Brookline Zoning Board of Appeals Hearing
420 Harvard Street Comprehensive Permit Application
420 Harvard Associates, LLC
August 10, 2016, at 7:00 p.m.
Brookline Town Hall
333 Washington Street, 6th Floor
Brookline, Massachusetts 02445

Reporter: Kristen C. Krakofsky
Board Members:
Jesse Geller, Chairman
Lark Palermo
Kate Poverman
Johanna Schneider

Town Staff:
Alison Steinfeld, Planning Director
Maria Morelli, Senior Planner

40B Consultant:
Judi Barrett, Director of Municipal Services,
RKG Associates, Inc.

Applicant:
Victor Sheen, 420 Harvard Associates, LLC
Dartagnan Brown, Principal, EMBARC Studio, LLC
Members of the public:

Colin McMahon, 45 Coolidge Street

George Abbott White, town meeting member, Precinct 9

Judith Vanderkay, 16 Columbia Street, town meeting member, Precinct 9

Hagen Mauzh, 44 Fuller Street

Tom Gunning, 39 Fuller Street

Mark Rosen, Thorndike Street

Steven Popper, 41 Fuller Street

Karen, Babcock Street

Sloat Shaw, Thorndike Street

Pamela Templer, 119 Fuller Street

Shulamit Khan, Winchester Street

Bernice Rose, 88 Fuller Street

Kevin Lang, Winchester Street

Henry Law

Kent Mitchell, 62 Fuller Street
MR. GELLER: Good evening, everyone. We're going to get started. This is the continued hearing on 420 Harvard Street. My name, for the record, is Jesse Geller. To my immediate left is Kate Poverman, to my immediate right is Lark Palermo, and to her right is Johanna Schneider.

Tonight's hearing, again, is being -- is this being tape recorded, actually or --

MS. MORELLI: Yes. We have Brookline Interactive TV, and we do have a court stenographer.

MR. GELLER: Okay. So it is being kept in two different formats. And I just want to repeat for everyone's sake, there is -- the stenographic copy is being posted online. I did notice --

MS. MORELLI: Within two weeks.

MR. GELLER: Within two weeks so that people who want to review prior hearings can certainly go back and see the record from prior hearings. It's at the planning department's site, the website. You'll find it at the town's online site.

Originally -- and I think we announced this at the last hearing. The original intention, I believe,
was to hear preliminary design review. At least that was the intention the last time. I understand that there has been a change. The applicant has come in with some proposed changes to the project, so tonight's hearing is going to be largely dedicated to revisions in the applicant's conceptual plan. There will be an opportunity for the ZBA members to ask questions and hopefully get answers, and you will also have an opportunity for the public to comment.

With respect to comments, obviously we're trying to make this an efficient process. Same rules as before apply for people who wish to speak. Start by giving us your name, your address. There's a microphone over here. Speak loudly and clearly. And what we would ask is -- as always, you're welcome to submit information in written fashion. That's always particularly welcome so that we can see it and have it in front of us. But if you do wish to speak, be conscious of time and give us new information, pertinent new information. If you happen to agree with somebody who's come before you, point to them and tell us, I agree with them, and that will make for an efficient process.

After we've had an opportunity to hear from
the applicant and from the public, there will be an opportunity for the board to raise any issues that they have and have a discussion, and then we will continue the hearing. The next date that we have down is August 30th, 7:00 p.m., August 30th, and the intention is that we will receive, at that point, a preliminary presentation by our urban design peer reviewer. Any questions at this point, board?

(No audible response.)

No, okay.

Applicant?

MR. BROWN: Good evening, Mr. Chairman. Thank you for your time. So tonight we're --

MR. GELLER: Tell us who you are.

MR. BROWN: Sorry. Dartagnan Brown, architect, EMBARC Studio. With us is Victor Sheen from the development team and Jonathan Parks from project management.

So since our last ZBA presentation, we've gone back and spent a bunch of time working on design revisions. In addition to that, the developer has purchased 49 Coolidge, which is behind our site. The intention on that was it's the most affected site in terms of this development, so helping put that at ease...
and having that potentially better -- better this
development in terms of abilities to use that parcel to
help -- which I'll show you in some of these options.

The developer has committed that the massing
of the building at 49 Coolidge will not change. I
think there was some concerns with the abutters that
the parcel may be joined to 420 to make it a larger
project. So just for the record, the building size
will stay as is. We are looking at a couple different
configurations to work with some of the ingress onto
the site, and we'll talk in more detail on that.

So I think if everybody can see this -- okay.

So tonight -- the first option is coming up Coolidge
Street for some of the residential parking. The second
option is maintaining it all on Fuller. I'll get to
that in more details. But both of these address some
of the key revisions that we heard very clearly from
the neighborhoods at the last hearing.

The first is our goal to eliminate all
mechanical parking. So by introducing 49 Coolidge into
this, they're able to build up some of the ramp needed
on one side, which I'll show you, or on the other side,
Fuller, using some of 49 below grade to add parking.

So to maintain the count that we had before, by having
that extra piece of land, it allows us to eliminate the mechanical parking. So I think that, we, you know, feel, is a great benefit to the project. We'll remove that concern.

So this is done by introducing underground parking in the garage. We've done some preliminary soil testing, water -- understanding where the water table is. There shouldn't be any issue in essentially extending the basement that is below the building currently. In addition to this, creating the ramp allows us to have more queuing space for cars, which I'll get into in a little bit.

And then working directly with the residents at 45 Coolidge, we understand a lot of the concern is the massing or the intersection of the couple sites coming together and how we can increase the view corridors from that, again, as I mentioned, maintaining the 49 Coolidge scale.

And then the other thing we heard that was a big concern is the amount of outdoor decks and balconies that we have -- or had. So at this point, we've actually deleted all of them. We're moving all the decks that we have in the rear of the building that was overlooking both 44 Fuller and 45 Coolidge. And
then part of this, which will be on the revised shadow
study, is the shifts that we made in the building
helping to minimize the shadow impact that we had
before.

And with that, let me -- so can you guys see
the top of this? So up here, this is Coolidge Street
here; this is our site, 420 Harvard; this is the
49 Coolidge, so this is the piece of parcel that was
recently purchased. Again -- actually, let me just see
here. This outline right here is the existing home.
This is the house next door at 45 Coolidge.

So this first schematic that we have now is
saying there's an option to basically split the
residential parking from the commercial parking. So
coming off of Coolidge Street, we'd ramp down below the
existing structure. And I'll show you this section,
but we basically get a ramp that comes down to
underground parking and essentially leaves the hole in
the same spot. We may have to raise it up a couple
feet or push back the lower section of the house to get
the garage doors down into the ramp, which I can show
you.

But part of this scheme was taking the house
and moving it further away from 45 Coolidge. We
committed to not pushing it further back than the edge of 45 Coolidge because what this allows us to do is create an outdoor courtyard that we can add back to 420 Harvard.

So coming off of Fuller Street, now what we're doing is coming in at grade. We have surface parking for 13 spaces. We've created the loading zone right up at the edge of Fuller Street, and then we have our accessible spot of egress and an enlarged, again, courtyard, as I mentioned.

Part of this, too, was working on the trash room and bike storage. So we've kind of reworked the retail here. Before, we had a connection coming through. We've kept all of the residential off of Fuller here. We have the full wrap-around retail. We've added men and women's restrooms to serve the retail. We've added an enclosed trash room, so the idea is residents, on the way out, could come down the elevator and walk out, put the trash. They could exit out the lobby. And then coming off of Fuller in the back there's kind of a separate bike storage room.

A lot of the landscaping details would be revised and refined from what we had earlier in creating an expanded courtyard here.
So going down, this is now the subterranean in
the basement. 420 Harvard has an existing basement
here. The idea would be to basically extend it at that
elevation, which is about negative 9 feet. This allows
us to get a ramp down here and fit about 27 parking
spaces. So coming down the ramp here, we have a second
means of egress up a side staircase and then fitting
the 27 spots here and then some storage and utility --
building utility space for 420 Harvard. Both the
elevator and main stair would come down here.

So looking in this section, this is basically
the height of the existing residential building that is
here today. This would be the ramp going below the
building. Part of the thought would be to use the
first floor of the home as residential services for
420 Harvard, so whether that would be leasing offices,
maybe some community room amenities, but that would
service 420 Harvard. You'd come underground here into
the parking. So again, within the footprint, basically
it's the same building, just slid over to get the ramp
to work. So that was the first scheme.

Then talking a little further with the
abutters on Coolidge, we came up with another option
and this is -- serves a couple -- I think addresses a
couple different points. So here, the idea was to -- I think one of the main concerns we understood was kind of -- it's hard to see here, but this is the edge of the building now. So earlier we had it with a five-foot setback basically running the entire length back and across.

