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Volume VIII  
Pages 1-184

Brookline Zoning Board of Appeals Hearing  
40 Centre Street Comprehensive Permit Application  
Roth Family, LLC  
Wednesday, October 26, 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.

15

16 Traffic Peer Reviewer:

17 James Fitzgerald, P.E., LEED AP, Director of

18 Transportation, Environmental Partners Group

19

20 Parking Peer Reviewer:

21 Arthur G. Stadig, P.E., Vice President, Walker

22 Parking Consultants

23

24

1 Urban Design Peer Reviewer:

2 Cliff J. Boehmer, AIA, President & Principal,  
3 Davis Square Architects

4

5 The Applicant:

6 Bob Roth, Roth Family, LLC

7 Bob Engler, President, SEB

8 John Harding, V AIA, LEED AP, Associate Principal  
9 CUBE 3 Studio

10 Daniel J. Mills, P.E., PTOE, Principal MDM  
11 Transportation Consultants, Inc.

12

13 Members of the public:

14 Derek Chiang, 41 Centre Street

15 Dan Hill, Esquire

16 Chuck Schwartz, 69 Centre Street

17 Margery Resnick, 19 Shailer Street

18 Linda Schwartz, 69 Centre Street

19 Steven Ault, 19 Shailer Street

20 Karen, Babcock Street

21 Rich Simonelli, Unit 809, 19 Winchester Street

22 Harriet Rosenstein, 53 Centre Street

23 Don McNamara, 12 Wellman Street

24

1 PROCEEDINGS:

2 7:03 p.m.

3 MR. GELLER: Good evening, everyone. This  
4 is the continued hearing on 40 Centre Street. This  
5 is a 40B proceeding. My name is Jesse Geller. To my  
6 immediate left is Christopher Hussey, to Mr. Hussey's  
7 left is Steve Chiumenti, to my right is Kate  
8 Poverman.

9 Tonight's hearing is being both videotaped,  
10 live on Brookline Cable, I understand, and we also  
11 have a transcription for the record. As I mentioned  
12 before, the transcripts are available at the town's  
13 website online under 40 Centre Street. Is that  
14 correct?

15 MS. MORELLI: Yes, it is.

16 MR. GELLER: And we have the transcript  
17 from the last hearing? Is that posted?

18 MS. MORELLI: It is posted.

19 MR. GELLER: It is posted, so people can  
20 certainly go there and they will find both  
21 transcripts as well as other materials pertinent to  
22 this matter.

23 Tonight's hearing is going to be, my  
24 understanding is, dedicated to, one, the applicant

1 will provide us with an update on the plans for the  
2 project. I understand that there is some iterative  
3 changes based on meetings that have been going on.

4           Secondly, we will hear the applicant's new  
5 traffic consultant's presentation.

6           We will then hear peer review from the  
7 ZBA's peer reviewer, Jim Fitzgerald, who is our  
8 traffic and -- can I call you parking, or do you want  
9 to sub that out?

10           MR. FITZGERALD: I'm transportation and  
11 traffic. He's parking.

12           MR. GELLER: Okay. And Cliff is hiding  
13 over in the corner, who is our design peer reviewer.  
14 He will also present his final presentation this  
15 evening.

16           Hopefully, time allowing, we will have an  
17 opportunity to give the public an opportunity to  
18 offer more testimony. As I've cautioned in the past,  
19 what I would ask you to do is keep in mind that the  
20 testimony that we want -- we've heard a lot of it.  
21 What we want to hear about are things that are  
22 introduced at this specific hearing.

23           If somebody happens, by some odd  
24 circumstance, to say the exact same thing that

1 occurred to you, point at them and tell us that you  
2 agree with them, but we don't need to hear it over  
3 and over again. We understand.

4 We obviously do want to hear any new  
5 testimony that's pertinent to this evening's topics,  
6 so you're welcome to give them. We would ask that if  
7 you do want to offer your testimony, you speak into  
8 the microphone. Start by giving us your name, your  
9 address. I'm sure by now you know the whole drill.

10 I want to call on the applicant -- any  
11 other administrative details, Maria?

12 MS. MORELLI: No.

13 Excuse me, Chairman Geller. Judi Barrett,  
14 the ZBA's 40B consultant, has also prepared a memo on  
15 pro forma: the triggers, process, and risks, and she  
16 can also present that whenever you think it's  
17 appropriate.

18 MR. GELLER: Okay. I'll ask the impaneled  
19 whether they feel that that presentation at this time  
20 is helpful.

21 MS. POVERMAN: Yes. I think it would be  
22 helpful to the population in general.

23 MR. CHIUMENTI: Well, I haven't read it  
24 carefully, but --

1 MR. GELLER: Right. That's my issue, too.

2 Okay. Thank you.

3 MR. ENGLER: Good evening. Bob Engler of  
4 SEB for the applicant. We're starting with John  
5 Harding of CUBE 3 to explain what we've made changes  
6 on.

7 Oh, we're not going to do the traffic -- we  
8 were going to do the traffic first. Do you mind  
9 which order we take things in?

10 MR. GELLER: Anybody here care?

11 I mean, there's a certain logic otherwise,  
12 but I assume it's because your architect isn't here  
13 yet?

14 MR. ROTH: No, the architect is here. I  
15 thought we'd take care of more of the technical  
16 issues first and then we go and do the building.

17 MR. HUSSEY: I think that's fine.

18 MR. GELLER: It's fine with me. It's fine  
19 with Mr. Hussey.

20 Mr. Chiumenti, do you have any issues?

21 MR. CHIUMENTI: No.

22 MR. ENGLER: Okay. So we'll have our  
23 consultant from MDM, our traffic consultant talk  
24 about -- Dan will talk about it.

1 MR. MILLS: Good evening. For the record,  
2 my name is Daniel Mills. I'm a principal traffic  
3 engineer with MDM Transportation Consultants. We've  
4 been retained by the applicant to provide a traffic  
5 and parking assessment of the project to address some  
6 of the concerns from your peer review consultant and  
7 some prior comments from the board.

8 Tonight I'm going to present some of the  
9 alternative transportation that's available for the  
10 area to help reduce the vehicle traffic from this  
11 project, so travel mode statistics from three  
12 sources, an update of the traffic trip generation for  
13 the project. It's been reduced from 45 units to 40  
14 units.

15 In addition, we've conducted some traffic  
16 counts for Centre Street at the site driveway and  
17 Centre Street East parking lot. I'll present  
18 those -- that data and discuss some of the -- those  
19 volumes.

20 In addition, we've projected the parking  
21 demand for the site, the amount of vehicles we would  
22 expect to be parked at the site at peak periods, and  
23 that's been based on three pieces of data as well.

24 So I know many of you are familiar with the

1 site. Just from a traffic perspective, Beacon  
2 Street, Harvard Street, and Winchester Street,  
3 paralleling Centre Street. The site is obviously on  
4 Centre Street opposite the Centre Street East  
5 garage -- parking lot, pardon me.

6           We've prepared this slide to just  
7 demonstrate the opportunities for alternative modes  
8 of transportation. There's a number of them here.  
9 Obviously, number one is the Green Line which stops  
10 at Coolidge Corner and Summit. To the west we also  
11 have a bus line, MBTA bus line, Route 66, traveling  
12 on Harvard Street. We've identified on here a number  
13 of the other alternative modes of transportation,  
14 including a Hub facility just a short walk from the  
15 project site. It has approximately 19 bicycles there  
16 that can be rented out.

17           We also have some Zipcar locations for --  
18 literally next door to the project site and a few  
19 other ones scattered around the area as well, so a  
20 number of other opportunities to travel to and from  
21 the site besides a personal vehicle.

22           The data that I'm presenting in the next  
23 few slides involves U.S. Census American Community  
24 Survey statistics. It's for tract 4004, which is

1 highlighted here on the town map, and the project  
2 site is in this area of that tract. The tract is  
3 representative of the project site. The data  
4 involves all sorts of -- the survey information  
5 provides a lot of characteristics of the residents  
6 that live in this area of the town.

7           One of the more important pieces of  
8 information, how people go to -- travel to and from  
9 work. And this information came from that tract  
10 survey that identifies that approximately -- less  
11 than 50 percent of the people travel to and from work  
12 in a single-occupant vehicle. The other half or so  
13 use alternative modes of transportation, generally  
14 the items that I pointed to in the previous slide:  
15 the Green Line, the MBTA bus line, they walk to their  
16 place of business, all other sorts of -- take a bike.  
17 So this information is from that tract.

18           Just to update the traffic generation for  
19 the project, because it has been reduced in size, we  
20 relied on the Institute of Transportation and  
21 Engineer's Trip Generation Manual. It's an industry  
22 standard piece of information, a data set that we use  
23 to identify -- amount of traffic that could be  
24 generated by a whole host of land uses. For this

1 particular project, we obviously choose an  
2 apartment-style residential land use. Those numbers  
3 that come from that manual generally do not reflect  
4 alternative travel modes because we've got a  
5 significant amount of -- we are taking a reduction --  
6 a mode-share reduction of about 50 percent for the  
7 site.

8           It's categorized from the weekend morning  
9 peak hour and weekend evening peak hour. We chose  
10 these periods because this is when the roadway is  
11 generally at its most congested point because of  
12 commuter traffic; generally during the morning  
13 sometime between 7:00 and 9:00 a.m. and again in the  
14 evening sometime between 4:00 to 6:00 p.m. So for  
15 one hour, we estimate a -- taking the mode-share  
16 reduction into account, we estimate approximately 10  
17 vehicle trips to or from the site.

18           In the morning, we generally see traffic  
19 coming out of the site, just because people generally  
20 go to work in the morning, so we would see a little  
21 bit more traffic coming out of the site. In this  
22 case 8 versus the 2 vehicle trips that will be  
23 entering for a total of 10.

24           I'll get to the evening peak hour in one

1 moment, but I just wanted to show this network that  
2 we have developed just to show you what the -- how  
3 those compare to the actual traffic volume on Centre  
4 Street itself.

5           So if you use a sketch, Centre East  
6 garage/parking lot would be over to the right side of  
7 this figure, and the site traveling to the left of  
8 Centre Street, traveling north and south. If you  
9 split those 8 exiting trips up, you would see about  
10 4 -- you expect to see about 4 trips turning left  
11 onto Centre Street and approximately 4 turning right.

12           We came up with this distribution because  
13 you can see that the through traffic coming up and  
14 down Centre Street, about 140 or 70 trips or so, and  
15 then another 30 trips. They're not equal but they're  
16 approximately equal. They're 50/50 from one other  
17 another. So for this exercise, just identify the  
18 trip distribution on Centre Street to be  
19 approximately 50 to the north and 50 to the south.

20           If you go to the evening peak hour, we have  
21 run a similar exercise. Trip generation is  
22 approximately 12 in total trips, broken out to about  
23 8 entering. In the evening we generally see return  
24 trips coming back to their home, the residents, and

1 less exiting.

2           Then we move along. We look at the p.m.  
3 peak hour. Generally, we see these 4 trips coming  
4 back into the site and 4 trips leaving. The  
5 magnitude of the trips is very low. It's really a  
6 handful of trips that would be coming to and from the  
7 site during the busiest -- quote, busiest time of the  
8 day. You can see that even with -- the volume on  
9 Centre Street itself is quite low with only about  
10 100, 150 cars per direction.

11           I indicated that we looked at three pieces  
12 of data to identify what the peak parking demand  
13 could be at the site. It's not -- we looked at the  
14 Census tract, the American Community Survey  
15 information. We also relied on the industry's ITE  
16 Parking Generation handbook, and we were able to  
17 identify -- the town conducted a study in 2012  
18 identifying the general parking or automobile  
19 ownership for rental units, and these were broken out  
20 by unit type where the other two do not break it out  
21 by unit type. It's just based on units in general.  
22 The town survey did break it into unit type.

23           So if we start at the top, we just look at  
24 what the American Community Survey reveals to us

1 regarding vehicle ownership data for this tract. For  
2 rental units, we looked at about a .45  
3 vehicle-per-unit ratio. We applied that to the 40  
4 units proposed. We estimated the parking demand is  
5 approximately 18 vehicles.

6           We looked at the ITE parking generation,  
7 adjusting for mode share because approximately  
8 50 percent of the people are traveling to and from  
9 work without a vehicle. We adjusted the parking  
10 demand rate for that. Approximately .58 vehicles  
11 per -- parked vehicles per unit translates to  
12 approximately 23 parked vehicles.

13           The town survey information, we calculate  
14 the number of bedrooms that are being proposed for --  
15 number of units, I should say, for studio, bedroom,  
16 two-bedroom, etc. It equates to approximately a  
17 27-space parking demand for the project.

18           So it's not a specific science. With the  
19 information that we have available to us and applying  
20 it to this project, we see a demand of approximately  
21 18 to 27 spaces. The project is proposing  
22 approximately 21 spaces on-site, so in theory there  
23 could be a deficit of six spaces. It's my  
24 understanding that there are several private lots in

1 the area that have some spaces for lease, and also  
2 the Marriott Courtyard has -- within walking  
3 distance -- has some additional spaces that can be  
4 leased as well.

5 Just to summarize real quickly what the  
6 findings are here, the majority of folks are going to  
7 and from work without using a car. We expect  
8 approximately 12 vehicle trips or less during the  
9 peak commuter periods.

10 One thing I don't have a slide for, but we  
11 did receive information from the Brookline Police  
12 Department, was that there is -- over the course of  
13 the past three years, there's been one accident per  
14 year along the block from Beacon Street to Wellman  
15 Street.

16 We did conduct some intersection capacity  
17 analyses. It was based on the Highway Capacity  
18 Manual, and it indicates that -- we looked at the  
19 lane arrangement, the traffic control, the volumes.  
20 The intersection is to operate at approximately level  
21 of service B or better. It's a grading system from  
22 level of service A to F; A being very favorable, F  
23 being not so favorable. In this case we have a  
24 favorable grade that's a level of service B.

1           Again, just to summarize, the statistics  
2 that we used for those three pieces of data that we  
3 have indicates a peak parking demand of 18 to 27  
4 vehicles for a 40-unit development. And again, we  
5 understand that there are some area private lots that  
6 have opportunities to park for the residents if the  
7 demand dictates as such.

8           I'll take some questions now, or we can  
9 move on to Mr. Harding.

10           MR. GELLER: Questions?

11           MS. BARRETT: Did you look at the  
12 percentage of households with at least one vehicle or  
13 more in Brookline?

14           MR. MILLS: Well, the Census tract does  
15 break it out to housing units with no vehicles, with  
16 one vehicle, two vehicles, or three or more vehicles.

17           MS. BARRETT: Right. Did you look at that  
18 to try to determine what the demand might be for the  
19 renter occupants of the project?

20           MR. MILLS: Yes, that's what we did.

21           MS. BARRETT: What did you find?

22           MR. MILLS: That information indicated  
23 there should be approximately 18 parked vehicles at  
24 the site.

1 MS. POVERMAN: Wasn't that the one that  
2 determined that there should be 27? Could you go  
3 back to that slide?

4 MS. BARRETT: I think you're looking at  
5 trips. I'm asking about household vehicles. I think  
6 it's a different measure, but ...

7 MR. MILLS: So this is --

8 MS. POVERMAN: The 2012 survey, rental  
9 units, on the bottom.

10 MR. MILLS: 2012 survey?

11 MS. POVERMAN: 27 cars --

12 MR. MILLS: 27 parked vehicles, yes. So if  
13 we look at -- we apply 16 units at a .36 ratio, the  
14 demand of six spaces.

15 MS. BARRETT: Okay. I want to be clear  
16 which tables we're looking at.

17 MR. GELLER: Let me ask you a quick  
18 question. Just speak to your selection of  
19 intersections that you studied.

20 MR. MILLS: So we looked back at the trip  
21 generation. We identified that there's a fairly low  
22 number of trips that could be expected to come out of  
23 the driveway. And with our analysis that we would  
24 see 50 percent going to the north and 50 percent to

1 the south, we're talking two to four trips being  
2 applied to either intersection on either side of the  
3 street. The Centre Street -- the volume on Centre  
4 Street could fluctuate 10 percent during the day, and  
5 that two to four trips is certainly within that  
6 10 percent during the day.

7           We don't see any measurable effect for the  
8 intersection of the site driveway with the parking  
9 lot or intersections on either side or beyond. As  
10 you get further away from the site, you have less and  
11 less trips. And very quickly, as soon as you leave  
12 the site you're splitting the number of trips in  
13 half, so we don't see a justification for any  
14 additional intersections to be evaluated for this  
15 particular project.

16           MR. GELLER: Okay. Thank you.

17           MR. HARDING: Thank you for having me. My  
18 name is John Harding for CUBE 3 Studio, the  
19 architects, standing in for Peter Bartash tonight who  
20 is away on vacation.

21           So as I've gotten brought back up to speed  
22 on this project -- I've been involved since the  
23 beginning and I have done analysis of the site and  
24 been assisting Peter throughout the process -- I

1 understand that where we are right now, we've met  
2 with the peer reviewer, Davis Square Architects, and  
3 worked through a couple of the comments and concerns  
4 they had had of the project, mostly regarding the  
5 aesthetics of the building and the massing. And so  
6 we've made adjustments to the building since the last  
7 time it was presented to the ZBA to accommodate some  
8 of the comments. And there's also a few slight plan  
9 adjustments that have been made as well to make that  
10 work. So I'm going to kind of try to keep the brief  
11 and hit upon some of the highlights from those  
12 conversations.

13           So within the ground floor plan, the --  
14 kind of core to the top right here slid back to the  
15 left -- plan left here -- to make some adjustments  
16 further up in the building. What that has done is  
17 it's shrunk the main trash room in a little bit, the  
18 stair elongated slightly at this level, the lobby got  
19 a little bit larger, but no major impacts to the  
20 parking level.

21           One of the other comments was regarding the  
22 quantity of handicap parking spaces. So our project  
23 is proposed to be in compliance with the MAAB, which  
24 requires one handicap space. But what we've done is

1 we've reallocated the striped area between two spaces  
2 so if there's -- there's two Group 2 accessible units  
3 that will be part of this project. If there was to  
4 be somebody else who moved into the project that  
5 needed a handicap accessible space, there's another  
6 space adjacent to the striped area that they could  
7 use for that -- for that use. But it wouldn't be  
8 striped that way Day 1. Other than that, there's no  
9 major changes to the plan at this location at this  
10 time.

11 Or actually I'll take that back for one  
12 second. And you'll see this more in the  
13 perspectives, but we've incorporated the transformer  
14 and walled it in to be part of the massing of the  
15 building, so you can't see the transformer directly  
16 from the street level. It's not going to be in your  
17 face as a pedestrian is walking on the site.

18 Moving up through the building, the mix has  
19 changed slightly to work with the 40 units. And the  
20 mix is studios, one-beds, one-bed plus den, two-beds,  
21 and three-beds in the current presentation -- or the  
22 current submitted package. I won't get into all the  
23 details of that.

24 You can see the roof below for the -- for

1 where the transformer is and the entrance that sticks  
2 out of the building, and you'll see that better in  
3 the images.

4 Third and fourth floor plan, fifth floor  
5 plan. So here is the level that caused the shift in  
6 the elevators and the stairs. We previously had a  
7 balcony that existed only on this one end in front of  
8 this common space at the fifth-floor level. And your  
9 comment was, to work better with the massing, to  
10 extend that balcony all the way across the front of  
11 the building. So we pushed back, a little bit, this  
12 top floor, which had a knockdown effect on the  
13 floors. No major changes related to the plans as a  
14 result.

15 The sixth floor plan is just showing the  
16 building as it goes through to the roof with the  
17 condensers, down the middle of the building, not very  
18 visible from any major spots.

19 And then just working through some of the  
20 aesthetics of the project, you can see the -- where  
21 we've -- we've worked with Cliff from Davis Square to  
22 work on trim treatments at the upper floor, the  
23 cornice line, extending the balcony all the way  
24 across the front, trying to work through the

1 proportions to make sure that this brick face along  
2 Centre Street feels in proportion with a lot of the  
3 historic buildings along that street now, making sure  
4 it fits in to scale, stepping back the two floors  
5 here, and then working -- as you work around the  
6 building, some trim details, some more expressive,  
7 some less expressive. We worked with colors, getting  
8 rid -- we had a -- kind of a two-toned gray -- a  
9 light gray/dark gray tone before. We've eliminated  
10 that to all one, although it looks kind of strange  
11 here. But it's one gray color. You can see that in  
12 the elevations in a second.

13           Down here at the ground floor, the  
14 transformer is hidden behind a brick wall that  
15 matches the rest of the masonry in that area, working  
16 with banding on that fifth level here above the  
17 ground floor, and taking the brick base all the way  
18 around the building. You'll see that against the  
19 elevations in a second.

20           To really kind of ground the building, we  
21 have a very strong base, middle, top as we work  
22 around the building.

23           At the ground floor, showing you how the  
24 garage is tucked underneath. You drive down a slight

1 ramp into the garage space, and that is, as we talked  
2 about previously, to get the head height needed to  
3 put the stackers in to try to increase our parking  
4 load in the -- within the garage. You can see the  
5 main entrance here and the glass vestibule on Centre  
6 Street.

7           Again, another view just from the other  
8 side showing you the masonry wall where the  
9 transformer is, landscaping buffer in front, and  
10 trying to work with a nice, more traditional  
11 aesthetic than what was previously presented.

12           So just as we walk around the building, the  
13 elevation facing Centre Street, you see the  
14 continuous balcony, the more increased trim at the  
15 top of the brick. We've raised that parapet to try  
16 to make sure the proportions felt better. One of  
17 Cliff's comments in the peer review was that he felt  
18 the top was a little too top-heavy, so we tried to  
19 create a balance there without completely blocking  
20 the windows at that upper level. We think it's  
21 working well at this point, and I'm happy to hear any  
22 comments on that.

23           As you move around to the right from the  
24 main entrance, so Centre Street is here on the left,

1 the major changes on this side is we got rid of the  
2 two-tone. It used to be split at this trim band  
3 here. We also eliminated all the balconies that were  
4 on the fifth and sixth floors. All of these comments  
5 are in the peer review letter dated yesterday saying  
6 he finds these as acceptable.

7 Working around the back, you can see we  
8 continued the brick base all the way around the back.  
9 We've reduced the size of the windows in the stairs,  
10 keeping the gray color consistent all the way around.  
11 Similar to the second elevation that I showed you,  
12 we've eliminated the balconies and kept the colors  
13 consistent, working with the trim bands, trying to  
14 create a nice mass at the front of the site  
15 responding to the neighborhood.

16 Lastly -- and I can run through this  
17 relatively quickly -- we've updated our shadow study.  
18 The major changes here is that we've brought the  
19 parapet height down at the top of the building about  
20 a foot and a half, and we've also stepped the  
21 building back from Centre Street from the last shadow  
22 study that was presented. And so we've updated this.  
23 There's not any major impacts. It's just that the  
24 shadows are a little bit shorter in each direction.

1 So the major impacts are in the morning time when you  
2 have shadows moving to -- as you can see here, moving  
3 to the adjacent properties.

4           So March 21st, the spring equinox, at noon,  
5 in the evening -- or the afternoon and in the  
6 evening. The red shows the shadows that will be cast  
7 by our building in addition to the shadows that exist  
8 there today. In the summer: morning, afternoon,  
9 mid-afternoon, and evening. In the fall: in the  
10 morning, at noon, mid-afternoon, evening. And then  
11 in the winter you can see this only actually affects  
12 the morning time. By mid-afternoon we're to the  
13 shadows that already exist.

