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Volume III
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Brookline Zoning Board of Appeals Hearing
40 Centre Street Comprehensive Permit Application
Roth Family, LLC
August 1, 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 Applicant:

17 Bob Roth, Roth Family LLC

18 Bob Engler, President, SEB

19 Geoff Engler, Vice President, SEB

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

21

22 Peer reviewer:

23 Clifford J. Boehmer

24 Davis Square Architects

1 Members of the public:

2 Daniel Hill, Esquire, Hill Law

3 Chuck Swartz, 69 Centre Street, town meeting member,

4 Precinct 9

5 Steve Pendery, 26 Winchester Street

6 Marty Rosenthal, town meeting member, Precinct 9

7 Linda Swartz, 69 Centre Street

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1 PROCEEDINGS:

2 7:00 p.m.

3 MR. GELLER: Good evening, everyone. This is
4 the continued hearing for a comprehensive permit which
5 involves property at 40 Centre Street.

6 For the record, my name is Jesse Geller. To
7 my immediate left is Christopher Hussey, to his left is
8 Steve Chiumenti, and to my right is Kate Poverman.

9 Tonight's hearing, as people will recall, is
10 our third hearing on this matter. And a few
11 administrative details and then I'll go roughly over
12 our agenda and then we'll get into tonight's program.

13 One issue that I do want to raise with people,
14 and I've mentioned it before, is: Communications are
15 important, and we very much appreciate and we very much
16 want your input. And we've gotten a fair amount of
17 input from people, but you may have more things that
18 you want to submit. We welcome it.

19 We would ask that if you do want to submit
20 information, that you submit it -- in written fashion
21 is best. Obviously, there will be moments in the
22 hearings over the course of this matter in which you'll
23 have an opportunity to speak, but in written fashion is
24 best so that we can review it.

1 But I would ask that written communications
2 specifically be sent either -- and this is the best
3 one -- to the Planning Department. Maria is in the
4 front. Raise your hand Maria. Wave at everybody.
5 Everybody knows Maria by now. So if you send your
6 communications to Maria, she will make sure that all of
7 the ZBA members get the information in a timely manner,
8 and we're able to consider whatever pieces of
9 information you want to relay.

10 If you do want to speak with ZBA members or,
11 more accurately, you want to send your communications
12 to ZBA members, it is important that that communication
13 take place here at the hearings. Not outside the
14 hearings, inside the hearings because this is a public
15 forum. So I would ask if you are either speaking in
16 testimony, obviously then you're going to speak to all
17 of us, or if you are submitting information, have it
18 available for all of us to review at the hearing.

19 Let me also note one other thing. Tonight --
20 well, I don't know how long a period of time it will
21 be, but one of the key parts of this evening's hearing
22 is for us to hear from our peer reviewer specific to
23 design review. As people may recall, there will, in
24 the future, be peer review of other important issues

1 important to the board, and those would include
2 traffic, parking, and also -- I'm missing one. Thank
3 you. Stormwater drainage.

4 MS. MORELLI: Not peer review.

5 MR. GELLER: Not peer review, but there will
6 technical review.

7 MS. MORELLI: By staff.

8 MR. GELLER: Okay. So there will be technical
9 review. Albeit not this evening, it will be a part of
10 this process and the ZBA will obviously have an
11 opportunity to hear reviews, as will you.

12 Let me also remind people -- simply because of
13 the order of tonight's hearing, let me remind people:
14 If you offer your testimony, which we want to hear,
15 what we want to hear is we want to hear new
16 information. So if you have new, relevant information
17 that is based on updated things that you hear at the
18 hearing or that you determine, oh, I must have
19 forgotten that the last time and you forgot it the last
20 time, we would welcome that information.

21 But what we don't want to have is we don't
22 want to hear the same thing that you entered into
23 testimony before because, again, we're trying to do
24 this within a reasonable time frame that fits within

1 the statutory limitations. So I would just ask people
2 to be aware of that.

3 Tonight's hearing will be an opportunity for
4 us to hear a presentation by Cliff Boehmer, who is with
5 Davis Square Architects, and he will give us his
6 foundation. He's been engaged by the town to provide
7 to the ZBA peer review on urban design. We will then
8 offer the applicant an opportunity to respond, should
9 the applicant desire to do so. We will then ask for
10 some input from the public. And then I want to raise
11 with the board that it would be an appropriate time to
12 at least start our discussion about this project.

13 And I just want to be cautious here because I
14 want to be very clear. We obviously have future peer
15 review to hear and anything we say obviously -- and I
16 want to caution the developer -- anything we hear is
17 subject to further testimony that pertains to those
18 issues that are of particular interest to us, like
19 traffic, like stormwater drainage.

20 So the discussion -- for purposes of being
21 able to move this forward and move this forward in a
22 constructive manner that meets with the statutory
23 requirement, I think we have to have the discussion.
24 But I don't want to forget that there is additional

1 process here, and that process is going to take place,
2 and that may, in fact, color our thinking, change it.
3 So I just wanted to underscore that notion.

4 But I do want the board to have an opportunity
5 to start with the discussion so that we can assist the
6 developer to think about things that we may think
7 doesn't work or things we do think that work to start
8 the discussion. Okay?

9 MS. POVERMAN: Jesse, will there be a question
10 (sic) to ask questions of Mr. Boehmer as he goes on
11 or --

12 MR. GELLER: Yes. The ZBA, at the end of
13 Mr. Boehmer's presentation, will have an opportunity,
14 as always, to ask questions.

15 MS. POVERMAN. Great.

16 MR. GELLER: I see you have 40 or 50 there.

17 MS. POVERMAN: Yeah.

18 MR. GELLER: Okay. Mr. Boehmer?

19 Once again, if people want to speak, speak
20 into the microphone over here. Start by giving us your
21 name, your credentials.

22 Please go ahead.

23 MR. BOEHMER: Hi. My name is Cliff Boehmer.
24 I'm a principal and president at Davis Square

1 Architects. We're a 34- or 35-person firm that
2 specializes in multifamily housing, so within our
3 practice, we've developed many buildings that are
4 similar in scale to the building that's under
5 consideration tonight.

6 A couple clarifying points: I guess I'm
7 called the "urban design reviewer." I'm actually an
8 architect in Massachusetts, but my review does go
9 beyond the specific site that we're on, as you'll see
10 when you see some of the analysis.

11 A couple other quick comments: What I'd like
12 to do, I've prepared a somewhat lengthy written report
13 that the board is now in possession of. I do intend to
14 read most of that. I'll try not to be too drony about
15 it. But I would like to start out by looking at some
16 images because embedded within that report there are --
17 there's a certain amount of jargon, and I just want to
18 make sure that people understand what I'm talking
19 about.

20 So I think what I'd like to do is start out
21 with quickly running through some images to kind of get
22 us all oriented. I'm sure everybody who's here has
23 probably seen most of these images that I'm about to
24 show you, but why don't we start there. Then I'll dig

1 into the recitative section.

2 I think -- I am going to talk quite a bit
3 about the context of this site, of Centre Street.
4 Centre Street isn't a very long street. It has a
5 variety of kinds of buildings on the street,
6 particularly on the south side. For the ease of
7 discussion, I'm calling it "north" and "south" side of
8 the street, even though it doesn't go quite directly
9 east-west. There is a variety of development on the
10 south side.

11 Some of the things that I'm going to be
12 talking about, these are obviously some of the very
13 well-kept historic homes on Centre Street. And just to
14 tune you in on some of the language, I talk a lot
15 about -- or a certain amount -- about mechanisms that
16 are used in buildings to really bring them down to a
17 human scale and make them an active part of the
18 pedestrian environment and the urban environment in
19 general along Centre Street. I guess you'd call it the
20 public realm of the street.

21 But you can see there are many elements on all
22 of these buildings that really help bring the scale
23 down. While this is a rather large box, in fact, it
24 does have a smaller scale piece on the front edge to

1 virtually every one of the buildings -- the older
2 buildings on the street. While the roof -- while this
3 actually is a three-story building, you know, with a
4 developed attic, the scale is brought down by strong
5 horizontal lines. Large overhangs create big shadows
6 on the buildings; again, another mechanism to bring
7 down the scale.

8 One of the most obvious ways also to bring
9 down the scale of buildings is by a setback. The
10 buildings aren't right on the sidewalk, they're set
11 back from the side walk, so they naturally recede in
12 size due to a perspectival effect. And you'll see all
13 of these older homes do have significant open space in
14 the front.

15 You also break down the scale of large
16 objects, which buildings are large objects. You break
17 down the scale of that with putting elements in the
18 foreground. That's typically anything ranging from
19 fencing, walls, plantings, various ways to create a
20 foreground and a background.

21 Again, most of those mechanisms really do help
22 bring down the scale of the buildings, as well as on --
23 obviously, when you have prominent entry porches with
24 broad sidewalks that walk up to it, it provides a very

1 welcoming kind of effect for the pedestrians.

2 These are on the south side. All these are on
3 the south side of the street, the same side as the
4 proposed project. Some of these, as you can see, and
5 I'm sure everyone's aware, are a little less successful
6 as far as bringing down the scale of the buildings.
7 These are quite tall buildings. But I do discuss in
8 the report the fact that most of these buildings still
9 do have a setback from the street, and there are
10 varying degrees of mediating elements in the foreground
11 between the pedestrian realm and the building itself.

12 This is more about some of the language I'll
13 use again. And I'm sure, as I've said, most of you
14 have seen many of these images. When I talk about
15 "setback," these lines represent or roughly
16 corresponding -- or pretty consistently, certainly on
17 the north side, corresponding to the main volume of the
18 buildings and how far back they are set from the street
19 and the sidewalk.

20 Clearly, there are some buildings that violate
21 what might be considered to be the norm, the typical
22 setback along the main straight stretch of Centre
23 Street. But it is important in the sense that -- when
24 I talk about the public realm, what I'm talking about

1 is that space that is fully open and available to the
2 public. It's where pedestrians are, it's where
3 vehicles are, it's where people interact out in the
4 public realm, it's -- developing corridors, street
5 corridors, is an important part of any good urban
6 thoughtful plan.

7 This is the view looking towards the south
8 side of the street. There's the subject property right
9 there, and here's a line there. I think there are
10 something like seven of the older, larger, heavily
11 detailed, wood-framed buildings on the north side. I
12 think there are only three left on the south side. And
13 I do want to point out -- I think I mentioned it
14 several times -- that the south side, there is a --
15 obviously a historical tendency or movement that has
16 been developing larger buildings on the south side of
17 the street.

18 This is a similar diagram here that gets down
19 to -- this is actually the site plan of the building
20 we're talking about tonight at 40 Centre Street.
21 There's that normative setback line, the red line,
22 similar to the yellow line over there. And you'll see
23 we talk about the fact that the proposed project does
24 encroach on that normative setback line.

1 Finally, these images -- and, again, I'm
2 bringing these up mainly to give you the language. I'm
3 going to talk about a lot of this, and I may not have
4 the images up on the screen when I'm talking about it.

5 This is the ground-level plan of the proposed
6 building. What it has is -- all of the parking is at
7 grade. There's a 20-foot-wide garage door that opens
8 up onto Centre Street. The large public parking lot is
9 right across the street, the entry lobby of the
10 building. The aspect of 40 Centre Street that I think
11 most engages with the public realm is that lobby space.
12 Residents for the building would enter there, and
13 there's a large lobby area that accesses the stair, the
14 front stair as well as other typical facilities
15 associated with an apartment building: mailboxes,
16 et cetera. There's some bicycle parking provided on
17 this ground level of the building. There are no
18 apartments, though, on the ground level.

19 I am going to talk about -- part of my charge
20 was to talk about building elevations. So elevations
21 are straight-on shots of views of buildings. Nobody
22 ever -- except architects, mainly -- thinks about
23 buildings this way, but I do want to talk about this
24 because the design of the elevations is really the

1 primary transmitter of the impression that the building
2 gives to the public realm, so it matters. Our
3 conscious moves -- design elevations is a big part of
4 an architect's job, and it's important, I think, to
5 understand where they're coming from when you're
6 talking about elevations.

7 This is the street elevation. I'm going to
8 briefly go through these, and I'll repeat it -- some of
9 it again at the end. This is the street elevation.
10 There's that garage door that I was talking about. The
11 materials, the light tan color is proposed to be brick.
12 These kind of panel-like materials, multicolored
13 panels, are cementitious panels. As you can see, it's
14 a six-story building.

