

June 17, 2016

Dear Chairman Geller and Members of the Zoning Board of Appeals:

Public safety is a crucial Local Concern for any Zoning Board reviewing 40B applications. In assessing the 40 Centre Street proposal, you will be assessing the likely safety of an exceptional population in an exceptional area. This site is within Brookline's largest concentration of senior citizens, as well as to people – young and elderly – with disabilities. The Center Communities of Brookline at 100 and 112 Centre Street provide **498 housing units for seniors**: a deeply vulnerable population made more vulnerable by the proposed development. Humanity House, across the street at 16 Williams Street, is home to **10 special-needs residents**, all with significant ambulatory and cognitive impairment. A few doors from Humanity House live a mother and her two adult sons, both blind. At 100 Centre Street, you will encounter a third blind man who also suffers dementia. I see the brothers making their way down Centre Street. I see seniors in motorized wheelchairs: sometimes on the sidewalk, sometimes in the street. I often fear for the safety of all these people.

When I consider the proposed construction at 40 Centre Street, the current plan fails to mitigate its many potential impacts to pedestrian safety and to emergency vehicle response.

1. Pedestrian safety from entry/exit of off-street parking

Pedestrian safety is a real, documented concern: in 2000, an elderly pedestrian was killed after being struck by a vehicle at 19 Winchester Street. The Town acted. The Board of Selectmen, partnering with the Department of Public Works, Building Department, Town Counsel and the Department of Planning and Community Development, conducted an intensive study. They wanted to address (1) potential pedestrian and vehicular safety issues associated with (2) existing parking facilities and future construction.

Article 15 of the 2001 Town Meeting **added a requirement for safety enhancements to the entrances and exit drives of off-street parking facilities. It now comprises section 6.04.4 of the Zoning By-Law.** At the end of this letter, you will find extensive documentation on the rationale for this change in the Zoning By-Law. The documentation itself is part of the Town's combined reports for Article 15.

The Applicant's site plan fails to make adequate provisions for pedestrian safety. The Traffic Impact Assessment included with the Comprehensive Permit application is wholly inadequate. It fails to evaluate the sight distance from the driver's point of view at the proposed garage entrance. The driver's scope of vision would be occluded by the building's front wall along Centre Street. The proposed garage entrance is set back from the sidewalk by only two feet. It thus fails to comply with the Zoning By-Law section 6.04.4.f.1 requirements to provide the "minimum of five (5) feet to either side of the entrance or exit drive measured from six (6) feet behind the property line and along the centerline of the driveway."

Because of the extreme vulnerability of neighboring senior citizens and persons with disabilities, I urge the Zoning Board of Appeals to uphold ALL of the pedestrian requirements in the Zoning By-Law section 6.04.4. **In particular, in order to preserve sight distance of pedestrians, the front setback should be maintained at 25 feet, which is the current distance from the front wall of the existing building to the street.**

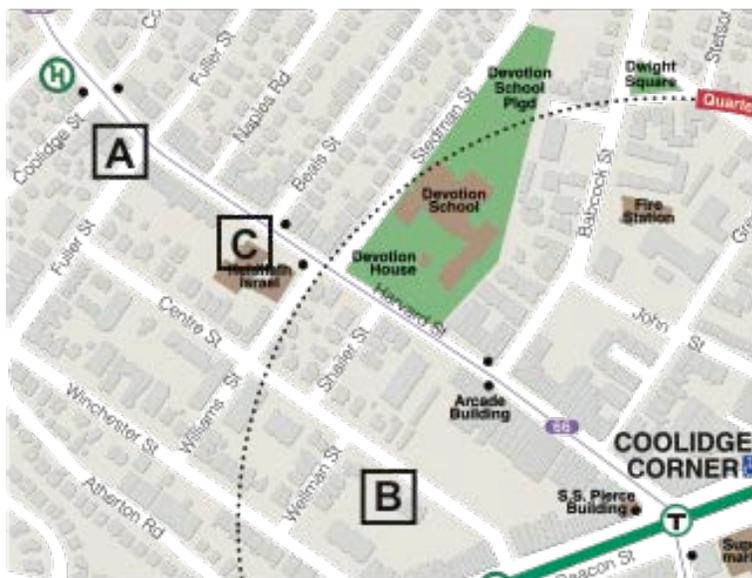
2. Adverse impact to emergency vehicle response times