14           At this time, I can open it up for any  
15 questions.

16           MR. HUSSEY: Could you go back to the first  
17 floor plan that shows the parking? I think -- I can  
18 just barely make it out, but I think you've got some  
19 stackers spaces?

20           MR. HARDING: Yeah. So right now we're  
21 proposing these middle bays here. It consists of two  
22 sets of stackers adjacent to a set of compact spaces.

23           MR. HUSSEY: So that's a total of --

24           MR. HARDING: 21 parking spaces.

1 MR. HUSSEY: 21 parking spaces.

2 MR. HARDING: And those stackers -- I know  
3 there's a comment in the parking memo that came out  
4 this afternoon about the usability of those stackers.  
5 They work off of a touch pad. The residents that  
6 have those spaces would be trained to use the touch  
7 pad and to have that -- the car be -- it wouldn't  
8 require anybody to come and take their car out for  
9 them. We're putting these in other projects  
10 currently, one right now under construction in  
11 Brighton, and it's a user-friendly system that they  
12 can be trained in. It's not complicated.

13 MR. CHIUMENTI: Now, if there are two cars  
14 because there's a stacker and everybody has not more  
15 than one car, isn't someone whose car is on top going  
16 to have to move the car underneath?

17 MR. HARDING: So there's a couple different  
18 variations on how the stackers work. There's some  
19 where you'll press a keypad and it's attached to this  
20 column setting and the car will -- the upper car will  
21 come out and swing down to be placed on the ground  
22 for you to take it and move it off.

23 There's another one that works where all  
24 three of these spaces would house five cars, so the

1 same count that we have here today. And you press a  
2 keypad and it moves the cars around.

3 MR. CHIUMENTI: Like a dry cleaner's?

4 MR. HARDING: Yes, like a dry cleaner's.

5 And then you would just go and get into your car in  
6 the spot that it put it down at grade and drive it  
7 out.

8 So we don't know exactly which stacker  
9 we'll use. We need to keep that open as we go  
10 further. But that would be the intention, is that  
11 we'd have one of those types.

12 MR. CHIUMENTI: Well, unless someone's  
13 going to drive somebody else's car, you're going to  
14 need to use one of the more complex --

15 MR. HARDING: Right. Those two types are  
16 the ones that are made for buildings like this where  
17 you'd have different users, different owners on all  
18 different levels, and so it moves your car down to a  
19 point where you can get in and not affect any of the  
20 cars.

21 MR. GELLER: Questions?

22 MS. POVERMAN: So sticking with that first  
23 floor, it looks like the second spot that is next to  
24 the handicap spot, next to that, it looks like it's

1 compact -- or it says "compact." Are any handicap  
2 accessible spaces actually allowed to be compact?

3 MR. HARDING: So that's not the handicap  
4 accessible space right now. The difference there is  
5 that the handicap space is 8 feet wide, and that  
6 space is 7-6. If we had to shrink the trash room a  
7 little bit more, we probably could make that work at  
8 8 feet and just make it a larger compact space to  
9 accommodate that future handicap space. That  
10 wouldn't be a problem.

11 MR. CHIUMENTI: How many apartments are on  
12 the sixth-floor level?

13 MR. HARDING: There's nine.

14 MR. CHIUMENTI: Nine?

15 MR. HARDING: Correct.

16 MS. POVERMAN: My recollection is that  
17 there was a brick facade going around the building in  
18 the pervious iterations and that that met with  
19 approval. Am I misremembering that?

20 MR. HARDING: I'm sorry?

21 MS. POVERMAN: I thought -- if you could go  
22 back to the elevations.

23 MR. CHIUMENTI: I thought they had, like,  
24 red cementitious board or something around and not

1 red brick, actually.

2 MS. POVERMAN: Yeah. I thought it had gone  
3 all the way around.

4 MR. CHIUMENTI: It was red, but it wasn't  
5 brick.

6 MR. HARDING: There were some bright red  
7 panels in the previous iteration, but this -- the  
8 amount of brick that you see here is the most that  
9 we've shown.

10 MS. POVERMAN: Okay. Well, I guess the  
11 colors are incidental at this point.

12 Had more thought been given to -- go to the  
13 western elevation, please, the one facing  
14 19 Winchester. Has some thought been given on how to  
15 make that a little more interesting?

16 MR. HARDING: So we tried to keep the same  
17 language around the building. It's difficult because  
18 what you see here is this element is a stair and  
19 we're trying not to create too many windows facing  
20 that. I know that that was a comment from some of  
21 the previous public hearings, so we've been trying to  
22 make this as aesthetically pleasing as possible  
23 without creating too many onlookers back onto the  
24 pool back there. So it's a tough balancing game, but

1 trying to keep the language consistent is really  
2 the --

3 MS. POVERMAN: It's a push/pull thing here,  
4 and you may hear some comments tonight. I think  
5 while privacy is very important, obviously, I have  
6 heard expressions from the neighbors that it's also  
7 important to have as attractive a building as  
8 possible to be facing them. So I think that actually  
9 echoing and making compatible -- that's not the right  
10 word you used -- this part of the building with the  
11 rest of it would actually involve something a little  
12 more complex. But why don't we see if we hear  
13 anything that clarifies that for you.

14 Has the parapet height been changed in any  
15 way?

16 MR. HARDING: It was previously reduced.  
17 We're nearing practically at roof level, so we can't  
18 really come down too much lower.

19 MS. POVERMAN: No. But this iteration, has  
20 it changed from the last iteration?

21 MR. HARDING: Sorry. No, it has not. The  
22 shadow study is updated to reflect the previous  
23 iteration that had reduced it to 1 foot 8 inches or  
24 whatever that number was. I don't remember. I can

1 look it up. It's actually here in Davis Square.

2 MS. POVERMAN: That's all I have for now.  
3 That's fine. That was my question.

4 MR. HARDING: Nothing has changed. The one  
5 difference there was that we raised this parapet edge  
6 here along Centre Street, again, to try to -- to  
7 increase the mass and get a better balance between  
8 the base and the top floors in conjunction with our  
9 conversations with Davis Square Architects, trying to  
10 get a better balance. That's the one parapet that  
11 hasn't changed.

12 MS. POVERMAN: Let me ask one final  
13 question. I notice that there are more actual units  
14 on the sixth floor, but is the actual net square  
15 footage of residential living space any different  
16 from the sixth floor to the fifth floor, for example?

17 MR. HARDING: Because the fifth has a  
18 common area -- you can see the fifth floor has this  
19 common space here that accesses the balcony, so there  
20 is more net rentable square footage on the sixth  
21 floor. We take over that space with the  
22 three-bedroom that's there.

23 MS. POVERMAN: So one through four, for  
24 example, it would be -- there's no balcony?

1 MR. HARDING: Right. One through four has  
2 a bigger footprint, so that's larger than the sixth  
3 floor. The fifth floor would be the smallest amount  
4 of net rentable square footage.

5 MR. CHIUMENTI: While we're here, do you  
6 know what the apartment mix is on the sixth floor?

7 MR. HARDING: There are 5 studios, 1  
8 one-bed, 1 one-bed with a den, 1 two-bed, and 1  
9 three-bed.

10 MR. GELLER: Mr. Chiumentti, any questions?

11 MR. CHIUMENTI: No.

12 MR. GELLER: Mr. Hussey?

13 MR. HUSSEY: No, I don't think so.

14 MR. GELLER: Okay. I don't have anything  
15 at this moment. Thank you.

16 Is there anything else from the applicant?

17 MR. ENGLER: No.

18 MR. GELLER: Okay. Thank you.

19 Kate correctly comments that much of these  
20 materials were given to us approximately two to three  
21 hours ago, so that obviously that's a pretty short  
22 period of time for us to digest them, and therefore  
23 we reserve our right to raise questions at a future  
24 hearing.

1 MR. ENGLER: Our material or the peer  
2 reviewer's?

3 MR. GELLER: All of it.

4 MR. ROTH: That's not our fault.

5 MR. GELLER: I'm not casting blame. I'm  
6 simply making the point that our ability to digest  
7 information --

8 MR. ROTH: All right.

9 MR. BOEHMER: I'm Cliff Boehmer, the urban  
10 design peer reviewer. And I know you think I already  
11 gave my final report. This is the revised final  
12 report. And so I'm -- what I'll do is -- to make  
13 that report that you just saw, I think, today with  
14 the red letter part that is the final, final  
15 report -- or at least a revised final report -- I  
16 don't intend to read all the way through that. That  
17 would drive you crazy. So I'm going really to focus  
18 on the things that have changed, so I'm going to  
19 weave in a little bit of history just so we all  
20 remember where we were. In fact, there have been  
21 four sets of drawings that all of us have reviewed  
22 and a number of working sessions where we were  
23 working with the design team.

24 You'll notice in the report itself that I

1 wrote there are a number of places that say "no new  
2 comments." I would only focus tonight on the no new  
3 comments that are still, in my mind, kind of open  
4 issues -- still open issues. There's no new comments  
5 that apply to things like my review of the  
6 neighborhood. The neighborhood hasn't changed since  
7 I started, so I'm not going to revisit that. But I  
8 will try to point out all of the no new comments that  
9 actually mean, in my mind, they're still open issues  
10 that haven't been closed from previous iterations.

11 I do want to point out a really important  
12 thing from the slides that John Harding projected.  
13 The proportions were off of those. You probably  
14 noticed. You'll see the building in those slides was  
15 compressed and looked taller than it actually is.  
16 I'm not sure why, but these images which I got --  
17 these are the images that were produced by CUBE 3.  
18 These are the correct proportions, these images that  
19 I'm showing. I'm quite sure of that. So you'll see  
20 the building looks broader and not as tall. The  
21 images that John showed were actually compressed left  
22 to right, which --

23 MR. GELLER: But their dimensions aren't  
24 for increased size.

1 MR. BOEHMER: The dimensions were exactly  
2 the same, but the way that you saw the building was  
3 quite different. I just want to point that out.  
4 It's making your building look actually taller than  
5 it is, and that's an important point. So if you need  
6 clarification, then you should rely on the paper  
7 drawings that you have.

8 So I'm going to quickly -- I'm going to run  
9 through the same slides and just point to things that  
10 I think are still open issues that will allow me to  
11 go even quicker through the written report. Okay?  
12 Because I have, as I said, reviewed four sets of  
13 drawings, and there has been a lot of change since  
14 then. There have been some really important changes.

15 John correctly pointed out that most of my  
16 comments have had to do with the aesthetics of the  
17 building, the fit of the building in the  
18 neighborhood, and how that's really been my major  
19 focus is that experience of the building.

20 But I'll just start quickly and show you  
21 some of the things that have changed or that are  
22 still outstanding issues I've commented on in the  
23 past. One is this area here, and I think the  
24 developer was receptive to that in our last working

1 session, which was changing the paving. All of this  
2 part of that driveway is all from the outside. It's  
3 actually an open space. My suggestion was improving  
4 the paving there so it would feel more patio-like,  
5 rather than driveway-like, a very small change.

6 The infiltration system has been moved.  
7 That was, I think, two generations of drawings ago.

8 As far as -- once we start moving up the  
9 building, I'll make a comment a little bit later on  
10 about the balconies.

11 This area here, the team, the design team  
12 did take to heart some of the comments that I had  
13 made about the more effective -- I think a more  
14 effective use of the setback going all the way across  
15 the building, and they did do that, and I think it  
16 does work better, that, combined with some  
17 redistribution of the trim on the building.

18 You maybe recall from generations -- I  
19 think it was two generations back, this indentation  
20 on those plans was smaller than it is now. It's now  
21 3 feet. It was 1 foot going back several  
22 generations. So that's all good.

23 The comment I made that is kind of still an  
24 outstanding issue in my mind is that the dimension of

1 the balcony, it's only 4 feet at this point, so it's  
2 kind of marginally habitable, and it's not clear from  
3 the drawings if there actually is access out onto  
4 that balcony. So my comment on that is I would still  
5 hold that under consideration. I think if it's  
6 really going to be a habitable balcony, I think  
7 4 feet is probably a little skinny for that. And I  
8 think also, if it improved somewhat -- I don't hold  
9 this as the highest importance, but a setback of  
10 something more like 5 or 6 feet would be more  
11 effective from the ground level, from a purely  
12 aesthetic level as well. But they did listen very  
13 carefully to the notion of achieving a better  
14 horizontal reading of the building by carrying that  
15 all the way across.

16           No other changes since the last couple  
17 generations as far as these dimensions or setbacks.  
18 That has stayed the same. Nothing to comment on  
19 that.

20           This is probably where they -- I'll point  
21 out -- actually, I'm going to go to the comparison of  
22 those two, but let me point out here, for example,  
23 this is what I'm talking about. The proportions and  
24 the images that John projected were significantly

1 different. The building appeared to be about that  
2 wide and about that tall. It was squished for  
3 reasons that aren't clear to me.

4           Actually, I'll start here. Some of the  
5 changes that did happen since the last working  
6 session and the last drawings that you saw, I think,  
7 on the 27th of last month: They redistributed the  
8 trim on the buildings. Before -- this still is a  
9 two-story attic level in the building, but it was  
10 capped with very heavy trim up there so your eyes  
11 really went right up to the highest part of the  
12 building, which really was kind of working against  
13 what they were really trying to do. What they wanted  
14 to do was make a stronger element across at the lower  
15 level which would read very strongly from the street.  
16 So that is a -- I think a big improvement.

17           This is the setback that goes all the way  
18 across. I make a minor point in the report about  
19 still not quite believing in the glass railing  
20 system. I know why they did it. I think they did  
21 it, you know, both for a more contemporary look but  
22 also some transparency from those windows. Just as  
23 the -- improving the dimension of this lower piece to  
24 help those proportions to make it look less

1 top-heavy, just as raising the parapet in that zone  
2 that they already did helped, by a different kind of  
3 railing system you could improve that even more. At  
4 this point, I consider that to be not a major issue.  
5 I'd call that a minor issue. But I'm just trying to  
6 be thorough, I guess.

7           There is still a 2-foot parapet. I think  
8 it is 2 foot up at this level. Other ideas about how  
9 to mitigate the kind of top-heavy feeling of the  
10 building is also use colors that recede as opposed to  
11 pop out. You know, generally it's darker colors.  
12 But again, we're at the point of some things that I  
13 consider to be fairly minor issues.

14           From the previous presentation I gave, they  
15 did carry the brick all the way around. There was a  
16 generation of drawings. I think it was the last  
17 generation of drawings that you saw where the brick  
18 at the base actually didn't go all the way around the  
19 building. It does now. So the base has been  
20 continued.

21           Other things they've done to the  
22 elevations: I think the most important is getting  
23 rid of the balconies. You probably remember from the  
24 last presentation there were tacked on -- what

1 appeared to be -- not literally tacked on, but  
2 appeared to be pretty tacked on balcony systems.  
3 Those have gone away.

4           One of my criticisms before was the  
5 building was kind of patchwork. It was broken into  
6 too many pieces, too much variation, so I was pushing  
7 them towards a more coherent reading, which I think  
8 they have achieved through kind of quieting down --  
9 is the term I used in the report -- sort of quieting  
10 down the elevations. The rear elevation, that's  
11 where the brick wasn't going across. Now it is.

12           There was -- to your point about adding  
13 more interest and weighing that against the privacy,  
14 they did reintroduce those windows. Those were gone.  
15 I don't know if you remember. In the last  
16 presentation, you saw those windows weren't there.  
17 And they did carry the base for -- so they did some  
18 work on that rear elevation to provide some more  
19 visual interest to it while not creating privacy  
20 issues.

21           That's the opposite side, a very similar  
22 idea, that heavy cornice at the important level that  
23 you really want to perceive it at. It carries around  
24 about 40 percent of that -- length of that elevation.

1           And this is a comparison between the two.  
2   The last time you guys saw that, I believe this was  
3   the image where this was flush with that face and  
4   then there was -- John mentioned this earlier too --  
5   there was a balcony on one side. Now they have  
6   carried that across, I think more effectively  
7   creating a more horizontal reading on the building.  
8   Again, I still have a little bit of an issue with it  
9   looking top-heavy. I think a lot of that can be  
10  addressed through some pretty superficial changes to  
11  the building.

12           So I'm going to now very quickly look at my  
13  report just to make sure I hit on the things that I  
14  consider to still be open issues.

15           I guess my quick summary as far as the  
16  facade treatment and aesthetics of the building is  
17  that there was a lot of attention paid to our  
18  comments and I think the building did move -- if you  
19  all remember, especially back at Generation No. 1, it  
20  has changed pretty radically since then.

21           So I'm going to hit just on some of these.  
22  Again, the drawings I'm reviewing now are the ones  
23  dated 10/12. That's the latest iteration. As I  
24  said, there were four total. I'm already on page 3

1 here.

2           The last working session was at the end of  
3 September -- September 29th, which is when some of  
4 these final changes were made especially regarding  
5 the brick and the continuation of the balcony all the  
6 way across.

7           I think something that hasn't been  
8 mentioned yet is the bedroom count, how that has  
9 evolved over time. That is noted in my report. The  
10 development, I believe, originally was 61 bedrooms.  
11 The last drawing set that you saw before tonight had  
12 59 bedrooms. Now I think we're at 55 -- 55 bedrooms  
13 total. That's where we stand today.

14           I did make a point -- I don't remember when  
15 in the report. At this point it is pretty important  
16 that -- John mentioned the handicap spaces, and we  
17 still don't see any designation in the drawings of  
18 where the accessible units are and what the unit mix  
19 is of the accessible units. I think that's a pretty  
20 critical code issue that you guys will want to know  
21 soon.

22           I already talked about a full-width  
23 balcony. Parking spaces we talked about. John  
24 mentioned the type of stackers he's talking about.

1 There are several systems that do indeed allow a kind  
2 of virtual push-button control of the stacker without  
3 having to move somebody else's car.

4 I'm still a little bit iffy on the  
5 interpretation of the accessible requirements,  
6 whether there should be -- there is a code, and I  
7 refer to this at one other point. There's a part of  
8 the code that kind of is a little grayer as far as  
9 whether they would require two spaces or one. That's  
10 a very easy thing for the architect to check on. A  
11 call to the AAB would settle that issue. But again,  
12 they did change the parking plan. In response to my  
13 comment previously about that, they did change the  
14 parking plan to move that aisle in between two  
15 spaces. That could give them the flexibility to  
16 provide a second accessible space, so it is fixable.

17 I made some comments before about the  
18 shadow studies. In particular, my comment -- well,  
19 there were a couple comments. One was I wasn't  
20 convinced about some of the dimensions that were  
21 shown of surrounding buildings.

22 I think at this point the shadow studies  
23 that we are seeing for their building, I think I -- I  
24 believe those studies and what they show, and it's

1 actually -- the interesting thing is that because of  
2 where this building sits relative to the building  
3 behind it on Winchester Street, for a good part of  
4 the season -- and you could see that in the images  
5 John showed you -- that the shadows generated by the  
6 new building are actually subsumed in the shadow from  
7 the building on Winchester Street. So given that  
8 most of that shadow impact -- most of it, for most  
9 hours -- obviously, there are outlying times as well.  
10 But most of the shadow impact most of the time is, in  
11 fact, on Centre Street and the building behind it is  
12 a bigger building, so the 40 Centre Street actually  
13 sits in the shadow of that building.

14 Other comments --

15 MR. GELLER: Excuse me. So just to finish  
16 your thought, you're referring to shadow studies.  
17 And I think in your reference you were saying shadow  
18 studies because of the large building behind it and  
19 because the shadows are on Centre Street, and then  
20 you sort of moved on. What's the end of the  
21 statement?

22 MR. BOEHMER: Oh, I'm sorry. Okay. The  
23 end of the statement is that -- I guess the end of  
24 the statement is that I'm -- the shadow studies at

1 this point I feel are adequate, and most of the  
2 shadow impact is most definitely on Centre Street and  
3 to a certain degree -- again, you have to look at the  
4 outlying times. In early mornings, you're going to  
5 be casting shadows towards the west. The next  
6 nearest residence is to the west, so that one does  
7 get some shadow impact.

8 Does that sound like a conclusion? Closer  
9 at least?

10 MR. GELLER: It did.

11 MR. BOEHMER: There was actually a comment  
12 that isn't in -- because I didn't read the traffic  
13 study until today, in fact, there was a suggestion --  
14 or maybe it was parking or traffic -- suggesting  
15 perhaps using a single garage door instead of two  
16 narrower garage doors. I think that actually does  
17 make a lot of sense. And that's not an aesthetic  
18 comment, just as a functional improvement. I think  
19 that was a good catch.

20 So I'll just jump ahead. There's a couple  
21 more pieces. As I noted, I think you'll see that  
22 when you read this in detail I think that, to me, it  
23 was pretty important to kind of quiet down that  
24 building. It's very visible. It's visible from all

1 sides. It doesn't have anything comparable size to  
2 it -- next to it, and I think there's a more subtle  
3 way of fitting into the neighborhood.

4 Sight lines as far as exiting the garage  
5 were fixed a while ago with the revision to the  
6 front, the location of the garage door.

7 The trash collection I don't think has been  
8 resolved at this point. I think that's still an open  
9 issue. The trash room is in a sensible location, but  
10 I don't think we've heard about scheduled pickups or  
11 stacking cans out in the street or how that might  
12 work.

13 Energy efficiency, we still haven't  
14 reviewed anything that allows me to have any opinions  
15 about energy efficiency or exterior lighting on the  
16 building has not been -- at least I have not seen any  
17 new information on that.

18 I already mentioned the pavers, the  
19 driveway, I mentioned accessible spaces.

20 Other things that I think are still open  
21 that I think the building commissioner and -- both  
22 building commissioner and I mentioned getting a  
23 preliminary code analysis -- building code analysis.  
24 I think that is still important.

1           The potential structural impact of the  
2 project on the neighboring buildings, particularly at  
3 the back side of the building, there was some  
4 concern, and I haven't seen anything about the  
5 geotechnical conditions or anything of the sort of  
6 what the -- it certainly is feasible to do what  
7 they're proposing to do. And they would, in the  
8 normal course of developing their designs in more  
9 detail, would have to understand any foundation  
10 systems near the buildings -- near their building.

11           Others, the parking ratio change, which you  
12 did know that. The roof deck, I do consider it still  
13 an open issue. I don't understand whether that  
14 balcony across the front is habitable or not.

15           And finally, the things that I did -- just  
16 as a quick summary, things that we did talk about in  
17 some of the group meetings: Setting back all the way  
18 across the width was listened to and adopted; the  
19 side recesses are deeper now than they were, the  
20 masonry base; unit balconies are eliminated;  
21 transformer location remains hidden. That was  
22 actually two generations of drawings ago. But that's  
23 about it.

24           MR. GELLER: Questions?

1 MS. POVERMAN: Okay. Part of this is just  
2 making sure I understand what you're recommending.  
3 In terms of the -- as you say, the balcony on the  
4 fifth floor and the setback, your recommendation  
5 would be that not only it would be more aesthetic but  
6 also functional if the setback of the fifth and sixth  
7 floors were 5 or 6 feet rather than 4 feet?

8 MR. BOEHMER: Yes.

9 MS. POVERMAN: Okay. Now, also, the 2-foot  
10 parapet at the top -- the parapet has an overhang of  
11 2 feet; is that correct?

