

Brookline Place Advisory Committee

DRAFT Meeting Notes

March 6, 2014

Committee Members Present: Co-Chair Neil Wishinsky, Co-Chair Ken Goldstein, Edie Brickman, Arlene Mattison, John Bassett, Ken Lewis, Linda Olson Pehlke, Mark Zarrillo, Cynthia Gunadi, Linda Hamlin, Steve Lacker.

Committee Members not able to attend: Ali Mahajer, Guus Driessen, Debbie Anderson.

Staff & Town Consultants: Kara Brewton, Jennifer Dopazo Gilbert, Jeff Roelofs (Special Environmental Town Counsel)

Guests: Tim Talun (Elkus-Manfredi), Merelice, Paul Saner (EDAB Co-Chair), Charles Weinstein (Boston Children's Hospital), Darren Baird (Goulston & Storrs), Marilyn Sticklor (Goulston & Storrs), Tricia Pinto (Sanborn Head), Bill Seuch (Goulston & Storrs).

At 8:15 am, Ken Goldstein called the meeting to order.

1. Tricia Pinto from Sanborn Head made a presentation about the Subsurface Conditions, which was similar to the presentation given by Sanborn Head at the 10/23 and 1/15 meetings.
 - a. Tricia reviewed the large number of soil and groundwater samples that have been completed through 1, 2, and 5 Brookline Place.
 - i. The presence of Volatile Organic Carbons (VOCs) in the groundwater is likely associated with light industry uses present on the site following the coal gasification uses. The groundwater is approximately 10' below the ground surface and flows west to east (e.g., from 10 BP towards 2 BP to 1 BP to the Gulf gas station and then towards the Muddy River). However, the groundwater gradient is very flat.
 - ii. The coal tar present is 14'-26' below the surface, and over several years of testing, doesn't seem to be moving.
 - iii. With regards to state environmental regulations, 1, 10 & 5 BP have a permanent solution and an Activity and Use Limitation (AUL). 2-4 BP also has an AUL and a temporary solution, which would be turned into a permanent solution and closed out during permitting.
 - b. The geopiers work to stiffen the soils with a machine from the surface, limiting soil excavation to shallow footings.
2. Jeff Roelofs then reviewed with the Committee environmental risks from the Town's perspective. He noted that whereas in 2009 the Town relied on getting back into the chain of title to secure a Pilot agreement for 2-4 Brookline Place, now the Town is working to tie down a pilot agreement for all new construction and the portion of the garage associated with the new

construction via an easement of the pedestrian and open space areas. From an environmental perspective, the Town is in no worse position than it already is from having been in the chain of title in the past. Further, limiting the soil removal and dewatering activities reduces the risk of environmental action for all parties in the chain of title. Jeff is working with Jennifer Dopazo Gilbert to minimize the environmental risk with the Memorandum of Agreement, including:

- a. BCH will achieve regulatory closure now and will be the party that responds to any future monitoring of off-site investigations.
- b. BCH will not seek damages from the Town re: existing environmental concerns, but the Town will continue to have the same liability it has from any potential third-party claims from its past land ownership.
- c. Environmental insurance is in place now, although experience with environmental insurance is that it is often not helpful when payment requests occur.

Bill Seuch noted that he did not believe further action would be required with regards to vapors intruding into the new buildings, but that BCH was still designing a mechanism into the new buildings that would have passive ventilation as well as have active ventilation from mechanical systems.

Linda Olson Pehlke asked whether an AUL affected the use at 5 Brookline Place; Jeff confirmed that the AUL for that property includes daycare use. John Bassett noted that the stiffening of soils rather than digging and removing large amounts of material and dewatering methods would reduce the noise and dust, as well as potential environmental exposure. Jeff noted that these potential contaminants should be limited, but also should be monitored during construction. Cynthia asked about stormwater runoff, and BCH noted that the landscaped areas were going from the existing 35% to proposed 39%, so stormwater runoff should decrease from existing conditions. A member of the committee asked why the existing partially below ground level of the 1 BP garage could not be expanded, and Tricia stated that there were not any geotechnical or soil contamination issues that on their own would prevent such a design.

3. Kara reviewed the revised zoning draft with the Committee, including comments from the Zoning Bylaw Committee and the Selectmen. Some of these edits were more technical in nature and the Committee was in general agreement to make those changes, as noted on the first slide of Kara's presentation: change defining the height of the garage to "building" rather than "garage"; double-check the geometry language of the 55' lower height to reflect the proposed garage; change the open space impervious area as "not to exceed" rather than "up to"; add Director of Parks & Open Space in addition to Director of Transportation and Planning Board to review off-site streetscape improvement/mitigation; clarify that a 45' wide pedestrian easement would be required for any development that fronts both Pearl Street and Washington Street.

Kara noted that the Zoning Bylaw Committee took a straw vote against having a maximum parking ratio at all, but that she left in a maximum because of the Committee's strong sense that a maximum was needed. Merelice commented that the Zoning Bylaw Committee took into their overall consideration that they were voting for the zoning, not this particular development.

Merelice also noted that in the past the Town has only paid lip service to TDM measures, and it was important for this zoning to have the language that includes enforcement and reporting mechanisms. At the Selectmen's meeting, Dick Benka reminded the Committee that satellite parking should not be allowed at the site, which BCH has agreed to as a Special Permit condition (as agreed to previously, and as now included in the Draft Memorandum of Agreement).

a. Floor Area Ratio.