So the two things we got in the conversations with the abutters is that the view corridor out of this, basically, now that they have -- currently it goes across to Fuller Street. So what we've done is taken the edge of the building, what was once 5 feet back here, and pulled it to 17 -- I think, roughly, 17 foot 6. So we've taken the edge of 45 Coolidge's property line, which is between 49 and 45, and basically brought that line straight down all the way through the site.

What that does is it opens up also for 44 Fuller -- 44 Fuller, from the edge of the home to the edge of our building will now be about 24 feet. So again, before we had about 13 feet, so we've picked up about 11, 12 feet in that back corner. The front corner of their house to our building will have about 18 feet. And at the front here where we had 5, we've now brought it to a little bit over 8 feet. So the
whole thing -- and I'll show you a little 3D view -- is basically opened up, all of this. With that, this option keeps all the parking accessed off of Fuller.

So on Coolidge, we'd basically leave the existing home as it is. Something we are trying to work on with the developer is -- with The Butcherie is maybe creating a loading zone here, which is hatched in red. So this would be the 15-by-30-foot-deep loading area. The idea is that it would be our main loading zone and supplemental to The Butcherie. So if we -- you know, we were unable to take it off of the Fuller Street side.

And essentially what we've done here is created a ramp down with the residential parking into the basement, which I'll show you in a second, and then keeping at grade here, about 10 spots for the retail and accessible spot.

Similar setup on the front of the building here. We have bike storage, trash, restrooms, and then the wrap-around retail and the residential lobby.

Again, both scenarios, those would engage an expanded courtyard space and, again, as mentioned, the whole facade along -- between our property and the adjacent property has been pushed back and opened up
quite a bit.

So moving to the basement, so as you notice here on the Coolidge side, this would stay as is. On the Fuller side coming down the ramp -- so this is a code-compliant ramp. It would bring you down and get to about 28 parking spots. So part of the 49 Coolidge site allows us to get 8 spots below the courtyard that I was showing above basically to the edge of the existing home. So we'd have 8 parking spots there and then the balance of 20 spots here and the similar thing, kind of storage, elevators, stair access.

So on a typical floor plan, you can see this section of the site has been opened up quite a bit. So from the edge of the Fuller Street home here, 44, to ours, again, this corner, we have 24 feet to the edge of this facade. Basically it goes all the way back to the abutters on the rear, massaging the interior layouts, which we can get to.

But the main thing to see here is all of these decks have been deleted. We had this really set back for windows, so that's something we can continue to look at on this site. But all of the decks in the open area that have really been linked into all these sites here have been deleted as have all the decks along the
So in terms of elevation, I think the planning staff had relayed -- it's a little bit hard to see here -- but along Harvard Street setting back the face of the upper floors, so we really pronounced the retail presence along Harvard Street. So we pushed -- there's about a 1-foot-6 delta between the retail facade and the building above. We're still working on kind of the architectural design, which we'll start to refine as we move through this. But basically, you'll note here that all of the inset balconies have been removed along Fuller Street here. So this would be the retail wrapping around the residential entry and then this section right here is the entry to the service parking for commercial and then the ramp down for residential.

So cutting through the section, so the blue line here essentially is the home that would remain on 49 Coolidge. You can see the expanded courtyard here that would be combined to both sites, and then coming off of Fuller, coming down the sloped ramp, basically bringing you down to the edge of the site, we've got the parking, eight spots below 49 Coolidge and then the balance of spots on our 420 Harvard site.

So in terms of openings, you can see before we
had this stepped facade that was coming all the way down, closer to five feet off the property line here. So this back corner is going to be opened up to 17 feet, and then the deletion of all the decks on the interior. And so this is the view of 49 Coolidge, so the home essentially is staying as it is. This is 45, and then this is 44 Fuller.

So in terms of the shadow study, we are running additional times, but this is kind of the set standard of the 9:00 a.m., 12:00, 3:00, and 6:00 p.m. So what you can notice here, especially winter solstices -- obviously the winter's tough because it's the wintertime -- but the most impacted is in the winter in the morning time. And you can see the building outlined here is really engulfing a lot of 49 Coolidge, which was part of the development team's desire to kind of mitigate that presence there. So you can see the building right there is 49 Coolidge, so very minimal impact to -- you can see the edge of the property here to 45 Coolidge, and then you can note the various times of the year. So the shadow basically rotates clockwise and then comes across onto Harvard Street.

And that is basically the overview of what
we've done to date.

MR. GELLER: Questions?

MS. SCHNEIDER: Yeah. Could you speak a little bit more about what exactly is going to happen on 49 Coolidge, how that building is going to be incorporated? At one point you mentioned a ramp to raise it up. Is that off the table now because you're looking at the Fuller Street entrance?

MR. BROWN: Right. So our preference is looking at the Fuller Street option. We wanted to show the Coolidge just to show that we've been going through a couple options.

If we stayed with this scheme, then the house essentially just stays as it is because we've designed the parking below. It's basically back onto the existing foundation wall, so the way it's kind of laid out and dimensioned, it fits to meet the back end of this -- the home. So this structure would essentially stay the same.

And Victor can jump in at any point, but the total unit count would stay the same with this getting combined. And so if this stayed as a single-family or a two-unit home, the units would be reduced out of this, so the overall number for the project of 36 units
would remain as is.

MR. SHEEN: So there is no change in the unit counts. And as to the -- the number of affordable units would remain the same.

MS. SCHNEIDER: So you are not going to count the units that are in 49 Coolidge?

MR. SHEEN: We are. So right now it's a single-family home. It's a large, single-family home. There's probably eight bedrooms in there. The intention is to renovate the home, so maybe a one-bedroom or a two-bedroom on one level and then another three-bedroom on another level. Those two units would contribute towards the thirty-six total units within the project. Because the floor plate, with the reduction of -- the shifted facade, we have a smaller floor plate, so we may lose a couple units just by the fact that we don't have enough square footage.

MS. SCHNEIDER: So the number of units in the new building will be decreased, but your overall number will be maintained with the --

MR. BROWN: Exactly.

MS. SCHNEIDER: -- with the units that you created in the renovated building. Okay.

MR. GELLER: How will that impact your bedroom
MR. BROWN: So I think, if anything, the bedroom count will probably go --

MR. SHEEN: It will likely go down because we still need to provide the same number of three-bedrooms, which, potentially, one of the three-bedrooms would now be in 49 Coolidge, given the size.

UNIDENTIFIED AUDIENCE MEMBER: Speak louder, please.

MR. SHEEN: Given the size of the units, one of the three-bedrooms would likely be in 49 Coolidge. The remaining 2 three-bedrooms will continue to be within the 420 footprint. But if we were to go to the floor plans as we have it right now, there would be smaller units and therefore probably fewer bedrooms. We will probably have fewer two-bedrooms at the end of the day.

MS. SCHNEIDER: Going to the shadow studies, I appreciate that you're showing that. Had you produced shadow studies to us previously?

MR. BROWN: Yeah, we did.

MS. SCHNEIDER: Do we have materials with the existing shadow conditions?
MR. BROWN: You do.

MS. SCHNEIDER: Okay. I'll just check.

Thanks.

MR. GELLER: Will we receive this in print fashion so that we can use this for comparison?

MR. BROWN: Yes.

MR. GELLER: So you'll get us that?

MR. BROWN: Yes.

MS. POVERMAN: Going back to the plan where the 49 Coolidge is, I guess, basically, as it is, are you going to keep the building itself and just renovate the inside so the outside would be maintained?

MR. BROWN: Correct.

MS. POVERMAN: That would be great.

Oh, I do want to commend you on what you have done to change things so far and how responsive you appear to have been to the neighbors and everyone. I think a great deal of progress has been made, and I want to thank you for that.

MR. BROWN: Thank you.

MS. POVERMAN: So right next to 49 Coolidge, that red hatch is going to be a loading dock.

MR. GELLER: Maybe.

MS. POVERMAN: Maybe, right.
MR. BROWN: Right.

MS. POVERMAN: So I don't understand how that gets things down into the 420 building.

MR. BROWN: So currently, from the edge of our -- well, I think two things. So from the edge of our -- this home here in -- from the edge of 49 Coolidge and The Butcherie, there's about a 17-foot-2 distance between the two buildings. There is a right of way that exists there, so we're -- this is more of a kind of -- we'd like to get something like this to work because we think it will serve as a secondary benefit to The Butcherie to have the ability to actually pull a truck off so it's not -- we've heard idling on the street quite a bit, and the idea is that we would be able to -- it's about an eight-foot walkway. We'd be able to come down through the property right into the building. So if somebody was moving in, they could load it -- you know, the truck here and basically bring it down and right into the elevator and up the building.