12 MR. BOEHMER: No. It rises up above the  
13 roof. The parapet's a vertical wall, basically, that  
14 rises up above the flat roof. And there are reasons  
15 why you need parapets. Not all buildings need them.  
16 Sometimes you use them to hide mechanical equipment  
17 on the roof, vent fans. I only bring it up in the  
18 context -- my issue isn't actually exactly where that  
19 line is as much as the building appearing to be  
20 top-heavy. It's really that.

21 MS. POVERMAN: But you recommend that it be  
22 taken in a bit so it --

23 MR. BOEHMER: No. My suggestion was just  
24 trying to think of different ways to either literally

1 decrease the height of those attic levels, you know,  
2 by taking dimension out of it, or through color or  
3 trim or other ways of diminishing, you know, drawing  
4 your eye to it or increasing the sense of it.

5 MR. CHIUMENTI: I thought eliminating the  
6 sixth floor --

7 MS. POVERMAN: Hold on, Steve.

8 What do you mean by taking dimension out of  
9 it?

10 MR. BOEHMER: Well, the parapet. That's  
11 what I was saying. I believe it is a 2-foot parapet  
12 at this point, something on that order.

13 MS. POVERMAN: "Parapet" being the area  
14 above the window? Just making sure I understand what  
15 you're --

16 MR. BOEHMER: Yes, that's a parapet.

17 MS. POVERMAN: So reducing -- so that would  
18 not affect -- is it correct that that would not  
19 affect the height of the rooms?

20 MR. BOEHMER: Not if -- no. Lowering the  
21 parapet -- again, the parapet is kind of a free  
22 standing wall on the edge of the roof, so you could  
23 lower that.

24 Again, I don't know all of the reasons why

1 it is, but I think that -- I really want to be clear  
2 about this. I'm not -- for me, the issue is more the  
3 proportions. So to me, the building appears  
4 top-heavy. And the reason I brought up John's slides  
5 looking compressed was it looked even more top-heavy  
6 in those renderings when they were squished --  
7 squished together.

8           So height, per se, is not my issue with the  
9 building. It's just the perception and the --  
10 perception of the height and the proportions of the  
11 base -- base of -- the middle of the building, the  
12 base, the middle, versus the top.

13           MS. POVERMAN: So for you it's an aesthetic  
14 issue, but the practical effect would have it  
15 reducing the height to, say, from 66 to 64 feet?

16           MR. BOEHMER: Well, that would help because  
17 it would diminish the height of the attic level. So  
18 that is a way to do it.

19           MS. POVERMAN: Is there a functional reason  
20 for the 2 feet above the windows?

21           MR. BOEHMER: Yeah, there usually is.

22           MS. POVERMAN: What's the functional reason  
23 for it?

24           MR. HARDING: So we can definitely look to

1 minimize that as much as possible. So looking in  
2 that image, you have the windows. Inside of the  
3 room, there will be about 6 inches to a foot above  
4 that for the ceiling height. Above that there will  
5 be a 2-foot truss. That's really needed to be able  
6 to get all of your attic ventilation and your  
7 insulation and any ductwork that's in there. And  
8 those trusses are typically sloped for drainage at  
9 the roof level.

10           So we try to work around any -- we usually  
11 leave ourselves at least a little bit of parapet to  
12 work -- because the slopes are different as you go  
13 around the building, so we need some amount to be  
14 able to accommodate the differing heights of the roof  
15 level and still get good waterproofing and copings at  
16 the edge of the roof. So we can look to minimize it.  
17 We might be able to take another six inches out, but  
18 we're really getting close to the top of the roof  
19 level at this time.

20           I think some of the other things we could  
21 look at would be to maybe add in another trim band  
22 below. Where we got rid of a lot of trim bands  
23 before, maybe we can add back something that's -- so  
24 there's some things we can do to try to reduce the

1 appearance of the height above the windows without  
2 actually reducing the height of the building.

3 MS. POVERMAN: Okay. Thanks.

4 So what ways would there be, to your  
5 knowledge, of reducing density other than reducing  
6 height? For example, reduce bedroom mix, having more  
7 studios rather than three bedrooms.

8 MR. BOEHMER: Well, it depends how you  
9 measure density. I mean, if it's units for that  
10 site, you'd have fewer units but bigger units. I  
11 mean, that's a traditional way of measuring density,  
12 I think, would be bigger units but fewer units.

13 MS. POVERMAN: So bigger studios, for  
14 example, or --

15 MR. BOEHMER: Well, no.

16 MS. POVERMAN: More bedrooms?

17 MR. BOEHMER: Yeah, more one bedrooms  
18 instead of studios or whatever, whatever it might be.  
19 And that -- you know, the parking ratio you're seeing  
20 is related to studio -- I mean, to the unit count.

21 MS. POVERMAN: Yeah.

22 MR. BOEHMER: Yeah. So you reduce the unit  
23 count, then your parking ratio goes up.

24 MS. POVERMAN: Right.

1 MR. BOEHMER: And that's a pretty common  
2 measure of density. You're not changing the square  
3 feet, and you're not even necessarily changing the  
4 number of people who might live in the building. But  
5 that's traditionally how you measure density.

6 MS. POVERMAN: Right. As we know,  
7 certainly that parking ratio is something we've  
8 been --

9 MR. BOEHMER: That's right.

10 MS. POVERMAN: -- struggling with a lot.  
11 Hold on a second. That's all I have for  
12 right now.

13 MR. GELLER: Mr. Hussey?

14 MR. HUSSEY: I've got a question, Cliff,  
15 about the -- you mentioned accessible units. Did you  
16 mean accessible living units?

17 MR. BOEHMER: Yes. The way the building  
18 code works is that in apartment buildings with  
19 greater than 20 units, 5 percent of the units need to  
20 be Group 2 accessible units, which means accessible  
21 to people who have mobility issues and, you know,  
22 they generally have larger bathrooms. Turning radii  
23 have to be taken into account, larger doors  
24 sometimes.

1           So in this building there are two  
2 accessible units that are required by the building  
3 code. In fact, because it is an elevator-fed  
4 building, every unit has to be a Group 1 unit, which  
5 is a lower level of accessibility, but it's the state  
6 Architectural Access Board's regulations.

7           MR. HUSSEY: Okay.

8           MR. BOEHMER: And my point was that it's  
9 strictly -- it's not random. It can't be random.  
10 That's why I've been asking for the -- which ones are  
11 accessible because the code actually dictates which  
12 units should be accessible based on the unit mix. So  
13 it is an important thing. And it would be cited by  
14 the building department. If they didn't get that  
15 right, I'm pretty sure the building commissioner  
16 would cite them for that.

17           MR. HUSSEY: The level of detail of the  
18 units right now doesn't really tell you one way or  
19 the other.

20           MR. BOEHMER: No. That's a very good  
21 point. No, I haven't seen any detailed unit plans.

22           MR. HUSSEY: The other thing I'm a little  
23 curious about is -- I'm supposed to understand these  
24 things, but I really don't understand the discussion

1 about the parapet. And if it's the look of it -- so  
2 you're complaining about the look of it; right?

3 MR. BOEHMER: Well, no. It's funny. The  
4 way the discussions have evolved about the building  
5 was -- and I've mentioned this before -- that this is  
6 the previous version when half of the building was  
7 all in the same plane --

8 MR. HUSSEY: Right.

9 MR. BOEHMER: -- and only that half was set  
10 back.

11 And in addition to that, the more prominent  
12 trim -- kind of roof trim -- occurred at the highest  
13 level when, in fact, what they were really trying to  
14 do is essentially the level at the fourth story, not  
15 at the top of the sixth story. So in their newer  
16 version, they've changed that hierarchy and  
17 introduced -- it may be a little bit hard to see in  
18 these images, but they put the stronger trim band at  
19 the top of the fourth floor, raised that up a little  
20 bit more to create a little more mass down below, and  
21 then minimized the trim at the top level. So that  
22 was the strategy.

23 MR. HUSSEY: You're not asking that they  
24 take that parapet and make it disappear as a visual

1 element?

2 MR. BOEHMER: No, no. The only point I was  
3 making is to help correct the proportions of the  
4 building. If it can be lowered, it would help.

5 MR. HUSSEY: So they could change the  
6 height of that band here. That band -- they could  
7 change the height of that band by the material  
8 selections without touching the height of the  
9 parapet.

10 MR. BOEHMER: Absolutely. And that's what  
11 John was saying is -- I think his point was that if  
12 he can get some more horizontality in the two top  
13 attic levels, it could improve it too. It's a  
14 fixable issue, that aspect of the problem.

15 MR. HUSSEY: Okay. That's all I have at  
16 the moment. Thank you.

17 MR. GELLER: I'm going to take a step back,  
18 like I like to do. So we started this process  
19 with -- when the first presentation came in. And if  
20 I summarize your thought process, it didn't fit in;  
21 correct?

22 MR. BOEHMER: It was kind of even more than  
23 that.

24 MR. GELLER: A commercial look to the

1 structure.

2 MR. BOEHMER: Yes, that was my issue. The  
3 origin of -- I think that the original version was  
4 kind of a fit plan. I think they were looking at a  
5 previous building that had been done that was in a  
6 different kind of environment that didn't work for  
7 Centre Street.

8 MR. GELLER: Is your -- does this building  
9 fit in?

10 I'm asking him. I'm asking him.

11 MR. BOEHMER: Well, I think the -- I think  
12 that it's actually going to be the best looking  
13 building on that side of Centre Street -- the larger  
14 scale buildings. You remember that that side of  
15 Centre Street -- there are two very different sides  
16 to that street. The side of the street that this is  
17 on has three intact historic wood-framed buildings  
18 and then a handful of buildings that are -- two of  
19 which are very large and two or three of which are --  
20 two bigger than this one, then one slightly smaller  
21 than this, and then three of the original historic  
22 wood-framed buildings. The other side of the street  
23 is largely intact with consistent architecture and  
24 historic buildings.

1           So to say "fit in" is kind of a funny term.  
2   Clearly, on the other side of the street, this  
3   building wouldn't fit in at all.  There's a very  
4   consistent street elevation on the other side of the  
5   street, and that could be a very big problem as far  
6   as pattern -- you know, the pattern of development.

7           This side of -- the south side of Centre  
8   Street really is not coherent.  It doesn't have a  
9   coherent look.  So "fit in" is kind of --

10           MR. GELLER:  Is it a residential style now?  
11   They have addressed your concerns about --

12           MR. BOEHMER:  They've definitely addressed  
13   my concerns about the residential look of the  
14   building, which has to do with both proportions and  
15   then material selections.

16           I don't want to be overly clear about that  
17   "fit in" thing, but fit in is a different answer in  
18   different places.  And where that side of -- you  
19   know, that side of Centre Street started to change a  
20   long time ago, you know, when the 112 and 100 were  
21   built.

22           MR. GELLER:  And to repeat something you  
23   said earlier, do you have an issue with height?

24           MR. BOEHMER:  I don't have an issue with

1 height.

2 MR. GELLER: Okay. Thank you.

3 Anything else?

4 (No audible response.)

5 MR. GELLER: Thank you. We may have  
6 something further.

7 MR. BOEHMER: That's fine. I'm not going  
8 anywhere.

9 MR. GELLER: Nice to hear that.

10 MR. FITZGERALD: My name is Jim Fitzgerald.  
11 I'm with Environmental Partners Group, and we have  
12 done a peer review of the most recent document  
13 relative to 40 Centre Street prepared by MDM dated  
14 October 14th. It was a traffic and parking  
15 assessment.

16 This new evaluation includes the reduction  
17 of apartments from 45 down to 40 apartments. The  
18 project limits consisted of the site driveway  
19 approaching Centre Street with the opposite approach  
20 from the parking lot on the eastern side.

21 I know our past discussion on this project,  
22 that there was discussion about looking at the Beacon  
23 Street/Centre Street intersection that was not  
24 included in the evaluation. However, the traffic

1 volumes that are being generated here are pretty  
2 light. We don't necessarily agree 100 percent with  
3 the distribution. We may have put a little bit more  
4 weight of traffic heading towards Beacon Street,  
5 given its significance. But in the end, that would  
6 only make a difference of about two or three vehicles  
7 at most, so we're talking very small traffic volumes  
8 here being generated by the site. So really, in all  
9 reality, it would not make much of a difference.

10           With this sort of change in distribution,  
11 what we might be looking at would be approximately  
12 three vehicles exiting -- approaching Beacon Street  
13 and six vehicles entering from Beacon Street into  
14 Centre Street. So, again, pretty light volumes  
15 considering the amount of traffic that's currently at  
16 the Beacon/Centre Street intersection, and not -- as  
17 a result, not anticipated to have shown a substantial  
18 increase in delays.

19           Crash information was looked into within  
20 the study limits themselves, again at the driveway's  
21 approach to Centre Street, and a low number of  
22 crashes were reported according to the Brookline  
23 Police Department, as was earlier discussed.

24           Traffic volumes were projected out five

1 years, to the year 2021. Typically we project  
2 traffic volumes out seven years, so in this case it  
3 would be the year 2023. A growth rate of .5 percent  
4 per year was used, which is the appropriate for this  
5 area.

6           When looking at impact caused by the  
7 development, we compared the future no-build volumes  
8 with the future build volumes. The future no-build  
9 reflects the future conditions without this  
10 development being built, and the future build volumes  
11 reflect the traffic network with the development  
12 being built.

13           Trips were generated in order to determine  
14 what that build network would be using the trip  
15 reductions that were previously discussed, which  
16 appear to be reasonable. As a result, when you  
17 compare the operations at this intersection, if you  
18 will -- it's really the site driveway and the parking  
19 lot driveway approaches to Centre Street -- there's a  
20 negligible difference in delay because of the small  
21 number of vehicles entering and exiting the site as a  
22 result of this development.

23           Sight distance was reviewed previously. We  
24 had determined before, as we discussed at our last

1 hearing, that there is adequate stopping sight  
2 distance provided at this location. Since that time,  
3 the MDM report committed to trimming back the hedges  
4 along the northern property line to ensure that  
5 adequate sight distance is provided, as we had  
6 recommended.

7           Also, we want to point out here that  
8 there's no parking that's supposed to take place in  
9 front of this parcel. Illegal parking that takes  
10 place here would impact visibility, so enforcement  
11 would be required.

12           When we talked about the parking garage, we  
13 previously discussed number of parking spaces, etc.  
14 What I'd like to do is I'd like to introduce Art  
15 Stadig from Walker Parking Consultants. He's been  
16 working with us as our parking expert, especially  
17 relative to mechanical parking.

18           MR. GELLER: Jim, before you do that --

19           MR. FITZGERALD: Absolutely.

20           MR. GELLER: Questions?

21           MS. POVERMAN: I have a couple. And again,  
22 I haven't had the longest amount of time to review  
23 this.

24           So going to page 2 of your memo, you say

1 that the crash period that was reported was 2012 to  
2 2014. In my very brief review of the MDM memo, I  
3 thought it was actually 2014 to 2016 data. I just  
4 wanted to see if the most recent data was included.

5 Are the MDM people here?

6 MR. MILLS: Yes.

7 MS. POVERMAN: Was 2016 included?

8 MR. MILLS: We reviewed the -- to your  
9 question, yes. It was reviewed -- it was provided by  
10 the -- not all of 2016. We still have a few months  
11 to go, but up to a certain period of time we did  
12 provide it from the local police department --  
13 Brookline Police Department.

14 MS. POVERMAN: Okay.

15 MR. FITZGERALD: My apologies. That was a  
16 typo. I just looked at the document itself.

17 MS. POVERMAN: No problem.

18 Okay. Under "projected future traffic  
19 volume," I don't understand the second paragraph  
20 starting "The memorandum indicates ..."

21 MR. FITZGERALD: So in the report itself --

22 MS. POVERMAN: So if you could read it  
23 aloud and then maybe tell me what it means, that  
24 would be great.

1 MR. FITZGERALD: I could do both.

2 MS. POVERMAN: Sure.

3 MR. FITZGERALD: "The memorandum indicates  
4 that a nearby permanent count station shows  
5 historical reduction in traffic, minus .3 percent per  
6 year, but the supporting documentation in the  
7 appendix shows count stations located in Abington and  
8 Weymouth. Regardless, the used growth rate of .5  
9 percent per year appears to be reasonable for the  
10 project area."

11 What that all means is that when developing  
12 the future traffic network, traffic volumes were  
13 projected using an assumed background growth rate  
14 looking at traffic counts in the area. In the  
15 report, it referenced MassDOT count information.  
16 However, in the appendix of the report, it provided a  
17 page showing traffic counts in Abington and Weymouth,  
18 which aren't relevant in the immediate vicinity. So  
19 with that -- that's why I pointed out the fact that  
20 that information was irrelevant.

21 The reason that I said .5 percent per year  
22 appears to be reasonable is that in many instances in  
23 traffic studies you'll see a consistent number  
24 between .5 and 1 percent per year on average as an

1 adequate background growth rate. And it's  
2 anticipated that in this region, which is already  
3 heavily built up, that .5 per year would be adequate  
4 for an assumption.

5 MS. POVERMAN: So is the used growth rate  
6 something that MDM used, or is it a term of art?

7 MR. FITZGERALD: So the growth rate was  
8 used by MDM to project traffic volumes to a future  
9 year. In this case, they used the year 2021, so they  
10 projected volumes out for five years using .5 percent  
11 per year compounded.

12 MS. POVERMAN: And so what was the  
13 historical reduction to traffic? What does that  
14 relate to?

15 MR. FITZGERALD: So sometimes what we find  
16 is that traffic volumes actually decrease over time,  
17 instead of increasing. In many instances they've  
18 increased, but there is information, and during  
19 certain periods traffic volumes may decrease,  
20 especially if there's a decline in the economy, for  
21 instance. Sometimes that can happen. That can  
22 contribute to impact traffic volume fluctuation.

23 So instead of projecting traffic volumes  
24 out for a future year and actually reducing the

1 traffic volumes from today, we want to be  
2 conservative and at least show an increased growth to  
3 traffic volumes in the network to make sure that  
4 we're conservative in looking at how traffic may  
5 operate in the future.

6 MS. POVERMAN: Okay. So as you said, the  
7 information about the historical reduction related to  
8 Abington was just noise, in effect?

9 MR. FITZGERALD: It basically said that  
10 the -- there was an inconsistency between the text in  
11 the report and the information shown in the appendix.

12 MS. POVERMAN: Is there anything to back up  
13 the information -- do you have any way of telling us  
14 the information in the report was accurate since the  
15 backup documentation was not relevant to Brookline?

16 MR. FITZGERALD: In other studies in this  
17 area, there's been .5 percent per year to 1 percent  
18 per year in growth rate. So in my opinion, in my  
19 experience, .5 percent per year is reasonable because  
20 we have all seen in the traffic industry fluctuations  
21 in traffic volumes over the years that do, in fact,  
22 show negative changes: decreases in traffic volume  
23 from year to year. And it's industry standard to at  
24 least assume a .5 per year growth rate.

1 MS. POVERMAN: Okay. Got it.

2 I think I need another explanation.

3 MR. GELLER: Let me jump in here.

4 MS. POVERMAN: Sure.

5 MR. GELLER: What's the impact of their  
6 having reviewed a shorter period for the projection?

7 MR. FITZGERALD: Quite honestly, not much.  
8 And that's why a lot of this information are just --  
9 a lot of the findings that we included in here are  
10 things -- small issues or questions that we had with  
11 the report. In the end, there's very low trip  
12 generation being -- as a result of this development.

13 If we were to ask them to redistribute  
14 their trips, for instance, we're going to change two  
15 or three vehicles. It's not going to make much of a  
16 difference. If we were to ask them to evaluate the  
17 Beacon Street/Centre Street intersection, those few  
18 vehicles traveling through there would -- compared to  
19 the amount of traffic traveling through that  
20 intersection would -- it would be negligible.

21 MS. POVERMAN: I don't have anything else.

22 MR. GELLER: Mr. Hussey?

23 MR. HUSSEY: No.

24 MR. GELLER: Mr. Chiumentti?

1 MR. CHIUMENTI: You know, obviously the --  
2 I don't expect the traffic from this building to be  
3 really the problem. It's more the congestion in this  
4 neighborhood that already exists and that would be  
5 exacerbated by traffic coming and going from this  
6 building.

7 And a couple of things that I don't know --  
8 that you may not be aware of is that there is -- this  
9 is a location for community activity, particularly on  
10 Thursdays. They have farmers markets and so on. And  
11 also -- and the planning department's here. Maybe  
12 they can remind me if I'm mistaken. But weren't we  
13 talking about maybe needing to build a school  
14 facility across the street from this parking lot or  
15 using the parking for the school -- the Devotion  
16 School? No?

17 MS. POVERMAN: That's going on Centre  
18 Street East.

19 MS. STEINFELD: Currently there are some  
20 surface spaces assigned to teachers in the east lot,  
21 but there's no increase in parking or anything along  
22 those lines.

23 MR. GELLER: Anything else?

24 (No audible response.)

1 MR. GELLER: Okay. Art?

2 MR. STADIG: Good evening, Chairman Geller  
3 and members of the board. My name is Art Stadig. I  
4 work for Walker Parking Consultants. I've been  
5 retained by the city to do a peer review on the  
6 parking portion of the project. We have prepared a  
7 memorandum that was issued today, actually.

8 The first point was that the developers  
9 have asked for a waiver from -- to deviate from the  
10 parking space requirement. It typically requires two  
11 spaces per unit, and they are requesting  
12 significantly less.

13 We've taken an independent review of the  
14 parking demand for this project. We've taken into  
15 account certainly the location, the nature and  
16 character of what's happening in Coolidge Corner.  
17 We've looked at the Census Bureau information in  
18 addition to the vehicles available by tenant type.  
19 Also, we've looked at the number of vehicles  
20 available by the number of people per household. And  
21 both of those pulled together help paint a picture,  
22 but that's only part of it.

23 Based on our experience in the area  
24 nationally, we've taken a look at what's going on.

1 Our recommendation would be to require a parking  
2 ratio of no less than .67 for the residents. And if  
3 you wanted to include visitor parking, you would  
4 increase that to a ratio of .77 spaces per unit.  
5 That would require 27 spaces for residents and up to  
6 31 total if you include visitor parking along with  
7 that.

8           The current plans indicate six compact  
9 spaces, which is 29 percent of the total number of  
10 spaces. Max allowed by zoning is 25 percent, so  
11 they're slightly higher on the number of compact  
12 spaces than what's allowed.

13           The driveway into the garage is indicated  
14 to be 20 feet. While that does meet zoning, that's  
15 on the very low end of level of service and is quite  
16 tight; this dimension here, as I'm looking at the  
17 floor plan -- the first-floor plan.

18           In addition to that, it would be tight even  
19 if there was a straight maneuver directly in, but  
20 there is a turn maneuver. And actually, it's a  
21 double turn maneuver. So this will work, but it will  
22 significantly slow down the vehicle maneuvers both in  
23 and out of the driveway there.

24           In addition to that, the people going in --

1 the residents going in and out will also need to  
2 negotiate overhead rolling doors. Currently the plan  
3 indicates two separate doors; one for inbound and one  
4 for outbound with a center jam. We're suggesting  
5 later in the memorandum that they might want to  
6 consider just having one single larger door which  
7 would allow ease of maneuvering in and out with that  
8 turn.

9           We are recommending that those turns be  
10 reviewed, and if there's any way to help make a  
11 better level of service there for people going in and  
12 out, that would be advisable. That will help ease  
13 maneuvers both on and off Centre Street.