15 I do talk about the kind of verticality of the
16 look of that street elevation. That is accomplished in
17 a couple of different ways, at least three ways. The
18 building is divided. Across the length of the
19 building, it's divided, so rather than a broad facade,
20 it's cut into two narrower facades accentuating the
21 verticality of it. That's further expressed through
22 the long pilasters or brick columns, as it were, that
23 go up.

24 There are also, as you can see here, the

1 pattern of windows, every two floors gangs together,
2 the windows, so it creates a larger vertical perception
3 of the building, I guess you'd say.

4 And finally, at this end of the building, the
5 east end, there's -- all of the stacking of windows at
6 the east end is tied together in one vertical gesture.

7 This is the facade that faces that open
8 parking lot on the west side of the building. There
9 you can see the brick wraps around -- the brick
10 material wraps around. And what we're looking at here
11 is primarily, again, the cementitious -- multicolored
12 cementitious panels with metal balconies and metal
13 screening for the railing systems on the balcony.

14 These openings in the base of the building are
15 actually there -- I presume are there for ventilation
16 because from this -- all of this area in the back is
17 parking, and these would be, I presume, some type of
18 louver. I don't think that it was spelled out, what
19 this material was at the base on this elevation.

20 The rear elevation is a little bit different.
21 So this is facing Winchester Street, the building
22 that -- the tall condominium structure on Winchester
23 Street. There at that elevation, the same panels,
24 cementitious panels, wrap around to the rear of the

1 building. The same mechanism is used on the front
2 elevation breaking that mass into two pieces.

3 This half is also cementitious material, but
4 it's a lap siding material as opposed to a panel
5 material. And you can see that the panels both along
6 the east elevation or west elevation as well as
7 north -- or south elevation -- I'll get it right
8 eventually, south elevation -- there is an expression
9 of each level of the floor. That's where the panels
10 break so you can read each floor horizontally.

11 Each elevation is a little simpler. This is
12 facing the historic building immediately to the left as
13 you're facing the subject property. This is called out
14 to be the same material as on the rear of the building,
15 which is a lapped siding material. All of these
16 materials are -- the lap and the panel materials, they
17 are cementitious materials. And I don't have a lot of
18 other detail beyond that, but that's what we've been
19 looking at.

20 And finally, I do make reference in my report
21 about a -- at our walk-through that we did, our site
22 walk-through that we did, we were taken to Marion
23 Street where there is a building very, very similar,
24 designed by the same architectural firm. But a very

1 similar form and scale that Mr. Roth took us to to look
2 at and told us that this was really what got him
3 thinking about the kind of building he wanted to put on
4 Centre Street.

5 And you can see it's the same height as the
6 building. There's a reason the building is this
7 height, and this was the subject of some discussion on
8 our visitation day that has to do with the construction
9 type. It's kind of a technical reason why it is that
10 height.

11 But it turns out to be a relatively affordable
12 way to build multifamily or mixed-use buildings in
13 general, creating a podium on the first level, and then
14 five stories on top of that, there's specific materials
15 that need to be used to do that. But it maximizes the
16 kind of volume that you can create in a building
17 without having to use a steel-frame building or a
18 cast-in-place concrete building. So it is a more
19 affordable construction technique by sticking with
20 these limitations on the building.

21 So having said that, maybe I will -- I think
22 there's something wrong.

23 But anyway, I can start with this, and what
24 we'll do is I can flip back and look at some of the

1 other images. So I'll start with the report. And I'll
2 state at the beginning, I'm not going to read,
3 actually, everything in the report because some of it
4 is a very long list of all the documents that were
5 presented to me in order to undertake my review.

6 It is the reviewer's understanding that the
7 proponent's team has agreed to participate in working
8 sessions to discuss other design options for addressing
9 some of the concerns that were expressed by various
10 town departments as well as neighbors. Some of these
11 concerns are noted in my report as well.

12 For this reason and for the reason that most
13 40B processes undergo changes through suggestions
14 coming from the ZBA, I'm calling this a preliminary
15 report. And what I mean by that is that I expect there
16 may be changes in the proponent's proposal, and I'm
17 certainly on board to review those changes and give you
18 whatever technical advice you need on the changes.

19 The report goes on to cite the number of
20 documents that were reviewed. It's quite a big package
21 of documents, well over 30 different documents -- kind
22 of even more than that because the main application had
23 some 16 different sections to it -- and various
24 letters, reports, presentations that have been done in

1 front of the ZBA already. There was a lot of material
2 that we went through.

3 We had an initial meeting, and I've described
4 that. The development team conducted a site
5 walk-through on Wednesday morning, just last Wednesday,
6 the 27th, followed up with a brief meeting at 40 Centre
7 Street as well as a visit to a comparably sized new
8 development designed by CUBE 3, which is the architect,
9 and that's that image of the Marion Street building.
10 This building reportedly was the inspiration for the
11 proposed structure at 40 Centre Street.

12 Attending that walk-through were myself,
13 Alison Steinfeld, Maria, Bob Engler, who's here tonight
14 as well, a representative of CUBE 3. He's here tonight
15 as well, the architect. Bob Roth was there as well.
16 He's not -- oh, he's here tonight, okay. There he is.

17 Most of the visit consisted of walking the
18 length of Centre Street up to 112 Centre and back
19 towards the eastern end where 40 Centre Street is
20 located, observing, and commenting on the existing
21 context. That's obviously of huge importance. The
22 rear parking area of 40 was also observed as well as
23 the parking lot on the western side of 40 Centre Street
24 that serves the high-rise structure at 19 Winchester.

1 So I think probably everybody is aware that parking
2 area that comes out onto Centre Street actually serves
3 the building behind Winchester Street.

4 I was also instructed to do a larger survey,
5 neighborhood survey, neighborhood and amenities survey,
6 again, to help put this project in context. The site
7 is located within Coolidge Corner, a part of Brookline
8 that is well served by high density and a variety of
9 retail businesses, religious facilities, restaurants,
10 entertainment, as well as excellent access to public
11 transportation. The Green Line is only about a -- a
12 stop is only about a thousand feet away. Bus service
13 on Harvard Street is even closer.

14 Other surrounding neighborhoods: Corey Hill,
15 a primarily one- and two-family residential
16 neighborhood is immediately to the west. Dense
17 mixed-scale residential areas on both sides of Harvard
18 Street extend to the north up until you get to
19 Comm. Ave. And a somewhat larger scale but still
20 mixed-scale residential development is to the south off
21 of Harvard. Various landscapes, streetscapes -- and we
22 pin on this a lot -- and public open spaces are
23 included within walking distance. That really greatly
24 enhances the pedestrian experience. The Brookline High

1 School is only about a mile away.

2 While Centre Street isn't in any of the
3 Brookline historic districts, as best I can tell, there
4 are a number of very well-kept, largely intact,
5 wood-framed Victorian homes; as I mentioned before,
6 seven on the north side, three on the south. Most of
7 the larger scale newer buildings are located on the
8 south side of the street. The even side, most notably
9 proceeding westward, there are some significantly
10 larger buildings: a seven-story building and a
11 four-story, an eleven-story building, and then a
12 twelve-story structure near the intersection of Fuller
13 Street.

14 The tallest buildings on Centre Street --
15 they're both owned by the Center Communities --
16 reportedly house something like 500 elderly
17 individuals.

18 We haven't -- the next section is consultation
19 with the applicant's design team, but we haven't done
20 anything since that walk-through. It was just last
21 Wednesday, in fact.

22 So I'll dig into some of the things that I was
23 beginning to talk about, which includes the orientation
24 of the buildings in relation to each other -- here

1 there's only building -- and to the street, parking
2 areas, open space, and on-site amenities and solar
3 access.

4 So as I said before, the proposal is a six --
5 single six-story structure with a footprint that
6 occupies about 82 percent of the almost 11,000-square-
7 foot site. The proposed setbacks from the lot lines
8 are minimal, about 2 foot 7 at the front and 4 foot 10
9 to 5 foot 4 on the sides and a 5-foot-2 setback at the
10 rear of the building.

11 There is no usable open space in the current
12 plan and no significant opportunities for landscaping
13 simply for dimensional reasons. There are no on-site
14 amenities proposed, although the application
15 materials -- and I confess I don't remember where I
16 read it -- but although the application materials do
17 mention the possibility of a rooftop patio space that
18 would be available for the residents of the building.
19 And I discuss that later to see if the proponent can
20 confirm that.

21 All parking is within the footprint of the
22 building and accessed from a 20-foot-wide garage door
23 that opens directly onto Centre Street. The
24 residential entrance is to the west of that large

1 garage door -- I think I pointed that out -- with the
2 lobby area taking up the rest of the footprint on the
3 street elevation.

4 There's some impact on 40 Centre Street, on
5 the proposed building, to direct sunlight access from
6 the taller condominium building on Winchester that is
7 to the south, which, of course, that creates shadows
8 when a tall building is to the south.

9 The long elevations of the proposed new
10 building at 40 essentially face east and west, which
11 means good solar access for those apartments, perhaps
12 excessive, in fact, on the western side, the western
13 afternoon light.

14 The shadow studies, there were shadow studies
15 included in the documentation that was submitted. They
16 do appear to be properly conceived, although I do hit
17 on a note a little bit later about some potential
18 errors in the proponent's analysis of existing building
19 heights in the neighborhood.

20 The most significant shadow impact from the
21 proposed building is, in fact, predominantly on the
22 streetscape in front of the building, so shadows cast
23 across Centre Street.

24 For the residents at 19 Winchester to the

1 south, visual access to the open sky and views to
2 Downtown Boston are diminished by the presence of the
3 proposed building at 40 Centre Street.

4 As far -- again, as far as landscaped area,
5 there's little opportunity for landscaping the site. A
6 landscaping plan was submitted that indicates a row of
7 rhododendron, plantings along the lot line to the east.
8 Along the lot line to the west, there's a walkway that
9 connects a second means of egress on the back of the
10 building back out to the public way. A street tree is
11 shown at the front of the building.

12 As far as building design, I think what
13 I will do is go back to that slide of the elevation.
14 The most notable aspect of the proposed building is a
15 virtually flat six-story elevation that rises up less
16 than three feet from the front of the lot line. That's
17 this elevation. It occupies 62 feet of the
18 approximately 72-foot-wide frontage.

19 While 40 Centre Street represents a
20 continuation of the larger scale development on the
21 south side of Centre Street, it's unique in its lack of
22 front setback that allows a more human scale connection
23 with the streetscape. It has more of the feeling of an
24 urban infill building as opposed to an element in a

1 more spacious well-planted streetscape. As such, it's
2 an anomaly that will prominently extend into the
3 public's visual realm clearly intruding with --
4 approaching from either direction. The proposed
5 building, the front elevation in particular, has an
6 office/commercial building look to it, which is foreign
7 to the existing buildings on Centre Street.

8 And I'll get into a little more detail about
9 the facade analysis. I'll go quickly because maybe
10 it's a bit too technical. But street facade is
11 subdivided across its width, which increases the
12 verticality of the composition. In addition,
13 horizontal subdivisions occur on most of the facade
14 that tie together two floors at a time -- that's what I
15 was talking about there -- suggestive of a
16 nonresidential program for the building. So when you
17 look at buildings and when people react by saying it
18 looks more office-like, it's often because it moves
19 like that, they're tied together, multiple floors.

20 The remainder of the facade unites five
21 stories of windows into a narrow vertical expression on
22 this side extending a few feet out over the broad
23 garage door.

24 Because of the minimal overall setback,

1 articulation of the entry beyond a small cantilevered
2 canopy is not possible, leaving the garage door the
3 most visually important entry statement. So that's --
4 there's the entry canopy, and there's the garage door.
5 There are the openings -- windows into the lobby space.

6 Perhaps most importantly, while the other
7 buildings on Centre Street vary in scale and typology,
8 all of them do make some gesture towards shaping and
9 engaging the public realm, some, of course, more
10 successfully than others. We saw that when I ran
11 through the context slides.

12 As was reported by the developer for 40 Centre
13 Street, the genesis for the building is a similar
14 structure recently completed by the same architect on
15 Marion Street. In fact, the surrounding neighborhood
16 context for that structure is quite different from
17 Centre Street, and it's not surprising that a direct
18 transfer of that building to a very different type of
19 site will have difficulties fitting in.