MS. POVERMAN: Is that the area where The Butcherie currently keeps its garbage bins?

MR. SHEEN: The garbage bins currently is -- it's in this location right here. Currently there is a
loading zone for The Butcherie right there, and very
often the box trucks are parked here. And we've -- in
some of the conversations we've had with them and also
with the neighborhood, we're exploring the opportunity
to allow them to use part of our site to essentially
have a real off-street loading option. We don't know
if that's going to work for them. We're exploring that
currently.

If, for some reason, that this doesn't work,
we will likely lose a couple spaces on the 420 side and
relocate the loading onto the 420 side where currently
this is where the garage is right now. And they -- the
UPS trucks often just park in front of that garage, and
what will likely happen is we would turn this back into
just tenant parking as we have it currently. Right now
there's tenant parking for three to four cars on the
side of -- on our side of the property next to the
house.

MS. POVERMAN: So is the right of way -- is
that on The Butcherie's property, and the right of way
belongs to 49 Coolidge, or is it --

MR. SHEEN: So the right of way is about two
and a half feet in the front onto The Butcherie side
for the benefit of 49 Coolidge, and in the rear it's
about four feet into The Butcherie's side for the
benefit of 49 Coolidge. And so the kitchen used to be
in the rear corner, and my understanding is they are
rebuilding their kitchen sort of closer to the front,
as I understand it right now.

MS. POVERMAN: As you've heard expressed
multiple times, parking is a big issue no matter how
it's handled. And in one of the iterations, the first
one we saw, you had discussed building under the
49 Coolidge property, and in this one you envision
going down under the 420 Harvard property.

Have you considered doing both and creating a
really nice amount of property to park in that goes
under both?

MR. BROWN: So the thought on this scheme,
which we're calling access off of -- from Fuller, is to
basically take maybe two-fifths of the site and get
parking in there.

We did look at a scheme that was actually a
combination of -- let me go back to the other one, this
one, where we had the ramp coming down and ramp coming
up, but the ramp ate a large percentage of the basement
space, so it actually reduced the parking.

But in this scheme, which I think our
preference is here, is -- I think it does a couple
things. It allows us to maintain the historic nature
of the home on 49 Coolidge, to keep the scale literally
as it is. And then dimensionally it worked out quite
perfectly. We got the two rows of parking in --
basically in the courtyard below.

So we get -- I think the difference now is by
having this parcel of land, we can get the driveway to
work, get down and actually get the parking to do --
because I think from an undertaking point, it's a much
more costly project to fit all of the basement through
here to get the parking. So having kind of the extent
of land to go under 49 Coolidge helps, you know, pick
up 50 percent more parking, essentially, in the
basement, which I can show you. Basically this area is
all -- is the parking.

MR. SHEEN: So the current parking scheme that
we have with the Fuller access point, we're essentially
able to get to 38 spaces, which is about 9 spaces more
than our previous proposal with mechanical parking. So
I think this is a significant increase in terms of the
number of nonmechanical --

MR. BROWN: So we've essentially just deleted
the mechanical parking in its entirety, which is great.
MS. POVERMAN: I appreciate that. I don't have any more questions at this time.

MR. GELLER: Lark?

MS. PALERMO: Yeah. I have a couple questions on your parking plan. Is it tandem parking that you're showing in the garage?

MR. BROWN: Yeah. So there's a combination. These are two rows of four spots, so eight tandem here, and then these are four single spots, and then this is eight, so two rows of eight here.

MR. SHEEN: So let me speak a little bit about how we envision the management of the parking itself. In terms of our retail, we have roughly about 26,000 square feet, 24,000 square feet, depending on the final size. We may have to make some adjustments based on mechanical. And per the current zoning requirement for ground floor retail, I believe it is one space per 200 square feet of retail -- ground-floor retail space. So that translates to roughly about 12 to 13 required spaces for the retail use itself.

The intention -- and we still need to flush it out with our traffic engineer. The intention is to have the daytime use of that 12 or 13 spaces being on the outside row of the tenants. So during the day, the
outside rows will be used by the RE/MAX office users
and they would have -- obviously, if any of the
residents would want to get their cars, they just come
down to the office and we will have people there to
move the cars for them.

Those 12 or 13 spaces would then be
converted -- will be shared by the nighttime
residential users, because within the existing leasing
structure, we do have, you know, 24-hour spaces versus
overnight spaces in -- that we currently lease out to
our residents and others. So the intention is that
about 12 or 13 spaces that are tandem would be
essentially shared between the commercial and
residential.

MS. PALERMO: I believe in the first plan that
you showed us, you said there were 13 spaces at grade
when you come off of Coolidge Street.

MR. SHEEN: Yes.

MS. PALERMO: And so that plan would
accommodate 13 -- in that case, those 13 spaces --
MR. SHEEN: -- would be nontandem spaces.

MS. PALERMO: Those would be the commercial
spaces?

MR. SHEEN: Yes. In that situation. Because
of the -- once we introduce the ramp on Fuller Street, because of the headroom clearance for the ramp itself, we essentially lose all the spaces right here.

MS. PALERMO: I understand. But again, assuming all the arithmetic works out, you're gaining 13 commercial spaces in order to comply with zoning for the commercial use on the first floor of 26- or 24,000 square feet. That plan accommodates that?

MR. BROWN: Yes.

MS. PALERMO: I recognize that the below-grade parking probably will be more expensive to build if you come in off of Coolidge as opposed to Fuller. Is that the only reason that you prefer the second iteration? Is it a matter of construction cost, or is there another reason?

MR. BROWN: I think -- and Victor can add to this. But I think a couple of the concerns we heard with the neighbors was keeping the home literally as it is. So if we introduce the ramp off of Coolidge, we've got to modify, raise, or rebuild the structure. To get a ramp below grade, they've basically got to tear that out, so we'd have to rebuild the house in kind in a slightly different position.

And then I think some of the concern was
maybe -- because currently, all of the parking is accessed off of Fuller, so now some of the concern may be you're adding parking to a side that didn't have it before in terms of coming off of Coolidge for residential parking.

So right now, you know, between the lot on 420 and then the parking lot across the street, there's kind of an inherent traffic pattern coming off of Fuller, whereas bringing it onto the Coolidge side, we'd be introducing something new, which my understanding is the neighbors may have more objection to that.

MS. PALERMO: So your preference for the second iteration is based on cost, construction cost, which, again, I would assume is higher --

MR. BROWN: It's not --

MS. PALERMO: It's not based on construction cost.

Is it based on the number of spaces that you can get if you go with the second iteration, or is it exclusively in an effort to address the concerns of the neighbors?

MR. BROWN: Because of the neighbors, because both actually yield the same number of spots. I think
it's really neighbor input and also preserving the home because I think we can literally preserve the home as is.

MS. PALERMO: Okay. One other question that I have is: Have you already closed on the purchase of 49 Coolidge?

MR. SHEEN: Yes. We closed on it about one month after our public hearing -- first public hearing. So we currently own and we're in the process of fixing it up for -- to be a rental property at this point.

MS. PALERMO: Thank you.

MS. POVERMAN: Can I ask just one last question, Jesse?

MR. GELLER: Sure.

MS. POVERMAN: Is it correct -- if a retail facility is connected to a 40B facility, does the retail facility still have to abide by the usual zoning laws or can it get exceptions?

MS. BARRETT: It's up to the board.

MS. POVERMAN: It's up to the board. Okay. So we can say, retail, you only get five, the rest of them can go to the 40B?

MS. BARRETT: That's a condition you could discuss with the applicant.
MR. BROWN: For the parking?

MS. POVERMAN: Yes.

MR. BROWN: Yes. Because I think, you know, the other thing we could look at, too, potentially, is maybe, you know, having this area designated for the retail parking. I think it is, you know, open to --

MS. POVERMAN: Okay. I just wanted to know if it was an option, so it's good to know. Okay. Thank you.

MR. GELLER: In the iteration where access is off of -- for the ramp to the garage is off of Coolidge, can you walk through, at least preliminarily, what you think that front looks like, in particular moving the house and raising the house and also what the front yard looks like?

MR. BROWN: Sure.

MR. GELLER: What is the impact?