14           As it stands right now, it's our opinion  
15 that if a vehicle was leaving -- a vehicle trying to  
16 enter the facility while that car is in the queue  
17 waiting to leave and get out on Centre Street, the  
18 car that's out on Centre Street waiting to get in  
19 would have to essentially wait for that car to move.  
20 It's just -- the turning maneuvers with a 20-foot  
21 drive lane are quite tight -- but doable. It just  
22 needs to be pointed out that that will slow things  
23 down at that location.

24           We have no indication of what access

1 control would be, in other words, what type of system  
2 or credential that would be used to get into the  
3 overhead doors, if it's an automated system, such as  
4 AVI, automatic vehicle identification; a transponder-  
5 type system; or if it's a clicker -- a garage door  
6 clicker, radio signal, etc. But whatever type would  
7 need to be reviewed in how that would work to keep  
8 the residents moving at that location.

9           The overall parking dimensions comply with  
10 the zoning within the parking facility. What we'd  
11 like to point out is that good design practice would  
12 dictate -- even though a compact space, for example,  
13 in this location here adjacent the trash room -- even  
14 though the space is physically measured as 8 foot  
15 wide, typically in a parking situation you have part  
16 of your neighbor's parking space to help you maneuver  
17 a door swing. So a good design practice would be  
18 that you would provide an extra foot or so against a  
19 hard object like a wall and/or also maneuvering  
20 around columns. So even though it does meet the  
21 letter of the zoning, it is quite tight. It's just  
22 something to point out within the facility.

23           As indicated previously, there are proposed  
24 car stackers, mechanical lifts. At least that was

1 what was in -- as we understand tonight, that there's  
2 potential -- that the car stackers that are in this  
3 position here, there's a grand total of four of them  
4 that are indicated on the plans -- that those may be  
5 a different type of system than a pure stacker.

6           A car stacker would be -- what we would  
7 classically see is you drive one vehicle onto a car  
8 stacker, you press the button, a hydraulic lift lifts  
9 that vehicle directly up, and another car is driven  
10 underneath it. To retrieve the car in the upper  
11 position, you would need to first move the vehicle  
12 out of the lower position and then lower the  
13 mechanical lift.

14           There are what we call semiautomated  
15 systems that could be used that could do this  
16 automatically and you would not have to move the  
17 lower. We have to review the situation. This is  
18 brand-new information as of this evening.

19           I would not recommend, as was suggested,  
20 that there are lifts -- mechanical units that would  
21 literally drop the vehicle -- I won't say "drop."  
22 That's not a good term. But place the vehicle down,  
23 by mechanical action, down at the center of the drive  
24 lane. There could be obvious safety issues with

1 that, but also just the orientation of the way the  
2 car would be stacked up above and with the way the  
3 drive lane is, may not be conducive to that type of  
4 system.

5           So what I would recommend would be -- if  
6 this was further explored by the proponent -- that a  
7 semi- -- we'll call it a "semiautomated system" would  
8 be reviewed, and that would be more appropriate for  
9 this particular instance.

10           But what we will say, and this is our  
11 opinion, is if a car stacker is used, this is  
12 regulated by the elevator regulations 524 CMR, and  
13 they require that there's safety instruction and  
14 training for anybody that would use these systems.

15           The semiautomated system is also regulated  
16 by 524 CMR. We do not have any of those systems  
17 currently in place in the Commonwealth. I would  
18 suggest that early and often communication with the  
19 elevator people would be taken into account as this  
20 is all brand new in the area. The use of automated  
21 systems is not brand new, but the use right here in  
22 the Boston area, the Commonwealth, is new and it will  
23 be looked at. If you're the first on your block, so  
24 to speak, to have this, it would be good to get in

1 early and often to discuss this with the elevator  
2 people.

3 MR. GELLER: Excuse me. Are you saying  
4 that there are no stacker systems --

5 MR. STADIG: No. There are car lifts in  
6 the area. There's no question there. But the use of  
7 automatic and semiautomated systems is brand new.

8 MR. GELLER: Automated and semiautomated.

9 MR. STADIG: Yeah, is what is new and  
10 currently being considered in Boston, but yet not  
11 approved and yet not built. There are -- several are  
12 being planned at this point in time. I'm not  
13 aware -- I do know of some being thought of as  
14 semiautomated, but I do not know of any that have  
15 been in the approval process yet.

16 Bike parking is shown. Just both -- the  
17 question would be if the access is through this door  
18 here directly in front of the accessible parking  
19 aisle, whether that is the location of bike parking  
20 so that the bikes would not have to go in a different  
21 direction. It's just on a check.

22 But then what would be more important is to  
23 confirm that there is an accessible egress path that  
24 would remain free and clear to the public streets and

1 just to ensure that -- it's a little bit odd to  
2 require that the accessible -- the person that  
3 requires the accessible parking space to have to go  
4 out into the elements, to walk out, get onto the  
5 public street to come around and enter the residence  
6 through the front door. Normally, you would think  
7 that you would be able to get to the accessible  
8 parking space and have an accessible pathway directly  
9 in.

10           At this point in time, this does not appear  
11 to meet the requirements of the accessible path as a  
12 free and clear zone that's not in the drive lane. So  
13 that can be reviewed, and to take it into account.  
14 This is legal if this is an accessible path out here,  
15 although I would say that that is probably not the  
16 most welcoming to someone with accessibility needs.

17           That's it for my review, if you have any  
18 questions.

19           MR. CHIUMENTI: Are you suggesting that  
20 this design doesn't meet regulations -- state  
21 regulations -- as it's presently presented?

22           MR. STADIG: No, I'm not saying that. If  
23 the proponent is suggesting that they would use -- I  
24 believe you're talking about an automated or

1 semiautomated parking system?

2 MR. CHIUMENTI: Also this access you were  
3 referring to.

4 MR. STADIG: Yeah. That -- I don't have  
5 enough information to indicate that that is an  
6 accessible pathway. I'm just saying that it would  
7 need to be an accessible pathway. I believe that  
8 does meet regulations. I'm just saying as a friendly  
9 gesture and equal access to those with accessibility  
10 needs, you would typically have an accessible path  
11 within the covered and enclosed parking area.

12 MS. POVERMAN: Actually, the developer  
13 could say. How do handicapped people access the  
14 lobby, and how does everyone else get to the lobby?  
15 I'm just not clear on either of that.

16 MR. HUSSEY: Right here. See that door?  
17 That goes from the vestibule to the parking. Is that  
18 right?

19 MR. HARDING: Correct.

20 MS. POVERMAN: Is it raised? I mean, could  
21 a handicapped person --

22 MR. HARDING: The door to the outside from  
23 the handicap hatched area is really just an egress  
24 from the garage. So this door here is just an egress

1 from the garage and it gets you to the sidewalk --  
2 the sidewalk all along the side of the building here,  
3 all the way around to this stair exit. So that's a  
4 concrete paved area entirely. That's an accessible  
5 path.

6 MS. POVERMAN: You can enter the lobby --

7 MR. HARDING: You can enter the lobby right  
8 here.

9 MR. CHIUMENTI: Isn't that sloped there?

10 MR. HARDING: It is. But it's sloped  
11 within the requirements of the code.

12 MS. POVERMAN: But the handicapped person  
13 would have to go uphill.

14 MR. HARDING: It's a very slight -- it's a  
15 1 in 20 slope, so that's below ramp level. It's just  
16 kind of a sloped walkway at that --

17 MS. POVERMAN: But if you go out the exit  
18 next to the handicap ramp to the right, where is the  
19 first exit to get into the lobby?

20 MR. HARDING: Well, that's an exit from the  
21 garage. The person in -- that's using the handicap  
22 space would go through the garage right here and into  
23 the lobby. Any person who parks in the garage would  
24 enter though this door, into the vestibule, and then

1 into the lobby.

2 An alternative route would be to go out the  
3 door and around, but that would be an alternative  
4 route, not the primary access.

5 MS. POVERMAN: Okay.

6 MR. STADIG: What my comment would be is  
7 that accessibility regulations would require an  
8 accessible pathway that is not shared with the drive  
9 lane. It needs to be its own accessible path.

10 So, for example, right at this pinch-point  
11 location, there's no width to that accessible  
12 pathway. It's not shared by the drive lane. As you  
13 can imagine, if somebody in a wheelchair was  
14 negotiating that pathway while someone's driving  
15 in -- that's part of the reason for it. So I'm  
16 saying that needs to be reviewed, that you have --  
17 it's by -- the admissibility regulations require that  
18 it is its own path and not shared.

19 MR. HUSSEY: That's basically a building  
20 code issue, is it not?

21 MR. STADIG: Yes.

22 MR. HARDING: And we can revise this  
23 access. We can revise these hatches to get us the  
24 required amount of pathway outside of the drive

1 aisle. I'm confident we can do that.

2 MR. GELLER: So I take it that they don't  
3 have a choice. They have to meet that code  
4 requirement.

5 MR. STADIG: Correct.

6 MR. HARDING: We will meet it.

7 MS. POVERMAN: Okay.

8 MR. GELLER: Other questions?

9 MS. POVERMAN: Let me think for a minute.

10 MR. CHIUMENTI: I suppose -- if you have a  
11 16-year-old daughter, would you let her go down and  
12 operate these devices?

13 MS. POVERMAN: Stop using women as your  
14 examples.

15 MR. CHIUMENTI: I have a three-year-old  
16 grandson. I'm sure he'd be delighted to operate  
17 this.

18 MR. GELLER: The irony is your three-year-  
19 old grandson probably knows how.

20 MR. CHIUMENTI: They say, you know, it's  
21 simple enough that a 12-year-old could do it, but the  
22 12-year-old is never around when you need one.

23 It strikes me as dangerous. I don't know  
24 that I'd feel comfortable with other people

1 operating --

2 MR. STADIG: Well, let's be clear as to  
3 what you're talking about. If you're talking about a  
4 car stacker, which is just the device that I believe  
5 was on the plans prior to what I learned tonight, no,  
6 I would not believe that -- typically, to allow  
7 renters or rental units and residents -- to use that  
8 type of system.

9 Classically, it's parking operators, valet  
10 operators that are not only trained but experienced  
11 in using it. I have personally seen bad things  
12 happen with car stackers. Okay? And so if not  
13 properly used that could be a problem.

14 Now, if you go to the semiautomated  
15 systems, they are much safer, and that can be  
16 properly used by a -- you know, a rental resident, if  
17 you will, with some training. But the system is  
18 completely different. It's wholly contained. You  
19 are not in control of the system. The system is  
20 semiautomated and it's enclosed and the movement  
21 occurs behind the enclosure.

22 MR. GELLER: Why don't you ask the  
23 developers, or I'll ask them.

24 Have you started to think about the stacker

1 and how it's going to function?

2 MR. ENGLER: These things are all  
3 working/drawing-related details that at the schematic  
4 level, we don't feel like we have to. So you can put  
5 conditions on the site. We have to satisfy the  
6 building commissioner of the town when we get to  
7 those levels, but there are only so many things you  
8 can do at the preliminary design level before you get  
9 your permit, and then you spend the time doing all  
10 those kinds of details.

11 So the answer -- long way of saying, no, we  
12 haven't done any more than what we've shown you and  
13 what our consultants have reviewed and what your peer  
14 review consultant reviewed.

15 MR. GELLER: Okay.

16 MR. ROTH: I can add to that. I'm a little  
17 ahead of the game in terms of where we are. So maybe  
18 Bob is not aware of it, but I've contacted at least  
19 four different manufacturers. I've gotten their  
20 materials. I've gotten a list of names of where  
21 they're being used, where they currently are used,  
22 where they're planning on using them. I have contact  
23 people to reach out to to get historic data on it.  
24 So I've done a lot of homework, not enough to

1 identify a certain product yet, though.

2 MR. GELLER: And what you're looking at,  
3 are they simply stackers or semiautomated systems or  
4 the full spectrum?

5 MR. ROTH: I've looked at the whole gamut.  
6 We want something that's going to operate  
7 efficiently, something that -- it could hold up over  
8 a long period of time, something that's relatively  
9 friendly, simple. So we've looked at all the  
10 different combinations. And, you know, it is like  
11 Bob said. We're in a preliminary state. But I've  
12 gotten all the information.

13 I do want to make sure that whatever we get  
14 is something that if there's a repair that needs to  
15 be made, we could do it very quickly, there's parts  
16 available, there's labor. And I'd really like to see  
17 something that has history to it. So we're doing our  
18 homework on that.

19 MR. GELLER: And as you can appreciate from  
20 our perspective, what we want is something that is  
21 safe -- operable and safe.

22 MR. ROTH: I mean, our intention is to hold  
23 the building for a very long time, and we understand  
24 the liability associated with that.

1 MS. POVERMAN: I just want to make one more  
2 comment, which is that I assume your main conclusion  
3 is that there is not enough -- as things are, there  
4 are not enough parking spaces for the proposed amount  
5 and mix of units that exist.

6 MR. STADIG: Correct. And our presumption  
7 is also that our demand factors are based on market  
8 rates being charged for parking. A couple -- a  
9 parking space, for example, with a unit, market rate  
10 space would be one of the presumptions. And also the  
11 unit mix that you -- that is currently proposed is  
12 how we've arrived at that. If the unit mix changes,  
13 then that ratio will change slightly. So, yes.

14 But to answer your question, we do not  
15 believe that there is enough parking shown at this  
16 point in time for what would be required -- what we  
17 believe would be required for a supply of parking.

18 MS. POVERMAN: Thank you.

19 MR. GELLER: Thank you.

20 Anything else?

21 (No audible response.)

22 MR. GELLER: No. Thank you.

23 Okay. I want to invite members of the  
24 public to offer their testimony. Again, please stick

1 to the topic of tonight's hearing, offer us new  
2 information. If you agree with what somebody before  
3 you said, point to them and say you agree. Thank  
4 you.

5 MR. CHIANG: Thank you, Mr. Chairman. My  
6 name is Derek Chiang from 41 Centre Street. We  
7 appreciate the opportunity to provide public  
8 comments. As usual, the neighbors have organized our  
9 thoughts into an order. We may get inadvertently  
10 interrupted, but we'll try to be as concise as  
11 possible.

12 First off is -- Dan Hill is our attorney  
13 representing us.

14 MR. HILL: Members of the board, my name is  
15 Dan Hill. I'm an attorney based out of Cambridge,  
16 and I represent the neighbors at the property.

17 I actually have a few questions. I hope  
18 you don't mind if I raise a few points and ask a few  
19 questions about some of the comments that were made  
20 by the peer reviewers and the developer, since I  
21 think that would be helpful to the board's  
22 understanding of the project.

23 And the first topic is really this parking  
24 issue and the sight distances, and I suppose it sort

1 of overlaps between the two experts. I kept hearing  
2 tonight about the sight distance issue being  
3 resolved, but I haven't seen a site plan, which is  
4 striking to me since -- you know, I've been doing 40B  
5 work for about 15 years, and pretty much every 40B  
6 project we work on has a site plan. I'm not aware of  
7 a site plan even being on file. There's certainly  
8 not one posted on the town's website.

9 All we have is this one -- this ground  
10 floor plan, which is an architect's plan. It's not  
11 signed or stamped by an engineer, it's not scaled, it  
12 does not show the -- it's not clear where the  
13 property boundaries are, it doesn't show the detail  
14 where the sidewalk is, it doesn't show the center  
15 line of Centre Street. So how is anybody to tell  
16 whether or not the sight distances have been complied  
17 with -- the stopping sight distance? So is the site  
18 plan available on the website?

19 MS. MORELLI: It should be part of the  
20 application.

21 MR. HILL: Okay. But the application has  
22 changed dramatically in the last six months. So has  
23 there been a current site plan filed? What I've seen  
24 is a site plan that was a survey plan which showed

1 the original footprint of the building, and that was  
2 filed back in, what, May, when this application was  
3 filed? Is there an updated site plan?

4 MS. POVERMAN: Was there a determination  
5 made by someone from the town? As I recall --

6 MS. MORELLI: We reviewed this for  
7 application completeness. There was a site plan  
8 stamped by a surveyor, as required. Right now we are  
9 in the process of going through design iterations.

10 You can talk to the traffic peer reviewers,  
11 if what they reviewed was sufficient for their  
12 review.

13 MR. GELLER: Was it sufficient for your  
14 review?

15 MR. FITZGERALD: We based the review using  
16 this plan here. It's -- although it's not  
17 necessarily -- it is to scale. There's not  
18 necessarily a bar scale in the corner of the plan.  
19 It is not stamped by a professional engineer. This  
20 is what we were given to review, and based on this  
21 plan, that's what we based our assessment on.

22 We determined that adequate stopping sight  
23 distance was available for an assumed speed of 30  
24 miles an hour traveling down the roadway. And based

1 on what we were provided, based on our site visits  
2 and measurements on the field, we have determined  
3 that it was adequate, yes.

4 MR. HILL: Were you provided with a plan  
5 that shows the site triangles at this intersection?

6 MR. FITZGERALD: No, we were not. Because  
7 what we did was we used this plan to determine the  
8 site triangles and we determined stopping sight  
9 distance. Intersection sight distance versus  
10 stopping sight distance, two different things.

11 So the minimum requirements for sight  
12 distance is stopping sight distance, and there was  
13 more than adequate stopping sight distance for this  
14 approach, and that's what we based our assessment on.

15 MR. HILL: And did you review the adequacy  
16 of the intersection sight distance?

17 MR. FITZGERALD: We looked at intersection  
18 sight distance stopped from the back of sidewalk. If  
19 you're stopped behind the sidewalk, you're shy of  
20 intersection sight distance requirements being met.  
21 If you protrude into the sidewalk zone, you have  
22 adequate visibility. The obstruction, really, is  
23 looking to the left through the trees that are  
24 currently there. It's an existing condition that we

1 can't -- basically, it's trees further down the  
2 roadway along this grass strip.

3 MR. HILL: How do you know where the  
4 sidewalk is if it's not shown in this plan? I can  
5 guess where it is, but the plan should show where the  
6 sidewalk is.

7 MR. FITZGERALD: This is the edge of the  
8 curb, and this is the opposite edge of road.

9 MR. HILL: Where is the sidewalk?

10 MR. FITZGERALD: It would be between the  
11 edge of road and the landscaping.

12 MR. HILL: I'm sorry, but how can you just  
13 make assumptions like this without having the detail  
14 on a plan? I mean, this is just -- this is 40B 101.  
15 Every application should have a site plan.

16 Can I speak without being interrupted, Bob?

17 Every 40B application should have an  
18 updated site plan on whatever major changes to the  
19 design are provided, which isn't the case here. They  
20 didn't have adequate sight distances for the prior  
21 design. Now they claim that they do. And you just  
22 heard tonight that there is no intersection sight  
23 distance without encroaching on the sidewalk.

24 The plan doesn't show the sidewalk

1 location. The plan doesn't show the center line of  
2 Centre Street. I have major questions of whether or  
3 not this is being satisfied, and I think you're being  
4 not served well by this review on traffic.

5 Pedestrian impact remains a concern. It's  
6 a concern that we raised for the last four or five  
7 months.

8 With respect to the trash collection, I  
9 want to comment on that because Mr. Boehmer raised  
10 it. We've raised this issue multiple times. There's  
11 still no -- from what I can tell -- any management  
12 proposal or plan to deal with trash collection. I  
13 don't think anyone's studied this.

14 Has anyone actually reviewed whether or not  
15 that trash room that's shown on the plan is large  
16 enough to accommodate 40 apartment units?

17 You know, I know how much trash I  
18 generate -- my family generates on a given week with  
19 recycling cans and trash cans. That looks, to me, to  
20 be the size of a parking space, and to put 40 units  
21 worth of trash in there per week I don't think is  
22 reasonable. But that's me. I'm not an expert. This  
23 board should have an expert review --

24 MS. MORELLI: Chairman Geller, I can

1 respond to that. So part of our staff meeting with  
2 the applicant and the team -- we did meet with the  
3 director of public health, Patrick Maloney, and he's  
4 requested a rubbish plan, a narrative of how that  
5 will be treated. Would it be a trash compactor? How  
6 many receptacles would be positioned outside? When  
7 there would be pickup. How many times a week? There  
8 would be a narrative for rubbish, recycling, and for  
9 noise management pertaining to the mechanicals and to  
10 the trash compactor.

11 I did give interim deadlines to the project  
12 team, and that is something -- we wanted you to see  
13 updated plans first, but that will be -- you will get  
14 a letter from the director of public health  
15 commenting on the project team's plan -- a narrative  
16 when it's submitted, probably for the next hearing.

17 MR. GELLER: Great.

18 MR. HILL: When we're talking about the  
19 ground-floor basement level, I haven't heard any  
20 discussion from the peer reviewers on whether or not  
21 there's adequate arrangements for visitor drop-offs,  
22 deliveries. It's actually striking to me that  
23 there's no discussion whatsoever in any of the  
24 reports, whether the developer's traffic report or

1 the peer reviewer's.

2 I don't know about you but, you know, my  
3 family, we get probably two trips from Amazon every  
4 day. And, you know, where are the delivery trucks  
5 going to go? I mean, are they going to sit in the  
6 driveway? That's going to block, of course, access  
7 and egress out of this project. Are they going to be  
8 parked on the street? Well, if that's the case, then  
9 we just heard that cars parked in front of the  
10 building are going to block sight distance.

11 So I raise that and ask that the board ask  
12 the applicant to address, you know, how that's going  
13 to be managed on this property.

14 Other similar design issues that we haven't  
15 heard about -- and maybe there's been off-line  
16 discussions with staff. You know, it would be  
17 helpful if that -- if those discussions were made  
18 public. And we were dumped today with a bunch of  
19 reports, and you were as well. We haven't had a  
20 chance to review them in depth. And it sounds like  
21 there's also discussions going on off-line, which we  
22 aren't privy to either.

23 But there seems to have been no review of  
24 the stormwater system. Again, there's no site plan,

1 so there's no details of the stormwater system except  
2 for a box that's showing the plan -- the infiltration  
3 system.

4 MR. GELLER: Ms. Morelli, do you want to  
5 respond?

6 MS. MORELLI: Yes. Yes, I do.

7 The applicant has been instructed to speak  
8 with the director of engineering, Peter Ditto, and  
9 those conversations have taken place. The reason for  
10 those conversations early on were simply to look at  
11 the site plan to determine where on the site an  
12 infiltration system could be. He did not want that  
13 within the building footprint, but outside it, and  
14 that partly dictated the setback in the front yard of  
15 15 feet to accommodate an infiltration system.

16 So Mr. Ditto has been in touch with the  
17 applicant about calculations that he needs, and that  
18 is ongoing. I haven't received any updates. That,  
19 again, is established for the next hearing.

20 There is a site plan review, and that is in  
21 keeping with Article 8.26 of the town's general  
22 bylaw. That is after a comprehensive permit -- if it  
23 were to be issued, that would be conducted before a  
24 building permit is issued, and that is standard for a

1 project that triggers that bylaw.

2 MR. HILL: I would respectfully suggest  
3 that that's too late. Site plan review should be  
4 happening now. That should be part of your  
5 comprehensive permit process. Under Chapter 40B,  
6 every local approval that is otherwise required for a  
7 project gets subsumed within this process, so it  
8 would be entirely appropriate for the board to have a  
9 subsequent site plan review process.

10 MS. MORELLI: I think I was misunderstood.  
11 Mr. Ditto will be giving a letter to the ZBA  
12 commenting on what he's reviewed thus far. These are  
13 preliminary plans. What we have for all of our other  
14 projects, as of right, 40A projects, and 40B, is a  
15 site plan review that is three pages. It's available  
16 on our website. I will make it available. We have  
17 to have construction plans in order to get the  
18 calculations that the director of engineering  
19 requests. Preliminary plans are not sufficient.