20 Many reviewers who submitted materials have
21 expressed concern with the demolition of the existing
22 historic structure at 40 Centre Street. Its small
23 scale, generous landscaped front yard, along with a
24 well-expressed entry enhance the pedestrian

1 environment. While adaptive reuse may not be realistic
2 for the structure, consideration should be given to
3 incorporation of some of the facade elements into the
4 new structure. And certainly a lot of the mechanisms
5 that are used to help that building achieve that kind
6 of feeling could easily be incorporated.

7 The discussion of site elevations of the
8 building, again, I went through some of this before
9 already, but I'll run through it quickly.

10 At ground level, the side elevations for most
11 of the length of the building are occupied for parking.
12 Large areas of the envelope at that level are reserved
13 for providing ventilation to the parking area. Both
14 east and west elevations feature balconies that extend
15 into the setback space. The west elevation faces the
16 parking lot, this guy, and is clad in vertically
17 oriented panels with a pattern established by color
18 variations from panel to panel. This is the more
19 visible side elevation, given the presence of the open
20 grade-level parking lot.

21 The east elevation is more subdued with the
22 multihued panels extending a little more than a quarter
23 of the way down the elevation. That's right there.
24 This elevation is partially obscured by the neighboring

1 structure. The window patterns -- while you see the
2 siding patterns are different on the two sides, the
3 types of siding and the articulation is different, the
4 window patterns are essentially the same on both side
5 elevations. The multicolored aspect combined with
6 balconies, some simply cantilevered, some slightly
7 embedded, semirecessed, along with a clear delineation
8 of each floor that I discussed where you can read each
9 level, makes the side elevations more visually
10 successful and, I think, more residential looking than
11 the main street elevation.

12 The rear elevation that faces the tall
13 condominium structure and the swimming pool at the base
14 of that building to the south on Winchester has windows
15 that are associated with five units. So these windows
16 are the -- there are five units that share these two
17 windows. The floor plans -- it wasn't obvious to me
18 where they went, in fact, in the unit, but they do
19 serve five units.

20 It's broken into two vertically oriented
21 pieces that I mentioned before that breaks down the
22 mass in the back. The multicolored, cementitious
23 panels wrap halfway around, as pointed out there, and
24 the proposed material for the other half is the lap, so

1 it looks like clapboards, essentially. The lapped
2 cementitious are, in fact -- have a very clapboard-like
3 look.

4 The rear stairwell is located in the southeast
5 corner. That's the stairwell at the back of the
6 building with single windows at landing levels --
7 that's why they're offset from the other windows. I
8 think they're probably corresponding to the landings --
9 that look back to Winchester.

10 Moving on to pedestrian and vehicular
11 circulation, several reviewers of this project have
12 commented on the issues of pedestrian circulation in
13 front of the building, largely citing poor visibility
14 as cars are exiting the garage. This is a particular
15 concern, given the large number of elderly residents in
16 the neighborhood. This reviewer concurs that this is a
17 significant problem that can only be addressed by
18 increasing the front setback.

19 There has also been concern expressed about
20 the relationship of the driveway to the entry point of
21 the parking lot across the street.

22 And finally an additional concern: In
23 addition to cars safely entering and exiting through
24 the garage door is that pedestrian movement may be

1 impeded by large-scale trash collection required for a
2 45 -unit building.

3 I was asked to comment on the integration of
4 the buildings and site, including but not limited to
5 preservation of existing tree cover. Obviously, the
6 site would have to be totally cleared in order to
7 develop it. There's no space otherwise.

8 As discussed above, the model for this
9 structure was proposed for a different site. It hasn't
10 been adapted to the different limitations and
11 opportunities that exist on Centre Street. There is no
12 area available in the current site plan for the
13 provision of tree cover, and that certainly, as I noted
14 before, would be of great value, especially on the
15 west-facing elevation to help deal with excessive solar
16 gain.

17 Exterior materials, I went through all of
18 those. They include multicolored -- well, almost all
19 of them. They include multicolored, fiber cement
20 panels, some metal infill panels -- these are metal
21 infill panels. I think these are probably metal infill
22 panels as well -- with a brick facade indicated on the
23 street elevation wrapping around the western end for
24 approximately 17 feet or so. That's that piece there.

1 Balconies are proposed to be metal with mesh railing
2 systems. Fiber cement lap siding is indicated on half
3 of the south elevation and two-thirds of the east
4 elevation. This area right there. An area of brick
5 masonry is shown as the base on the east elevation.

6 In general, the building has more of a
7 commercial look than residential, with a wider variety
8 of materials proposed than what's certainly typical for
9 the street.

10 As far as energy efficiency, it wasn't really
11 possible to tell in any level of detail from the
12 submitted materials. Brookline, I'm sure you all know,
13 has adopted the Stretch Code that has a much higher
14 standard for energy savings, essentially, which ensure
15 a relatively high level of sustainability, at least
16 from an operating perspective -- ongoing operating
17 expenses.

18 Similarly, I don't have much to say about
19 exterior lighting. There's very little site to light,
20 so it's likely -- although I'm speculating that this
21 lighting would be limited to illuminating the walkway
22 on the southeast and the entry elevation. Again,
23 that's my own speculation.

24 I don't need to repeat anything else about

1 plantings. There really is very little space available
2 for plantings.

3 Feasibility -- another charge of mine was to
4 look at the feasibility of incorporating environmental
5 and energy performance standards in the design,
6 construction, and operation of the buildings, such as
7 standards required for LEED certification. There are
8 many other third-party certification systems available,
9 and this building certainly is a candidate for that.
10 Again, Brookline's a Stretch Code community, so that's
11 a good step in the right direction.

12 The last section of my report is -- it's not
13 exactly free association, but they're kind of comments
14 of things that I think are worthy of further study and
15 certainly comment from the proponent.

16 The floor plans that are submitted exclude
17 some enlarged typical unit floor plans in addition to
18 fit plans that box out the gross square footage of the
19 units within the proposed overall footprint of the
20 building. And I do want to point out that that's
21 pretty consistent with most 40B applications that I
22 have. We don't expect to see fully resolved plans at
23 this stage. But because of that, it's not really
24 possible to review conformance with some code

1 requirements -- for example, accessibility -- in any
2 level of detail.

3 The fit plans that were provided that
4 basically show boxes for each of the units don't
5 indicate the locations and types of the proposed
6 Group 2 accessible units. Note that all units in
7 elevator-fed buildings must be, at a minimum, Group 1
8 units. These are standards promulgated and enforced by
9 the Massachusetts Architectural Access Board.

10 Group 2 units are generally known -- could be
11 called "fully accessible units," so they're
12 dimensionally enhanced to the level where
13 mobility-impaired people can use the units freely.

14 The Group 1 units are commonly known, or
15 typically known, as adaptable units, so they share some
16 of the aspects of the Group 2 units, but they're not
17 considered to be fully accessible.

18 And, again, in a new construction elevator-fed
19 building, all units have to be Group 1 units and 5
20 percent of the units have to be fully accessible
21 Group 2 units, which would be two units in this
22 building.

23 The parking plan -- another point: The
24 parking plan indicates one accessible space. The

1 Massachusetts Architectural Access Board will require
2 two fully accessible Group 2 units with an additional
3 requirement to provide accessible parking -- and this
4 is quoting from the regs -- "... in sufficient numbers
5 to meet the needs of the dwelling unit occupants."
6 This language suggests to me that two accessible spaces
7 must be included in the plan.

8 And additionally, according to the regs, one
9 of the spaces needs to be van accessible, which has
10 even larger dimensional requirements as well as height
11 requirements because vans are rather tall.

12 The construction type is reportedly a Type 1
13 podium -- that means that it's fully noncombustible
14 materials, typically steel and concrete -- with five
15 floors of Type 3 above. I think the proponent is
16 proposing a fire-treated, wood-framed building -- five
17 floors of fire-treated wood frame on top of the podium.

18 Setbacks are minimal on all sides. And my
19 point was: Can the proponent provide a preliminary
20 building code analysis verifying that the building as
21 proposed is allowable, including material selections
22 and the percentage of openings that are indicated on
23 the facades of the building -- openings being the
24 window and sliders that might open out to the balcony?

1 Additionally, is the proposed construction
2 type the only type that should be considered, given
3 that it can limit building form because of height
4 restrictions? This we actually talked about at the
5 site meeting, and I can get into that in greater
6 detail, to whatever degree anybody wants to. But,
7 again, using this construction type, which is very
8 commonly used and considered -- generally considered to
9 be the most affordable for midrise buildings, does have
10 limitations that are imposed that restrict the height
11 of the building.

12 The neighborhood -- this is a comment on some
13 of the submitted materials, specifically of the
14 neighborhood building height analysis that was
15 presented in the proponent's May 23rd presentation. It
16 doesn't appear to be entirely accurate.

17 For example, 112 Centre Street is listed as
18 150 feet when its height, according to the construction
19 documents, is 103 feet. It's 120 feet, according to
20 the construction documents for the building, to the top
21 of the elevator penthouse. Other building heights
22 indicated for smaller structures also appear
23 questionable.

24 And I bring this up because if the

1 inconsistencies are significant, the 3D model and
2 shadow studies may be misleading, so I think I would
3 recommend the proponent confirm those dimensions.

4 Another point: Is it possible that the fire
5 department will have concerns about not having access
6 to all of the elevations of the building, all the sides
7 of the building? It didn't appear -- and I don't think
8 I missed it -- but there didn't appear to be commentary
9 from the building department or the fire department in
10 the submitted materials.

11 Next: Is there a detailed narrative
12 describing how trash will be handled for the
13 development?

14 Also, there have been concerns expressed about
15 potential structural impact of the project on the
16 neighboring buildings to the south and the east, and I
17 was wondering if this has been studied by the
18 developer. They are developing very close to the
19 property lines -- proposing very close to the property
20 lines.

21 Given the intensive use of the site -- by that
22 I mean the high percentage of lot coverage -- what is
23 the plan for stormwater management? It's my
24 understanding that Brookline doesn't allow infiltration

1 structures within the building footprint. This
2 reviewer concurs that a civil engineer peer reviewer
3 should be retained. It sounds like there is a
4 stormwater -- there will be a stormwater analysis.

5 MS. MORELLI: Yes. Peter Ditto is the
6 director of engineering. He'll provide technical
7 analysis.

8 MR. BOEHMER: Okay.

9 Numerous reviewers have submitted
10 documentation -- excuse me -- have expressed concern
11 about the very low parking ratio. And has the
12 proponent developed any plan for mitigating this issue?
13 For example, diminished unit count, subsidized T
14 passes, shared car parking, off-site leasing of spaces
15 with subsidized membership of Zipcars, for example,
16 targeted tenant marketing, et cetera.

17 A few more points: Has the developer drafted
18 a construction management plan that describes community
19 impact during the construction period? There's a --
20 it's a very tight space, very limited layout space, the
21 street's already pretty heavily trafficked, and it's a
22 large construction project.

23 Next: Will the developer be responsible for
24 town road damage resulting from heavy trucking?

1 I asked the question: Is a roof deck included
2 in the developer's proposal? Again, that would provide
3 valuable usable outdoor space for the residents.

4 And finally -- and this one may be a little
5 bit vague, but I think there's a reason to do it -- has
6 the developer engaged with neighbors on Centre Street,
7 most importantly the Center Communities facilities that
8 reportedly house 500 elders, many of whom traverse
9 40 Centre Street? I think probably what I'm getting at
10 is making sure that there's an adequate level of
11 sensitivity to that population on the street.

12 And finally, a few comments on techniques to
13 mitigate the visual impact of the building. That's a
14 big subject, and I'm sure some of it will be taken up
15 in the working sessions.

16 The No. 1 point is: Taking visual cues from
17 existing buildings on the street, in particular
18 recognizing and strengthening the existing streetscape
19 by provided a consistent setback and breaking down the
20 scale of the front elevation with entry elements,
21 step-backs at upper levels, et cetera. There are many,
22 many mechanisms that can be used to do that.

23 And finally, which is a little bigger idea
24 about some design changes that could be considered are:

1 Consider the elimination of the garage door by
2 providing rear at-grade parking or ramping down the
3 underground parking with a side entry to the parking
4 floor. The underground parking option can open the
5 possibility of ground-floor units and facilitate
6 decreasing the building footprint perhaps enabling
7 front elevation step-backs. So I think there are other
8 ways to think about tying the building in a little more
9 successfully.