MR. BROWN: If you can see, right here outlined in red is the existing home. It comes down over -- there's about a seven-foot gap between the buildings, and the outline of the home here is in red. Part of getting the width of the driveway and getting this to come down into the space, we slide the home over about roughly five feet but we have to raise --
MR. GELLER: When you say "over," back or --

MR. BROWN: Away from -- towards The

Butcherie, essentially, so away from this structure to here. And to get the ramp down, I think we'd essentially have to raise -- we'd keep the overall height, but we'd have to basically internally cut out some of the building here to get a garage door. So you basically look at the home, something in kind with a double-door garage below. Because right now --

MR. GELLER: Below grade or at grade?

MR. BROWN: So this is grade right here, this would be a couple feet down, so you may see probably six feet of the garage door above grade if you're walking on the sidewalk. So currently you go up about four feet to enter the home, so it would raise that level up about two feet to get the garage door down. So you'd see a house above it and then, you know, a 16-foot garage door going below it into the other side of this home.

MR. GELLER: With no landscaping in front?

MR. BROWN: If you go back to the -- I mean, we'd have a little bit of space here for landscaping. There's about seven feet of space there. But you -- I mean, I think you'd want to keep it somewhat open,
because you'd be coming down and turning into the garage -- for visibility.

MR. SHEEN: In terms of this particular scheme, what we are proposing will be -- the entrance to the new 49 Coolidge house will be off the internal courtyard itself from the rear. So we can -- in this case, we'll literally flip the house front and back, the other way around. So the pedestrian access to 49 Coolidge will be on Fuller Street, and the vehicular -- the residential access for the below-grade parking would be off Coolidge only. So they -- really there would -- you would see, you know --

How wide is the drive isle?

MR. BROWN: 20 feet.

MR. SHEEN: 20 feet, 23 feet.

MR. BROWN: We just felt that, I think, it was a little bit more of an impact.

MR. SHEEN: We're open to both options at this point.

MR. GELLER: It would be helpful to see a conceptual drawing of what that does look like from Coolidge.

MR. BROWN: Yup. We can do that.

MR. GELLER: In terms of the second option
where you essentially cut the building back -- and
based on your testimony it's 24 -- it's ranges 18 feet
to 24 feet.

MR. BROWN: Correct.

MR. GELLER: -- where it moves away from the
Fuller Street abutting property, explain to me, is this
option not feasible in the other scenario?

MR. BROWN: It's the exact same.

MR. GELLER: It's the same. Okay.

MR. BROWN: The building is the same.

MR. GELLER: The building is the same. Okay.

So that's in both iterations?

MR. BROWN: Correct.

MR. GELLER: That's all I have. Okay. Thank you.

MR. BROWN: Thank you.

MR. GELLER: Okay. I want to invite the public -- just by a show of hands, how many people want
to speak?

Okay. So if, as we did before, people would
come up and speak into the microphone, start by giving
us your name. And again, focus your comments on the
proposal that we have, and obviously listen to whatever
your predecessors have to say. If you agree with them,
let us know.

MR. MCMAHON: I'm Colin McMahon. I live at 45 Coolidge Street. I'm at the top of the map here. So I would like to just acknowledge that you've made some progress in the right direction. I think it's a very encouraging sign that we are addressing some of the problems. We are relieved to hear you're not thinking of bringing the building back onto the 49 Coolidge Street site and that the hazards raised by mechanical parking are being addressed. I think it's steps in the right direction.

There's a few things I do want to point out. Since, you know, we just saw these plans in the middle of the afternoon today, we can't fully get into detail. The access off Coolidge Street option provides a lot of potential danger. That's a very intensively used pedestrian area. Coolidge Street is a virtual car park after The Butcherie. So families trail around there with their shopping trolleys, loading trucks are there. It's already a problem to get around that street as it is. There's no traffic signals to enter or exit off of Harvard Street onto Coolidge, so adding 20 cars worth of traffic, that would be a problem.

I would also just point out that between our
home, 45 Coolidge, and 49 Coolidge is a seven-foot space which is split between the two properties but has an easement for right of way between the two properties, so that has to be taken into account when you're considering any work that goes on on the 49 Coolidge site.

But also, just from a safety perspective, this is where my kids ride their bikes, so turning left onto the pavement who have a 20-car traffic egress and access point is a potential danger to us as well as to the pedestrians that are frequently using that site.

I think that, you know, some of the setbacks are helpful. I think that the angulation that's shown here is probably not helpful. I think that paralleling the 44 Fuller border would be better. Effectively, this just closes off the view corridor by getting so close to the Fuller Street border at the edge of the site.

So in terms of shadows, I think we were -- you know, obviously we haven't seen the 24-hour shadow study. The shadows at 9:00 a.m. are interesting, but people don't have 10:00 a.m. work starts where they have their breakfast and get up with their children at 9:00 a.m.
So what happens at 7:00 a.m. is the sun is right about here. Okay? So it comes in just next to the existing building right about here. So the further over the building is in this direction at any point, since the sun is coming around sort of this direction, up until 9:00, you know, I agree, it's probably at a point there. The further over the building is in that direction, the worse the impact is, so slanting the building in that way is not, probably, the best use, I would say, without, you know, us having time to think about this too much.

It's also still quite close to Fuller Street, and these numbers here, just to point out in case of any confusion, seem to be the distance not to the property line but to the house itself on Fuller Street.

MR. BROWN: That's correct.

MR. MCMAHON: So just to make sure there's no kind of ill conception there.

So, yeah. The other main thing is, you know, we would need to look at these in detail. There is more work to do, I believe. There's no addressing the height as yet. As long as it's this big, it's going to have a significant impact on the neighborhood as well as on our light and air.
And obviously the setbacks, potentially, you know, could use improvements here in terms of reducing this kind of pinched-off volume here, which is going to continue to cause a lot of imposition.

Those are some initial thoughts because I haven't had really any time to review the project, but I am encouraged by the progress made.

MR. GELLER: Thank you.

MR. WHITE: George Abbott White. I'm one of the town meeting members for Precinct 9 and I'm becoming increasingly interested in these large-scale projects, particularly under the guise of 40B.

So I have three questions of the presentation. I want to just underscore what Colin said about the Coolidge Street as a parking lot. We live at 143 Winchester, which is the corner of Winchester and Coolidge. It's the old Brookline Animal Hospital. We often find people from The Butcherie parking, not just across the street on Coolidge, across from 8 Coolidge, we find them parking in front of our place at 143. So I just want to underscore just how much congestion there's going to be with the addition of this. And the difficulty is not just for people getting in and out of this new building, but the difficulty is for all
residents up and down Coolidge.

   It's also -- in terms of parking, these will not be the only retail spots. That's my second point. There are a number of retail places on both sides of Harvard Street in the immediate area, and they all generate, obviously, customers who are looking for places on Thorndike as well as whatever they can get on Centre Street. So I think, as Colin says, parking really needs to be looked at.

   I was at a meeting the other night about 1180 Boylston, Route 9, and one of the issues raised by the peer reviewer -- and I'm sure this may well come up with this particular project -- was in terms of setbacks on both Fuller and Harvard Street. It was recommended by them that the first and second floors be set back so as to allow less walking congestion. This is a street that youngsters will be going to the new Devotion from, and we're looking at 4- or 500 more children, and North Brookline is where a number of them will be from. So that's, I think, a thought as well.

   I would underscore, also, the height, massing. This is a great big building in an area that doesn't have it, so that's -- I'd underscore that concern.

   The last thing -- the last two things are,
again, from other projects I've sat in on, I'm curious about the amenities for the new tenants in this building. I noticed bike, and there is some provision, I think, for trash. I just -- again, I'm sure the peer reviewer will go into this, but just how much there is and what other possible amenities that might be afforded those people.

And the last thing is, you know, we had a fire. Two bells called out nine trucks for The Butcherie. And that passageway between The Butcherie and 49 has a lot of cardboard in it often, and for those of us that live there, a good many other things. It's a dark passage. This is a neighborhood of children and older people, and I would be concerned, as others have, about safety issues. I'm not sure that the lighting is very good, the natural lighting, and I'm not sure that there's any sort of safety or artificial lighting that would alleviate or protect people. And not just the neighbors, but people in that structure.

So that's it. Thanks very much.

MR. GELLER. Thank you.

Anybody else?

MS. VANDERKAY: Hello. I'm Judith Vanderkay
from 16 Columbia Street, also a town meeting member from Precinct 9, and I agree with what's been said so far. I also want to thank the developers for getting rid of the mechanical parking, which was a source of considerable concern for me earlier. I think the steps they're taking are going in the right direction, but the building is still too blooming big for where it is. It is a monster for our neighborhood. It will dominate the neighborhood, and it's just very distressing and I hope you will see fit to ameliorate that issue as you have taken steps to ameliorate others. Thank you.

MR. GELLER: Thank you.