20 MR. HILL: I'm sorry. Did I misunderstand  
21 you? Is there going to be a site plan review process  
22 after the comprehensive permit is issued?

23 MS. MORELLI: Yes. Per usual. That is how  
24 we conduct our process. Preliminary drawings are not

1 sufficient for that.

2 MR. HILL: I totally agree. But my point  
3 is that that should be happening during this process  
4 because any local approval that's required for a  
5 project -- and the developer would be objecting to  
6 that. If there's a local approval that's not  
7 included within this process --

8 MS. MORELLI: The local process -- we can't  
9 treat this 40B project differently than the way we  
10 treat other projects. There is going to be a  
11 stormwater management review that is appropriate when  
12 we have preliminary drawings. We're not going to  
13 treat 40B projects differently from the way we treat  
14 our 40A and as-of-right projects.

15 MR. HILL: Okay. I disagree with the  
16 process that's being laid out by the planner. That's  
17 not how it works under 40B.

18 But there should be a stormwater review  
19 now. This is -- this may not be an issue. For all I  
20 know, they can manage the stormwater on the site.  
21 But why isn't it being done now? We've been talking  
22 about this for four or five months. We've made this  
23 point earlier, that there were no details on  
24 stormwater. We keep hearing it's going to come, it's

1 going to come. Before you know it, it's going to be  
2 the end of your hearing, and if there's a problem, it  
3 would've been nicer to know it up front.

4 MS. MORELLI: Chairman Geller, Mr. Ditto  
5 has looked at plans. This is a fairly -- this is a  
6 level site. There's not -- there's no slope here.  
7 It is a small site. He does believe that -- this is  
8 something that he is reviewing himself, and that's  
9 why we don't have an outside peer reviewer. We feel  
10 that his department can handle this. And he is in  
11 touch with the developer every time the plans change.  
12 Again, he will be giving you a letter before this  
13 hearing is over. It should be the next hearing in  
14 about three weeks.

15 MR. HILL: Okay. Mr. Boehmer had raised a  
16 point in his prior iterations of the report, and I  
17 don't think he mentioned it tonight. But he had  
18 asked whether or not there was a study done on the  
19 impact of the project -- structural impact of the  
20 project on abutting properties.

21 This remains a concern of ours,  
22 specifically 19 Winchester Street. The foundation of  
23 that building is right against the property line.  
24 It's on existing foundation. From what -- I haven't

1 seen any reports of that evaluation -- of the impact  
2 the excavation of this project will have on that  
3 property.

4 I've also seen no evaluation of the impact  
5 that excavation of this project might have on  
6 abutting trees. There is, uniquely to this site, a  
7 row of trees running along the property line of  
8 19 Winchester Street that serves a very important  
9 purpose of providing screening and shade to the  
10 parking lot. This building will be roughly 5 feet  
11 from the parking lot -- from the trees. The trees  
12 run along the property line. It's 5 feet.

13 Now, most arborists you talk to would say  
14 excavation within 5 feet of a mature tree is going to  
15 have an impact on that tree. We think that this is  
16 something that the board should consider and look at.

17 I want to make a point that under your  
18 conventional zoning, if this project were not a 40B  
19 project and it's proposed as is, the side yard  
20 setback would be 24 feet. It's 10 feet plus the  
21 length of the building divided by 10. So if I did my  
22 math right, I think it's 24 feet. This project has a  
23 5-foot setback, 5 or 6 feet, depending on what plan  
24 you look at.

1           And just in closing on my part, I do want  
2 to go back to this issue of density. This project,  
3 if it was not a 40B, would be limited to 4 stories,  
4 it would be limited to 8 units, it would have a  
5 24-foot side yard, a 30-foot rear yard. And in this  
6 project, obviously -- and a floor area ratio of 1,  
7 and 80 parking spaces. This is a substantial  
8 deviation, obviously, from your conventional zoning,  
9 and that's what 40B allows.

10           I read Judi's memo to you today, about an  
11 hour ago, and Judi says there's a misconception out  
12 there that a board should not approve a density any  
13 greater than what they absolutely need to make a  
14 project economic.

15           I don't necessarily disagree with that, but  
16 I think an important caveat to that is that each --  
17 Judi's right. The board just can't arbitrarily  
18 reduce density down to 8 units, which is what I think  
19 is appropriate. You just can't say 8 units is what  
20 you'll get.

21           But you are allowed to reduce density when  
22 that reduction in density is justified based upon  
23 impacts that you feel haven't been mitigated  
24 adequately. And I'd argue that there are a lot of

1 outstanding issues here, mostly related to public  
2 safety and transportation, but also impacts on  
3 abutters, including the trees and the building that  
4 A, haven't been addressed; or B, can't be mitigated.  
5 And a reduction in density can be justified based  
6 upon those facts.

7           And I don't think just lopping off one  
8 floor is sufficient. The board has talked about  
9 considering taking off the sixth floor. I'd argue  
10 you should take off the fifth and sixth floor. The  
11 density may not be the biggest issue for us. The  
12 biggest issue just might be setbacks and providing  
13 enough parking. And if they can make it work with  
14 four floors, maybe they could have a higher density  
15 than 8 units, maybe even 16 or even 24. I don't  
16 know.

17           But I would encourage the board to really  
18 consider a lower density that would probably mitigate  
19 all of these concerns that we have raised in this  
20 room and that you have raised and you've heard about  
21 from your peer reviewers. And I would encourage you  
22 to hire a peer review consultant to do this work.  
23 And if you need some names, I'd be happy to provide  
24 some to you. Thank you.

1 MR. GELLER: Hang on. Can you tell me --  
2 what are the negative impacts on safety and health?  
3 You cited them. Tell me what they are. You  
4 mentioned traffic. I've just heard peer review on  
5 traffic. So are you telling me you disagree with  
6 their methodology? Their conclusions? What  
7 specifically is the problem with the peer review that  
8 we've just obtained that are talking about health  
9 safety? Rather than simply say those words, tell us  
10 how this project adversely impacts health and safety.

11 MR. HILL: Sure. So the inadequacy of the  
12 peer review, in my mind, are the sight distances.  
13 There have been, in my view, no evaluation of the  
14 impact of cars coming out of that garage on  
15 pedestrians in the sidewalk. We don't even know  
16 where the sidewalk is. It's not labeled on the plan.  
17 So that, to me, is number one.

18 And beyond that, there's been, in my view,  
19 inadequate evaluation of the impact of this project  
20 on pedestrians overall, not just sight distances.  
21 The amount -- the deliveries. Where are people --  
22 are there going to be people double parking?

23 We've heard testimony about what's going to  
24 happen on garbage day. Mr. Boehmer's raised this.

1 Where are the trash cans going to be stacked? Are  
2 they going to be stacked on the sidewalk? Then where  
3 are people going to walk? So I think there's a lot  
4 of unanswered questions.

5           And to your question, Mr. Geller, this  
6 project might actually be able to satisfy these  
7 concerns, but there's so many unanswered questions,  
8 and I don't think the board should be voting to  
9 approve a project until it has those kind of answers,  
10 and it doesn't get the answers from the developer.  
11 If Mr. Engler is insisting that he only has to  
12 provide conceptual plans, they don't have to get into  
13 the details, fine. Then approve a project that  
14 you're comfortable with with those uncertainties.

15           MR. GELLER: Thank you.

16           Are there any questions?

17           MS. POVERMAN: Oh, actually, there's one  
18 more question just arising out of that. But I  
19 believe this might be one more for Mr. Boehmer, but  
20 it relates to something you raised.

21           I may be using the wrong terminology. You  
22 mentioned something relating to a geotechnical  
23 evaluation before the digging is done. Is this  
24 something that -- and Judi, I'll get you involved

1 here. Is this something that generally a developer  
2 is required to do? Is it something -- and if not,  
3 who would do that to make sure that there was no harm  
4 to abutting structures?

5 MR. BOEHMER: What I was referring to -- a  
6 geotechnical study is the very, very first step  
7 before you design the foundation system of the  
8 building. So that involves, typically, the test pits  
9 or a combination of test pits and borings so that you  
10 can really figure out the varying capacity of the  
11 soil. So it's impossible for a professional engineer  
12 to design a foundation without having adequate  
13 geotechnical information, so you can't do a building  
14 without having done that.

15 The issue of -- concern about the -- I  
16 guess there -- it is imaginable that there are  
17 situations where you would need a geotechnical report  
18 very, very early in a process. A very steep slope  
19 made out of very soft stone could just be kind of not  
20 a believable project, and you'd want to find that out  
21 really early.

22 That does not apply in this project. This  
23 project will need to do geotechnical borings in order  
24 to proceed with the structural design of the

1 building.

2           As far as the neighboring building, that's  
3 also something that is part of the normal course of  
4 engineering the building. It's connected. You need  
5 to know if there's another building next to you that  
6 is bearing on soil that you need to bear on, or  
7 ensure that you're not going to undermine the  
8 structure of the adjacent building. It's a very  
9 serious issue, but it's a very normal issue. And  
10 certainly in urban sites -- every urban site has to  
11 understand their impact on the neighboring buildings.

12           MS. POVERMAN: So it's something that in  
13 the course of building, it absolutely has to be done  
14 and it will be done?

15           MR. BOEHMER: It absolutely has to be done.  
16 For a registered engineer to certify that this is  
17 going to work, it absolutely has to be done.

18           MS. POVERMAN: Okay. Thank you.

19           MR. CHIANG: Thank you. Derek Chiang, once  
20 again, Centre Street.

21           The neighbors have assembled a concise  
22 slide presentation that we'd just like to go through  
23 quickly. I'll start here where we left off in terms  
24 of what are the, you know, instances of threats to

1 health and safety, the local concerns.

2 Starting off with building massing, it  
3 still remains problematic. At the last ZBA hearing,  
4 there was a request for a 30-day extension to  
5 continue the discussion on building articulation, to  
6 gather adequate data about parking ratios. We've  
7 seen materials from the applicant on both of those  
8 points.

9 However, we strongly feel that a 4-foot  
10 step-back on the fifth and sixth floors is illusory  
11 and superficial. Even though it may be aesthetically  
12 a little better, it does not substantially reduce the  
13 building massing to substitute for removing an entire  
14 story. That was the point of discussion at the last  
15 ZBA public hearing in which there was a straw poll  
16 taken by the ZBA members.

17 Side elevation remains overly imposing.  
18 The last elevation shown by the applicant shows a row  
19 of trees which we maintain will be destroyed if  
20 excavation were to take place 5 feet from the lot  
21 line. That row of trees is not there. So the side  
22 elevation is what really impacts Centre Street, not  
23 the front elevation, which has a narrow width. But  
24 you can see that side elevation along Centre Street,

1 that wonderful gray cementitious mass, or red, or  
2 whatever color of the day it happens to be.

3           Each additional story does credibly  
4 increase the threat to local concerns: pedestrian  
5 safety, the waste management that will be talked  
6 about by Steven Pendery. It destroys the  
7 neighborhood fabric, and it sets a bad precedent. I  
8 want to emphasize this because, as you know, we're  
9 under increasing threat for overdevelopment in North  
10 Brookline. 45 Marion was pointed to as a precedent  
11 for 40B development, and now 40 Centre Street, if  
12 approved at six stories, will be set as the  
13 precedent -- six stories as the precedent for 40B  
14 developments. In other sites, that's not always the  
15 case, and we hope that the zoning board will  
16 reconsider.

17           Chuck Schwartz would also like to address  
18 building massing.

19           MR. SCHWARTZ: Thank you. Chuck Schwartz,  
20 69 Centre Street.

21           I'd like to speak not only about height,  
22 but to some of the issues that Mr. Boehmer brought  
23 up, and that is how the building fits in with the  
24 neighborhood. You've heard many times that we are

1 concerned about the height of the building. Several  
2 times during these hearings several of you have  
3 expressed concerns about the height of the building.  
4 You've asked to have one or two of the floors  
5 reduced, and we would hope that you would continue to  
6 make these demands on this project.

7 I want to talk a little bit about the  
8 fitness of the building that Mr. Boehmer mentioned.  
9 Now, the buildings -- the other buildings on Centre  
10 Street, 100, 112, 170 have been mentioned before.  
11 They've even been mentioned at hearings for 420  
12 Harvard Street. And at one of those hearings, I  
13 particularly brought up the fact that those  
14 buildings, although they are tall, they have  
15 significant setbacks on both the front, side, and  
16 rear. This building -- this project does not. Those  
17 setbacks make the -- lessen the impact of buildings.

18 On 100 Centre, not only do they have  
19 setbacks, but they've included benches along the side  
20 and the rear of the building for the public to use.  
21 The front setback on 70 Centre has an area for people  
22 to sit and for children to play. And, again, this  
23 building does not have those setbacks.

24 Since I mentioned 420 Harvard Street, at

1 those hearings, the ZBA specifically said that the  
2 building is too tall for Harvard Street. As a  
3 result, one of the floors was eliminated and the  
4 mechanicals were removed from the roof also, adding  
5 to a more significant reduction, and you would hope  
6 that similar demands could be made on this project.

7           Now, I know in the past -- the past history  
8 of 40Bs in Brookline -- let's start with St. Aiden's.  
9 When St. Aiden's was first proposed, there was an  
10 outcry from the neighborhood. People got together.  
11 As a result of these efforts and neighborhood  
12 concerns, much time and effort was spent for a  
13 compromised plan to be reached. Some people now  
14 consider that a friendly 40B, and maybe this should  
15 be a model. What happened as a result of that  
16 collaboration was the church was saved and the open  
17 space in front of the church has been preserved for  
18 public use.

19           Another 40B on Crowninshield, once again,  
20 the neighborhood got together. They were involved.  
21 They successfully were able to reach a compromise  
22 with the developer so the resulting project was much  
23 different than the one originally proposed and more  
24 acceptable to the neighborhood.

1 Even Hancock Village has been changed.  
2 What's going on there now is radically different than  
3 the initial proposal. The heights have been reduced.  
4 So I would ask that the same considerations be given  
5 to this project on Centre Street.

6 And I would like to say that, you know,  
7 once it's built, we have to live with it. Like  
8 Dexter Park, it's not going to go away. So I would  
9 ask the ZBA to be custodian of our streetscape.  
10 Please don't let this building be part of your legacy  
11 in Brookline. Thank you.

12 MR. GELLER: Thank you.

13 MS. RESNICK: Good evening. I'm Margery  
14 Resnick. I live at 19 Shailer Street. I was going  
15 to talk about parking, but many of the issues have  
16 already been discussed.

17 One that hasn't and one on which we rely on  
18 you guys to have the big picture is what else is  
19 happening? No building exists in a vacuum. And none  
20 of the parking and traffic studies have taken into  
21 account, as far as I've heard, the JCHE project,  
22 which is one block away which will 14 spaces for 60  
23 residents, senior residents who'll have attendants  
24 coming in, the 420 Harvard Street project, the

1 possible project at Neena's, Coolidge Street and, of  
2 course, this one.

3           And to say that these five projects which  
4 are -- none of which have adequate parking, none of  
5 which meet the ratios imposed by the town and common  
6 sense, are not going to have an impact, are going to  
7 just put one or two or three cars on the street, it  
8 really defies credibility.

9           Finally, I really want to say that the  
10 endless circulation of cars right there -- because we  
11 have senior housing -- of attendants looking for  
12 spaces, it goes on all day, every day. I live on  
13 Shailer Street. I mean, you just could come and see  
14 it. There are no spaces.

15           And finally, I want to say our quality of  
16 life hasn't been addressed, those of us who own  
17 houses there. What does it mean to us that we can't  
18 have a friend over because there's absolutely no  
19 parking? Not only is there no parking, but we're  
20 going to put another 21, 31 cars right in that  
21 neighborhood in addition to the other five projects  
22 currently under discussion. And our quality of life  
23 matters because we own homes in Brookline, we care,  
24 and we rely on the ZBA to protect our property and to

1 really think about the fact that we're not against  
2 40B. We want affordable housing.

3           There's one point that hasn't been brought  
4 up that irks me a lot, and that is the developer has  
5 not assured us that the first dibs on these parking  
6 spaces will go to the affordable units. If I'm a  
7 person and I'm getting all of these concessions and  
8 all of these adjustments and because I'm providing  
9 affordable housing, surely the first dibs on parking  
10 should go to the affordable units and it should be  
11 free. Because the minute you charge, it's no longer  
12 affordable. So I think in perpetuity, those  
13 apartments should be affiliated with free parking if  
14 we're not going to be entirely cynical about 40B.

15           And I really think that some of the  
16 solutions -- I'm sorry I'm here tonight because  
17 months ago I really thought Mr. Roth might care  
18 enough about the neighborhood, about building, about  
19 all of us who live there to take some of these things  
20 into consideration.

21           Instead we listened to a preposterous --  
22 absolute preposterous suggestion that people use town  
23 parking and move their car to a space at 8:00 at  
24 night, get up at 8:00 in the morning, take it out,

1 and then every two hours afterwards move their car.  
2 That's the solution. The only solution to  
3 mitigate -- as far as I can see -- these problems is  
4 to remove two stories. I really think that without  
5 that adjustment, these problems will go unmitigated  
6 and unaddressed.

7 MR. CHIANG: Derek Chiang, just to read  
8 this into the record because it hasn't been  
9 considered in the current traffic studies and peer  
10 reviews.

11 No pedestrian counts, especially between  
12 7:30 and 8:00 a.m., school days, 3:00 p.m. to  
13 3:30 p.m., have been provided. Devotion School --  
14 the expanded Devotion School is one block away. The  
15 Webster School is a pedestrian corridor along Centre  
16 Street. What's going to happen during construction  
17 while Webster School is open?

18 We've heard about the traffic peer reviewer  
19 saying that there's inadequate need for parking  
20 spaces. I do want to emphasize that we are very  
21 concerned about the underground parking garage  
22 because in 2001 an elderly pedestrian at  
23 19 Winchester was killed when a vehicle exited the  
24 parking garage. Here we have the turning maneuver --

1 a complicated turning maneuver as opposed to a  
2 straight parking layout. We have even more senior  
3 citizens along Centre Street than along Winchester  
4 Street.

5           And there's just -- you know, as Dan Hill  
6 says -- a very minimal throwaway sketch of what the  
7 sight distance and the pedestrian space will look  
8 like, without traffic counts, without engineering  
9 calculations. We're very, very worried about this.  
10 Removing each story, eight units, will reduce that  
11 risk of pedestrian/vehicle collisions.

12           MS. SCHWARTZ: Linda Schwartz, and I live  
13 at 69 Centre.

14           I want to say I agree with everything Derek  
15 just said about pedestrians, and I also want to add  
16 that I am a frequent pedestrian on Centre Street. I  
17 counted -- between Wellman Street and Beacon is  
18 approximately 200 feet. There are 13 curb cuts in  
19 those 200 feet and hundreds of cars moving from the  
20 east lot coming over the sidewalks. But they also  
21 come from all those other curb cuts too.

22           And twice in the last six months, I've had  
23 near misses, usually with people pulling out to the  
24 sidewalk, looking at their smartphones, and then

1 moving forward while I'm in the middle of the  
2 sidewalk right in front of them. And I worry that  
3 not only are there hundreds of seniors on the street,  
4 often with walkers and motorized wheelchairs going up  
5 and down, but I know that we will get a new senior  
6 housing and add in more seniors to that. And I  
7 really honestly fear not only for myself, because I'm  
8 fairly fast with the dogs getting out of the way, but  
9 not everyone is quick, and I do worry about this --  
10 these cars moving from there.

11           Also, I know that a remark was made by the  
12 consultant that the sight lines were good as long as  
13 there was no one parked in front of -- on that side  
14 of the street where it's illegal to park. But I  
15 think, as you saw when Chuck showed pictures of what  
16 just an average Thursday looks like, there are tons  
17 of cars parked illegally on the wrong side of the  
18 street. So please take that all into consideration.  
19 Thank you.

20           MR. AULT: My name is Steven Ault. I live  
21 at 19 Shailer Street, and I want to touch on  
22 something that was mentioned by Mr. Boehmer and  
23 Mr. Hill as well about the trash. The developer is  
24 suggesting that in order to accommodate a second

1 accessible -- handicap-accessible parking space, that  
2 they would shrink the trash room.

3           The federal EPA, Environmental Protection  
4 Agency, estimates that the average household  
5 generates 29 pounds of garbage, trash and recyclable  
6 material, every week. At a building housing 40  
7 units, as does this current iteration on 40 Centre,  
8 the residents will generate 1,160 pounds of garbage a  
9 week or 60,320 pounds per year, over 30 tons of waste  
10 that the developer hasn't accounted for yet.

11           This material, studies on organic waste  
12 management done in Toronto, suggests that fully three  
13 and a third tons of this garbage will be organic  
14 waste which will engender unpleasant odors, attract  
15 flies and other vermin. The so-called "ick factor"  
16 for this organic waste and its impact on our  
17 neighborhood has been ignored so far by the  
18 developer.

19           The building will evidently be equipped  
20 with trash chutes on each floor so that residents  
21 will drop their garbage, waste, and recyclables in an  
22 unsorted way to the ground floor where there will  
23 reportedly be a compactor. Who will operate the  
24 compactor is unclear. The capacity is unclear. And

1 even if compacted, 60,320 pounds of garbage is a huge  
2 volume of waste materials to manage. It's unclear  
3 whether the current 12 by 18 trash room will reliably  
4 provide enough space to store over half a ton of  
5 garbage every week, even if it is compacted.

6           The developer hasn't bothered to tell the  
7 community how this mix of garbage, organic waste, and  
8 recyclables will be collected or where. The building  
9 design doesn't permit a large waste removal truck to  
10 empty the dumpster on the site. 40 Centre garbage  
11 will then have to be hauled to the Centre Street curb  
12 where it will be an obstacle for passersby of all  
13 kinds: school children, the elderly, the disabled,  
14 whether on foot or in wheelchairs.

15           By failing to submit a waste management  
16 plan so far, the developer has avoided telling the  
17 ZBA and the community whether recyclables are going  
18 to be dealt with separately. Should the developer  
19 opt for undifferentiated private hauling, the  
20 building will have a globally negative environmental  
21 impact, which is another public concern.

22           If the developer decides to force this  
23 refuse collection burden onto the town, then the  
24 neighborhood will be faced with having 30 tons of

1 garbage placed on the sidewalk over the year,  
2 blocking passage for the public on Centre Street.  
3 The volume of trash generated by this 40-unit  
4 building will most likely require about thirty  
5 35-gallon trash carts being placed out at the curb.  
6 That's a line 55 feet long and 2 feet deep. Extra  
7 blue recycling containers would take even more space.

8           Alternatively, the developer's intention  
9 may be just to leave a mound of garbage bags at the  
10 curb where they'd fall into the street or back over  
11 the sidewalk, further impeding the passersby. These  
12 bags invite animals and leave the garbage being  
13 spilled out onto the sidewalks and into the streets,  
14 which is a further public health concern.

15           Either of these options, the trash carts or  
16 the garbage bags, creates a public safety and health  
17 issue. In the absence of any waste management plan,  
18 either rejecting the developer's proposal completely  
19 or downsizing this building is the best way to reduce  
20 the public health, environmental, and public safety  
21 impacts that will be created by 30 tons of organic  
22 waste, trash, and recyclables that the occupants  
23 would produce every year. Thank you.