10 And that's it.

11 MR. GELLER: Thank you.

12 Lets me just comment on one point that you
13 made, which is this question about fire access and
14 safety. Let me be perfectly clear. Okay? One of the
15 pieces of information that we will have will be a
16 comment from the appropriate official, the fire
17 department, that will let the board know whether there
18 are any comments, whether there are any issues. So
19 that is something that we look at very carefully and we
20 take great concern with.

21 MS. POVERMAN: Jesse, if I may, I know that
22 the fire department submitted a letter saying they had
23 no comments or issues, but I really would appreciate
24 and ask that the fire chief or a representative appear

1 to ask questions because as currently constructed, I
2 have questions as to that conclusion, not being a fire
3 expert. Thank you.

4 MR. GELLER: Questions?

5 MR. HUSSEY: No, not really. It's really a
6 complete report. I think it covers all the issues. I
7 think I'm looking forward to how the developer is going
8 to respond to this from a design point of view, and I
9 think that's the time to get into any questions.

10 The only other thing I wanted to mention, I
11 think you've clearly spent some time dealing with the
12 code issues, and I think you don't need to worry too
13 much about building code issues. The building
14 department here is pretty thorough.

15 The accessibility issues, similarly, the
16 internal planning board and what have you, they'll take
17 care of that.

18 I think the one thing I'm interested in is, of
19 course, the parking -- the handicapped parking, which
20 is controlled by the state agency. And I don't think
21 they're subject to 40B leeway in the way the other town
22 agencies are, so unless they're going to -- the
23 developer is going to go and ask for waivers on the van
24 and on the number of parking, that is something that's

1 going to affect the amount of parking that occurs on
2 the site, as you pointed out.

3 MR. BOEHMER: It could. Typically in a
4 situation like this, I recommend an advisory opinion,
5 that the developer seek an advisory opinion from the
6 director -- executive director of AAB to either verify
7 or to provide guidance on the interpretation that I
8 offered.

9 MR. GELLER: Anything else?

10 MR. CHIUMENTI: No.

11 MS. POVERMAN: Just a couple at this point.

12 So the Marion Street project that this was
13 modeled on -- we saw the picture -- what is the
14 equivalent on this project of the side on Marion Street
15 that we saw?

16 MR. BOEHMER: Good question. Let's go to
17 that.

18 Well, I think it's kind of either side,
19 actually. As I was saying --

20 MS. POVERMAN: Maybe the architect could tell
21 us.

22 MR. BARTASH: What was the -- I'm sorry --

23 MS. POVERMAN: So here in the middle is the
24 model for the Centre Street project; is that correct?

1 MR. GELLER: That's Marion Street.

2 MS. POVERMAN: No, no, no. But Marion Street
3 is the --

4 MR. BARTASH: Yes, that's correct.

5 MS. POVERMAN: Right. So looking at that,
6 what side of the 40 Centre Street project does that
7 most closely resemble?

8 MR. BARTASH: So the image on the right-hand
9 side most closely resembles that -- or I would say the
10 east or the west facades, the longer facing facades of
11 the building, so facing the existing parking lot or the
12 existing dormitory-style structure, the side of the
13 project. And what we don't see in this image is the
14 front elevation, which closely resembles in scale the
15 Centre Street elevation of the new building.

16 MS. POVERMAN: Where is the front elevation?

17 MR. BARTASH: It's kind of on an angle in
18 shadow on the left-hand side of the screen.

19 MS. POVERMAN: Are there any single-family
20 houses on Marion street?

21 MR. BARTASH: I believe there are.

22 MS. POVERMAN: Where? Is this the Marion
23 Street by the Marion Courtyard?

24 MR. BARTASH: So if you're looking at this

1 image --

2 MS. POVERMAN: Where is that Marion Street? I
3 may have the wrong one.

4 MR. BARTASH: Sure. So it's actually right
5 behind you in this image.

6 MS. POVERMAN: Where the courtyard is.

7 MR. HUSSEY: No. That's on the other side.
8 Marion Street has -- on this side of this building
9 here, there are a number of other tall, large
10 buildings.

11 On the other side, however, there are one or
12 two single-family and some other two- and three-story
13 residential buildings. So the other side does have a
14 small scale --

15 MS. POVERMAN: Okay. Let me look through my
16 notes for one second.

17 Oh, you said something, Mr. Boehmer, about
18 there being restrictions that affect the height of the
19 building based on the --

20 MR. BOEHMER: Construction type.

21 MS. POVERMAN: -- construction type and
22 monetary considerations that go into that. Could you
23 go into that a little more?

24 MR. BOEHMER: Yes. And I'll start back with

1 this construction type, which is very commonly used now
2 for building for six-story buildings. And it works
3 very well. There's -- the code is written that will
4 allow different construction types, one stacked on top
5 of the other with an adequate fire separation between
6 the two types.

7 So what it is is there's a steel and concrete
8 base of the building, and then the five stories on top
9 are wood framed, typically panelized so it can go up
10 pretty quickly. All of the building -- the skin itself
11 is fire resistant material, so it's a way that you
12 can -- generally speaking, taller buildings -- you can
13 go taller with buildings if they're resistant to fire.

14 The comment I made had mainly to do with the
15 fact that it does limit you to this height of building.
16 So, for example, if you -- if it were critical to
17 maintain a certain unit count, a building built of this
18 type might suggest a greater lot coverage than a
19 building with one more story that could be built if you
20 use a different type.

21 MS. POVERMAN: Is there a problem with
22 making -- with this structure or building, is there any
23 problem with removing a floor, making it shorter?

24 MR. BOEHMER: No. In fact, that's even

1 cheaper. I mean, that's -- because a four-story
2 construction on top of a podium doesn't have to be
3 fire-treated wood. It can be normal construction
4 lumber.

5 MS. POVERMAN: Okay. Thank you.

6 MR. HUSSEY: This building does not break the
7 high-rise definition, does it?

8 MR. BOEHMER: No. High-rise is 70 feet.

9 MR. HUSSEY: Right. And that triggers a lot
10 of other things.

11 MR. BOEHMER: Indeed.

12 MR. GELLER: Okay. Thank you. We may have
13 more for you.

14 I want to call on the applicant for a response
15 or additional information.

16 MR. ENGLER: Thank you, Mr. Chairman. Bob
17 Engler for the applicant.

18 We just got this, as you well know, today or
19 yesterday -- today. So we know it's coming -- we knew
20 it was coming. We met with Cliff. We met on the site.
21 We look forward to it. We're happy to hear it.

22 A lot of these things we've been wrestling
23 with, but we weren't going to be doing any incremental
24 changes until we got this report. And we're starting

1 tomorrow morning, first thing. We have a meeting with
2 Cliff and the staff to start talking about all these
3 things. So we have nothing to add tonight. We'll have
4 a few workshop sessions to get back to you with the
5 things that we think we can do and we can't do, so I'm
6 looking forward to that.

7 MR. GELLER: Great. Thank you.

8 Anybody have questions?

9 MR. HUSSEY: Only about -- so there is a
10 workshop tomorrow morning?

11 MS. STEINFELD: It was tentatively scheduled.

12 MR. HUSSEY: Tentatively scheduled.

13 MR. ROTH: I just wanted to mention that the
14 report --

15 MR. GELLER: Tell us who you are first.

16 MR. ROTH: Bob Roth, the developer.

17 I just want to say that I felt that the report
18 was very clear, I thought it was thoughtful, and I
19 think that some of the criticisms are, you know, well
20 taken, and we're looking forward to working with the
21 group.

22 I just wanted to clarify a couple things.
23 While we're willing -- and we've expressed our
24 willingness -- to pull the building back off Centre

1 Street, I did want to go on record and say that the
2 street line that is developed around 40 Centre Street
3 is not so clear. When you round off coming out of
4 Beacon Street and you come down Beacon Street walking
5 towards 40 Centre Street, what you have is -- the first
6 building on Beacon Street is a zero lot line.

7 And then as you proceed towards 40 Centre
8 Street, you have a parking lot -- you have the town
9 parking lot, essentially, which has approximately an
10 8-foot landscaped area with a few benches in front of
11 the farmers market.

12 Then you go further on and you run into
13 30 Centre Street, which has a nice setback; 40 Centre
14 Street, our property, which also has a nice setback.

15 And then going past our property, you come to
16 the parking lot for 19 Winchester Street. Now, that
17 parking lot is paved right to the street line, right to
18 the sidewalk. In fact, the day that we were there,
19 there was a car that pulled in right into the parking
20 spot that was adjacent to the sidewalk. Zero
21 clearance. In fact, when the person opened up their
22 door, their door swung into the sidewalk. So for 72
23 feet walking away from 40 Centre Street, there is no
24 street line. That street line is completely evaporated

1 by the parking lot.

2 Then going to 50 Centre Street, which is the
3 next -- first residential property, what you have is a
4 6-foot fence that is right along the back of the
5 sidewalk. There is no visual access to the public for
6 any viewing of that front lot on 50 center. In fact,
7 their driveway is coming out of that parking area on
8 50 Centre Street, which appeared to me a fairly
9 dangerous situation because they have a 6-foot-high
10 structure, a fence, that you cannot see on either side.

11 So, you know, this now goes all the way to
12 Wellman street. So essentially what you have from
13 Beacon Street to Wellman Street, there's only two
14 properties, 40 Centre Street and 30 Centre Street, that
15 provide any streetscape. So the street line, while
16 it's developed more clearly as you go towards Fuller
17 Street, on -- where at 40 Centre Street, it's not so
18 clear.

19 Also, in terms of single-family houses --
20 someone asked about single-family houses. According to
21 town records, the assessor's office, there are three
22 single-family houses on the entire street from -- all
23 the way from -- from Beacon Street all the way down to
24 Fuller Street, according to town records, there's only

1 three. It could be checked. I could be wrong, but I
2 went through the assessor's records myself.

3 The fire department has looked at the plans.
4 I was at the meeting when they -- we met. They had a
5 lot of technical questions. They looked at the site
6 plans. They knew the property well. It didn't seem
7 like they had any problems. They can come here and
8 they can speak for themselves.

9 In terms of open space, the property that
10 we're presenting now to be built is -- actually
11 provides more green than it has now. The amount of
12 greenery in terms of -- on 40 Centre Street, the entire
13 back of the building is pavement from one side to the
14 other side. There is no -- except for maybe a 2-foot
15 strip in the very back where the swimming pool is,
16 there's some landscape -- not landscaping -- some weeds
17 that have grown in some along the parking area. So
18 there is no landscaping now. And, in fact, the storm
19 survey -- storm management survey actually shows that
20 our property will be more pervious and drain better
21 than it is now.

22 So these are just some clarifications to what
23 I thought was a very good report. Thank you.

24 MR. GELLER: Thank you. Questions.

1 MR. HUSSEY: No. Just -- what's the next
2 topic of discussion, I guess, is what I'm really
3 interested in. Because I think -- I mean, it's pretty
4 clear that there are going to be changes made to the
5 plan, and that's going to affect the storm drainage
6 study, the traffic study. So I'd like to get that,
7 perhaps, moving as quickly as possible so the developer
8 can come back next time with a revised plan that we can
9 react to, that the neighbors can react to, and that we
10 can then involve these other studies, if necessary.

11 Now, the town engineering department has
12 already said that it's not acceptable to have drainage
13 basins under the building, so you've got to have more
14 open space.

15 MR. GELLER: Well, he has to provide a
16 solution.

17 MR. HUSSEY: He's got to provide a solution,
18 but that may be part of the discussion we might have
19 before the workshop.

20 MS. POVERMAN: My understanding -- and I might
21 be jumping in where I shouldn't -- is -- based on what
22 Maria has told us -- is that our charge today, perhaps
23 after hearing what the community has to say, most
24 likely, is that we have to set forth what we need the

1 developer and others to hear, take into account, when
2 they go to the table when they're working on things.

3 So, for example, we're not going to say, okay,
4 I want you make a gingerbread house instead of that
5 building on the site, but we are going to say things
6 which we think are reasonable in terms of the health,
7 safety, design, et cetera, within the limits of 40B.
8 That's my understanding, and I'm getting nods of
9 agreement there, so is that consistent with --

10 MR. GELLER: Yeah. I think in terms of
11 process, we need to give direction to the applicant and
12 it seems to me that this is an appropriate point at
13 which we would start to do that. And that is not to
14 foreclose other comments and our need to review other
15 things, but it is a starting point. And based upon
16 that, yes, you are correct. There will then be --
17 rolled up into that will be the things like drainage.
18 You know, all of those issues then morph off of what it
19 is -- what direction you give them.