The proposed development plan fails to consider **at least three other pending major construction projects** within blocks of 40 Centre Street. These construction projects would probably coincide with that proposed at 40 Centre. Try to imagine the inevitable increase in traffic congestion during these almost simultaneous demolitions and construction. They would inevitably affect emergency vehicle access along Centre Street, particularly during construction because:

- a) Renovations to the Devotion School on Harvard Street are planned between **July 2016 and May 2018**. This construction may cause traffic diversions to Centre Street, as well as to Winchester Street
- b) The proposed 40 Centre Street construction could create an additional traffic chokepoint, thus diverting east-west traffic to Winchester Street
- c) Construction on Centre Street would necessarily create backups in the turn lanes from Beacon Street to Centre Street

All of this additional traffic congestion could impede emergency vehicle response to the 498 housing units of senior citizens at 100 Centre Street and 112 Centre Street.

High Density Developments in Coolidge Corner



A) 420 Harvard Street



B) 40 Centre Street



C) Senior Housing, KI

Now consider this: the specification demanded by the National Fire Protection Association (NFPA) Standard #1710. The NFPA sets the following standard for the organization and deployment of fire suppression operations, emergency medical operations and special operations to the public by career fire departments:

“The requirement that first responder/AED units arrive within four minutes (240 seconds) to 90 percent of emergency medical incidents, and the requirement that an ALS company arrive within eight minutes (480 seconds) to 90% of the incidents to which they are dispatched, are based on experience, expert consensus and science.”

According to the Brookline Police Department, the emergency vehicle response times to 100 Centre Street and 112 Centre Street have risen during the last 4 years:

100 Centre Street

Year	# of Calls	Average Response Time	Average Medical Response Time
2013	342	4 min 36 seconds	4 min 24 seconds
2014	308	4 min 3 seconds	3 min 55 seconds
2015	353	4 min 53 seconds	4 min 4 seconds
2016 (to date)	141	5 min 37 seconds	5 min 18 seconds

112 Centre Street

Year	# of Calls	Average Response Time	Average Medical Response Time
2013	109	3 min 47 seconds	3 min 48 seconds
2014	66	5 min 40 seconds	5 min 12 seconds
2015	62	3 min 52 seconds	5 min 22 seconds
2016 (to date)	41	7 min 3 seconds	8 min 50 seconds

You can see that the Town’s average emergency response time to the 498 housing units at 100 and 112 Centre Street already exceeds four minutes. Worse still, the 2016 average medical response time has exceeded eight minutes for calls to 112 Centre Street. The NFPA 1710 standard applies to 90% of emergency calls, which is a cutoff even more strict than the average recorded response time.

In summary, the additional traffic during construction and additional trips generated therefore by 40 Centre St would in all likelihood cause grave impact on the health and safety of senior citizens at 100 and 112 Centre Street. Should this project be approved, I urge the Zoning Board of Appeals to **significantly reduce the number of units proposed at 40 Centre Street, in order to mitigate its adverse effects on public safety.**

Yours truly,



Derek Chiang

ARTICLE 15FIFTEENTH ARTICLE

To see if the Town will amend Section 6.13, Design of All Off-Street Parking Facilities, subsection (d), Entrances and Exit Drives, of the Zoning Bylaw, by adding a subsection (6), which reads as follows:

- 6.) Designed to insure maximum pedestrian and vehicular safety and minimize potential conflicts between pedestrians and motor vehicles. To do so, the Planning Board and Board of Appeals, as a condition of a special permit, and with technical input from the Building Commissioner and Director of Engineering and Transportation, may require that one or more of the following safety enhancements be provided:
 - a. Adequate site distance so that exiting vehicles have a clear view of any pedestrian on the sidewalk within a minimum of five (5) feet to either side of the entrance or exit drive measured from six (6) feet behind the property line and along the centerline of the driveway;
 - b. Enhancements to the facility exit that will insure that all exiting vehicles will come to a complete stop before entering the sidewalk area, apron, or intersecting roadway.
 - c. Textured or marked ramps, drives, or driveway aprons (defined as that area where the sidewalk and exit drive are the same) as well as adjacent sidewalk area to provide a perceptible auditory and/or visual signal to pedestrians and exiting vehicles;
 - d. Modifications to required or proposed landscaping including but not limited to cut slopes, hedges, trees, bushes, or other streetscape improvements to insure that visibility is not impaired;
 - e. Modifications to the building setback where the exit to the parking facility is to be located to provide additional sight lines and visibility to exiting vehicles and pedestrians;