24           MR. GELLER: Thank you.

1           KAREN: Hi. I'm Karen of Babcock. And as  
2 a, you know, resident with lower income because of  
3 severe allergies and, you know, many other things,  
4 I'm really tired of other people advocating what  
5 should be in and around my prospective building. I'm  
6 already being displaced by Boston University New  
7 Balance Field under my window.

8           And every time I look at where the 40Bs are  
9 placed, they're either next to or not part of Boston  
10 University or they're, you know, in other places  
11 going to be built, like a school next door. I don't  
12 want another school next door. Okay? I mean, you  
13 know, we're already being displaced at staggering  
14 numbers, and you already have enough schools in North  
15 Brookline to strangle somebody. I mean, it's  
16 preposterous. I don't want benches under my window  
17 for people to gather and hang out and have their  
18 conversations all day and all night long. I don't  
19 want balls being thrown up and down and hearing your  
20 vibrations and screams and whistles through my  
21 window.

22           And I don't own a car, and I don't want to  
23 be choked with others that keep mentioning about  
24 cars. There's a lot of people who don't own a car.

1 I just want a place that is comfortable. Many places  
2 are not comfortable for me to live. I want a one  
3 bedroom. I would like to have a small patio. I --  
4 you know, I don't want it close, on top of me. I  
5 want a place that's actually livable -- livable size.

6 My current place is excellent because it  
7 has heat and the air conditioning is controlled,  
8 hence the filtered air conditioning system. I love  
9 my neighbors. I have excellent credit. I'm an  
10 excellent tenant. I look after the building as if it  
11 was my own. But I'm really tired of either being in  
12 a bad position or having a new neighbor that's not  
13 good. I mean, I'm a peaceful tenant. I want to live  
14 in a peaceful area. And I'd love to have the floor  
15 of someone's house, but that hasn't come through  
16 either. Yeah, thank you.

17 MR. GELLER: Thank you.

18 MR. SIMONELLI: I'm Rich Simonelli, Unit  
19 809 at 19 Winchester Street.

20 I sent an email to you a couple of weeks  
21 ago regarding the back side of 40 Centre Street. A  
22 good deal of effort has been put into doing something  
23 with cutting back the massing on the front side of  
24 that building and even on the sides. But back side

1 still has a -- call it a Berlin Wall effect. You  
2 have a six-story wall that's going to be 5 feet away  
3 from the back of our property line.

4           Now, yes, there's a pool there. But that  
5 area, if you look at it, is more than just a pool.  
6 It's a de facto open space for the neighborhood. The  
7 neighbors in the surrounding buildings get to look  
8 into an open area. There's a building on either side  
9 of 19 Winchester Street, there's going to be a  
10 building behind 19 Winchester Street, namely 40  
11 Centre Street.

12           So I'm advocating that maybe what you  
13 should do is try to stagger the floors on the back  
14 side of the building, as was done with the hotel on  
15 Route 9, try to give it a different effect so it  
16 doesn't look like you've got a building just dwarfing  
17 everything else around it because it's 5 feet away  
18 from the property line. So either pull it back or at  
19 least try to set the floors back, do something  
20 different besides just adding windows, which is what  
21 was done in the last iteration.

22           But this is, in effect, open space for us  
23 and for the neighbors. The front -- also, the front  
24 window or the front lawn for all the people on the

1 back side of that building, 19 Winchester Street.

2 Thank you.

3 MR. GELLER: Just one question. Are you  
4 saying your neighbors for neighboring properties also  
5 are free to use your pool and --

6 MR. SIMONELLI: No, no, no. I'm not saying  
7 they use the pool. What I'm saying is if they look  
8 out their window, they get to look down into that  
9 area, so it's an open space for them.

10 KAREN: You can hear them scream?

11 MR. SIMONELLI: And so it's basically --

12 MR. GELLER: That's not what one would  
13 conventionally define as open space.

14 MR. SIMONELLI: No. I understand that.  
15 I'm saying it's a de facto open space, is what I  
16 said. Because, yeah, it isn't, but this is the city.  
17 You make do with what you've got. Don't make it any  
18 worse is what I'm trying to say.

19 MR. GELLER: Thank you.

20 MS. ROSENSTEIN: Thank you guys again for  
21 sitting through this time after time after time. I  
22 would like to suggest that --

23 MR. GELLER: Tell us who you are.

24 MS. ROSENSTEIN: Oh, sorry. I thought we

1 knew each other by now. I'm Harriet Rosenstein. I  
2 live at 53 Centre.

3 Mr. Geller, you said to try not to be  
4 repetitive, and the trouble that I'm experiencing  
5 anyway is that the problems are iterated repeatedly  
6 because nothing has been candidly addressed. I think  
7 that everything we are hearing in some detail tonight  
8 we have heard in one way or another since June, I  
9 think, June of 1916 -- 2016. It's been a long time.

10 And I think that one explanation of so much  
11 repetition has been the level of good faith or the  
12 presence of bad faith dealings on the part of  
13 Mr. Roth and his representatives, that what we have  
14 been presented with for a very long time now has been  
15 stonewalling so that there have been no answers to  
16 the questions we have repeatedly asked.

17 The first meeting that we had -- this is  
18 where I'm going to add. The first meeting that we  
19 had, Mr. Roth indicated that he wanted so much to  
20 work with the neighbors. He wanted to work with the  
21 neighborhood. We were entirely delighted that indeed  
22 this could be a friendly 40B. That was the last we  
23 ever heard from Mr. Roth, the expression of a wish, I  
24 suppose, that nobody was granted, either Mr. Roth or

1 the neighbors. Thank you.

2 MR. GELLER: Thank you.

3 MR. MCNAMARA: Hi. My name is Don  
4 McNamara. I live at 12 Wellman Street. I just  
5 wanted to bring up a couple of points that I  
6 thought -- that haven't been brought up yet.

7 So this is an apartment building. So one  
8 of the big things that's going to come up is turnover  
9 of units. So as everybody knows in Boston, September  
10 1st is a very rough day. So I think the perfect  
11 storm for this place is September 1st, on a Thursday,  
12 farmers market, kids going to school. How many  
13 apartments are going to turn over on September 1st?  
14 20 of them? So there's 20 trucks pulling up with no  
15 parking, all blocking the road. I think there's an  
16 issue there.

17 I think that's about it. I think the  
18 parking consultant brought up a great point about the  
19 access for handicapped users. I think that is also  
20 an issue for everybody else because there are people  
21 that are going to be walking through on the car path,  
22 which I think is a safety issue as well. Thank you.

23 MR. GELLER: Thank you.

24 Anybody else?

1 (No audible response.)

2 MR. GELLER: No. Okay. Thank you,  
3 everyone.

4 So what I think we ought to do, as we've  
5 done in the past -- well, wait a minute. Judi, do  
6 you want to give us a --

7 MS. BARRETT: The elevator speech version  
8 of --

9 MR. GELLER: Thank you.

10 MS. BARRETT: I was asked to try to explain  
11 to the board how the pro forma review process works,  
12 and that really is the purpose of the memo. I think  
13 the take-home points that I'd like to underscore are  
14 that you don't get to a pro forma review unless you  
15 ask the applicant to make a change that the applicant  
16 says, I can't do. You don't get to sort of shop for,  
17 you know, give us multiple iterations of a pro forma  
18 until we get to the certain number of units that it's  
19 a make or break. You have to tell the applicant,  
20 take a floor off or increase the setbacks to some --  
21 whatever it is that you want, you have to articulate  
22 that. And the applicant is either going to say, I  
23 can do that or not.

24 If the applicant doesn't think that he can

1 accommodate your request and still have a financially  
2 feasible project, the burden is on the applicant to  
3 tell you that. You then may ask for a pro forma  
4 review. The applicant has to give you a pro forma  
5 that shows the impact of what -- the condition that  
6 you plan to impose or the waiver that you intend to  
7 not grant, the pro forma has to sort of represent the  
8 applicant's perspective, that is, I can't do this.

9           You then have that pro forma reviewed by an  
10 independent consultant who doesn't work for the  
11 applicant, doesn't work for the neighborhood, but  
12 works for you. You have two people already hired and  
13 ready to go, so if you decide to require a pro forma  
14 review, you can advance with that. But the applicant  
15 has to give you that pro forma that shows, I can't do  
16 this. You have your reviewer review that pro forma,  
17 and the reviewer is going to have a certain amount of  
18 work to do.

19           For example, the reviewer is probably going  
20 to need to corroborate some assumptions in the  
21 pro forma. It's pretty typical. He might want to  
22 check the applicant's assumptions about site  
23 construction costs or something of that nature. And  
24 so there's a bit of discussion that goes on. And

1 ultimately the reviewer comes back to you with a  
2 report.

3           Now, if the report says the applicant's  
4 full of bunk, you know, they can do -- the applicant  
5 can do what you suggest, you then have to decide are  
6 you going to go ahead and impose the conditions you  
7 threatened to impose in the first place or not grant  
8 a waiver. You have to decide what you want to do.

9           If the reviewer comes back and says, I hate  
10 to tell you this, but what you want to do will make  
11 the project uneconomic, my only concern for you if  
12 that's what happens, then it makes it harder for you  
13 as a board to continue to negotiate with the  
14 applicant. It kind of puts you in a corner. And so  
15 you have to decide: Do you want to take that risk?

16           If you feel that you're not getting  
17 anywhere with the applicant, if you're asking for  
18 changes in what you're getting or gestures, then  
19 maybe it is that point and you say, I don't want to  
20 mess around with this anymore. Take off a floor.  
21 I'm not trying to put words in your mouth. I'm just  
22 saying, you know, just tell the applicant what it is  
23 that you want and get going with this.

24           But if you feel that you're getting

1 somewhere based on the independent reviews you have  
2 so far, then my recommendation to you is to keep  
3 going and try to get the best project you can for  
4 your town, recognizing that in the end, the changes  
5 that you're asking the applicant to make, whatever  
6 they may be, are always going to have to be sort of  
7 weighed against this issue of, well, even if we get  
8 what we -- if we can get what we want here, how does  
9 that relate to the regional need for affordable  
10 housing, which is, you know, ultimately the directive  
11 of the statute.

12           So I think you have to -- you're getting to  
13 the point where, frankly, you really do have to make  
14 a decision because peer review doesn't just happen  
15 overnight. I mean, you've seen what's happened with  
16 the traffic reviews and with Cliff's work. I mean,  
17 there's been four different sets of plans I think you  
18 said you've reviewed.

19           Well, the same kind of thing happens, you  
20 know, with a pro forma review, and so you need to  
21 have the time to do that. And I'm just concerned  
22 that you have 180 days. There's a modest extension  
23 here, but you need to make a decision, and you have  
24 to decide: Do you want to take that risk or do you

1 want to keep going?

2           And just bear in mind that although -- you  
3 know, in the end, the applicant's consultants are  
4 going to represent the applicant's best interest.  
5 The neighborhood -- no disrespect to any of you, but  
6 the neighborhood has an advocacy position too. The  
7 neighborhood wants the smallest project they can get.  
8 The applicant wants the biggest project he can get.  
9 You need to have a project -- as Lark said in another  
10 setting here on a different project, you need to get  
11 a project you can approve, and you have to decide:  
12 Are you there, are you getting there, or do you think  
13 you're not?

14           If you think you're not, then it's time to  
15 say, Mr. Roth, you need to make the following change,  
16 and let him either say he can or he can't. If you  
17 think you're getting somewhere, I would hold off and  
18 I would see, can you get this thing a little closer  
19 to what you're looking for?

20           In the end, what you're going to have to  
21 rely on if this goes to the Housing Appeals Committee  
22 is not the neighborhood's consultants, it's not the  
23 applicant's consultants, it's yours.

24           MR. GELLER: Our peer reviewer's.

1 MS. BARRETT: Yes, your peer reviewer's.

2 MS. POVERMAN: I'm sorry. Can you say that  
3 last sentence again, because I was writing something  
4 down.

5 MS. BARRETT: That's all right, Kate. I  
6 was saying when this case -- if this case goes to the  
7 Housing Appeals Committee, you know, you're not going  
8 to be relying on the neighborhood's consultants, even  
9 though they might want you to, and you're not going  
10 to be relying on the applicant's consultant, even  
11 though he may want you to. You're going to have to  
12 rely on your consultants.

13 MS. POVERMAN: Got it.

14 MR. CHIUMENTI: My understanding is then  
15 when it goes to land court, it's de novo basically on  
16 these issues.

17 MS. BARRETT: I have not been to a land  
18 court proceeding before. I deal with the Housing  
19 Appeals Committee as little as I possibly can.

20 MR. CHIUMENTI: It's de novo. They start  
21 from scratch.

22 MR. HUSSEY: Can you elaborate on that a  
23 little bit, Steve?

24 MR. CHIUMENTI: Basically the judge is the

1 zoning board. It starts from the beginning. It  
2 doesn't consider what we said. He basically  
3 reevaluates the thing. He's not compelled to pass  
4 judgment on us. He basically makes his own decision.  
5 He does basically what we're doing now.

6 MR. HUSSEY: Does the judge decide, or can  
7 it go to a jury?

8 MR. CHIUMENTI: Oh, no, it would be a  
9 judge.

10 MS. POVERMAN: As I understand it, if the  
11 developer appeals, it always goes to the HAC?

12 MS. BARRETT: Correct.

13 MS. POVERMAN: So we don't get a choice of  
14 venue.

15 MR. CHIUMENTI: Oh, no. Then you go to  
16 court.

17 MS. BARRETT: Just to be clear, if the  
18 applicant's unhappy with whatever you issue, the  
19 applicant can go to the Housing Appeals Committee and  
20 you go through that process. And if you're not happy  
21 with how that turns out, then the ball's in your  
22 court. Somebody's going to end up appealing, you  
23 know, from there, but --

24 MR. CHIUMENTI: If he can prove it's

1 uneconomic, he gets to go to the Housing Appeals  
2 Committee. If we don't like the decision, we get to  
3 go to court.

4 MS. BARRETT: I mean, that's true. That  
5 is -- you know, you have to decide -- I think the  
6 great difficulty for boards of appeal with this  
7 process is, you know, you're trying to get -- your  
8 job is to try to get the best project you can for the  
9 town. I think that just needs to be really clear.  
10 This law is not about stopping affordable housing.  
11 It's about building it. So there's always this  
12 tension between, well, what's stopping the building  
13 of affordable housing?

14 From a Chapter 40B perspective, it's the  
15 regulatory requirement. I mean, the very things that  
16 Attorney Hill would like you to comply with are the  
17 reasons that there's Chapter 40B. There's all this  
18 tension between compliance with what you have for  
19 zoning and the regulatory barriers, and you're trying  
20 to figure out where's that spot where you've got a  
21 project that can be built. That's what the law is  
22 about. It's about creating affordable housing. But  
23 you don't ever know for sure unless you ask the  
24 applicant to make some change and the applicant says,

1 I can do it or not.

2           Now, so far, you know, you've been asking  
3 for things and the applicant's come back with some  
4 changes. I'm not saying -- I'm not passing judgment  
5 on those changes. I'm not saying they're great. I'm  
6 just saying the applicant has made quite a few  
7 changes. I remember the first time I saw the plans  
8 for this building and I, frankly, was horrified.  
9 But, you know, I'm just your 40B consultant. I'm not  
10 an architect. Thank God you're here. But, you know,  
11 the project's changed a lot, but has it changed in  
12 the material ways that you want? I can't comment on  
13 that. That's your job. I can just say it's changed  
14 a lot.

15           And to -- you know, to the point of do we  
16 have an adequate plan and so forth, what my  
17 experience typically is is whatever the focus issue  
18 is, that's sort of what everybody kind of works on.  
19 And then in the end when everybody agrees, yeah, this  
20 is what we're going to do, then you get a revised --  
21 complete revised set of plans, and that becomes the  
22 plan of record.

23           MR. GELLER: That's a nice intro for the  
24 board to have a discussion, so I want to invite the

1 board to continue the discussion that they've had.

2 MR. HUSSEY: Well, I think, from my  
3 perspective, the issue has always been, in terms of  
4 the neighbors and to some extent with us, the  
5 dense -- the height of the building, the number of  
6 floors, the density, and the misalignment with the  
7 number of parking spaces and the number of units.

8 All the rest of the stuff that they've  
9 done, some setbacks, some visual design variation,  
10 but it's been essentially -- the core of the program  
11 is still the same. And we haven't heard anything, I  
12 don't think, from our peer reviewers that indicates  
13 that it's reasonable to demand that be changed. The  
14 architectural peer reviewer says he's not bothered by  
15 the height. The traffic and parking reviewer  
16 indicates that it's -- you know, it's adequate.

17 MR. GELLER: Right.

18 MR. CHIUMENTI: I agree with Cliff Boehmer  
19 that the appearance of this project is very improved.  
20 I agree with Chris that that's really not terribly  
21 material.

22 The fact of the matter is the regulations  
23 tell us we're to consider the height and bulk of this  
24 project. That doesn't mean: How does it look? How

1 big does it look? How tall does it look?

2           Basically, if this building were 10 stories  
3 tall, the problem with the height and bulk isn't that  
4 it would look like it's 10 stories tall. It's that  
5 the height -- the bulk and height of the building,  
6 the size of the building implies a great deal about  
7 the pressure that the population concentration  
8 creates for the trash, for the parking, for the  
9 traffic. All of those things. That's what height  
10 and bulk is really about, not about how tall it  
11 appears.

12           Basically -- and I've said and I continue  
13 to feel that at least the sixth floor has to come  
14 off. And in looking at the distribution of  
15 apartments that they have there and working through  
16 the little 2012 town survey for rental units, the  
17 parking ratios they have, if you actually took the  
18 sixth story off and you used those little ratios, you  
19 get a parking requirement of -- the .68 would get you  
20 to -- which is what the parking consultant  
21 suggested -- you get 21 parking spaces, which happens  
22 to be the parking spaces in the basement.

23           I think that for those reasons, not the way  
24 the building looks, but because of the bulk and size

1 of this building, taking that sixth story off goes a  
2 long way to addressing the parking problem and the  
3 trash problem and just the busyness and traffic that  
4 this building entails. Basically, if you actually  
5 took the sixth story off and you dropped down the  
6 parapet there, it eliminates the building looking  
7 top-heavy but, as I say, I don't think -- Cliff  
8 mentioned -- but I don't think that's what height and  
9 bulk in the regulation really is a reference to.  
10 It's not that the building looks tall. It's that it  
11 is big, too big.

12 MS. POVERMAN: There are times when I wish  
13 I really hadn't been put on the zoning board, just  
14 about every time I leave one of these meetings.

15 MR. GELLER: Easier being in the public,  
16 isn't it?

17 MR. CHIUMENTI: No, it isn't. Not if  
18 you're here fighting a project.

19 MR. HUSSEY. As Steve knows.

20 MS. POVERMAN: I agree that the building is  
21 too big. I think the biggest problems are parking,  
22 which our peer reviewer said was a problem, that the  
23 ratio was inadequate, that it should be closer to a  
24 .67. I think that there are issues relating to there

1 being inadequate parking. Some of those were shown  
2 by the pictures that neighbors showed us of people,  
3 for example, being knocked out of their wheelchairs  
4 when they were basically run off the road at farmers  
5 markets. So I think there are safety issues. I  
6 think some of the issues are just convenience.

7 I think that the way to best handle that is  
8 to, as Steve says, get a greater alignment of the  
9 percentages. I think that if we could find a way to  
10 do that without taking off a floor, of reducing the  
11 units and increasing the ratio of parking in a  
12 discussion, in a collaborative way, that would be  
13 great.

14 One thing I want to see is what Cliff  
15 Boehmer suggested, would be increasing the setback of  
16 the fifth and sixth floors. And this is a huge  
17 movement for me. I hope everyone realizes that, and  
18 I'm sure some people really hate it. But where I am  
19 right now is for the fifth and sixth floors to be set  
20 way back, you know, at least six feet, because that  
21 will --

22 MR. GELLER: Where? Front? Side?

23 MS. POVERMAN: On the front. So we have  
24 where it's gone back to the balcony, and he said, you

1 know, 4 feet, basically you'll just have -- my view  
2 is you'll have somebody thrown over the edge in a  
3 fight at the barbecue, so you may as well get it  
4 further back to prevent death or some other safety  
5 issue.

6 MR. GELLER: They're at 4 feet now. I  
7 think Cliff's comment is if they set it back another  
8 2 feet, it'll be of greater impact. And that's --  
9 we're just -- for the moment, we're talking about the  
10 front.

11 MS. POVERMAN: We're talking about the  
12 front. So I'm just saying put it back another 6  
13 feet -- no, no, no -- another 2 feet to actually have  
14 habitable space up there but also have a greater  
15 visual impact of lessening the bulk of the building.  
16 And I think that that could have some effect on the  
17 unit mix, and I think that being collaborative in  
18 finding a way of improving the parking ratio would  
19 get us far.

20 I think that trash management is something  
21 that has to be worked out. I think that's something  
22 that --

23 MR. GELLER: You want to see a narrative?

24 MS. POVERMAN: Yes. Because we're just not

1 going to see 50 -- we're just not going to improve  
2 anything by having 50 blue cans lined up outside.  
3 And I need to hear -- I don't know how far we go, but  
4 I need to hear that we can work on that or else I am  
5 going to say, okay, let's take a floor off. Because  
6 in looking at the pro forma, I think you can still  
7 make it economically viable. You can shake your  
8 head, but the current treasury rate is 1.79. Add two  
9 and a half to that and you've got --

10 MR. ENGLER: Four and a half.

11 MS. POVERMAN: I looked it up today. It's  
12 1.79.

13 MR. ENGLER: And four and a half to that.

14 MS. POVERMAN: No. You add two and a half.

15 MR. ENGLER: No. You add 4.5 to that.

16 (Multiple parties speaking.)

17 MS. POVERMAN: Either way, I think it could  
18 be economically reasonable, and I think he can make  
19 it. So that's my point. I don't want to fight.  
20 Okay? So my point here, too, is we can all fight, we  
21 can all go to the HAC, we can all get ulcers. Let's  
22 not do that. Let's try to be cooperative. You've  
23 really come a great way in terms of making this a  
24 much nicer building. So we'll hear what Jesse has to

1 say, but --

2 MR. GELLER: So are -- I just want to be  
3 clear. You're not asking for any kind of setback  
4 other than in the front?

5 MS. POVERMAN: I would love it, but no.

6 MR. GELLER: That's the developer. What  
7 are you asking him to do?

8 MS. POVERMAN: I am not asking for that.

9 MR. GELLER: Are you asking for that?

10 MR. HUSSEY: I think if we can get more  
11 setback at the top --

12 MR. GELLER: Front? Side?

13 MR. HUSSEY: Well, the front. Probably the  
14 front. The issue is going to be having that work  
15 with the plan at the ground floor that doesn't  
16 eliminate a parking space. When they moved the  
17 elevator and stair back, it had some consequences  
18 that the architect may have -- are working out. But  
19 you certainly could give him a chance to do that.

20 MS. POVERMAN: And the parking has to be  
21 worked out, that ratio.

22 MR. HUSSEY: The only way to reduce -- get  
23 the parking worked out is to reduce the number of  
24 units.

1 MS. POVERMAN: Right.

2 MR. GELLER: Or increase the parking.

3 MR. HUSSEY: There's no way to increase the  
4 parking.

5 MR. CHIUMENTI: We've already got this  
6 gold-plated strange system to get the parking where  
7 it is.

8 MR. GELLER: That gold-plated strange  
9 system, assuming that they present information that  
10 satisfies our concerns, they're building a structure  
11 that accommodates more of those do-hickies. And  
12 therefore, if the conclusion is reached that they  
13 function and they function safely and that they have  
14 a methodology in which to employ it in a safe manner,  
15 then it seems to me the -- the parking ratio is  
16 addressed either by a reduction in the number of  
17 units, right, size of the building, or an increase in  
18 the parking.

