the
5 applicant who's heard the request, which is that you
6 put together an audit of parking demand needs. You've
7 heard -- you know, obviously you understand the dynamic
8 of time, in particular in this case.

9 One, will you agree to put that audit
10 together?

11 MR. ROTH: On parking?

12 MR. GELLER: Uh-huh.

13 MR. ROTH: Yes.

14 MR. GELLER: Thank you.

15 MS. POVERMAN: Traffic too?

16 MR. GELLER: Well, the traffic is a separate
17 issue. I think Mr. Engler had agreed last time that
18 they would do -- is that not the case?

19 MS. POVERMAN: He did, but we still need to
20 receive it.

21 MR. GELLER: Alison, you're unhappy because
22 we're adding issues.

23 MS. STEINFELD: Well, a few things. I think
24 the focus should be on parking demand. Is that

1 correct?

2 MR. GELLER: Yes.

3 MS. POVERMAN: Well, no. I disagree because I
4 think it's a safety issue. And I don't think we can do
5 one without the other, and I don't want to -- I agree
6 that if we go to HAC saying parking is our local
7 concern --

8 MS. STEINFELD: Well, we don't go to HAC.

9 MS. POVERMAN: I don't want anyone in
10 Brookline to be going to the HAC saying parking is our
11 local concern that overcomes anything. We need to have
12 a health or safety issue related to it, and the only
13 way we can get that is through an analysis of the
14 traffic, which relates to parking. And so you've
15 already said that's going to be produced, and I think
16 it should be produced.

17 MR. CHIUMENTI: I do think we have a
18 constellation of concerns listed in the regulations
19 that leads us to giving them directions. If they come
20 back and say, we can't do it economically and we
21 insist, and that's how they go to the housing appeals
22 committee, I don't think -- nobody goes there and says,
23 well, there's not enough parking, so that's why we give
24 them -- it's all of our concerns. And they would have

1 to argue that they couldn't meet all of our concerns
2 without making the limited dividend they're allowed to
3 make.

4 MS. POVERMAN: Yes. But if we can't say that
5 there's a valid health concern relating to
6 transportation and we have no data -- I mean, I don't
7 know.

8 MR. CHIUMENTI: No. Data is fine. You know,
9 it's not like -- if it's not a peril to health --

10 MS. POVERMAN: Right. But if our data is only
11 neighborhood testimony, I'm not sure that that would be
12 seen as enough.

13 MR. CHIUMENTI: It is fine to document a local
14 concern, but adequate parking is a local concern, too.
15 I mean, there would be, as I said, a constellation of
16 concerns.

17 MS. BARRETT: That's why you need to know
18 what's adequate.

19 MS. POVERMAN: Is there any reason we should
20 not get the transportation study?

21 MR. HUSSEY: You mean the traffic study?

22 MS. POVERMAN: The traffic study, yeah.

23 MR. HUSSEY: Separate from the parking study.

24 MS. POVERMAN: Or if they're linked, yeah,

1 separate.

2 MR. HUSSEY: I just want to make sure that
3 we're asking the developer -- both parking study and --

4 MS. POVERMAN: Traffic study.

5 MR. HUSSEY: -- traffic and accident study of
6 Centre Street.

7 MS. POVERMAN: Yes.

8 MR. HUSSEY: Is that correct?

9 MR. GELLER: And you're looking for the
10 additional information. You have a traffic study.
11 You're looking for the additional information that was
12 missing from that report that it had been represented
13 would be provided.

14 MS. POVERMAN: Right. That was a one-page
15 report, which our specialist said was not -- did not
16 have the backup information that was required, so we're
17 asking for a full report according to the standards
18 that our peer reviewer said was acceptable.

19 MR. GELLER: Will you be able to provide that
20 as well? And if so, by what date?

21 MS. POVERMAN: Your father said they'd be able
22 to do that.

23 MR. ROTH: I sent the report to the traffic
24 engineer. I have not sat down and reviewed every point

1 of it. I will review it with them. They'll instruct
2 me in terms of what is the critical information. I
3 don't know what all the information is on that, whether
4 or not we have to do traffic studies on Beacon Street
5 or -- but, know you, the reality of this is that, you
6 know, the project has 18 parking spaces, right, and
7 there's already 11 or 12, 13 spaces in there on the
8 property right now. It's been that way for, I don't
9 know, a long time. So the add is real only six or
10 seven spaces on this site.