- f. Visual and or auditory warning devices designed to alert approaching pedestrians and motor vehicle traffic that a vehicle is exiting the facility;
- g. Other enhancements that provide the optimum level of pedestrian safety to insure adequate advance opportunity to detect an exiting vehicle from the parking facility. Such enhancements shall take into consideration potential physically challenging conditions that pedestrians may have including sight, auditory, or other physical disabilities
- h. Based on the particular siting or orientation of the building, or other special condition exhibited by the facility, other mitigation measures may also be required.

or act on anything relative thereto.

April 19, 2001

**PLANNING BOARD REPORT AND RECOMMENDATION ON
PROPOSED ZONING BY-LAW AMENDMENT**

**AMENDMENT TO ARTICLE 6 VEHICULAR SERVICE USES REQUIREMENTS,
SECTION 6.13 (D) ENTRANCE AND EXIT DRIVES**

In accordance with Chapter 40A of the General Laws of the Commonwealth of Massachusetts and, after due notice has been given, the Planning Board held a public hearing, jointly with the Planning and Regulation Subcommittee of the Brookline Advisory Committee, on April 19, 2001 in Town Hall on a proposed amendment to Article 6 Vehicular Service Uses Requirements, Section 6.13 (d) Entrance and exit drives, of the Town of Brookline's Zoning By-Law. The notice for the public hearing was published in the Brookline TAB on April 5 and 12, 2001. Copies of the notice were sent to all Town Meeting members, neighborhood associations, Town departments, Massachusetts Department of Housing and Community Development, Metropolitan Area Planning Commission, Planning Boards and agencies of Boston and Newton and other interests. The minutes of the public hearing and record of citizen attendance are on file with the Town of Brookline's Department of Planning and Community Development.

Existing Zoning By-Law

Article 6 Vehicular Service Uses Requirements of the Town's Zoning By-law currently establishes off-street parking, loading, access, circulation and related requirements. Section 6.13 Design of All Off-street Parking Facilities establishes design, dimensional and related standards for off-street parking facilities including surface lots and structures. Sub-section 6.13 (d) establishes standards for the location, width, grade and related design features of entrance and exit drives.

Proposed By-Law Amendment

The proposed amendment to Section 6.13 (d) of the Town's Zoning By-Law will introduce a new Sub-Section 6 as follows (Note: proposed text to be added as underlined):

Section 6.13 DESIGN OF ALL OFF-STREET PARKING FACILITIES

(d) Entrance and exit drives, except as permitted in paragraph (k), shall be:

- (6) Designed to insure maximum pedestrian and vehicular safety and minimize potential conflicts between pedestrians and motor vehicles. To do so, the Planning Board and Board of Appeals, as a condition of a special permit, and with technical input from the Building Commissioner and Director of Engineering and Transportation, may require that one or more of the following safety enhancements be provided:
 - a. Adequate sight distance so that exiting vehicles have a clear view of any pedestrian on the sidewalk within a minimum of five (5) feet to either side of the entrance or exit drive measured from six (6) feet behind the property line and along the centerline of the driveway;
 - b. Enhancements to the facility exit that will insure that all exiting vehicles will come to a complete stop before entering the sidewalk area, apron, or intersecting roadway;
 - c. Textured or marked ramps, drives, or driveway aprons (defined as that area where the sidewalk and the exit drive are the same), as well as the adjacent sidewalk area, to provide a perceptible auditory and/or visual signal to pedestrians and exiting vehicles;
 - d. Modifications to required or proposed landscaping including but not limited to cut slopes, hedges, trees, bushes, or other streetscape improvements to insure that visibility is not impaired;

- e. Modifications to the building setback where the exit to the parking facility is to be located to provide additional sight lines and visibility to exiting vehicles and pedestrians;
- f. Visual and/or auditory warning devices designed to alert approaching pedestrians and motor vehicle traffic that a vehicle is exiting the facility;
- g. Other enhancements that provide the optimum level of pedestrian safety to insure adequate advance opportunity to detect a vehicle exiting from the parking facility. Such enhancements shall take into consideration potential physically challenging conditions that pedestrians may have including sight, auditory, or other physical disabilities; and
- h. Based on the particular siting or orientation of the building, or other special condition exhibited by the facility, other mitigation measures may also be required.