MR. MAUZH: My name is Hagen Mauzh. I'm the owner of 44 Fuller Street, and this ramp is a new concept for me. I have a couple of concerns: Number 1, I'd like to find out how close it is to the border of our property.

My second concern is: Is there enough head space for a fire truck to get in in case of a fire? And the last concern I have is maintenance of the home, the fence. If it's too close to the house, I cannot maintain my house or paint the fence because it's going to be 20 feet below ground and the ramp is right next to our property. Thank you.
MR. GUNNING: Hi. My name is Tom Gunning, and I live at 39 Fuller Street, so across the street from 420 and abuts the Centre Street parking lot. And I am concerned that the solutions offered for the Coolidge Street traffic situation just bounced the problem over to Fuller Street.

When I was going home this week at about 4:30 in the afternoon trying pull into my driveway at 39 Fuller, normal day, nothing going on, red light, and the traffic is backed up blocking the entrance to Centre Street and also partially blocking my driveway. With 40-odd parking spots coming off of Fuller, I can't imagine how they could turn left, and if they do, they will block traffic in both directions. So I'm not sure if the solution works for the Fuller side of the project.

One solution I wonder about is whether the entrance could be off of Harvard Street, which is commercial already and doesn't present the same traffic problems to the residents either on Coolidge or Fuller Street.

And, of course, the scope of the project is the source of all of the problems, so I also am concerned about the scope.
MR. GELLER: Thank you.

MS. POVERMAN: I actually have a question.

When you said that the traffic was going on Fuller, it was going on Fuller all the way to the block past Centre Street?

MR. GUNNING: So I was coming down Fuller from Centre towards Harvard, so I'm on the right-hand side driving towards the intersection of Fuller and Harvard. And that's where it backs up, and it backs all the time. It's a very short distance.

MS. POVERMAN: Right. I've certainly been there. How far was it backed up? I think you sent a picture in?

MR. GUNNING: I did send a picture. So it was up and partially blocking my driveway at 39 Fuller.

MS. POVERMAN: And you're next to the --

MR. GUNNING: Centre Street.

MS. POVERMAN: Okay. Great.

MR. GELLER: Thank you.

MR. ROSEN: Wow. Just like old friends, huh? Keep seeing each other over and over. We should meet for coffee outside or something. You know? This is very fun.

My name is Mark Rosen, and I'm over on
Thorndike Street, and I too have people parking in front of my home going to The Butcherie and to Anna's and to all of the other wonderful establishments that we love to support primarily because they are single-story structures. They're not six-story structures.

In fact, let's talk about that building for a minute because when we look at that slide, you know, it's two-dimensional really. As much as they try to make it three-dimensional, really it's a two-dimensional artifact. So let's try to make it more real. Okay? You're talking about a six-story, large building in a three-story residential neighborhood where some of the homes are two-story, most of them are three stories high. So what we're talking about is this building right here. This building is six stories high. When you get on that elevator, that number says "six." When you ride it down to the lobby, you go out, that's what happens.

MR. GELLER: Mark, I want to try and keep our focus on --

MR. ROSEN: I am. What I'm trying to do is bring a very real object of example -- by way of example, i.e., e.g. But this building, imagine the
scale of this building in a three-story home, residential neighborhood. It's not a residential-size building for that particular neighborhood. That's my primary concern.

My secondary concern is with the integrity of the developers. And I hate to bring this up, but I think it needs to be spoken about because it guides everyone. Not only the zoning board and the planning board and everyone else, but it guides us all on how do we interpret these drawings? Who comes to a business meeting without having proper drawings?

You asked, what does this thing look like from Coolidge Street?

Oh, I'm sorry. I don't have the drawings.

Who does that, and why would they do that?

And my feeling is that there's been a lot of dancing around facts, figures, shadow studies, whatever, anything that would make this project seem, in a way, to be less desirable because it actually is really undesirable. When you look at the massing and the scale, the impact on the pedestrians, impact on safety -- the fire truck people talk about this in other meetings and so forth. It's a horrendous idea for this particular setting. It's just really, really
awful. So when I talk about this building being over
there, that gives everybody a realistic idea of what
we're talking about. It's a gigantic structure and
a --

MR. GELLER: Again, do you have specific
comments that pertain to the changes that they've made?

MR. ROSEN: Yeah, I do, actually. My primary
comment is that I was on my computer this afternoon and
I got the plans. And who drops major changes to a
project at the 11th hour before a meeting happens? You
know, that's a -- I think that's what I would call an
unscrupulous strategy. I'm sorry. I hate to be doing
this in this type of a meeting, but I think we need to
call something whatever it is.

And that property at 49 Coolidge was not
acquired. It was purchased under false pretenses. And
that was given testimony in previous meetings when the
owner came up and said, look --

MR. GELLER: Way beyond what we looked at.

MR. ROSEN: I understand. But I think that it
informs the entire environment of the way facts,
figures, and, as somebody else mentioned, they're
cooking the books on the distances between the houses.
That's not 18 feet. That is -- it's on the property
line. That's what everybody talks about, on the
property line.

The other thing they're cooking the books
about is the shadow studies do not have any of the
information about air conditioning and air handling on
top of the building. That's does not cast a shadow?
That does cast a shadow.

And I've sent you guys photographs and
architectural drawings that prove that this adds
significant height to the building. It adds at least
one story. Between one and two, generally speaking.
But none of these drawings, none of the shadow studies,
one of that references this. And it makes me feel,
you know, why is somebody presenting it in this way?
You know, you can have errors of omission, you know,
but they're errors. And so you look at all of the
errors that have happened.

I mean, the reason the mechanical parking
thing was ditched was because I was the guy who read
the manufacturer's manual online to find out that this
thing does not operate around 14 degrees Fahrenheit.
Who is going to -- what kind of an architect or a
developer is going to propose this kind of thing?
I understand what you're saying. It's not
relevant. But my point is: It is relevant that you're dealing with people that don't -- it's kind of like the Betty Crocker half-baked architectural contest. This particular design, this building for this neighborhood is so inappropriate it is like what -- this to housing is what fracking is to water resource management. It's a disaster. It really is a huge disaster, and I think people need to say exactly what it is. You don't need to be politically correct about this. You're affecting people lives. We have a very nice neighborhood over here, and it's being destroyed. That is not a helpful addition to 420 because that is a further incursion into the neighborhood. But nobody's seeing it like. Everybody's saying, oh, this is wonderful. You have underground parking.

Why not scale the building back to the way the neighborhood is? You know, we have yet to see an architectural drawing that shows a three-story building that matches the scale of the neighborhood. Nobody's thinking in those terms because they're thinking in terms of profit first, which is why I use the fracking example. You know, fracking's got nothing to do with protecting water resource management, and this has got nothing to do with --
MR. GELLER: Again, you're --

MR. ROSEN: I understanding what you're saying. This has got nothing to do with 40B. This is an impersonation of 40B. And everybody here -- you know, speaking for everybody here -- I'd be happy to do that -- feels that in their gut. I mean, they really do. I mean, there's a gut sense. They call it "intuition," "women's intuition." Listen to that.

It's telling you something.

This is important. This proposal is going to destroy not only this neighborhood but the entire area for blocks around. It really is. And that's what's upsetting. And I'm sorry I don't have more facts and figures to talk about, but this change, this distracting change was dropped in my email moments before I was able put down my briefcase from work and come in here and talk about it.

Now, if they really wanted to have positive interaction about the proposal, this would have been presented days ahead of time, not minutes ahead of time. You know, that's the hallmark of the unscrupulous. I'm sorry to say that.

Thank you for your time. Thank you for listening to me. I don't mean to upset you. I can see
you have little furrows. You know, you're a nice guy.
But I feel I really had to say that. As a citizen, I
care about this town, I care about this community, and,
you know, these people don't. They don't. And the
design needs so much work. That's all I can say. Just
going back to the drawing board, guys, and try to at least
read the manufacturer's manual. That's why that
parking system got thrown out. You guys don't even
read the paperwork. Come on. Get real.

Thank you so much for your time.

MR. POPPER: I don't know how to -- I kind of
feel like Bobby Valentine after Terry Francona right
now, so I'll see what I can do.

My name is Steven Popper. I live at 41 Fuller
Street, across from what apparently is now a new exit
and entryway into this proposed property.

I agree with my neighbors. I think the one
thing that Mark hit on that I -- I don't know how to
say it any clearer. He is spot on on the size. Just

From a presentation perspective, I also agree
with Mark. As a business owner, if I had a team that
presented this to me at 2:00 in the afternoon before a
6:00 presentation, that's just -- that's not smart.
You don't win by doing this. You guys should know better. You're professionals. We've seen your other work. You're talented people.