11 So, you know, whether or not this property is
12 going to have a dramatic impact on Centre Street is
13 very unlikely. And it even says in your own peer
14 reviewer's report that it would not.

15 So I'm not quite sure. I will look at the
16 report. I'll go over it with the traffic engineer, and
17 we'll up with what we think is important. If it's
18 crash studies or whatever else that he can easily get
19 his hands on, we'll be happy to supply that
20 information.

21 MR. CHIUMENTI: I think Kate's point, though,
22 is, all right, so you've got 17 spaces. But you're
23 going to cause there to be 30 or 40 cars, owners, of
24 people driving around in the neighborhood looking for

1 parking and doing whatever they have to do to get
2 parking.

3 MS. POVERMAN: And visitors.

4 MR. CHIUMENTI: Yeah. I mean --

5 MR. GEOFF ENGLER: Can I comment on that?
6 That's so speculative. I mean, I've been to a million
7 of these, Ms. Poverman, and your point relative to
8 people circling and looking -- that is not what traffic
9 engineers look at relative --

10 UNIDENTIFIED AUDIENCE MEMBER: Microphone,
11 please.

12 MR. GEOFF ENGLER: Unquestionably, the parking
13 demand analysis is critical and something that's going
14 to be provided.

15 But this other speculation that people are
16 going to be circling, looking for spots as a matter of
17 health and safety, you're not going to be able to find
18 a traffic engineer anywhere that's going to say that.
19 I've been -- read a million of these studies. I sit
20 through a gazillion of these hearings. That's not the
21 way traffic engineers analyze data. It's not the
22 standards that the ITE and other institutes do. It's
23 just not.

24 And we'll look at -- I wasn't privy to the

1 last information, and I understand that there were some
2 things that have been promised, and if they're
3 important, we will deliver those.

4 But to think that people -- people with three
5 cars are not going to be renting here, circling, trying
6 to find a spot. And to insinuate that that's going to
7 be a health and safety concern that's going to override
8 the need for affordable housing, I just respectfully
9 disagree.

10 MS. POVERMAN: Can I ask you a question?
11 Again, this is something I just don't know.

12 So if a retail -- if a store is put in
13 somewhere, is any sort of analysis done as to how much
14 traffic that's going to generate?

15 MR. GEOFF ENGLER: Relative to this project?

16 MS. POVERMAN: No, no, no. Just in general.
17 I'm just curious.

18 MR. GEOFF ENGLER: Within the context of 40B?

19 MS. POVERMAN: No. Just in general. I'm just
20 wondering if traffic analyses are done.

21 MR. GEOFF ENGLER: If I rented a storefront in
22 Brookline right now and I was putting in new commercial
23 space in that existing storefront, would I have to do a
24 traffic study?

1 I don't think so. I would have to meet the
2 zoning -- the underlying zoning that's required for a
3 commercial space.

4 I really don't -- I don't understand your
5 question, but --

6 MS. POVERMAN: I'm just wondering if there are
7 circumstances in which --

8 I mean, actually, Judi, do you have any
9 information about --

10 MS. BARRETT: Every town handles it
11 differently. You know, I've worked in communities
12 where there was sort of a size threshold. So, you
13 know, for a commercial -- a large retail building,
14 maybe there's a traffic study, but for a little one
15 there's not. So I think scale is part of the issue
16 here.

17 MR. GEOFF ENGLER: What does that have to do
18 with our application?

19 MS. BARRETT: No. I'm just answering her
20 question. I think what she's asking for is -- you
21 know, is there a need for a traffic study here that
22 addresses comments that you got from your peer review
23 consultant that apparently haven't been addressed.

24 And I think what you're saying is we'll take a

1 look at it, and you'll respond. And your response may
2 include providing the information the peer review
3 consultant said is needed, or it may be, we don't need
4 to do this. But at least there will be a response in
5 the record. And I think that's, you know ...

6 MR. GELLER: I want to focus on the parking
7 audit. I know you have not spoken to your experts, but
8 being mindful of the schedule, do you have a sense of
9 when you might be able to provide it?

10 MR. ROTH: You know, it's almost impossible to
11 commit to a time. You know, I've not had the greatest
12 luck with consultants delivering on time.