20 MR. HUSSEY: Before we get into those
21 discussions, could we have the site plan up on the
22 screen so that we can -- I think that'll be helpful in
23 the way we --

24 MR. GELLER: Yeah. That can be put up. I

1 want to -- before we talk, I want to give the public an
2 opportunity to raise any new issues that it has.

3 What I would ask of the public is -- what I
4 would ask is that, again, start by giving us your name
5 and keep your focus on new information.

6 Also, what I would ask people to do is I would
7 ask people to limit their comments to no more than five
8 minutes. I want to be able to efficiently get through
9 this. And since we have heard your broader comments
10 before, I really do want to limit this to new
11 information. Okay?

12 So I see Mr. Hill is jumping in front of
13 Mr. Swartz. That's why he was up.

14 MR. HUSSEY: One more thing, Jesse, before we
15 start the public hearing. The transcript for the last
16 hearing is on the town website, is it not?

17 And I'm hopeful that you in the audience have
18 read that transcript to see what has been said so
19 that -- just to reiterate what the chairman said -- so
20 that we don't have a lot of duplication of information.

21 MR. GELLER: Good point.

22 MR. HILL: Mr. Chairman, thank you. My name
23 is Dan Hill. I'm an attorney for the neighbors. I'm a
24 land use and zoning attorney with a specialty practice

1 in Chapter 40B.

2 I want to first state very quickly that it
3 drives me nuts when I see plans like this that show
4 trees in front of buildings when all of those trees on
5 that plan are on abutting properties. It's -- I think
6 it's deceptive. It's unfair -- an unfair
7 characterization of what this project will look like,
8 and it's not the first time I've seen developer plans
9 co-opt the natural, aesthetically pleasing environment
10 of an abutting property that conforms to zoning in
11 order to make their nonconforming project appear more
12 aesthetically pleasing. I just want to make that
13 point.

14 I'm going to talk just briefly about the
15 process issues. Last time we talked a lot about
16 substantive impact issues, tonight just process.

17 The first process issue is the pace of this
18 hearing. I have some grave concerns. We were last
19 here on June 20th. That was 40 days ago. At the end
20 of that hearing on June 20th, I heard a lot of action
21 items being floated about. I heard that the town
22 engineer was going to review drainage. I heard that
23 the building department and planning staff were going
24 to review the waiver list to see if it's complete. As

1 far as I understand, those have not happened.

2 I've also heard that the town staff --
3 in-house staff, so forth, are not going to look the
4 trash management plan until a plan is actually -- a
5 revised plan is presented. That may be true with
6 respect to stormwater and waivers.

7 Now, that may sound efficient to you and I,
8 and it does. That would be the most efficient way of
9 doing things. But in this world that we live in under
10 Chapter 40B, we don't have that luxury. You're all
11 under a clock, a six-month clock. And I believe your
12 hearing opened in May, so we're talking November is
13 when you have to close this hearing. And before you
14 close the hearing, you're probably going to want to do
15 a pro forma review, and that's going to take a month.
16 So you're really talking about only a couple more
17 months that you have to do your substantive review of
18 this project.

19 And it concerns us that there is -- there
20 apparently has not been a peer review or a technical
21 review of drainage, impacts of the project on the
22 neighboring properties, which we raised last time, the
23 waiver list, and so forth.

24 And I appreciate -- I understand -- it's not

1 really a criticism of the town. I understand why you
2 want to wait, but we don't have that luxury here, and I
3 would really urge the zoning board to have these
4 issues -- these substantive issues reviewed now and not
5 just to assume that you're going to get revised plans
6 from the developer with enough time to review those
7 plans and then have time to get the pro forma review.

8 Unfortunately, this clock works really against
9 us, against the town. The developer does not have to
10 agree to extend that six months. He can say, I'm not
11 going to extend it, and therefore you have -- and I've
12 seen this happen a lot in other towns. You're in a
13 rush at the end of those six months to try to come up
14 with conditions and waiver decisions.

15 I also want to talk briefly about the -- this
16 working group concept. I've seen this happen in other
17 towns. It sounds like a great idea, but my concern is
18 that -- and what I've seen in other communities -- is a
19 tendency for peer reviewers or town staff to get into
20 sort of a negotiation mode with an applicant or
21 developer outside of the spotlights, the florescent
22 lamps of a hearing room, with the ability to have
23 candid conversations. And your representatives may
24 unintentionally, not with bad intentions, kind of slip

1 into a mode of trying to work things out.

2 And I just -- I want to raise the specter that
3 that could happen in any town where you have working
4 groups, and I want to make sure that -- and I think the
5 zoning board would agree that any decisions on any
6 substantive aspects of this project, including whether
7 or not waivers should be granted or whether or not the
8 design changes should be made, should be made by the
9 board members and not by peer reviewers or technical
10 reviewers. So I'm little concerned about these working
11 groups that happen outside of the public hearing
12 context.

13 And if the board is inclined to ask for these
14 working groups to take place, we would respectfully
15 request that the neighbors have the ability to attend
16 those through a designated representative. And I
17 certainly understand that things work more efficiently
18 when you have a small group, a subcommittee, so to
19 speak. And in the spirit of that, you know, we would
20 designate somebody such as an attorney or an engineer
21 that perhaps the neighborhood might hire to represent
22 its interest to attend these sessions. And so we would
23 ask that we be invited to sit in at those meetings, if
24 we so choose.

1 I guess that's all I have for now, so really
2 just process issues, and we may hear from other
3 neighbors on substantive issues. Thank you.

4 MR. GELLER: Thank you. Let me say two
5 things. We are very conscious of the 180 days.

6 And secondly, the only party that makes
7 decisions in this 40B process is the ZBA, and any
8 discussions come back here, which is an open forum.

9 MR. SWARTZ: I'm Chuck Swartz. I live at 69
10 Centre Street. I'm a town meeting member from Precinct
11 9, the precinct that this project is in.

12 I was shocked to hear some things that
13 Mr. Roth said. First of all, to equate -- or to start
14 his tour of Centre Street with two commercial buildings
15 on Beacon Street which are on the corner and saying
16 that these buildings have no setbacks is a bit of a
17 stretch.

18 And then to continue on to mention the two
19 parking lots, open spaces do not provide any setbacks,
20 so therefore why should this building provide any
21 setback is also quite a stretch as far as I'm
22 concerned.

23 As far as the single-family homes on Centre
24 Street, these homes are because of zoning. Our zone is

1 two- or three-family homes. And if you were to take a
2 tour, Mr. Roth, you would see that most of these houses
3 have single families living in them. The fact that
4 many of them might have an attic apartment that is
5 zoned for legal use but is not occupied does not really
6 make them multifamily units. I just wanted to clear
7 that up.

8 And I would say to you, Mr. Roth, take a look
9 around. These are people who live on Centre Street.
10 We are your neighbors. Can't you give us a better
11 building, a building that we have can live with?

12 And to quote a famous American -- the quote
13 has come up today -- "have you no sense of decency?"
14 Thank you.

15 MR. GELLER: Anybody else?

16 MR. PENDERY: I have some visual aids. My
17 name is Steve Pendery, 26 Winchester Street.

18 While getting set up, I do want to comment on
19 the preservation aspects of this project, or the lack
20 thereof. Others question as to whether the Brookline
21 Preservation Commission should have considered
22 including this property into a multiproperty thematic
23 national register --

24 UNIDENTIFIED AUDIENCE MEMBER: We can't hear

1 very well, Steve. Maybe you should wait.

2 MR. PENDERY: Okay.

3 (Brief pause.)

4 MR. PENDERY: Getting back to preservation,
5 the question was: Why the thematic national register
6 nomination was not considered, which would have
7 included this property, but also other examples of the
8 architecture of George Nelson Jacobs, including the
9 Coolidge Corner Arcade, which is directly opposite the
10 subject property.

11 We, as a group, saw no viable adaptive reuse
12 scenario in the context of a 40B project at 40 Centre
13 Street. And with the lifting of the expiration of the
14 demolition delay, we feel that the building should be
15 documented, at the very least on the exterior. This
16 can be done nonintrusively by means of a laser scanning
17 or something that's rapid and safe to do.

18 So essentially, we're left to consider, sadly
19 enough, a scenario of facadism. And in this case, for
20 40 Centre Street, it wouldn't just be an exercise of
21 preserving some historic fabric, but rather preserving
22 the setback in the front of the building as well, which
23 would, I think, address many of the objectives -- the
24 larger objectives discussed tonight.

1 So on the left-hand side, we see the proposed
2 building that could come right up, basically, to the
3 sidewalk.

4 On the right-hand side, we see, of course, a
5 scaled-down building -- hopefully in response to many
6 of the public comments -- with a veneer of the existing
7 structure which remains in place immediately in front
8 of the facade at the proposed new structure.

9 There are many details to be worked out here.
10 There is enough room on the property width to
11 accommodate the 20-foot driveway, but there is -- it
12 comes up short, about 20 feet on either side of the
13 existing building, so there would have to be some kind
14 of engineering solution here.

15 And traffic could also -- given the 20-foot
16 wide driveway, could enter the new structure just
17 beyond the point of a setback, which would also provide
18 for a safe egress to the street.

19 The existing building section as proposed, and
20 a proposed building rendering: I did add the cables.
21 For those of you who do not live in the Coolidge Corner
22 area, we commonly have excessive and extensive cables
23 which run through the trees. You may not have noticed
24 this on your walk. So is this is actually the view

1 that you would expect to see there. We have to live
2 with these cables, and I assume that the residents of
3 the proposed new building would have to live with them
4 too, so there they are.

5 This is sort of the concept behind facadism,
6 that, in this case, we would have moved the --
7 basically moved the front of the proposed new structure
8 back to behind a -- about a 20-foot veneer of existing
9 structure that would be retained in place. And the
10 outcome of this would be essentially a view that is,
11 well, more than reminiscent of the old building because
12 it would have a big section of the old building, the
13 existing structure there, and then just behind it you
14 and can see parts of the reduced and scaled-down
15 proposed new structure.

16 This is just to sort of propose for a
17 consideration a facade scenario here. There are many
18 variations on this, including, perhaps, reusing some
19 original materials in the context of a new facade. But
20 the key idea here is really to observe the historic
21 setback of the existing structure and incorporate some
22 historic fabric that, to some extent or another, does
23 invoke the existing structure and its architectural
24 merits.

1 Thank you very much.

2 MR. CHIUMENTI: I have a question, actually.
3 How would you see the parking be accommodated? Where
4 would the garage door be at this point?

5 MR. PENDERY: It would be -- my sense is the
6 best candidate would be the driveway on the left-hand
7 side. And, actually, I am proposing slicing and moving
8 the front 20 feet of existing building to the right to
9 accommodate that driveway. And I know that many of you
10 are probably thinking this is not going to happen, but
11 there's extensive literature on facadism and some of
12 the extreme things that are done for the sake of --

13 MR. CHIUMENTI: Wouldn't that be 15 feet into
14 somebody else's property?

15 MR. PENDERY: No. There's enough space for a
16 20-foot driveway on that property, given the shifting
17 of the facade and, of course, the demolition of the
18 rest of the building behind that first 20 feet. So
19 you'd slice it and move it over, I would say, to the
20 right-hand side of the property.

21 On the left-hand side, you have the driveway
22 coming in. That would also provide a clear view for
23 egress in and out of that driveway. And then that
24 would lead in -- you have the option of leading into

1 the new building itself. That driveway would hit just
2 beyond the moved building facade.

3 Or you could have a driveway given a -- again,
4 a new building that is reduced in its width that cars
5 could be introduced into a back parking area or into a
6 surface parking area within the building. But these
7 are details that would have to be explored.

8 MR. GELLER: Thank you.

9 Anybody else?

10 MR. ROSENTHAL: I'm Marty Rosenthal. I'm a
11 town meeting member also from Precinct 9, and I
12 apologize to at least two of you who were here last
13 week when I was here for the --

14 MR. GELLER: Nice to see you again.

15 MR. ROSENTHAL: Yes. Thank you.

16 Some of you may have seen me before, as well,
17 over the years about these issues and others. I've
18 been a selectman in the '80s, I'm on CTOS, Community
19 Town Organizational Structure, I'm the co-chair of
20 Brookline PAX, and I've been, I guess fair to say,
21 active in the community.