We implore you to think about this from a residential perspective. Okay? Half of the people in this room have kids or grandkids in this neighborhood. That's important. We're spending $126 million to expand our school system, just that one school two blocks away.

You're proposing 30-plus parking spots onto two streets, neither of which has commercial parking. A structure that size with that many parking spots with that little open space shows a complete disregard for the neighborhood and the structure that it's built in. It does, without argument. You can't contest it. Come and sit and have coffee in my kitchen. There's not a building that you can see that is even close.

The important thing here is, as a community, we have a very big decision here. This building will change Harvard Street, period. This is the Murrow moment. Where is the decency that we are going to move forward with our community? Will we go ahead and turn it into a six-story alleyway like they've done in downtown Boston? Are we going to do that? That's this
decision. If this goes, there will be 10 more
properties just like it. And there are spaces on
Harvard Street to do that. We know it. We saw the
Rubin's headlines, okay, with that property bought and
shut down and now reopened. Okay? There is the
proposal in the community about the gas station
property. So this is one of many properties that is
going to be coming forth that will be a six-story
animal that will change the crossing.

So as a community, we can decide now that we
don't want to do this and that we want to ask these
very smart, bright individuals who are working for the
developer who wants to maximize his investment and
return to go ahead and produce a three, three-
and-a-half-story entity that fits in with the
properties in the neighborhood and doesn't look like a
beautiful property that belongs on Route 9. And that
property would look great over in Chestnut Hill on
Route 9 by Wegmans. Okay? This property in this
neighborhood at this time will forever change our town.
We'll officially be going toward city life. That's
what we're going toward. We will walk away from it.
We will go to a city, and this property will be that
moment.
So please, as we go through this, remember that. This is not one exception to a zoning regulation. This is the beginning of the end of the architectural design of this neighborhood.

So I appreciate the comments from my neighbors, from Colin and his wife, for the work that they've done, but we implore you, we're begging you, don't do this to our neighborhood. Because if your parents lived here, if your kids lived here, you wouldn't want this.

And this is not about affordable housing. This is about our neighborhood. So we suggest you give it a shot. Show us that you're listening. Bring it down to three and a half stories. Let's have a conversation. Thank you.

KAREN: Hi. My name is Karen, and I live on Babcock Street, and I've taken three classes in urban planning. Why? Because we have no community anymore outside our residential building. None. And, you know, being displaced in the area is not fun. We live in an excellent building. We like our indoor neighbors. We love our owner. And it's a 40B project. And we are displaced. We are good tenants, and we are mixed income. And as a person that -- even the
market-rate tenants look up to me as their adopted mayor. I'm telling you that we don't need more families in this area of Brookline. We need one-bedroom apartments for the elderly, the disabled, and the studious grad students. Because we want to move. We no longer fit in the area.

And it costs less by the dozen, so that's why the developer wants a 40B. But at the same time, these developers need to have integrity. These owners need to have integrity, which they do not have because they don't do any surveys in shadows, they don't do any 3D models with the noise impacts, and they give all the locations in desirable areas, especially needed, which is Coolidge Corner -- between Coolidge Corner and Fenway for people's work and/or socialize. That's where we want to be.

And you've given away our half of Brookline to Boston without any consent from us -- our on-site, our residential building without consent from us. Construction at 5:00 a.m., you know, screaming at 7:00 a.m., cheerleading practice at 12 midnight. We deserve to be part of Brookline once again as the rest of Babcock and Babcock Tower. And even our landlord
thinks that we are good tenants.

And you've given away the BU armory police building for $3 to BU. And we could be placed over there instead. We need our building for our healthy lives as one-bedrooms.

And the good news is most of us don't drive, so the rest of the parking is going to go to the community.

And the other thing is, instead of giving a high school -- another high school to this area, why doesn't South Brookline and Newton take responsibility for their high schools and their elementary school kids by putting the high school towards Newton?

Instead -- we need a high school, but instead of a high school or some 40B buildings, you place a building near Brookline Village that has no residents. It's the perfect place for 40B for only teachers. Not a high school, not affordable places to live. It's time to do what the community wants. Thank you.

MS. SHAW: Hi. I'm Sloat Shaw. I live on Thorndike Street.

I wanted to talk about the tandem parking, which doesn't make sense to me. Our street -- I got a parking ticket -- which I've gotten a couple of
times -- just from parking my car outside when I need to move it out of my driveway if my neighbors are doing stuff. And, like, there was deleading of a house next door. The painters said, move your car out. I got a parking ticket for two hours and forty-five minutes. That's on Thorndike Street. That's how hectic and busy it is.

So these tandem cars parking are going to have to move their cars out. It's not, like, logical that everybody's working a 9:00 to 5:00 job. People have different hours of their work. The residents will have different times. So you can't, kind of, just do it by computer of how the timing is going to go.

But all of the area around, the parking is impossible. It's two-hour parking, and the meter maids are there constantly, so I don't think it's a logical thing of moving cars in and out, and that's something that I noticed when I saw that design. Thank you.

MR. GELLER: Thank you.

That's actually a good question, and it reminds me of a question that I forgot to ask, which is: You had suggested -- or at least I thought I heard you say that this was going to be a managed system?

MR. SHEEN: So let's go back to the garage.
So currently the proposed retail-use spaces will roughly be about 12 to 13 spaces. So the -- and this is where we still need to work through it with our traffic engineer, but the initial thought is that the inside spaces will be residential spaces, and then the outside spaces, in a tandem situation, will be parked by the RE/MAX folks.

So during the day, if, let's say, a resident who -- parks in the inside tandem spaces and they want out, you know, we will have a managed --

MR. GELLER: You understand what I mean by "a managed system"; right?

MR. SHEEN: During the day it will be --

MR. GELLER: You will have an attendant?

MR. SHEEN: Yeah. We will have people within the RE/MAX office to move cars during the day.

MR. BROWN: It's not a dedicated attendant for the garage. It's somebody within RE/MAX. So if a spot is blocked by a RE/MAX car, they'll move the RE/MAX car so the resident can get out.

MR. GELLER: So what you're proposing is something contractual with RE/MAX that would provide that they would have to move cars if, as, and when a resident came?
MR. BROWN: Correct.

MR. GELLER: So it's not a managed system.

Okay. Thank you.

MS. TEMPLER: Good evening. My name is Pamela Templer, and I live at 119 Fuller Street. I want to commend the developers -- the architects for making some incremental changes, but I wanted to agree with many of the previous speakers in that this building is just too large.

We have two children who are now becoming more and more independent. They walk -- our older daughter now walks to school by herself, walks home. It's a parade of children every morning walking to Devotion and walking home. It's already scary enough with the traffic that's around. My biggest fear is not abduction these days. It's cars in Brookline. And my biggest concern with that six stories of living space and all these parking spots, it's just going to make it an unsafe environment for our children.

So as the other speakers said, I just beg you to please consider limiting this to three stories to make it fit into the neighborhood and keep it safe for our children. Thank you.

MR. GELLER: Thank you.

And, actually, the last person, whose name I didn't catch, said what I was going to say. So I just want to, just very quickly, say at 8:00 in the morning you have all these children going down the street, walking down Harvard, walking down Coolidge, walking down Thorndike. My children were those people. My daughter is living in our first floor and will have children. And adding 35 more cars is ridiculous in the morning. Exactly when they're going to work is exactly when the children walk to school.

So I know 40B is holy, but if it's a safety concern, which is what we all expect to happen, then 40B is not relevant. This is endangering our children walking to Devotion.

MR. GELLER: Thank you.

MS. ROSE: I'm Bernice Rose, and I live at 88 Fuller Street. I'm an owner at 88 Fuller Street. I'm looking around. I think I'm probably the longest resident in the area. I'm in my apartment since -- for 58 years, but I've been in the building since 1948.

I rent parking. We do not have parking. I've
written a letter on all these parking issues. But to
give you some idea of the problem, I rent parking on
Fuller Street diagonally opposite where this
building -- the proposed building. We pay every month,
send it in.

The last week, three times alone I had to ask
people -- as a matter of fact, today I walked up and
down the stores to say, please, who's in my parking
spot? And this is a rental spot. And the answer
usually is, well, I can't find parking anyplace else.
Today the man was washing windows at the grooming
place, the dog grooming place. He was very nice. He
said, excuse me. He went out and he moved his car.

But many times I've left messages. I wrote
notes on the car, "Please leave." Many times we cannot
go home until someone leaves. I no longer go into the
restaurants to find people who are in my spot. I now
carry in my wallet a card from the towing company.
Maybe that will help. But that gives you some idea of
the problem. Thank you.