19 So put -- if you approve the project, put a  
20 condition in. They're already building the size  
21 sufficient to accommodate these things, so put in a  
22 condition that says that they have to do an audit one  
23 year after they've got 70 percent occupancy. And if  
24 it is established that there's insufficient parking,

1 they've got to add further stackers. So that's more  
2 parking. So the parking issue you can address one of  
3 two ways.

4           In terms of the trash, they've got to  
5 produce for us a narrative that tells us how this is  
6 going to be accomplished and it's going to tell us  
7 how a room of that size is going to accommodate a  
8 building with this number of units, with this number  
9 of occupants. How is it going to be stored? How is  
10 it going to be disposed of? What's the pickup  
11 methodology? How's it going to work? Give us  
12 something in writing to that effect and let us look  
13 at that. So, I mean, I think that'll at least give  
14 us a starting point to look at that. And, frankly, I  
15 think we should have that.

16           MR. CHIUMENTI: I think that we need to get  
17 this thing done right in the first place because,  
18 frankly, if I were representing the developer and a  
19 year later you're telling me I've got to buy three  
20 more of these things, I'd go to the judge and say it  
21 makes it unaffordable, and the judge would say forget  
22 it.

23           MR. GELLER: Can they go and do that?

24           MR. CHIUMENTI: Yeah. That's what you do.

1 You go to the judge and you say it's not affordable.

2 MS. BARRETT: Well, the applicant would  
3 come back and ask for a modification. I mean, that's  
4 how you remedy that. And the board decides whether  
5 the request for a modification is substantial or  
6 insubstantial.

7 MR. CHIUMENTI: And then we go back and  
8 tell them, sorry, can you remove the sixth floor?  
9 It's a little too late, little too late.

10 MS. BARRETT: Well, to complete the  
11 thought, if the board said -- you're asking for a  
12 substantial change. Let's assume the applicant's  
13 coming back and saying, well, it doesn't work, but I  
14 just want a waiver from having to provide more  
15 parking, so I want to modify the permit. And board  
16 says, no, we're not going to do that. We're going to  
17 hold you to the ratio that we wrote into the permit.  
18 The applicant can go to the Housing Appeals Committee  
19 and get that overturned. I'm just saying that that's  
20 what the remedy -- that's how the process would work.

21 MS. POVERMAN: Well, why don't we just say  
22 put in the stackers now if that's the way -- we know  
23 that the demand is going to be greater than the --  
24 what's existing.

1 MR. HUSSEY: You mean what's proposed.

2 MS. POVERMAN: What's proposed rather,  
3 yeah.

4 MR. CHIUMENTI: If the applicant removes  
5 the sixth floor, the ratio comes out to be what the  
6 parking consultant said.

7 MS. POVERMAN: I think there is -- I'm  
8 trying to do a risk assessment, and that's really  
9 what it is coming down to for me, is what the risk is  
10 of being wrong, if I'm wrong about the economic  
11 considerations and the strength of our local-concern  
12 argument. So for me it was a risk/benefit analysis.

13 MR. GELLER: What you've lost is the  
14 cooperation of this developer.

15 MS. POVERMAN: Yeah, that too. I mean,  
16 what? You're saying I lost it right now? Yeah,  
17 we've lost that.

18 But also, if we do get to the appeals  
19 court, realistically -- I'm just trying to weigh all  
20 of this. I'm trying to be very realistic and very  
21 pragmatic. And I think -- I think we'd succeed on  
22 economics, but if we don't, I think local concerns  
23 will be very tough. And that's being very pragmatic,  
24 and that's why I'm willing to see if the developer --

1 but I think it's possible. But that's why I'm  
2 willing to see if the developer will work with us now  
3 on these issues. And if he were to say no, I would  
4 say take off the sixth floor and we'll play that  
5 game.

6 MR. HUSSEY: Well, I think we don't have  
7 time going forward to bring this up at a future  
8 hearing. I think if you're going to ask for a floor  
9 to be eliminated, you've got to do that now.

10 And the pro forma, the whole business about  
11 estimates going forward, both construction estimates  
12 and market estimates, as I said before, is an art.  
13 It is not a science. There are a number of variables  
14 that go any which way.

15 MR. GELLER: That's true.

16 MS. POVERMAN: Well, Jesse, I'd like to  
17 hear what you're thinking, for one thing, and then  
18 ...

19 MR. GELLER: So my thought process has been  
20 from the beginning that -- you know, it's interesting  
21 what Steve says, but my viewpoint has been -- I don't  
22 have an issue with height, our peer reviewer doesn't  
23 have an issue with height, so I don't have a basis on  
24 which to say this building is too tall.

1 MS. POVERMAN: I feel like I've lost that  
2 today.

3 MR. GELLER: Peer review has not said that  
4 the massing is too large, so I don't have an  
5 independent way of determining that the massing is  
6 too large. I'm not saying this is a beautiful  
7 building that is pristine Victorian styling. I'm  
8 trying to deal with the practical reality of 40B,  
9 what we can do and cannot do. That's the limitation.  
10 And it's not a good one, but that is the limitation.

11 So I just look at the peer review that we  
12 have. Is traffic an issue? Peer review says traffic  
13 is not an issue. So what are the issues?

14 Steve points out that it's not the height  
15 so much, in and of itself. It's the impact of  
16 density on trash disposal, storage, pickup; it's on  
17 the fact that delivery vehicles -- we've had  
18 testimony to that effect -- will have an impact.  
19 Okay. Where are the narratives on this that tell me  
20 one way or another how it's going to be done so that  
21 I can draw a conclusion, or somebody who is  
22 technically capable can tell me it can't work that  
23 way. You're going to have UPS trucks lined up down  
24 Centre Street. We're going to have queuing. It's

1 going to take you 16 hours just to clear the site.  
2 By the way, I don't think that's the case, but I  
3 don't have any peer review, and I don't have anybody  
4 technically who can tell me that that's what's going  
5 to happen.

6           You can tell me that there's no parking in  
7 front of this building because the Town of Brookline,  
8 in its infinite wisdom, said that's not a good place  
9 for it. But where's the technical information that  
10 tells me, the ZBA member, that therefore, this  
11 building doesn't work?

12           So I'd like the starting point to be -- I'd  
13 like to know how this is going to happen. Where are  
14 the trucks going to go? When I move into your  
15 building -- and my wife loves to shop on Amazon --  
16 where is that stuff going to -- how is the truck  
17 going to come to the building? How's it going to get  
18 into the building?

19           MR. ENGLER: Drones.

20           MR. GELLER: Drones, probably to your roof  
21 deck.

22           MS. POVERMAN: Or to the expanded balcony.  
23 Maybe it could go there.

24           MR. HUSSEY: Or double park, just like they

1 do now all over the place.

2 MR. GELLER: Everywhere else.

3 I'm simply saying -- so if I look at our  
4 peer review, I have a very difficult time reaching  
5 the conclusion that I ought to tell him simply lop  
6 off the sixth floor.

7 If what you're saying is you ought to move  
8 the front back to 6 feet, I think you ought to move  
9 that floor -- is that the measurement, 6 feet?  
10 Because you're at 4. Move it back 2 feet? Yeah, I  
11 think that would be an improvement. I think it would  
12 be an improvement to the building that I actually  
13 think you do like and that you do want to take pride  
14 in. I think it's a better building because I think  
15 what it does is it makes that four stories read more  
16 like a four-story building.

17 You know, the question then becomes: Has  
18 peer review told us, because of health, safety, local  
19 concern, that there ought to be setbacks on any other  
20 side of this building? Again, peer review hasn't  
21 told us. There is nothing in peer review that has  
22 suggested to me that they ought to be taking off a  
23 floor. I'm sorry to say that, because I think it'd  
24 be better if you did.

1 MR. CHIUMENTI: I disagree.

2 MR. GELLER: That's why we're here.

3 MR. CHIUMENTI: If there were a health and  
4 safety problem, we reject the project. We're not  
5 saying we're going to reject the project. The  
6 regulations say we consider height and bulk. Height  
7 and bulk aren't going to be safety concerns, but it  
8 says we consider height and bulk, it says we consider  
9 adequacy of parking ratios, talks about open space  
10 and so on, talks about the intended use of space in  
11 the facility and so on. These are not reasons to  
12 reject the project, but they are reasons to basically  
13 say this project is too big. And that's all I'm  
14 suggesting, this project is too big.

15 If it were five stories -- it's not because  
16 it doesn't look so tall or it looks better in the  
17 neighborhood. It's because they have less bulk, less  
18 pressure on the --

19 MR. GELLER: Let's distinguish. This  
20 project is too big.

21 MR. CHIUMENTI: Yeah.

22 MR. GELLER: 40B says people can build much  
23 bigger than they otherwise could.

24 MR. CHIUMENTI: It says they are excused

1 from the zoning limitation, but it has a list of  
2 requirements that we are to consider. They're all  
3 not quantifiable.

4 MS. BARRETT: But you have to weigh them  
5 against the regional need for affordable.

6 MR. CHIUMENTI: What is that?

7 MS. BARRETT: What does it mean?

8 MR. CHIUMENTI: These are all concepts.  
9 These are not -- how do you weigh the fact that 30  
10 percent of the households in Brookline are eligible,  
11 basically, for affordable housing, as opposed to this  
12 is a 40-apartment building in a neighborhood where  
13 this would never have been permitted otherwise? I  
14 mean, how do you measure that? How do you weigh  
15 that?

16 MS. BARRETT: Well, it's the direct -- the  
17 impetus of the statute is that -- because there is an  
18 unmet need.

19 MR. CHIUMENTI: Then why did they tell us  
20 to consider the height and the bulk and --

21 MS. BARRETT: Because you have to balance,  
22 you have to balance.

23 MR. CHIUMENTI: And that's what we're  
24 doing, and there's too much pressure in this spot.

1 MS. BARRETT: And all I would suggest to  
2 you -- and not as a fan of this project, but just to  
3 point out -- you need some objective basis besides, I  
4 just think the building is too big. That's why you  
5 end up getting professional help.

6 So I'm not saying that to your eye you're  
7 wrong. I'm saying that you get professional help to  
8 evaluate those matters that are listed in the  
9 regulations. I think you've got a tough road here if  
10 you're suggesting that perhaps your assessment of the  
11 size of the building supercedes that of your  
12 architectural review, but that's just something to  
13 think about.

14 MR. HUSSEY: So you're essentially saying  
15 that you're agreeing with Mr. Geller, our chairman,  
16 in his analysis, which is --

17 MR. GELLER: Nobody should agree with me.

18 MR. HUSSEY: I'd like to make one comment  
19 about the trash.

20 MS. POVERMAN: She's not agreeing  
21 necessarily. What modifications or --

22 MR. GELLER: No.

23 MS. POVERMAN: What do you have to say?

24 MS. BARRETT: I'm trying -- I don't want to

1 steer the board. I really don't want to steer you  
2 on. I'm just trying to give you the benefit of my  
3 experience, whatever that's worth.

4 MS. POVERMAN: Okay.

5 MR. HUSSEY: I'd like to make one comment  
6 about the trash. And I know this may be giving  
7 evidence, but it can't be helped. Most of the trash  
8 analogies that we've heard so far, as near as I  
9 understand them, really related to single-family  
10 homes.

11 I live in a 72-unit condominium, and we  
12 have thirty 55-gallon trash containers for a 72-unit  
13 building. So I don't see 40 containers in this  
14 building, from my experience.

15 MR. GELLER: Okay. I'm simply suggesting  
16 that it would be appropriate for us to hear the  
17 narrative of how it's going to function.

18 MS. POVERMAN: How do we solve the parking  
19 problem? If we give direction today -- because I  
20 think we do need to decide now whether or not we get  
21 the economic review. I think you and I have made  
22 suggestions. The others have not weighed in on the  
23 6-foot back issue, whether or not that would --

24 MR. GELLER: Well, that's not going to

1 solve the parking ratio.

2 MS. POVERMAN: Right. Well, that's it. So  
3 we ask for that or -- I haven't heard Mr. Hussey say  
4 it, but -- and then the parking. How do we --

5 MR. CHIUMENTI: The expert says .67 should  
6 be the ratio, and you can do that by eliminating nine  
7 units, eliminating the sixth floor. Or you could  
8 just say keep a ratio of .68, however you do it.

9 MS. BARRETT: You could do that.

10 MR. CHIUMENTI: Which is what Jesse was  
11 saying.

12 MR. HUSSEY: Yeah. I'm really not happy  
13 with these jack-up units.

14 MR. GELLER: Stackers?

15 MR. HUSSEY: Stackers. I think they're --  
16 as I said in the past, I think we have two issues  
17 here with the parking. One is the number of units  
18 related to the number of living units. The other is  
19 the so-called safety. And the safety issue gets  
20 resolved by not increasing the parking, and let the  
21 parking be driven by the market.

22 MR. GELLER: There is a tension there. I  
23 mean, one of the points that is made by the parking  
24 peer reviewer is, of course, that you've got a tight

1 parking garage. And the impact of that is the  
2 ability of cars, frankly, to get in and out, and what  
3 happens if there are conflicts.

4           And although I think the peer reviewer was  
5 very careful and did not say that he thought that  
6 there was a safety-hazard issue and he was careful to  
7 say that it complied with codes, he gave comments  
8 that -- these are my words, not his -- but better  
9 design would be at least a 1-foot gap at the doors  
10 and for people to get in and out, and that  
11 particularly in the curve of the drive where there's  
12 a single door, there's the concern about conflict  
13 between the vehicles coming in and the vehicles  
14 coming out. And then you throw in the concern about  
15 the tight garage. The cars have to back in, and the  
16 number of times -- back in and out -- the number of  
17 times they have to maneuver to get out or in.

18           You know, those all go to -- you sort of  
19 put that -- you weigh that against the demand for  
20 adequate parking. So you have to weigh those two  
21 different concerns.

22           MR. HUSSEY: Well, there are limits to what  
23 you can do --

24           MR. GELLER: -- do with this, right.

1 That's exactly the issue.

2 MR. HUSSEY: You lost me.

3 MR. GELLER: No. The issue is -- you can  
4 demand that they add parking spaces; right?

5 MR. HUSSEY: Through the stackers.

6 MR. GELLER: Through the stackers, which  
7 Steve is not in favor of. But your point is --

8 MR. CHIUMENTI: I'm scared. You've got two  
9 tons of metal.

10 MR. GELLER: But your point is that even if  
11 you do that, you've exacerbated the risks --

12 MR. HUSSEY: Right. And also perceived  
13 pedestrian safety.

14 MR. GELLER: Right.

15 MR. HUSSEY: I won't give you my lecture on  
16 the three different truths.

17 MS. POVERMAN: What?

18 MR. HUSSEY: Well, there's objective truth,  
19 which is scientific truth; perceived truth, which is  
20 political truth. I'm trying to remember them now. I  
21 lectured my grandchildren.

22 MR. GELLER: You forgot the punch line?

23 Well, if you're following your  
24 conclusion --

1 MR. HUSSEY: The safety issue is perceived  
2 rather than scientific.

3 MR. GELLER: Right, right. He was very  
4 careful to make that distinction.

5 If you follow your line of reasoning, then  
6 your conclusion is somewhere between Kate's and  
7 Steve's. Now translate that to the developer.

8 Kate's ask -- and I don't want to steal  
9 your words, but you want the front a full 6 feet  
10 back; right?

11 MS. POVERMAN: Yes.

12 MR. GELLER: And you also want the number  
13 of units --

14 MS. POVERMAN: -- reduced.

15 MR. GELLER: So that the ratio --

16 MS. POVERMAN: -- is improved.

17 MR. GELLER: -- is improved to 60.

18 MR. CHIUMENTI: .67.

19 MR. GELLER: .67.

20 MS. POVERMAN: Ideally.

21 MR. GELLER: And are you at the same place?

22 MR. HUSSEY: Pretty much. I think the  
23 additional setback can be done. I don't think that's  
24 a problem.

1 MR. GELLER: No. I won't speak for them,  
2 but it seems to me the balcony is a limited  
3 functionality.

4 MR. HUSSEY: Right. There's a community  
5 space right in back. That can be reduced -- can be  
6 eliminated, frankly. They could access the so-called  
7 balcony, fourth floor, through the elevator lobby.

8 MR. GELLER: Might be his management  
9 office.

10 MR. HUSSEY: Okay. So where does all this  
11 leave us? So we're going to ask for another 2-foot  
12 setback on that fourth-floor front setback.

13 MR. GELLER: Right. But your bigger  
14 discussion is about reduction in units so that the  
15 ratio -- or simply going --

16 MS. POVERMAN: Or bedroom mix.

17 MR. GELLER: Or bedroom mix. Bringing the  
18 ratio in line, is what you're asking; is that  
19 correct?

20 MR. HUSSEY: The only way that's going to  
21 happen is by eliminating units, and the only way  
22 that's going to happen is by eliminating a floor. I  
23 don't think mix -- say you've got three-bedroom  
24 units, the big units now. So you eliminate a

1 three-bedroom and you put in two studio apartments,  
2 so three studio apartments. That's not going to  
3 change --

4 MS. POVERMAN: Right. I do think it's  
5 true -- I think the ratio you can use for studio  
6 apartments is less. I think someone with a studio is  
7 less likely to have a car.

8 MS. BARRETT: They do need to preserve at  
9 least 10 percent of the units as three-bedrooms.

10 MS. POVERMAN: Right. But now there are 5  
11 three-bedrooms? Yeah, there are 5 three-bedrooms,  
12 and they're also more per square foot for the  
13 studios.

14 MR. HUSSEY: Well, I'm not going to work  
15 out the numbers.

16 MS. BARRETT: Right. That's the  
17 applicant's problem. You need to tell the applicant,  
18 whatever it's going to be, what --

19 MR. HUSSEY: Well, right now it appears to  
20 be to add another 2 feet to the setback at the fourth  
21 floor and reduce the number of types of units within  
22 the required percentages that you need to perhaps  
23 reduce the parking required and therefore get that  
24 ratio back up.

1 MS. POVERMAN: What is the current ratio?

2 MR. ROTH: Right now -- you know, I know  
3 you've been talking about this ratio of units, but  
4 it's important to remember that one of the reasons  
5 we've changed the mix to what we did was trying to  
6 release a little of the pressure on the parking. We  
7 originally had much fewer studios. We went to --  
8 almost half the units are studios. Sixteen units are  
9 studios. So you have, you know, a good percentage of  
10 studios, and then you have 14 one-bedroom units. So  
11 you have a total of 16 studios and 14 one-bedrooms.

12 So, you know, our point -- I mean, we've  
13 heard this parking issue early on. And one of the  
14 ways we thought is that bringing in more studios  
15 would, you know, release that pressure on the  
16 parking. I mean, we had it up to as many as 20  
17 studios.

18 And we still think that it's important. I  
19 think, first of all, in the Coolidge Corner area on  
20 Brookline, there is really a shortage of studios.

21 The other important factor is that  
22 affordability is very important. I mean, there are  
23 many, many residents that are going to the hospitals  
24 that need space. They don't need, necessarily, cars.

1 They need space. They need space that they can  
2 afford.

3 Now, if you want to live in Coolidge  
4 Corner, you start combining two studios into a  
5 one-bedroom unit or you take 2 one-bedrooms and make  
6 it into a two-bedroom unit. You're increasing the  
7 price of the rent. Rents are going to just continue  
8 going higher by making the -- combining the units  
9 into fewer units. And you'll be encouraging more  
10 cars.

11 So, you know, it's not -- I don't think the  
12 strategy is -- and I know I have a self-interest in  
13 this, but the truth is that by combining the units,  
14 you're going to be at bigger units, you're going to  
15 get more expensive units, and you're going to be  
16 encouraging more cars. So right now, I think that  
17 the mix that we're trying to get is to not encourage  
18 cars by introducing more studio units.

19 MR. ENGLER: The answer to your question is  
20 .525, I think. It's 21 divided by 40.

21 MS. POVERMAN: Okay.

22 MR. ENGLER: And let me add one other  
23 point. You can tell us what ratio you want, which we  
24 don't happen to think is a rise to the level of

1 safety in terms of affordable housing. You can tell  
2 us that.

3           What you can't tell us is what mix you  
4 want. That's between us and the subsidizing agency.  
5 So you can say, derive whatever mix you want to get  
6 to this ratio, but you can't tell us -- when it's a  
7 market issue, it's between us and MassHousing.

8           So we think, as Bob just said, the mix is  
9 good. We don't think the parking ratio is a safety  
10 issue. That's your call. And taking off a story is  
11 20 percent of the units. I'll run you the numbers  
12 seven ways to Sunday. It won't work.

13           MR. CHIUMENTI: Well, I think the parking  
14 is becoming the idiom for the measure of the -- the  
15 massiveness of the building. It's sort of becoming  
16 the measure. It's sort of not whether there are 21  
17 cars or 25 cars. It's more or less what that entails  
18 as far as the bulk of the building. I think that's  
19 kind of -- we're ending up having to express it that  
20 way, that we want a .67 ratio, but that's kind of an  
21 indirect way of describing the -- limiting the bulk  
22 of the building, I think is the -- it's sort of  
23 sounding less important, but that's because it's --  
24 we're saying traffic when -- parking when really it's

1 the measure of the bulk of this building.

2 MS. POVERMAN: So, Chris, where are you at  
3 this time?

4 MR. CHIUMENTI: Be interested to here,  
5 though, Judi -- sometime would you explain the -- I  
6 mean, if this were a ten-story project, would you  
7 object to the height and bulk of the building and --

8 MS. BARRETT: On what basis are you asking  
9 me?

10 MR. CHIUMENTI: That's a rhetorical  
11 question.

12 MS. BARRETT: I'm sorry.

13 MR. CHIUMENTI: Why would you object to it?

14 MS. BARRETT: Well, I would look at it as a  
15 planner, so I would look at the area, I would look at  
16 whether there are reasonable precedents, not  
17 necessarily next door, but within the general  
18 vicinity.

19 MR. CHIUMENTI: There are a few four-story  
20 buildings. They're -- actually, they have better  
21 setbacks, but they're not terrible. They have better  
22 setbacks, I think, as the neighbors described. And  
23 this is totally out of character when it gets to be  
24 this tall. But you say we can't -- that's not --

1 MS. BARRETT: I'm not saying you can't.  
2 I'm saying you have to have an objective basis for  
3 it. That's all I'm trying to say. I'm not saying  
4 you don't have one. I'm just saying that's the  
5 issue. You need an objective basis for it.

6 MS. POVERMAN: And sort of maintaining the  
7 character of the neighborhood -- I know that's been  
8 shot down and height --

9 MR. CHIUMENTI: It says height and bulk of  
10 the project and height and bulk of surrounding  
11 structures and improvements. We're to consider that.

12 MS. POVERMAN: Yeah. But I think that has  
13 to do with design.

14 MR. CHIUMENTI: Well, yeah. But it's not  
15 the way it -- it's not the way it looks. It's what  
16 it is.

17 MS. BARRETT: It's a design issue. That's  
18 why you have an urban designer.

19 MR. CHIUMENTI: But what it is. It's not  
20 that it looks tall. Well, the reason it looks tall,  
21 of course, is because it is tall.