22 And I also grew up in this neighborhood, not
23 on this street, at Abbotsford and Fuller. I now live
24 on Columbia. And I went to KI, I went to the Devotion

1 School, and I yield to nobody in the knowledge of this
2 neighborhood.

3 I share the comments by Chuck Swartz about no
4 sense of decency. I hate to make it personal. The
5 gentlemen that are here -- spoken here for the proposal
6 seem like nice people, but they have to know that what
7 they're doing is contributing to further deterioration
8 of this neighborhood and the neighbors. And we are
9 people, we are a neighborhood, we are a community. I
10 think it was Neil Wishinsky, in his letter by the
11 selectmen, that made reference to the deterioration of
12 the neighborhood.

13 I have seen the neighborhood go downhill
14 because of developers that want to make extra money
15 since my childhood. I came back from law school and
16 found the beautiful building where Dexter Park used to
17 be, the school, and now it's that big monster. And
18 that's what got me involved in the North Brookline
19 Neighborhood Association. And we've done a lot of
20 downzoning.

21 One of the big battles we had was on Centre
22 Street, 121 Centre. I see some of the colleagues that
23 were there for those wars when there were three
24 beautiful Victorians at the end of the street. I don't

1 know if they were single-families, as the gentleman was
2 talking about tonight, or two families, but they were
3 beautiful buildings. And now there are only two
4 because that was zoned for multifamily.

5 And at 121, they came in with a proposal for
6 40B, we engaged them for months, and then they built up
7 to the zoning, that eight-unit building. I think it's
8 eight. But anyway, it destroyed the Victorian, and now
9 there are only two there. And here's another one that
10 they're going to take away. And what they doing is
11 really hurting the neighborhood.

12 I was quite impressed by the presentation
13 by -- forgive me if I get his name wrong -- Boehmer?
14 Anyway, a very impressive presentation. But it struck
15 me how sometimes experts' presentations don't capture
16 the essence of what's really happening. And a few of
17 his phrases from his excellent report, "unique,"
18 "anomaly," "significant problem," "very little
19 landscaping," "engage with neighborhood," these things
20 really don't capture the essence of what Chuck Swartz
21 is referring to of having a sense of decency.

22 When I spoke last week, I suggested, half
23 facetiously, that the proponents of that building tell
24 their perspective buyers -- I think that was a

1 mixed-use with condominiums -- that they're not going
2 to be welcome in the neighborhood.

3 Well, I don't mean to put this into personal
4 terms, but the fact is that a building like this -- and
5 I'm a criminal lawyer, so I use this word
6 metaphorically and advisably. It is an assault on the
7 neighbors. It's an assault on the neighborhood. And I
8 say shame on these folks that they do that just to make
9 some extra money. Why can't they do 20 units or do
10 something -- make a decent amount of money off this
11 property, but do something that fits into the
12 neighborhood.

13 When the gentleman spoke about walking down
14 the street and, well, what about this problem? What
15 about that problem? So that's okay to make another
16 problem because there's parking lots, because there's
17 high-rises already. Let's get rid of another beautiful
18 building because they've been disappearing over the
19 years.

20 There are a lot of terms for that kind of
21 logic, and I'm not going to try to dredge it up again.
22 I do hope that at a minimum this board can get the
23 proponent of this property to work better to fit it
24 into the neighborhood and to be neighbors with us, not

1 to be people who are going to come in here and assault
2 us with something that hurts our neighborhood.

3 Thank you.

4 MR. GELLER: Thank you.

5 MR. HUSSEY: I've got a question,
6 Mr. Rosenthal. Do you remember a presentation made to
7 the town meeting in the mid-70's, as I recall, that
8 show the assessor's plan from that area from the 1940s?

9 MR. ROSENTHAL: I was here in the 1940s, but I
10 don't remember that presentation. I'm here at the end
11 of the 1940s, part of that postwar generation of people
12 who moved in here. But I actually don't I think I was
13 in town meeting until 1978. I'm trying to get Pat Ward
14 to do the research for me. I know I've never missed a
15 town meeting since then, but I'm not sure that I was
16 there for that presentation, and I commend you for
17 remembering it.

18 MR. HUSSEY: Anyway, it showed the entire
19 Centre Street as being one-family houses.

20 MR. ROSENTHAL: The one thing I do remember is
21 the deterioration of the neighborhood over the years,
22 and we've done a lot to fix that, to improve it. We've
23 had three rounds of downzoning over the last 20 years.
24 The planning department helped us, and we've protected

1 some of the properties. We've got the new F Zone down
2 towards my neighborhood. But there's only so much we
3 can do with the zoning, and 40B is an issue.

4 I'm a proponent of affordable housing. I was
5 a selectman because of affordable housing. And my
6 organization, Brookline PAX, is a proponent of
7 affordable housing. But we're also a proponent of
8 preserving community and preserving neighborhoods, and
9 you can do both if you do it the right way. This is
10 not the right way in this particular location.

11 Thank you.

12 MR. GELLER: Thank you.

13 Anybody else?

14 MS. SWARTZ: My name is Linda Swartz. I live
15 at 69 Centre Street, and I just have a question,
16 really, for the developer.

17 I was at the last meeting, and there was an
18 apology for not marking out the building on the site
19 and saying that that would be done right away. So I
20 have been visiting the site, but I still don't see the
21 markers and I'm not sure --

22 MR. ROTH: It's marked.

23 MS. SWARTZ: It's marked? What do they look
24 like, then? Because I keep looking for them.

1 MR. ROTH: There are -- since four of the
2 points -- three of the four points of the building fall
3 on pavement. Right? I marked out the four corners of
4 the building. Three of the four corners fall on
5 surface pavement, so you can't see any stakes.

6 But what you will see -- when you walk along
7 the sidewalk, you'll see there's one stake that is up
8 on the grass. Right? There's a stake in the grass.
9 Near the parking lot there's --

10 MS. SWARTZ: I see.

11 MR. ROTH: You see it? And then if you
12 continue walking towards Beacon Street from that stake,
13 in the driveway is a cross marked, which is in orange,
14 so you can see that.

15 And then if you want to see where the back
16 corners are, you're welcome to just walk down the
17 driveway to the back of the parking lot and look in the
18 corners of the -- on the parking lot. You'll see the
19 same red marks that are on the front.

20 MS. SWARTZ: But they're on the pavement?

21 MR. ROTH: They're on the pavement. There's
22 one stake up that -- we could put one in the grass, so
23 it is there.

24 MR. GELLER: Thank you.

1 Anybody else?

2 (No audible response.)

3 MR. GELLER: I want to thank everyone for
4 their comments.

5 What we'd like to do now is I'd like to invite
6 the ZBA members to start a discussion about the project
7 in an effort to identify issues and give the developer
8 direction.

9 MR. HUSSEY: Could we have the site plan up?

10 MR. GELLER: Yes.

11 MR. HUSSEY: Okay. I guess we don't have one
12 that's the full -- okay. So, I mean, this forms --
13 this is the site, and the building you see right next
14 to it. So the question is: Of the suggestions that
15 have been made by the planning department, I think, in
16 the past and neighbors, what sort of direction do we
17 want this workshop to go?

18 MR. GELLER: No. I want to leave out forum.
19 I just want to talk about direction for the developer
20 at this point. I just want to identify, amongst
21 ourselves, issues. Okay?

22 MR. HUSSEY: How can you do that without --

23 MR. GELLER: We will, we will. But let's just
24 talk in term of issues.

1 MS. POVERMAN: So, for example, I think that,
2 as everybody has identified, setback is a significant
3 issue. It was identified by the planning board to us
4 as well as Mr. Boehmer and most of the people who have
5 spoken to us. And not just the front setback, which I
6 think, for safety issues as well as aesthetic issues
7 needs to be set back. The safety issues being in terms
8 of sight lines for parking, but also making it more
9 aesthetically congruent with the rest of the
10 neighborhood.

11 The other aspects of the site need to be set
12 back more, I think for various reasons, some of which
13 are to create, even aesthetically again, more breathing
14 room between the lot and the other lots. For example,
15 the space between the side of the building that is
16 south-most and the rooming house is very narrow. It's
17 about five feet. And I think that the -- their
18 balconies, they jut just within a few feet of the
19 windows of the rooming house, and I think that creates
20 an unlivable situation for both parties on each side.
21 I think that --

22 MR. HUSSEY: Did you say "south," or did you
23 mean "east"?

24 MS. POVERMAN: Well, I mean south. It's the

1 closest to Beacon Street.

2 MS. MORELLI: The left.

3 MS. POVERMAN: Yeah, the left side, the side
4 towards Beacon Street.

5 And the side towards the neighbors on
6 19 Winchester Street I also think is much too close for
7 not just privacy reasons, but I also have problems for
8 safety reasons, which I need explained to me by the
9 fire department chief, because I don't see how a
10 five-foot separation between that property and the
11 other property can be safe, especially when there is a
12 locked fence, was the testimony, which would not allow
13 the fire department to get through 19 Winchester over
14 to the property.

15 Again, on the right side of the property I
16 think there is a problem because it is similar to what
17 we talked about or what I just mentioned with the
18 property -- the building proposed to be coming so close
19 to the lot line that if --

20 I'm sorry, Mr. Architect. I've forgotten your
21 name. I apologize.

22 MR. BARTASH: Peter.

23 MS. POVERMAN: Peter. When you and I were
24 going through the line, we were going through and you'd

1 say, okay, here is where the lot line is, which is
2 pretty close, and then you would show exactly where the
3 balcony would be above that, which would, again, come
4 very close to the lot line. And to build that, it
5 would be required to impinge on the neighbors' property
6 and tear down the trees, which I think is a problem.
7 Or at least, as I also see -- I don't see how
8 construction can be done within the lot without
9 destroying the trees.

10 That's a whole property issue that somebody
11 else is going to have to fight, but in addition to
12 that, I think that aesthetically is problematic.

13 Going on here, I think that the height is an
14 issue for a couple of reasons. And related to that, I
15 would like to see the more complete shadow study that
16 we were promised because as I went through the shadow
17 study, I still find it confusing, so I have no
18 objection to being led through it by the hand. But I
19 need to see a more complete one and, as Mr. Boehmer
20 suggested, one that does take into account the correct
21 sizes of the buildings.

22 Now, one thing that is a problem with the
23 height is that it does affect the neighbors at
24 19 Winchester Street. And although Mr. Gregan (sic)

1 made the very good point that in 40Bs the effect or
2 noneffect of -- Geoff Engler -- I'm sorry -- said that
3 the effect that 40Bs have or does not have on property
4 is values is totally irrelevant.

5 The fact is that a 70-foot building with
6 everything else being placed in front of and in view of
7 Winchester Street reduces the value of those
8 apartments. If you go on any real estate website and
9 see the fights that go on with Cape Cod homeowners
10 about obstructions of views and the millions of dollars
11 that are spent in fighting it, you know that there is,
12 in fact, value to the views that people have of Boston,
13 of -- I don't even know what they can see up there
14 because I don't have a two-story house. So I think
15 that is something which very seriously needs to be
16 taken into account.

17 So what we're getting, when I'm talking about
18 this, is obviously a smaller building. And I think
19 that also addresses other issues which go to the
20 problems with parking. As multiple people have said,
21 there are huge parking problems in Brookline, and the
22 way it is addressed in this building as it is are
23 inadequate.

24 We've mentioned previously that 45 Marion

1 Street needed less parking, but that was also in a
2 different part of the city. And arguably, that could
3 add to the existing parking problems that we have. As
4 some people have said, it can -- or some of the studies
5 that we were given, it not only affects the safety of
6 people, but the economic totality of Brookline.
7 Because I have, myself, gone through the parking lot
8 across from 40 Centre Street trying to go to CVS,
9 trying to go to Fire Opal, and then saying, the heck
10 with it, I'm out of here, because there was no parking.
11 Sometimes I just ride by and see the number of cars
12 going around there and say, forget it. And that is
13 business lost to a local vendor.

14 So I think that in your discussions now,
15 without a parking authority, you have to figure out a
16 solution to those parking issues because without that,
17 we can't -- you can't come back to us with anything
18 that we can really talk about and say, this is going to
19 work.

20 Now, whether that is, as was suggested,
21 putting parking in back and the effect that that will
22 have on creating an open space in the back or whether
23 it's putting parking underneath and being able to the
24 lower the building as a result -- but the ratio of

1 parking is just inadequate.