A Committee member noted that 30,000 square feet of garage had been removed over the Committee's time together. Linda Hamlin and Mark Zarrillo noted that getting the absolute exact allowable FAR for the garage was not the only control; that beyond the number crunching, the design reviews would be extremely important in controlling the visual impact of the mass of the building. After further discussion,

A motion was made to reduce the allowable Floor Area Ratio (including the above-ground portion of the garage) to 3.45. Approved, voted 7-0-4

b. Open Space Definition.

Regarding the definition of open space, Mark Zarrillo suggested excluding the 45' wide pedestrian easement from the open space calculations, and then changing the maximum impervious area within a maximum usable open space area to fit the proposed concept open space plan. There was also discussion about how the concept open space plan was far from designed. Some Committee members wanted wider sidewalks and dedicated bikeways through the site. After significant further discussion, the following motions and votes were taken:

Main Motion to move forward with Alternative 2 as described in the staff presentation dated 3-6-14 which simply defines the type of open space the Committee wants to see "consisting of the part or parts of the lot at ground level designed and developed for pleasant appearance in trees and shrubs, ground covers and grass, including other landscaped elements such as natural features of the site and walks and including areas developed for outdoor use ofr recreation...such space may not include lot area used for automotive circulation or parking"; change the allowable impervious are within the landscaped area from 50% to 55%.

Mark Zarrillo amended motion to exclude the 45' pedestrian easement from the required open space, and then only allow a maximum of 30% impervious area in the required open space. Failed: 2-5-2

Linda Olson Pehlke amended motion to read the main motion, but keep the impervious area maximum at 50%. Failed: 2-7-2

The main motion then passed, 6-3-2.

c. No-Build Zone.

Kara reviewed Dick Benka's recommendation to expand the no-build zone dimension parallel to the T-tracks on Pearl Street to a number greater than 100'. Linda Olson Pehlke asked what the distance would be between the current proposed garage and the no-build zone of 115' in dimension; Tim Talun noted there would be 35', and noted that the Design Advisory Team may want to see the garage edge lined with incidental retail or other uses. Kara Brewton noted that she would rather see a community use on the edge than more retail, since we wanted to get new employees to shop in the Village. Following further discussion, the following motions and votes were taken:

Main Motion to expand the no-build zone dimension of 100' along the northern edge to 115'.

Linda Olson Pehlke amended motion to change the dimension to 125'. Failed: 3-8-0

The main motion then passed 9-1-1.

With regards to the figure used in the presentation for the No-Build Zone discussion, Arlene Mattison wanted to confirm that the 9' building setback from the property line would result in the building setback being shown on the Concept Landscape Plan. Arlene stressed that although it's already been discussed in the Committee several times, she did not necessarily agree that the proposed 2-4 Brookline Place building should be placed as close to Route 9 as was being proposed. Arlene would like to see the 2-4 Brookline Place building pushed farther back. John Bassett noted that this has been discussed several times, and that the 2-4 Brookline Place building as currently proposed had significantly reduced shadows on Station Street and the MBTA. The Committee then had further discussion about the zoning having enough wiggle room for further refinement of the exact shape and building placement, but Arlene felt rushed and very strongly felt that two rows of trees should be planted along Washington Street (Route 9).

d. Parking Maximum.

Following feedback from the Zoning Bylaw Committee not recommending a maximum at all, BPLAC took a vote about whether to have a parking maximum at all, which passed 9-2-0.

Following discussion of how much parking was the "right" amount of parking for this site, the general consensus was that 683 spaces seemed like the right number, which

was the minimum recommended by the Committee's consultant, Nelson-Nygaard. BCH noted that they were willing to build with a parking garage limited to 683 spaces, but needed the flexibility to accommodate an additional 20% of vehicles within that size garage. Edie Brickman clarified with Jennifer that this meant that if Town Meeting did not vote for 20% additional accommodation, then BCH could walk away from the community benefits currently under negotiation. Kara reviewed maximum ratios from Cambridge's most restrictive zoning, which would result in a maximum of 860 spaces. The general consensus of the Committee was that 683 spaces as a maximum was a good compromise, and then Linda Olson Pehlke recommended the maximum be set by sliding the ratios for medical office and office up until 683 based on the proposed development was reached. A Committee member also suggested that the Director of Transportation should "recommend" accommodation of additional vehicles to the Board of Appeals rather "approve"; the committee was in general agreement with this change. Following further discussion, the following motions and votes were taken:

Main motion to have the parking maximum result in 683 spaces with 20% additional accommodation of vehicles on site, creating maximum ratios for office and medical office to get to the 683 spaces using the proposed development program.

Linda Olson Pehlke amended motion to only allow 10% additional accommodation of vehicles. Failed: 0-11-0

The main motion then passed 9-1-0.

- e. Overall zoning article.

Taking into account all the votes taken for the zoning to be revised, the Committee then voted:

Motion to recommend the draft Brookline Place zoning as discussed and amended with votes, subject to final review. Passed 9-0-2

Presentation Material: Subsurface Conditions Summary 1 and 2-4 Brookline Place, Presentation to the Brookline Place Advisory Committee (Sanborn Head, 3/6/14)

Handouts & Presentation: Zoning Article Considerations, including Agenda (K. Brewton, 3/6/14)

Handouts: Zoning Draft dated 3/6/14