22 MS. POVERMAN: But to use Maria's favorite  
23 phrase, we sort of chip away at density, height, and  
24 bulk, and I think that's what we've been working at.

1 MS. BARRETT: There is always, I think,  
2 some tension in Chapter 40B projects in terms of this  
3 issue of compatibility with the surrounding area.  
4 This is Brookline. You know, you live in a certain  
5 type of community here. A lot of the towns I work in  
6 are far more suburban, single-family homes  
7 everywhere. How do you introduce multi-family  
8 housing stock in a community where everything is a  
9 single-family home? If you held it to the standard  
10 that it has to look like what's around it, you  
11 wouldn't get much affordable housing.

12 So there's always this tension around  
13 trying to make something that is different fit in an  
14 area where there isn't necessarily a precedent right  
15 next door. That's a -- there is just a tension that  
16 exists with a lot of these projects is all I'm trying  
17 to say.

18 MS. POVERMAN: I've forgotten where Chris  
19 is on this.

20 MR. HUSSEY: Chris has forgotten where  
21 Chris is. I think I would go back, to some extent,  
22 to what our chairman says. He, I think, has  
23 expressed the opinion that eliminating a floor is  
24 going to be a risky move.

1 MR. GELLER: What I said was that peer  
2 review -- it's not supported by peer review that --

3 MR. HUSSEY: I agree with you.

4 MR. GELLER: Now, the question then becomes  
5 if your concern is about the -- if your concern is  
6 about the number of units and the impact that that  
7 has and how it filters through in terms of inadequacy  
8 of the parking, too much trash, or too many vehicles  
9 leaving the garage and affecting pedestrians on the  
10 sidewalk, it doesn't mean that you can't ask for  
11 setbacks that alleviate the density, the number of  
12 units. You know, it's not all or nothing. It's not  
13 remove the entire floor.

14 And I know what you said about they have to  
15 have access. There has to be -- you know, they have  
16 to line up their stairwells. That's for them to  
17 figure out. Okay?

18 So if your concern is with the density  
19 issues, then the ask to consider is should they --  
20 should they provide to you a deeper setback? Because  
21 that results, I think, in what you're asking for,  
22 without impacting further stackers in the garage or,  
23 you know, however you're going to do it.

24 MR. HUSSEY: I think a nominal setback at

1 the top --

2 MR. GELLER: That's can be done, but that's  
3 not going to have anything to do with the other  
4 issue.

5 MR. HUSSEY: And I think that -- I've got  
6 an issue with the stackers. I don't want to see any  
7 more stackers. I'm a little worried about the  
8 stackers we've got. So if that's the case and if I  
9 agree with you, which I think I do, that the peer  
10 review, because of the positions they take, it really  
11 doesn't agree with our eliminating a floor. I mean,  
12 that's what you've indicated. It would be our own  
13 individual -- but I don't have any trouble with the  
14 height, either, quite frankly.

15 MR. GELLER: So then -- so your next step  
16 would be -- so is your conclusion that they should  
17 remove half a floor? Simply create a further setback  
18 in the rear on the side so that it reduces the number  
19 of units? Tell them where you -- what is your  
20 conclusion, based on all of those things? Because  
21 that's what they need.

22 He's either going to tell you, I can't do  
23 it, or, hmm, I haven't thought about that. Maybe I  
24 can.

1 MS. POVERMAN: You're our fearless leader.  
2 What do you say?

3 MR. ENGLER: I need a majority. We can't  
4 just respond to any one of you.

5 MR. GELLER: I'm trying to find out --  
6 you've told me these factors, and I'm trying to  
7 figure out, so what are you telling them to do?

8 MS. POVERMAN: Well, I want to know what  
9 you say too. I can't make a final statement until I  
10 know what all of you think, and you have not said  
11 what you want.

12 MR. GELLER: No. I want them to take back  
13 the front 6 feet.

14 MS. POVERMAN: And that's all?

15 MR. GELLER: That's it. I mean, I -- my  
16 feeling is -- my order on the parking would be I want  
17 you to bring it within the ratio that was recommended  
18 by the peer reviewer. That's what I want you to do.  
19 I don't want to figure out how you're going to do it.  
20 I want you to do it.

21 MS. POVERMAN: Okay. I'm with you.

22 MR. GELLER: Now, the question is -- you've  
23 been more specific. You cited things that go  
24 slightly beyond that. And the question I'm trying to

1 get to so you can tell them so they can figure out  
2 what it is they're willing to do is, to deal with  
3 your density issue, do you want them to trim this  
4 building in some aspect that they have not done yet?  
5 Forget, for the moment, the 6 feet in the front,  
6 because it does --

7 MR. HUSSEY: I really don't have that much  
8 problem with the density and the amount of units.  
9 The safety issue that -- again, the perceived one has  
10 to do with the amount of parking. And if we can  
11 direct them to reduce that parking somehow without  
12 reducing the density, then that's fine.

13 MR. GELLER: I don't know how --

14 MS. POVERMAN: What do you mean by "reduce  
15 parking"?

16 MR. HUSSEY: Well, I think the parking --  
17 there's enough parking there right now. I would not  
18 want to increase the parking if it means more  
19 stackers. I'm not even sure I'll vote for these four  
20 stackers that he's got now.

21 MS. POVERMAN: That's their issue, parking.

22 MR. CHIUMENTI: Well, that's why this ratio  
23 of .67 becomes kind of a simple formula for the whole  
24 problem -- the whole problem with bulk. Just -- if

1 you could achieve the .67, however you do it, I mean,  
2 that's not really about parking. That's about bulk  
3 of the building, in effect. It's just a measure that  
4 sort of captures that, in effect. The parking is  
5 very fixed. They can't really -- so .67 implies  
6 something about the size of the building. It implies  
7 a somewhat smaller number of apartments or a smaller  
8 building than they proposed.

9 MR. HUSSEY: I think the developer has  
10 already said they've tried to adjust this mix and  
11 gone as far as they can -- or are willing to go on  
12 the mix.

13 MR. GELLER: Well, within the dimensions of  
14 the existing structure.

15 MR. HUSSEY: Right.

16 MS. POVERMAN: Well, I think if, as you  
17 suggest, we say set back the front by 6 feet and then  
18 you determine how you're going to make the parking  
19 jive, this gives me the option of setting back the  
20 back, setting back all around, being creative.

21 MR. GELLER: Okay.

22 Mr. Hussey?

23 MR. HUSSEY: I'm not sure it's feasible,  
24 but what we're saying -- what I think we agree on is

1 that the goal is to get that parking ratio down to --  
2 what is it .6 --

3 MR. CHIUMENTI: .67. That's what the  
4 parking consultant said.

5 MR. HUSSEY: However they do it is up to  
6 them. I think that's fine. So it's the ratio that  
7 --

8 MR. GELLER: But let me say, if I read  
9 between the lines of what Ms. Poverman and Mr. Hussey  
10 are not saying, is they want you to reduce -- they  
11 want you to create a setback on that sixth floor that  
12 reduces the -- that increases the ratio, gets you  
13 to -- I'm reading between the lines.

14 MR. HUSSEY: I don't hear that.

15 MS. POVERMAN: All I'm saying is put the  
16 6-foot setback, and then it is up to you how you  
17 achieve the ratio.

18 MR. GELLER: Okay. Then I'm reading more  
19 into it than I should. I take it back.

20 MR. HUSSEY: We shouldn't tell me how to do  
21 things.

22 MR. GELLER: Okay. That's fine.

23 The other thing that I want is I would like  
24 a narrative on trash, I want a narrative on pickup,

1 drop-off. That means both residents as well as  
2 deliveries.

3 I appreciate, Mr. Roth, the fact that you  
4 have started to do the research on the stackers. Any  
5 information of what you're thinking of in terms of  
6 how you see it functioning would be helpful, if we  
7 could start seeing what that looks like, at least  
8 what you're thinking of.

9 And also a response to the parking peer  
10 reviewer's comments in terms of concerns about there  
11 being conflicts within the garage. They raised the  
12 possibility of going from two doors to a single door,  
13 which will alleviate some of the issues, and then how  
14 cars are going to negotiate the two directions in the  
15 20-foot drive that curves.

16 There was also the issue of the -- simply  
17 clarifying handicap access from the garage to the  
18 vestibule. I think he took a look at that drawing.  
19 It was a little unclear, so if you could bring some  
20 clarity to that, that would be particularly helpful  
21 too.

22 MS. POVERMAN: Now, do we need to know if  
23 this is something he's saying -- you're going to say,  
24 absolutely not, we can't do this?

1 MR. ENGLER: Well, I'm asking for a  
2 five-minute recess so we can talk. So you know that  
3 .67 is nine units. That's the same thing as taking  
4 off a floor. That's 20 percent of the development.  
5 I know the economics of that without getting up. We  
6 have to talk about whether we're going to say we need  
7 a peer review, or we're going to tell you we can do  
8 it or we'll think about it or we'll design something.  
9 We'll come back and tell you. We just need a little  
10 conversation.

11 MR. ROTH: One thing I said before, and I  
12 think it's important to really think about, and I  
13 think it's true. I think that if you brought the  
14 amount of units from 40 units to, say, 30 units and  
15 you made bigger units, right, essentially what we'd  
16 do is essentially create more one- and two-bedroom  
17 units and eliminate studios. Right?

18 If you do that, I think you will have more  
19 demand for car use by having bigger units and more  
20 bedrooms than having smaller studio units.

21 MR. ENGLER: That's not what they're  
22 asking.

23 MR. ROTH: That's my take on it.

24 MR. GELLER: It's a possibility. I would

1 defer to peer review to tell us.

2 (Recess taken from 10:41 p.m. to  
3 10:53 p.m.)

4 MR. ROTH: We spoke with the architect, we  
5 talked to our peer review traffic person, our traffic  
6 guy. First of all, I still stick to the statement  
7 that the studio units are a better play.

8 But, that said, we're prepared to put in --  
9 accommodate up to 25 parking spots, which is 6.25,  
10 which comes out to .625. And what we'd like to do is  
11 perhaps what the chairman was maybe suggesting. I  
12 don't want to put words in your mouth, but we'd like  
13 to start off of with a few of the stackers. We'll  
14 accommodate the architecture for the building to  
15 accommodate more stackers. But I think what we'd  
16 like to do is put in the 21 spaces that we need and  
17 then after one year, we evaluate the project, we do  
18 an audit, and we come back, we report to the board  
19 with the audit, and then if it's determined that we  
20 need to put in more, we'll go up to 25 units.

21 MR. ENGLER: We can't go any higher than  
22 that.

23 MR. ROTH: Twenty-five is the limit.

24 So I think that is our parking solution. I

1 think it's sort of a compromise. I think that  
2 it's -- I think it's prudent because I hear that  
3 there are concerns about the mechanisms, and I think  
4 that I share those concerns. So to put in all 25 on  
5 Day 1, I think that we'd like to take it in steps and  
6 make sure that we need them and that they work  
7 properly and that -- and if they don't work properly  
8 in the first four and we do need them, we'll make  
9 improvements on the second pass. So I think that  
10 that's the approach we'd like to take.

11 In terms of setting the building back  
12 another 2 feet, we will agree to do that. You know,  
13 I have to talk to the architect to see what that all  
14 means. I'd like to see what it means on the  
15 building. Personally, I think that the setback in  
16 one space could be a little bit greater than 6 feet  
17 and maybe a little less in one spot so that there's a  
18 building sort of -- the articulation is a little bit  
19 different in the front, that it's not on the same  
20 plane. But I'll let the architects take a look at  
21 that. But moving it back one way or another, we're  
22 agreeable to that. So that's sort of our plan.

23 MR. ENGLER: We have gone out to bid for  
24 the trash discussion, whose going to do it and how

1 and what and answer all your questions, so we'll that  
2 have for you next time.

3 MR. GELLER: Great. Let me ask --

4 MS. STEINFELD: The sooner we can have it,  
5 the better so we can submit it to our health  
6 department.

7 MR. GELLER: Okay. Let me quickly ask peer  
8 review for a comment on --

9 MS. BARRETT: -- on this proposal.

10 MR. GELLER: -- this proposal.

11 MR. STADIG: I presume that you're saying  
12 parking peer reviewer, so --

13 MR. GELLER: Stand up tall and loud and  
14 tell us who you are because we've forgotten.

15 MR. STADIG: Once again, Art Stadig, Walker  
16 Parking Consultants, peer reviewer for the parking  
17 component of the project.

18 One comment would be -- it is possible -- a  
19 key to this whole discussion would be -- one  
20 observation is that you cannot increase the parking  
21 count. It's limited. It's -- you see what you get  
22 and you can only have a few stackers and that's it.

23 Actually, if you did have a parking  
24 consultant involved with this that's experienced in

1 doing semiautomated parking, you could absolutely  
2 increase the parking count to get it up within the  
3 ratios that you have requested.

4           Essentially, what that would be -- one area  
5 that you could look into would have the parking --  
6 semiautomated systems go both below grade, at grade,  
7 and above grade with semiautomated units. And in the  
8 areas that you have, let's say, two spaces with a  
9 stacker, you could essentially get three spaces with  
10 a stacker.

11           So those systems can be looked into on one  
12 or both sides of your parking, and you could  
13 accommodate a higher number of parking spaces  
14 supplied, and you could comply with it. It is  
15 something that can be looked into and could be done  
16 in addition to the mentioned stackers that the  
17 opponent had stated. So I just offer that to you for  
18 consideration to be thought through.

19           MR. GELLER: Thank you.

20           Anybody have questions?

21           MR. HARDING: Can I add one thing to that?

22           MR. GELLER: Sure.

23           MR. HARDING: John Harding, from CUBE 3  
24 Studio.

1 I don't disagree that there is an option  
2 for a system that goes below grade and above grade,  
3 but planning for that in the building architecture  
4 ahead of time and not installing it on Day 1 would be  
5 a problem because you have to build pits that go down  
6 8 feet deep, and we wouldn't have the parking space  
7 on Day 1 to be able to do the evaluation. So going  
8 up -- we can easily accommodate the space to go up.  
9 It's not possible to go down.

10 Having a parking consultant on board, there  
11 probably could be some ways to tweak something, maybe  
12 get one more space that works. But I think that  
13 within this plan that we have now and within our  
14 architectural judgment at this point, we find it  
15 reasonable to get the 25 with just the space at grade  
16 and above, but going down below grade, you can't do  
17 that at a later date.

18 MS. POVERMAN: Right. You'd have to do it  
19 as you go in. I think that has to be understood.

20 MR. HARDING: Right. So I just want to  
21 make that one clarification. It's not that easy to  
22 add those pieces later.

23 MR. GELLER: Okay. Thank you.

24 MR. HARDING: Thank you.

1 MR. GELLER: Anything else?

2 MS. POVERMAN: I like that idea of doing  
3 someone which would actually reap the ratio that we  
4 asked for, because I do think that the compromise  
5 that Mr. Roth suggested is actually something that  
6 had been discussed earlier, so it wasn't actually  
7 much of a compromise. I do understand the attraction  
8 of it, see what works and then come back, but I  
9 really am not appeased by it.

10 MR. GELLER: I don't know what that means.

11 MS. POVERMAN: I don't like the suggestion  
12 of building 21 and then adding more stackers if  
13 necessary.

14 MR. GELLER: Okay. And what are you  
15 telling them, then?

16 MS. POVERMAN: I would like to -- him to  
17 hire a parking consultant and build underground  
18 initially and have the required amount of parking  
19 spaces like we had asked for.

20 MR. ENGLER: Try to work with us.

21 MS. POVERMAN: I am trying to work with you.

22 MR. ENGLER: You're just working against  
23 us. No, we're not going to do that.

24 MS. POVERMAN: No. I haven't said take off

1 a line or anything. So I think that we're both  
2 trying to get to the same place, which is have a good  
3 proportion that doesn't require you to reduce any  
4 units. And the parking consultant could also tell  
5 you how expensive it would be.

6 MR. ROTH: I'm sorry. But, you know, it's  
7 not expense, it's not expense. Okay? It's me owning  
8 a building that are dropping cars into a pit. That's  
9 what it's about. It's not expense. I'm not prepared  
10 to tell this board that I'm comfortable putting cars  
11 into pits and accommodating, you know, 27 cars. I  
12 know what I can do, and I know I can do 25 units,  
13 like I said. The architect has said it.

14 MR. HARDING: Spaces.

15 MR. ROTH: Twenty-five spaces.

16 It's just that dropping cars into holes and  
17 working with systems is not in my plan. It's  
18 something I don't want to own. I don't think this  
19 board wants to own it. I don't think anyone wants to  
20 own it. That's a solution for, you know, a New York  
21 City or a Boston company. I'm talking about  
22 something that I can achieve, something I'm willing  
23 to do and commit to.

24 MR. HUSSEY: I agree. I'm not happy about

1 stackers going -- three levels of stackers, I think  
2 is -- (inaudible.)

3 (Clarification requested by the court  
4 reporter.)

5 MR. HUSSEY: I tend to agree with the  
6 developer. I feel very uncomfortable with a  
7 three-level parking arrangement, no matter how many  
8 twos you've gotten in that.

9 MR. GELLER: Are you comfortable with their  
10 proposal?

11 MR. HUSSEY: Well, we haven't quite seen  
12 it, but I'm likely getting --

13 MR. GELLER: The idea behind it?

14 MR. HUSSEY: Yeah.

15 MR. GELLER: Let me just correct you on one  
16 thing. My suggestion had been that it not be within  
17 one year, but it would be within one year of 70  
18 percent occupancy, because that's really the point.

19 MR. ROTH: That's fine.

20 MR. ENGLER: Some reasonable point --  
21 mutually agreeable point to go back and look at  
22 something.

23 MR. GELLER: Okay.

24 MS. POVERMAN: But why not just have the 25

1 now? I really don't understand what the problem with  
2 that is.

3 MR. CHIUMENTI: They think it won't be  
4 necessary. They think it's not going to happen.

5 MS. POVERMAN: I think that's --

6 MR. ENGLER: Then you'll win. When we go  
7 back and look, if we're wrong, we need those spaces,  
8 we'll put them in. But why put in stackers that  
9 aren't necessary?

10 MS. POVERMAN: Because our expert has told  
11 us that 6.67 is the amount that, in his professional  
12 judgment, is needed, which is well below what the  
13 Brookline requirement is. And even if you come in  
14 with 25 spots, that's 6.25. So that's still a give.  
15 This is still an incredible waiver of our parking  
16 requirements. And frankly, as far as I'm concerned,  
17 we have come so far in terms of what the ZBA wants  
18 that I see this as an incredible accommodation.

19 MR. ENGLER: We have to hear a majority.  
20 Because we don't feel that .67, which is a  
21 statistical thing from Walker, means that's what's  
22 going to happen in this building with all the parking  
23 that's surrounding it. With all the buildings in  
24 Boston with zero parking, a whole movement of

1 reducing the number of cars around the country, this  
2 is archaic to say that, you know, there's a number  
3 out there that has to be the right number.

4 MS. POVERMAN: You can't cite Boston for  
5 there being no parking and then have your client  
6 saying Boston is fine. You know, you can't do Boston  
7 for parking underground -- this isn't Boston. You  
8 can't use Boston both ways.

9 MR. ENGLER: I'm talking about a trend, and  
10 what I'm saying is let's prove it. You can see that  
11 it works as opposed to picking a number out.

12 MS. POVERMAN: You know what? I also don't  
13 like the idea -- and, frankly, I'm not sure the  
14 extent to which it works -- about putting in  
15 conditions for this comprehensive permit. It makes  
16 me very uncomfortable, and I just don't want to do  
17 it.

18 MS. BARRETT: Because of what may happen  
19 later in terms of how the process works?

20 MS. POVERMAN: Yeah. You know, I  
21 honestly -- you know, I know I've seen some things,  
22 and don't know exactly what they were about  
23 conditions not being permitted with a comprehensive  
24 permit. I don't want to muddy anything any more than

1 it is. I just don't see anything that can be gained  
2 or worked out well or not lead to further  
3 disagreement if we don't just say, put in 25. What's  
4 the problem? You're considering doing it anyway.  
5 What's the problem?

6 MR. ENGLER: We told you what the problem  
7 was.

8 Also, on subsequent conditions, it could be  
9 an issue if there's a contest. If we agree with it,  
10 it's not an issue.

11 MS. BARRETT: You can always come back and  
12 request a modification of a permit that you have  
13 agreed to today. I'm not saying --

14 MR. ENGLER: That's a pretty weak position  
15 to be in.

16 MS. BARRETT: I'm saying that they could do  
17 that.

18 I just -- maybe it's late and my math  
19 skills are deteriorating, but if the applicant goes  
20 to 25 spaces and reduces two units, you're at .67, I  
21 think.

22 MR. ENGLER: Who said we're reducing two  
23 units?

24 MS. BARRETT: I'm just trying to get you to

1 .67.

2 MR. ENGLER: Oh, sorry.

3 MS. POVERMAN: So if you want to do that,  
4 that's great. Otherwise, just agree to those --  
5 we're arguing about four parking spaces. What in the  
6 world is this?

7 MR. ROTH: No, it's not that. It's  
8 really -- you know, it's a test model. We're putting  
9 four in. We're going to work with those four. And  
10 if the systems work and they're received and the  
11 units are received by the tenants and the tenants  
12 like them, I mean, I'll put them in. If there's a  
13 need for them, I'll put them in.

14 If there's problems with them, then I'm  
15 going to get another manufacturer and I'll get a  
16 better manufacturer. I'll know what the problems  
17 are. I'll be able to vet out the issues and get a  
18 better manufacturer. It allows me to improve the  
19 system.

20 MR. HUSSEY: I don't have a problem with  
21 that.

22 MS. POVERMAN: I do.

23 MR. HUSSEY: Well, you're outvoted.

24 MS. POVERMAN: I am outvoted.

1 MR. GELLER: Welcome to democracy.

2 What's the date of our next hearing?

3 MS. MORELLI: It is 11/21.

4 MR. GELLER: November 21st, 7:00 p.m. And  
5 do we have a sense of key --

6 MS. BARRETT: What are you trying to  
7 accomplish that night?

8 MR. GELLER: Something.

9 MS. BARRETT: And when does the  
10 extension --

11 MR. ENGLER: We're going through December.

12 MS. MORELLI: So you'll be talking about  
13 waivers, conditions, the rubbish plan, you'll be  
14 looking at any revised design, garage plan, the  
15 architectural, letters from relative departments,  
16 stormwater, fire, and police.

17 MR. GELLER: Good. I would like to get all  
18 of those things.

19 I want to thank everyone.

20 (Proceedings adjourned 11:08 p.m.)

21

22

23

24

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 7th day of November, 2016.

14  
15   
16

17 Kristen Krakofsky, Notary Public

18 My commission expires November 3, 2017.

19  
20  
21  
22  
23  
24

1 Errata Sheet

2

3 NAME OF CASE: The Applicant Bob Roth V AIA

4 DATE OF DEPOSITION: 10/26/2016

5 NAME OF WITNESS: Brookline ZBA Hearing

6 Reason Codes:

7 1. To clarify the record.

8 2. To conform to the facts.

9 3. To correct transcription errors.

10 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_

11 From \_\_\_\_\_ to \_\_\_\_\_

12 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_

13 From \_\_\_\_\_ to \_\_\_\_\_

14 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_

15 From \_\_\_\_\_ to \_\_\_\_\_

16 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_

17 From \_\_\_\_\_ to \_\_\_\_\_

18 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_

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20 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_

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22 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_

23 From \_\_\_\_\_ to \_\_\_\_\_

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25 \_\_\_\_\_

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