2 Let me see what else I've got, and then I will
3 let somebody else get a breath in.

4 Oh, and I think other people have commented --
5 and I think it's very valid -- about the style of the
6 building. I like modern buildings. I love modern
7 buildings, but there is a time and a place for them.
8 And I do think it's necessary, as the 40B guidelines
9 say, to take into account the streetscape of the area
10 in which the 40B development is being put. And this
11 includes mitigating height in other areas in
12 single-family neighborhoods.

13 We may argue about whether or not this is a
14 single-family neighborhood, but I think -- well, I'll
15 tell you my impression on the site visit. Looking from
16 the house out towards Centre Street, yes, I see a
17 parking lot across the street, but the rest are
18 beautiful houses up and down the street. I go across
19 the street and I'm looking at 40 Centre Street. I
20 can't see 19 Winchester. All I see is beautiful
21 40 Centre Street and then houses down the street.

22 And I think that's all I have.

23 MR. GELLER: Thank you.

24 MR. CHIUMENTI: Well, I think I would

1 expect -- I would expect to see this building to be --
2 if it were four stories, it would be as tall as the
3 building toward Beacon Street.

4 If it retained its setback, the setback it
5 has, more or less, in common with the building toward
6 Beacon Street, and provided for adequate parking, which
7 I think would be probably a parking space for each
8 apartment, I think that would probably go a long way to
9 answering most of the objections that I've heard from
10 everybody and, frankly, that I see myself with this
11 plan.

12 Basically -- well, one thing about the cars.
13 People talk about -- and I've heard this in other
14 projects as well -- about sharing this and whatever --
15 cars and stuff. I mean, I've raised two children in
16 Brookline. You need a car to get the kids around to
17 school. And, yes, you could walk to the high school,
18 but you really couldn't do that for afternoon
19 activities. You couldn't get the kids back and forth,
20 you couldn't get them to -- it doesn't work. An
21 automobile isn't something with four wheels and so on.
22 It's personal freedom to get where you want to go when
23 you want to get there.

24 A lot of these schemes about public

1 transportation and sharing the cars in the garage, it's
2 the sort of thing where you express an objective and a
3 qualitative thing where if you don't really have to do
4 it, it sounds great. But in real life, if you've got
5 kids and you need to get them places -- even yourself,
6 for that matter -- you need that freedom.

7 Which gets me to a general objective here.
8 And part of the problem is: 40B eliminates the local
9 rules and regulations only -- the zoning local rules
10 and regulations -- and substitutes really qualitative
11 statements that are sort of meant to answer the
12 objectives of those normal local zoning rules so that
13 they aren't quite so restrictive. But we're left with
14 a lot of qualitative rules instead that is hard to
15 compare.

16 And then we're supposed to basically weigh the
17 local concerns that are reflected in those qualitative
18 statements and the regulations with local need. And so
19 we're weighing these things that don't have weight, and
20 so we end up kind of coming to the conclusion that
21 there are no rules.

22 And, well, there are rules, and I think we
23 need to basically enforce them. I understand they're
24 qualitative. They talk about site design. This is an

1 absurd site -- use of the site. And although you
2 cannot measure absurdity, this is just out of
3 proportion and I think that's a reason enough to say
4 that this local concern exceeds local needs.

5 And as for local needs, I know that, of
6 course, the town is concerned about the subsidized
7 housing index, but the subsidized housing index is
8 actually a jurisdictional requirement in the regs. If
9 you don't meet the subsidized housing index, as a
10 developer, you can go and get a preliminary eligibility
11 letter and that's the end of the subsidized housing
12 index.

13 Local concern is not the fact that you don't
14 have 10 percent subsidized housing index. Local
15 concern in the regulations is defined to be essentially
16 the proportion of households who are at 80 percent or
17 less of the area median income. In Brookline, that's
18 30 percent. In Boston -- the Boston Metro --
19 Metropolitan Boston area, it's about 45 percent or a
20 little more, which means, actually, our local need is
21 only two-thirds of the local need of the metropolitan
22 area. We have less local need than the metropolitan
23 Boston area. So as I said, while you can
24 qualitatively -- you can't really compare it in the

1 sense that you can't measure it. But that's our local
2 need.

3 Our local concerns are the use of this site,
4 and this is utterly inconsistent with parking and so
5 on. As I said, I do think that this building needs to
6 be not more than four stories above ground level and it
7 needs to be a little bit more like the building toward
8 Beacon Street and not like some aberrational apartment
9 house on another block the way that MassHousing seems
10 to suggest that we should look at it.

11 That's the rest of my notes.

12 MR. GELLER: Mr. Hussey?

13 MR. HUSSEY: I don't quite see the linkage
14 between parking on this site and the public parking.
15 None of the parking on this site is going to be
16 available to the public, so I don't think that's an
17 issue.

18 I think it may be better to have a one-to-one
19 ratio. As I recall, there are not too many bedrooms in
20 these apartments, so I'm not sure how many children are
21 going to be in the units. But I think the one-to-one
22 ratio would be certainly more than enough.

23 And from what I've looked at, it seems to me
24 if you do have a 20-foot driveway on what's actually

1 the southeast side where I think there is a driveway
2 now and you go to the back and have -- double up --
3 double parking in the back, and then as you go past the
4 building, you can even have some parking inside of that
5 to get up numbers that would be pretty close to what
6 you're going to end up with the number of units, I
7 think. I mean, that has to be worked out.

8 The underground parking was used in many
9 cases. I'm not sure there's enough room for that to
10 work between the ramps that you need and so forth and
11 so on. That's something the developer's got to look
12 at.

13 The height, frankly, doesn't bother me all
14 that much. I think, as far as the sun shadow is
15 concerned, this building is on the north side of
16 Winchester Street. It's not on the south side.
17 Buildings on the south side cast shadows on buildings
18 in the back. I think if we did a sun study showing the
19 Winchester Street impact on the buildings on Centre
20 Street, you'll see that's a much greater impact that's
21 ever going to happen with 40 Centre Street and
22 Winchester Street.

23 So I do agree also -- I think that that front
24 yard needs to be probably around 15 feet set back in

1 order to provide the sight lines for people entering
2 and leaving, especially leaving the parking lot for the
3 new building and to bring it more in line aesthetically
4 with the streetscape on Centre Street, especially the
5 other side of Centre Street.

6 I think that's all I've got to say at the
7 moment.

8 MS. POVERMAN: Can I just make two other
9 comments before you make the definitive -- they're
10 short, I promise.

11 MR. GELLER: Go ahead.

12 MS. POVERMAN: Okay. Additionally, while
13 you're making the design changes, you need to take into
14 account where the bicycles will be put, because if
15 you're making it a transit-oriented project, as you
16 indicate, that does need to be taken into account,
17 spaces for residents and visitors to put their bicycles
18 that's covered.

19 And in addition, I think it is a health and
20 hygiene problem in terms of dealing with how the trash
21 is going to be handled. The 45 units -- if you're like
22 me, you'll have at least one garbage and one recycling
23 a day, and having 90 things outside the apartment
24 building is not going to be anything healthful.

1 I know one of the solutions that other
2 projects have been coming up with has been twice-weekly
3 pickup or something like that. But to do that, you
4 have to have somewhere to put the garbage during the
5 week and somewhere to pick it up that's not going to
6 cause another huge jam on Centre Street.

7 Thank you.

8 MR. GELLER: I'm going to break my comments
9 into, basically, two buckets. The first bucket are
10 things that I think touch on health and safety. And I
11 take that first because I take them most seriously.

12 Obviously, I can't speak to those issues that
13 we have yet to have peer review, though I will
14 generally make a comment about some of those things.
15 But obviously it's subject to whatever we get out of
16 peer review and further discussion.

17 I happen to agree with the assessment of the
18 planning board in terms of the front of this building
19 and the pressures that it creates along the
20 streetscape. And, again, I'm talking about health and
21 safety. I think by pushing -- by having no setback --
22 which is essentially what this building has -- by
23 putting a garage door right at the street, you create
24 all sorts of potential issues.

1 Now, it happens that that also fits in to the
2 aesthetic column because not only do I think that
3 presents lots of risks or potential risks, but I also
4 think it just doesn't look very good and it certainly
5 is acontextual.

6 Any time you hear a peer reviewer -- our peer
7 reviewer -- use terms like "unique" in his report --
8 you know, it's not that this is by small increments off
9 of a generally viewed scope of this streetscape. I
10 think this is significantly different than this
11 streetscape. And there are tall buildings. They are
12 set back. There are also parking lots. But my view is
13 that the design of the building is significantly a
14 variant from what I see along this streetscape.

15 So my specific ask where health, safety, and
16 appearance fall together is, one, that this building
17 needs to be pushed further back, and I think you've
18 heard this from others. It is too far -- too close to
19 the street. There needs to be a front yard. There
20 needs to be a reasonable front yard.

21 I think that the parking component in terms of
22 driveway access needs to be addressed. Again, it is
23 both a health and safety issue, but it is also: Does
24 this building fit in with the surrounding area, with

1 its neighbors?

2 So I think in both -- on both of those tests,
3 it does not fit in. It doesn't work.

4 Other issues that are of concern to me: Even
5 were the building pushed back -- and I won't define for
6 you how much, but I think there has been testimony
7 about what would help the building to be more
8 contextual. So, you know, we've had some testimony
9 where that's -- the planning board report itself gives
10 a reference. And I forget. Is it 15? I don't
11 remember what it is. I think it's 15.

12 MS. MORELLI: 15.

13 MR. GELLER: But I think that's sort of where
14 we're talking about.

15 I also think we've had a number of comments
16 about giving -- lending to the front of the building a
17 more conservative, more residential appearance, and
18 that would be important. Part of that is, frankly,
19 that that facade needs to also be stepped back. If
20 it's going to look like it belongs within this
21 neighborhood, then at that 2 1/2 foot, 3 foot, whatever
22 that measurement is at which a single-family home might
23 have a break point, I would suggest it would be
24 appropriate for this building to have a step back. I

1 leave it to the design geniuses to figure out how to do
2 these things.

3 In terms of -- again, I know we have not had
4 peer review on parking and traffic, so I'm going to
5 give you my gut sense because, frankly, we need to give
6 you some direction. You've expressed a desire to work
7 on this. Our job is to give you direction, so I -- I'm
8 going to throw myself out there and tell you what my
9 gut response is.

10 There is woefully too little parking for this
11 building, notwithstanding its location. I am someone
12 who takes the MBTA every single day to work. The
13 system does not function. So while I am willing to
14 listen to a reduction in parking, and while I'm even
15 supportive of that notion, because, yes, we have too
16 many cars in our core district, I think there has to be
17 some reasonable ratio.

18 And again, I think there have been suggestions
19 that have been put out there. Frankly, I think the
20 planning board report was incredibly generous. I think
21 they were at .68, and they were discounting studios, so
22 I would suggest to you you take a look at that. I
23 think Mr. Hussey is suggesting one parking space per
24 unit.

1 MS. POVERMAN: I would agree.

2 MR. GELLER: So in my view, the parking is
3 inadequate. I simply don't believe that your end users
4 will be satisfied without parking.

5 I talked about the design. I think -- let me
6 just jump back, in particular, to the garage door. I
7 think that the problem is that the way it's been
8 designed, that there is so much emphasis, given the
9 location and size of the garage door, that it becomes
10 the building. It's what you see. That shouldn't be
11 what anybody associates with the building. This should
12 be a nice building.

13 And sort of analogous to this, in Brookline we
14 have something called the Snout Nose House Bylaw. And
15 we have a provision that you cannot -- your garage --
16 I'm going to try and oversimplify this. Your garage
17 cannot be more than -- is it 45 percent?

18 MS. MORELLI: 40 percent.

19 MR. GELLER: 40 percent of the entire facade.
20 Okay? The notion is that you want structures to not
21 appear like they are garages. So again, I would urge
22 you to work on the appearance of access for the
23 parking.

24 Where it's going, I would suggest, given other

1 testimony, is -- I think you need to reconsider about
2 how you deliver the parking. Okay?