13 MR. GELLER: Present company excluded.

14 MR. ROTH: There's a lot of projects going on
15 right now, and it's sort of like, get them on it. So I
16 will push as much as I can and try to deliver on time.

17 MR. GELLER: Alison?

18 MS. STEINFELD: Our next is hearing is 9/27,
19 and there will still be time needed for peer review,
20 which could be by October 5th. We have 10 weeks as of
21 tonight before the hearing has to close.

22 MR. HUSSEY: Unless we ask for and get an
23 extension, right, from the developer for the time?

24 MS. STEINFELD: Be my guest.

1 MR. GEOFF ENGLER: I'm not going to comment on
2 that. But the parking demand -- I agree with my client
3 relative to time. I will say we're certainly sensitive
4 that it's critical and needs to be delivered ASAP.

5 And I would also indicate -- I think there are
6 some other things that are important and impactful that
7 we can do prior to the 27th as well. So I don't think
8 it's necessarily the parking demand or bust relative to
9 the 27th being -- and a meeting between now and then
10 being important. I won't go into specifics. I have
11 some ideas. But what I'm saying is it's not all or
12 nothing. I understand that the parking demand analysis
13 is critical. We will get it as soon as possible. What
14 I'm saying is I think we can have a valuable discussion
15 on the 27th and get closer to where you want to be.

16 MS. BARRETT: If that is not available by
17 then, would you be willing to grant an extension at
18 that point? Because they need the data. I mean, we're
19 not asking you for an extension tonight. We're saying
20 we acknowledge that it can be difficult to get
21 information from the consultants. You're not the first
22 proponent I've heard that from. So if you can't get
23 the information that they need, would you be willing to
24 grant an extension?

1 MR. ROTH: I've been asked many times on an
2 extension, and I'm not willing to give an extension.

3 MS. BARRETT: Even if you can't get the
4 information the board is asking for?

5 MR. ROTH: I will get the information, but it
6 may or may not be on time. I can't promise something
7 that, you know -- that I can't myself produce. If I
8 could produce it myself, I would make a commitment to
9 this board that you'd have it. But if I have to rely
10 on somebody, I cannot make that commitment.

11 MS. BARRETT: Understood, absolutely. But it
12 seems to me as though you're asking the board to live
13 within a timeline by not granting them an extension --

14 MR. ROTH: I think there's plenty of time. I
15 mean, we could come to the October meeting with it.

16 MR. GELLER: All due respect, I think you're
17 asking the board to take the risk on this, and I think
18 you know you're doing it.

19 MR. ROTH: You know, I think, at this point,
20 that we are working to an end on this. You know, I've
21 been pushed in many different directions. I've been
22 pushed on changing the building architecturally, I've
23 been pushed on changing the gross square footage on
24 this building, I've been pushed in a lot of different

1 directions, and I have so far delivered fairly timely.
2 You know, we've been acting very quickly. And, you
3 know, I will continue to deliver product and -- to this
4 board as requested and as timely as possible. And I
5 don't -- and if we wind up in November or December --
6 November that we need more time, then we will consider
7 it.

8 MR. GELLER: Well, let me suggest that the
9 board clearly is going to make decisions based on both
10 the information that it has as well as based on the
11 reality of the time frame as it exists. Okay? And you
12 can interpret that any way you want. Okay?

13 Any other comments or questions?

14 MS. POVERMAN: Does the good faith of the
15 participant figure in on 40B decisions?

16 MS. BARRETT: You can't impose conditions that
17 will make the project uneconomic. So you're going to
18 need, at some point very soon, to make a decision about
19 project changes that you want to them to make. If you
20 don't have the information that you need that might
21 mitigate the need for some changes, you're going to
22 have to make some decisions, and you'll go down the
23 pro forma path. I mean, that's your burden, is to not
24 impose conditions that make the project uneconomic. So

1 that's information that you need. You can't put that
2 off forever.

3 MR. GELLER: Okay. I want to thank everyone
4 for being here tonight. Our next hearing is
5 September 27th at 7:00 p.m. See you then.

6 (Proceedings adjourned at 9:29 p.m.)

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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
7 of my shorthand notes so taken.

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

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

13 Dated this 22nd day of September, 2016.

14 

15 Kristen Krakofsky, Notary Public

16 My commission expires November 3, 2017.

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