MR. GELLER: Thank you.

MR. LANG: My name is Kevin Lang. I live on
Winchester Street. I spent 13 years on the Brookline
School Committee, so I know what you're going through.
I almost didn't speak because I've learned to sleep with my eyes open through these meetings. But I do thank you for staying awake, and I appreciate that.

I also spent -- I do not remember exactly how many -- about 16 years as a town meeting member from Precinct 9, and the big concern of the neighborhood was two-fold. First is to preserve the character of the neighborhood. We've worked very hard. We got the support of town meeting to bring in the kind of zoning changes that would very much prevent this type of inappropriate development. It's been said before, but I just have to say it again. Six stories is just out of place with this neighborhood. It doesn't make sense.

The second thing I want to say is that the other thing we had a big concern about, which has also been raised, is the safety of our children. And Coolidge Street, in particular, was one of our biggest problems. We worked very hard with The Butcherie, and I thank them. They worked with us to work with their customers, with the people who brought products to their store in order to deal with the safety problems that arose with deliveries and with people double parking and parking in front of people's driveways and...
all those things.

And I live far enough away that this does not affect me personally. This is just a major issue for the neighborhood that took a lot of time for the town meeting members, and I'm very concerned for the current town meeting members that this will get much worse.

And then the third thing I want to say is: I'm actually an economist. That might seem irrelevant, but I know that one of the considerations in judging a 40B is the expectation that there will be a reasonable return on capital.

There's a concept called the "Averch-Johnson effect" in economics, which is when you regulate something on a basis -- a rate of return. There's a tremendous incentive to overinvest in capital. In the setting that we're looking at, the price of the property paid for by a 40B developer is essentially irrelevant. In fact, it's positive. The more they pay, they get a return on that money and they make even more profit.

So assessing whether, in fact, this is really a business necessity, I think you have to take into account the extent to which property values themselves are being inflated by the 40B property developers.
because they don't care how much they pay. Thank you.

MR. GELLER: Thank you.

MR. LAW: My name is Henry Law. I'm a civil engineer. I want to point out Fuller Street and Harvard Street intersection is a very important intersection. It is a very important intersection because in Coolidge Corner, the intersection of Beacon and Harvard, Beacon Street inbound, they cannot make a left, so people have to make a left on Centre and then come back on Fuller and then go to Harvard. Then they can go to Cambridge, turnpike, or Boston. On the way back, probably the same way because in Coolidge Corner there's a lot of traffic.

So now if we put another two entrances -- a parking entrance here and then here, across the street, there's a public parking lot. That's another entrance. You will create a lot of traffic-turning movement in this important intersection.

And this Fuller Street is two-way traffic, just not for through traffic. They are making left-turn movement. They are making left turn. The other side cannot let you go through. Then you wait and you block out the traffic, back up all the way to Harvard Street or back up on Centre Street.
Another thing I want to point out is the ventilation. You have a lot of exhaust air from the parking -- parking garage and then also the underground parking. Existing is also a parking lot, but it's open air. The exhaust air, it just gets up in the air, but now you put a building on top. All the exhaust air, it just goes from three sides of the building.

And next door, 44 Fuller, you are putting a wall. That means you have just two sides, front and out -- front and back, and you create a tunnel, wind tunnel. All the exhaust air is going to be coming out from the other side of the -- from the Fuller Street side, so the neighbors will hate all the exhaust air, and also your tenants because if you come up, the air will go up the building.

I live in the apartment building. I live -- next door, they barbecue. They smell. But when you have exhaust air all coming up, all the tenants, all the neighbors going to hate it. So I think you have to think about the ventilation system to resolve this issue. That's what I wanted to say.

MR. GELLER: Thank you.

Anybody else?

(No audible response.)
MR. GELLER:  No. Okay. I want to thank everyone. I want to give the applicant an opportunity now to respond to questions or to testimony that's been offered.

MR. BROWN:  So I think we'll touch on a couple main ones. I think, just for -- firstly, for pavement at Fuller Street, next door, we do -- just so it's noted here -- are maintaining a five-foot landscaped buffer. So if there was ever any issue on fencing, there is buffering that you can walk on the edge of the driveway ramp. It's held off, just for the record. So that is held off there.

The distances are marked very clearly, 18 feet, in this red line from the corner to the building. We're not trying to change the numbers. We also have additional distances that are marked from the property line to the building, so both sets of numbers are provided.

I think for the garage parking, we definitely will -- once we kind of get to the building footprint, we'll have to bring on full mechanical, electrical, plumbing engineers. Everything has to be designed to building codes, so there would be a mechanically vented garage exhaust system. So it's probably a vertical
shaft that goes up through the building, so any CO2 or anything would rise through an exhaust fan up through the building. So there will definitely be no way we can get an engineer to certify it with no kind of off-gassing, either front or back of the building, because that does -- for a garage system, you have to be ventilated.

And then I think -- oh, so part of this, I guess, whole study on the ramp is -- which the traffic engineer will definitely get into more detail -- the idea on having the ramp is to allow for room to queue, so if Fuller Street does have cars on it, anybody coming either out of the parking here, which is -- as we know today, there's -- a curb cut actually goes from here to about here.

So, in essence, we're pulling it about 15, 18 feet back from the intersection of Harvard and Fuller because in this spot right here is the existing garage that has a curb cut in front of it, and then where these two arrows are are the existing curb cut to the 10 or 12 spaces that are on the site. But the ramp here allows for cars coming out to hold, if they should see that the intersection is full, before they pull out onto Fuller.
MR. SHEEN: I just want to sort of touch upon -- you know, a couple of the neighbors touched upon the shortness of the time in terms of us delivering materials to the board for this hearing. It's not our intention to rush anything. You know, previously, our scheduled meeting was actually at the end of August. And as we are working with the urban design reviewers, it was suggested that we make an interim presentation to the ZBA so the reviewer will be reviewing the upgraded set of drawings rather than the old set of drawings which we were amending in the first place. So there was no deceit on our part.

In fact, we're actually trying to be as transparent as possible in this process, that we want the neighborhood as well as the zoning board of appeals to have an opportunity to look at our current thinking, which we believe is moving in the right direction, rather than having the urban design reviewers reviewing the old set of drawings, which we were changing in the first place.

So I apologize that it's last minute, but literally, the architectural teams were literally -- you know, what we call in our trade "en charrette," meaning that, you know, that we literally work until
MR. BROWN: Right. And I think, to further that, in terms of the chairman's request for elevations and what the building would look like, this is all more of a work en charrette. We're happy to produce all of that in terms of mechanical systems on the roof.

Typically, in multifamily buildings, condenser units are laid out on a four-foot grid. The units are about two feet in height, and they're set off on isolation dampers and basically an assembly where the top of the units are about four foot off of the roof deck, and we would typically put it in the center of the building so it doesn't affect shadows and stuff. We'll definitely add that to the building. But typically, a building like this would have a ring of units in the middle that are screened with a fencing for noise, but it's certainly not anywhere from a one- to two-story structure above this building to meet any of that.

MS. POVERMAN: One of the concerns I have with the introduction of these new plans -- which, as I said, I think are a great step in the right direction -- is that analyzing them and having the experts analyzing them and getting these studies in is
going to make it very difficult for us to keep our 180-day deadline. And I think that -- maybe not, you know, right now, this second, but it may be necessary to extend that to some degree, whether it be a month or whatever, and I want to know if you are willing to consider that.

MR. SHEEN: I think it's too early for that because, quite frankly, our intention is to provide as much information prior to our review with the design reviewer. So we actually, in fact, are meeting with the design reviewer tomorrow, so we actually haven't lost any time. In fact, we've probably gained about 30 days --

MR. BROWN: By not waiting.

MR. SHEEN: -- by not waiting until the 30th of October -- of August.

MS. POVERMAN: Yes. But we haven't seen all the designs that you would otherwise provide in terms of, you know, the 3D views, et cetera.

MR. SHEEN: Sure. So we will be providing that to the design reviewer as the process moves forward.

MS. POVERMAN: Right. But we should also have gotten them, is what I'm saying.
MR. BROWN: Right. So I think for us today -- and Victor can correct me otherwise -- but today's idea was to get this in front of you to get opinions from the board if there's a direction that we should move in. Our preference is to move in a forward direction. If that's acceptable to the board, we will now create all of the materials that we can then forward to you in advance of any meeting -- in advance of meetings coming up.

MR. GELLER: I think the ask has been made, and we'll obviously see, as we move forward, whether we need more time. So I think the notion is that just given the changes that you've proposed, we may come forward with an ask.