3 Frankly, I -- you know, if you can deal with
4 front yard setback, if you can deal with setbacks, the
5 height of the building I'm less offended by. There are
6 tall buildings, generally. I'm not talking about the
7 Marion Street building, which, to be perfectly candid,
8 may be appropriate for that neighborhood. I loathe the
9 building. So, you know, I think that building may be
10 appropriate for Marion Street, maybe yes, maybe no. I
11 didn't sit on that hearing. But I don't think -- I
12 don't like the appearance of the building, and I
13 certainly don't think the appearance of that building
14 is appropriate for this location.

15 Did I miss anything?

16 MR. CHIUMENTI: Doesn't the size of the
17 building drive the parking?

18 MR. GELLER: They go hand in hand.

19 MR. HUSSEY: Well, yes and no. This is such a
20 limited site and limited amount of maneuverability on
21 the site. They go hand in hand. So I think we may
22 have to drop down below the one.

23 MS. POVERMAN: That depends on how many units
24 there are. There may not be 45 units --

1 MR. CHIUMENTI: They drop the number of units,
2 not the --

3 MS. POVERMAN: -- get the one to one. I do
4 not want to give up the idea of one-to-one parking,
5 because it's such a problem in Brookline. There's
6 somebody at town meeting, basically, who gets up every
7 single meeting and rants about how we should have
8 special parking in places, and I don't want to have to
9 listen to her anymore.

10 MR. HUSSEY: Well, that worries me less, the
11 number of parking.

12 MR. CHIUMENTI: We have an infinite capability
13 of wishing away other people's cars.

14 MR. GELLER: For me, it is a practical issue.
15 You know, I don't mind a reduction, but I happen to
16 agree with Steve that at the end of the day people need
17 cars. They use cars.

18 MR. HUSSEY: Well, I mean, the developer takes
19 that risk. If he doesn't have parking, one per unit,
20 then he's going to lose certain people as renters.
21 That's his risk.

22 MR. GELLER: He may. But the risk that I
23 don't want to inherit is the one where his unhappy
24 tenants --

1 MR. HUSSEY: They won't be tenants.

2 MR. GELLER: Well, I'm not so sure it is that
3 linear. You know, those tenants that he gets will
4 circle and try and find parking. Some may find it, and
5 others will use --

6 MR. HUSSEY: These are not visitors. They've
7 got to park. There's no parking on the streets of
8 Brookline. The only way you're going to own a car
9 is -- if you can't find a parking space there, you find
10 it someplace else that you can rent.

11 MR. CHIUMENTI: So you're putting pressure on
12 the rental of parking spaces.

13 MS. POVERMAN: If you can't -- you know, if
14 you have kids and you have a car, you can't move there.
15 Is that fair? Let's say they have one or two bedrooms.

16 MR. HUSSEY: There is a mix.

17 MR. GELLER: There is a mix. That's why I'm
18 suggesting that there is a better ratio. I just think
19 the ratio that's been selected is not functional -- not
20 functional for Brookline. I think it creates all sorts
21 of pressures on this neighborhood and on this town that
22 are unintended. I don't think you intend them. I just
23 think the ratio is wrong, so I would ask you to work on
24 that.

1 I think those are primarily my comments. You
2 know, obviously, as we get into further peer review, I
3 may have further comments or I may modify those that I
4 have. So I think the direction is that -- I mean, you
5 ask us. Do you have questions? Do you get a clear
6 sense of issues that we have?

7 MR. ENGLER: We're very clear, Mr. Chairman,
8 and we're ready to work on. We heard you loud and
9 clear.

10 MR. GELLER: Mr. Hussey.

11 MR. HUSSEY: My understanding was that there
12 is going to be a workshop meeting tomorrow, and you
13 said that may or may not happen. I'd like to hear a
14 little bit more about that because I think we do want
15 to keep this thing moving. I don't want to have a
16 workshop in two or three or four weeks and then the
17 whole hearings have to be pushed back and so forth and
18 so on.

19 MR. GELLER: Here's -- I want to stress this
20 again because Mr. Hill raised it. Nothing is going to
21 happen here.

22 MR. HUSSEY: Meaning the workshop.

23 MR. GELLER: No, no, no. There are going to
24 be no decisions here outside of the public hearings in

1 which the ZBA makes the decisions. Okay?

2 However, in order for this to go from
3 Point A -- we all know what Point A looks like -- to
4 Point B and C and D, whatever those iterations will be,
5 there needs to be a technical discussion. Okay? And I
6 would simply like our planning director to utilize
7 technical resources to see what proposals they may come
8 up with and then come back.

9 MS. POVERMAN: What would the timeline of that
10 be? When is our next meeting, and what would the
11 timeline of that be?

12 MR. GELLER: Our next meeting is August 15th.

13 MS. POVERMAN: Oh, that's soon.

14 MS. STEINFELD: Yes.

15 MS. POVERMAN: And I want to say that in
16 general, I'm in favor of as much community
17 participation as possible. But I do think that
18 expediency is important here and that there is likely
19 more give and take when the, quote, professionals talk
20 among themselves. And I do not mean to denigrate or
21 exclude anybody, but I'm saying this particular
22 meeting, I think, it is very expeditious for these
23 people to --

24 MR. GELLER: And, in fact, these good folks

1 are going to be back here for -- I don't know that it
2 will be the next hearing, but they'll be here at --
3 whatever hearing that this is presented, it will be
4 public and there will be an opportunity for comment.
5 So there is participation, and that is the intent.

6 What we need -- keeping in mind 180 days,
7 because Mr. Hill is beating us over the head with it --
8 is that these technical issues -- there needs to be a
9 conversation, and we need to see something else.
10 That's got to take place, and it's got to take place
11 relatively quickly. Okay? So I think this is the best
12 way to achieve that.

13 MS. POVERMAN: What is happening on the 15th?

14 MR. GELLER: I'm glad you asked me that.

15 MS. STEINFELD: Stormwater and traffic.

16 MR. GELLER: Mr. Hussey.

17 MR. HUSSEY: Are we really going to hear
18 stormwater and traffic on this scheme?

19 MS. POVERMAN: That's my question.

20 MR. HUSSEY: That makes no sense.

21 MS. POVERMAN: Traffic we can hear.

22 MR. HUSSEY: No, we can't.

23 MR. GELLER: Let's first go over what the
24 agenda is, and then we can talk about whether they're

1 feasible and how we want to take this.

2 The so next hearing is August 15th, 7:00 p.m.

3 Same place?

4 MS. STEINFELD: Yes.

5 MR. GELLER: So the intended agenda was a
6 report from staff. We will get that. The intended
7 agenda was stormwater and drainage; the intended agenda
8 was a presentation by the traffic peer reviewer. There
9 would be further discussion by the ZBA, and we had
10 proposed for that for new issues -- for new issues --
11 the public would have an opportunity to speak.

12 Now, in the context of what we've just talked
13 about, the question is how long will it take you to
14 come back to us, all of us, and give us some discussion
15 points, and should we therefore -- you'll forgive me --
16 kick the can down the road on stormwater and drainage?
17 I think we can hear traffic.

18 MS. STEINFELD: I would suggest the
19 alternative. First of all, he have no flexibility to
20 kick the can down the road.

21 MR. GELLER: Okay.

22 MS. STEINFELD: We have the 180 days to deal
23 with. But I do have August 23rd as a backup, so if you
24 want to hear on the 15th, let's say, stormwater and a

1 further discussion and then do August 23rd traffic,
2 which was the original intent -- but beyond that,
3 there's really no flexibility in the schedule.

4 MR. HUSSEY: So the developer shouldn't do any
5 redesign until --

6 MS. STEINFELD: No. The developer should
7 immediately start --

8 MR. HUSSEY: They should, exactly.

9 MS. STEINFELD: Everything has to be
10 immediate.

11 MR. HUSSEY: And make the preliminary
12 presentation, I would hope, on the 15th.

13 MS. STEINFELD: Well, we'll see how far we get
14 and have them present --

15 MR. HUSSEY: It doesn't need to be to the
16 extent that they've prepared this presentation.

17 MS. POVERMAN: Do the best they can to come
18 back with a concept,

19 MR. HUSSEY: Right.

20 MS. POVERMAN: A conceptual plan, yes.

21 MR. HUSSEY: That, they can do.

22 MS. STEINFELD: So we'll do stormwater and
23 then traffic on the 23rd and --

24 MR. GELLER: But clearly, those things may

1 need to be revised dependent on where we go.

2 MS. STEINFELD: Right. And there's some
3 flexibility within the contacts with our traffic peer
4 reviewer and our urban design peer reviewer to work
5 with staff and to reappear before you.

6 MR. GELLER: Great.

7 MS. POVERMAN: Alison, could you give us the
8 days of our future hearings if you have them?

9 MS. STEINFELD: As long as it's understood
10 that these are tentative.

11 MS. POVERMAN: Okay. Because I didn't have
12 the 15th down.

13 MR. GELLER: Tell us who you are first.

14 MS. STEINFELD: Alison Steinfeld, planning
15 director.

16 Please let me advise everyone that all the
17 dates are tentative. We've scheduled 44 public
18 hearings for the four comprehensive permits that are
19 before us. There is practically no flexibility within
20 the schedule, and three, maybe four more comprehensive
21 permits are coming.

22 So in terms of 40 Centre, this is where we
23 stand as of now: Tonight's public hearing will be
24 continued to August 15th, at which time we will hear

1 revisions from the applicant, discussions with staff,
2 and a stormwater presentation from our town engineer.

3 August 23rd, we will continue to hear from the
4 developer and staff and the iterative process but also
5 hear from our traffic peer reviewer.

6 September 6th, we anticipate that it would be
7 our final presentation by our urban design peer
8 reviewer.

9 September 12th is the deadline for the
10 decision as to whether or not the ZBA will proceed with
11 the financial peer reviewer.

12 September 27th, further discussion and a focus
13 on the decision and potential conditions. And if the
14 town is instructed to engage a financial peer reviewer,
15 the financial peer reviewer's presentation.

16 October 5th, I anticipate that all peer
17 reviewers will be present for further discussion, and
18 at that point, we'll discuss waivers and a discussion
19 of the decision and possible conditions, depending on
20 how the ZBA anticipates its decision proceeding.

21 The 10th hearing will be a final discussion
22 and a review of the draft decision on November 14th.

23 And as a backup, our deadline is
24 November 21st, and at that point, the hearing must

1 close.

2 MS. POVERMAN: Unless the developer agrees to
3 an extension.

4 MS. STEINFELD: We're proceeding on the
5 assumption that no developer will give us an extension.

6 MR. HUSSEY: Alison?

7 MS. STEINFELD: Yes.

8 MR. HUSSEY: If I may, just a question. I
9 did -- thank you for the schedule you gave me.

10 MS. STEINFELD: I have a clean one for you.

11 MR. HUSSEY: I was able to find it and
12 download it. But there were four or five -- going
13 across all of the 40Bs, there were four or five, it
14 seemed to be, they were on a -- scheduled for a Tuesday
15 night? Is there another room that we can use?

16 MS. STEINFELD: Yes. Well, we'll have to
17 arrange for another room. We have public hearings
18 going on Monday, Tuesday, and Wednesday of most weeks.
19 On Thursday, we've reserved the ZBA to deal with its
20 40A bread-and-butter applications. We don't typically
21 schedule meetings on Tuesday in deference to the board
22 of selectmen, but there's no choice.

23 I will tell you that practically -- I think
24 there's one hearing in all of October. October is a

1 very difficult month with various Jewish holidays, so
2 there is no flexibility within this schedule. One
3 change affects everything.

4 MR. HUSSEY: And I would urge the developer, I
5 think, in terms of conceptual plans at this point, not
6 a lot of detail of facade -- well, some facade things,
7 you know, bays and things like that but, not a lot of
8 material and all that stuff.

9 But just conceptually, how many parking
10 spaces, how many floors, what's the layout of the
11 building going to be on the site.

12 MS. STEINFELD: I don't think for -- unless
13 the applicant wants to discuss this, but August 15th, a
14 lot of those issues, certainly some of the facade
15 treatments won't be addressed at this point. It is
16 going to be iterative, and we'll see how they can
17 respond by the 15th.

18 MR. HUSSEY: Okay. Thank you.

19 MS. STEINFELD: Thank. You.

20 MR. GELLER: Thank you. I want to thank
21 everyone for your participation tonight, and we will
22 see you August 15th when we are continued.

23 (Proceedings adjourned at 9:17 p.m.)

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 of
7 my shorthand notes so taken.

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

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

13 Dated this 11th day of August, 2016.

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Kristen Krakofsky, Notary Public
17 My commission expires November 3, 2017.

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