Pedestrian and vehicular safety, particularly where access drives to and from off-street parking facilities intersect sidewalks and streets, must be a critical consideration of the Planning Board and Board of Appeals when reviewing development and improvement plans for consistency with the Town's Zoning By-Law. Section 6.13 (d) of the Town's Zoning By-Law establishes minimum standards for the width, slope and location of entrance and exit drives to and from parking facilities. Other than brief references to the facilitation of traffic flow and safety, the current Zoning By-law does not specifically describe a range of alternative design features to appropriately address alternative pedestrian and vehicular safety enhancements associated with entrance and exit drives.

Town Meeting considered an initial warrant article to address the issue of pedestrian safety at the intersection of sidewalks and entrance and exit drives in November 2000. However, it was determined that the proposed article was limited in scope and should be further studied and reintroduced. As a result of the No Action recommendation of Town Meeting, staff from the Departments of Public Works, Building and Planning and Community Development met to develop the above proposed amendment to the Town's Zoning By-Law.

The proposed amendment will not only address the initial and critical concern for pedestrian safety, that resulted from a tragic pedestrian fatality that occurred at 19 Winchester Street last year, but also the following important findings and objectives:

1. Recognize that individual parcels, parking facilities and entrance and exit drives, due to their size, location and proximity to various uses and activities, may present unique

- conditions that will require the consideration and implementation of one or more design features.
2. The introduction of safety enhancements at entrance and exit drives to and from parking facilities must recognize the different design needs presented by underground garages, surface parking structures and parking lots.
 3. Provisions for adequate sighting distances and clear sight lines for both pedestrians on public and private sidewalks and approaching vehicles entering or leaving parking facilities must be considered.
 4. The effective deployment of various types of alternative visual and audible devices and improvements must be considered on a site by site basis and should be complementary to the surrounding uses and neighborhood during both daytime and evening hours.
 5. The design, location and improvement of off-street parking facilities and associated entrance and exit drives must effectively consider the relationships between pavement width, length, slope and the frequency and type of vehicular and pedestrian interaction.
 6. Consideration must be given to either the elimination of potential visual obstructions resulting from landscaping and other site features and improvements or the provision of appropriate building setbacks that will maximize pedestrian and vehicular safety.

At the close of the April 19, 2001 public hearing on the proposed amendment to the Town's Zoning By-Law, the **Planning Board voted unanimously to recommend approval of the proposed amendment to Article 6 Vehicular Service Uses Requirements, Section 6.13 (d) Entrance and exit drives, by adding the new subsection (6) as defined above.**

Jerome I. Kampler, Chairman

Kenneth M. Goldstein, Clerk

Linda K. Hamlin

Mark J. Zarrillo

Steven A. Heikin

SELECTMEN'S RECOMMENDATION

In November 2000, Town Meeting considered Article 10 that would have amended Section 7.5.18 of the Town's By-Laws to require the installation and maintenance of visual warning devices to alert pedestrians of motor vehicles exiting an off-street parking facility. This article was filed as a result of a tragic pedestrian fatality that occurred on Winchester Street. Based on an initial analysis of the proposed article's potential application, it was recommended by the Board of Selectmen that Town Meeting take No Action until further study was completed to determine if the important objective of pedestrian safety at exit drives from parking facilities could be more completely addressed through other amendments to existing by-laws.

Since the November Town Meeting, the Board of Selectmen, working in conjunction with the Department of Public Works, Building Department, Town Counsel, and the Department of Planning and Community Development, proceeded on two fronts to address potential pedestrian and vehicular safety issues associated with existing parking facilities and future construction.

Through the efforts of the Building Commissioner, inspections have been initiated to identify and correct potential pedestrian and vehicular sighting deficiencies at existing parking facilities. Through this effort, notices have been issued and improvements are underway to improve pedestrian safety. These efforts will be on-going to insure that adequate pedestrian sight lines are provided and appropriate warning signs and audible and visual devices installed.

A thorough review of the Town's Zoning By-Law was also completed to evaluate and identify an amendment that would enable the Planning Board and Board of Appeals to effectively evaluate and recommend pedestrian safety and related improvements as part of the design of parking lots, underground parking garages, and other parking facilities and driveways. The Department of Planning and Community Development, in conjunction with the Engineering and Transportation Division of the Department of Public Works, defined a range of alternative pedestrian and vehicular safety enhancements for incorporation as part of a Zoning By-Law amendment.

Article 15, which will amend Section 6.13 Design of All Off-Street Parking Facilities of the Town's Zoning By-Law, introduces new requirements for the design of entrance and exit drives to insure pedestrian and vehicular safety. The proposed amendment will enable the Planning Board and Board of Appeals to recommend pedestrian and vehicular safety improvements for Special Permit applications subject to Community and Environmental Impact and Design Review. All development applications that would introduce off-street parking garages, structures, and lots serving more than six vehicles will be subject to the proposed new pedestrian safety requirements.

The Board of Selectmen find that the proposed warrant article will meet the following important objectives that have also been identified by the Planning Board:

1. The range of potential pedestrian and vehicular safety improvements enabled by the proposed amendment will address the unique characteristics and conditions presented by various sites, neighborhoods, and commercial areas.
2. The potential different pedestrian safety needs and issues associated with underground garages, parking structures, and parking lots can be addressed.
3. Future parking lots, facilities, buildings, and landscape elements will be designed in an integral manner to provide for adequate sighting distances and clear sight lines for vehicles and pedestrians.
4. Various types of effective audible and visual devices and improvements will be considered and deployed to both address pedestrian and vehicular safety and insure compatibility with surrounding residential or commercial areas during both daytime and evening hours.
5. The design and installation of pedestrian and vehicular safety improvements will be coordinated with other important site planning requirements stipulated by the Zoning By-Law.

Therefore, the Board of Selectmen unanimously recommend FAVORABLE ACTION on the following vote:

VOTED: That the Town will amend Section 6.13, Design of All Off-Street Parking Facilities, subsection (d), Entrances and Exit Drives, of the Zoning Bylaw, by adding a subsection (6), which reads as follows:

- 6.) Designed to insure maximum pedestrian and vehicular safety and minimize potential conflicts between pedestrians and motor vehicles. To do so, the Planning Board and Board of Appeals, as a condition of a special permit, and with technical input from the Building Commissioner and Director of Engineering and Transportation, may require that one or more of the following safety enhancements be provided:
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of the entrance or exit drive measured from six (6) feet behind the property line and along the centerline of the driveway;

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- g. Other enhancements that provide the optimum level of pedestrian safety to insure adequate advance opportunity to detect an exiting vehicle from the parking facility. Such enhancements shall take into consideration potential physically challenging conditions that pedestrians may have including sight, auditory, or other physical disabilities
- h. Based on the particular siting or orientation of the building, or other special condition exhibited by the facility, other mitigation measures may also be required.

ADVISORY COMMITTEE'S RECOMMENDATION

Background

Article 15 was submitted to insure all possible measures to protect pedestrians when vehicles are exiting a parking area. Mr. Robert Duffy, Director of Planning and Community Development, introduced the reasons for the article, primarily as an outgrowth the to the Fall 2000 Brookline Town Meetings request for additional study for the provisions of public and vehicular safety.

Discussion

The provisions of Article 15, if passed by a 2/3 vote at Town Meeting, would allow the Town to impose one or more of a number of extra safety requirements for the benefit of pedestrians that would pass the building to any project which requires a special permit. The list of requirements is based on a review of the previous special permit cases processed by the Planning Board and Zoning Board of Appeals. The possible requirements include visual or auditory warning devices when a vehicle is exiting the building, specially marked exit areas, adequate sight lines for the exiting driver, etc.

Discussion included whether all building permits should require these provisions. The persuasive argument to include only special permit projects is based on the fact that many projects such as single or two family homes would be unduly encumbered if these provisions were more broadly applied.

Discussion of retaining “other mitigation measures” in sub-paragraph h of the proposed article led to the Planning Board’s desire to retain flexibility in implementing the regulation. It is noted that these requirements will be part of the public hearing process before the Planning Board and Zoning Board of Appeals.

Recommendation

The Advisory Committee unanimously recommends FAVORABLE ACTION on the vote offered by the Selectmen.

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