MR. BROWN: Sure. Thank you.

MR. GELLER: Is there more?

MR. BROWN: No. I think that's it. Thank you.

MS. SCHNEIDER: Can I just make one point? And I understand that things are still in process, but I think one concern that we have heard a lot about with respect to the Fuller Street access for the parking -- there's a lot of concern about safety for pedestrians, children, in particular, and elderly residents in the
neighborhood.

I know that this is something that is often fraught with technical details and problems, but I'm wondering if you could give some thought to how you might install some safety or notification devices at that entrance.

Again, I know sometimes we ask people to do that, and the neighbors say there are lights, there's noise, they're too sensitive, they're not sensitive enough. But I think that there probably is a balance that could be struck there if you are going to move forward with the Fuller Street entry, and I think it's not too soon to start thinking about how you might build in some safety mechanisms to get people more comfortable with that as the access point.

MR. SHEEN: Sure. We are working with our traffic engineering consultant on that particular issue in conjunction with working with the city, with the town's traffic department. So I -- my understanding is that the traffic counts on both intersections of Harvard and Fuller as well as Harvard and Coolidge have been taken, and we're working through the design and --

MS. SCHNEIDER: But I think regardless --

MR. BROWN: I think, to your point, we could
supplement that with understanding the direct egress onto the site regardless of the traffic itself on how that is -- how that impact is addressed so that there's some sort of safety device. And you see it, you know, in other garages. If somebody's coming up, there's the little light that flashes to let you know a car is coming out. We could start to look at all of that stuff separate of the traffic.

MS. SCHNEIDER: Yeah. And that's really what I would suggest, is to start building that in but also realize that in doing that, you need to be sensitive to the impact of what you select on the abutters.

MR. BROWN: Yup, certainly. Thank you.

MR. GELLER: Thank you.

Just -- I'd like to at least start the ZBA members thinking about a discussion. One of the handicaps in this particular case is that we have not had peer review yet. We haven't had urban design, we have not had traffic, and, frankly, we haven't even heard from the fire department.

MS. STEINFELD: Alison Steinfeld, planning director.

What the planning department needs is some direction from the ZBA at this point in terms of what
we tell the urban designer to review. So I hope you're getting there, but I need --

MR. GELLER: I'm getting there. But the point I'm trying to make is that giving clear, concise direction is a little difficult without having had the opportunity to review traffic design. So those issues -- I think people can speak from gut responses, but there's obviously peer review that needs to be done.

MS. STEINFELD: No. What I'm asking is: What do I tell the peer reviewer to review? You currently have three plans before you, three conceptual plans. What is he reviewing so we can present his report to you on August 30th?

MS. PALERMO: If I can make a comment, I was going to say we've just -- I feel like the people in the neighborhood. We've just seen, hours ago, a substantial redesign of the parking, so I don't, frankly, feel prepared at all to comment on any of these iterations in terms of which I think is better. It sounds to me as though the developer responded, frankly, very positively on all the negative input he received about stacked parking, which is a very good sign. However, there is also a number of
comments about the entire size of the building.

So it sounds to me as though design is evolving. You're en charrette. That's great. It sounds more fluid than it can, you know, be locked into something that we would ask for input because at this point -- well, I mean, we're looking at two different entrances to parking, two different streets. We don't know what the traffic counts are. I don't. So it's hard for us, at this point, I think, to have an ability to give guidance on what the peer reviewer should be reviewing.

MS. SCHNEIDER: But aren't we just talking about -- there's three development scenarios that are in front of us right now. I think that it's the developer's -- ultimately, it's the developer's call. But I think it's the developer's preference that we disregard the first proposal, so we take that off the table, and it's a question of whether or not --

MR. GELLER: Before you make that assumption, ask the developer.

MS. SCHNEIDER: They were nodding.

Is that correct?

MR. BROWN: Yes.

MS. SCHNEIDER: You have now moved away from
what we originally saw as the first proposal?

MR. SHEEN: Right. Quite frankly, our preference is to keep the existing traffic patterns the same and move forward with the Fuller Street option.

MR. GELLER: I think we don't get there yet. I think the base question now is -- so you are -- you are proposing what you have come in with today, not what you originally came in with?

MR. BROWN: Correct.

MS. SCHNEIDER: But I also think I heard them say, and -- I think I heard them say that they were showing us the Coolidge Street entry proposal just to give us a sense of what they worked through. It sounds to me that the Fuller entrance is the proposal that we now have in front of us. Is that correct?

MR. SHEEN: That's accurate.

MS. SCHNEIDER: You had to make a choice; right?

MS. STEINFELD: So I'm confirming that that is what the peer reviewer will review. You will have a preliminary report from the peer reviewer on August 30th, at which point, then -- consistent with the process that we've undertaken in other projects, then you discuss amongst yourself and give the
developer direction as to what other issues you want to address. On August 30th, we're back in the normal sequence.

MS. BARRETT: I really think it's the applicant's call. They're the ones who are sending --

MR. GELLER: No. I understand that. But we have had in 40Bs, in the past, situations where the applicant has come in with two or three options -- suboptions within a project for discussion and have said, can you vet these three options and then give us guidance.

MS. BARRETT: I just think it's difficult for the board -- I just don't want to see the board in a position where you somehow have to own this decision before you've had any input from the reviewer.

So if they hadn't come in with two alternatives tonight, there would be a plan from the developer that the peer reviewer would be reviewing.

So if they're now coming in with a couple of alternatives, I think it's really up to them to say, this is our proposal now, this is what we want you to review, and let the chips fall where they may. They own it, not the board, at this juncture, in my opinion.

MS. STEINFELD: So just -- I'm sorry.
MS. SCHNEIDER: I was going to say exactly what you were going to say. Just to be clear, what you are owning in this context is what we're looking at right now?

MR. BROWN: That's correct.

MS. SCHNEIDER: The plan with the Fuller Street entry for the parking?

MR. BROWN: Correct.

MR. SHEEN: We are amending our initial application to this particular design.

MS. PALERMO: I have a question. Has the agency who issued the PEL -- which agency was it? MassHousing?

MR. SHEEN: MHP.

MS. PALERMO: Have they had an opportunity -- well, probably not because we just saw it today. They haven't had an opportunity to review this?

MR. SHEEN: We have had ongoing discussions with them since the acquisition of 49 Coolidge, and the feedback that -- not in this level of detail, but in sort of -- in the draft stages, their decision was to come back and re-review it at the end of the 40B process.

MS. BARRETT: I asked this question, too,
because I knew it was going to coming up. And that is
t true that typically the procedure is that they will
leave it to the board of appeals to work out whatever
they work out, and when the project comes to the agency
for final approval, that's when they'll look at the
revised plan.

However, if the town or the applicant asks the
subsidizing agency to take a look at the revised plan,
they will consider that request.

Now, they're not going to reopen the project
eligibility process. They're not going to issue a new
PEL. But if the board feels that it's appropriate for
the subsidizing agency to provide some input to you on
this relative to the findings that have to be made for
project eligibility, you may make that request. I
can't say they're going to honor it, but they will
consider it. So you have to decide, I think, if you
would -- if it would benefit you in your
decision-making to have input from the subsidizing
agency.

MR. GELLER: What is it that we would
potentially get out of the subsidizing agency that
would assist us?

MS. BARRETT: I imagine that you would be
asking the subsidizing agency whether any of the findings they made in the project eligibility letter would change had this been the original submission. Because their role is very much defined by the Chapter 40B regulations. They're supposed to look at projects against a series of criteria and make findings.

So really, all you can do is -- well, I don't want to minimize it. I mean, the issue is: Would their decision have been different or are there things that perhaps they might have imposed as conditions of approval for the PEL had this been the submission? And I think you just have to decide whether that would help you.

MR. GELLER: And why wouldn't we ask?

MS. SCHNEIDER: Well, I don't think that the project has changed that much. I mean, the size is the same, the unit count is the same, the parking is the same.

MS. PALERMO: I strongly disagree. I think it's changed dramatically. We're now talking about another piece of land being incorporated into this project and another building that's been incorporated into this project. I think it has changed, from my
UNIDENTIFIED AUDIENCE MEMBER: Does 420 LLC own 49 Coolidge? Because the owner of 420 -- (inaudible).

(Interruption by the court reporter.)

UNIDENTIFIED AUDIENCE MEMBER: 49 Coolidge is not part of the same legal entity that owns 49 Harvard. Is the ZBA aware of that?

MS. POVERMAN: You're correct. There's a 49 Coolidge LLC that owns the 49 Coolidge property.

MR. SHEEN: It's owned by the same partnership.

MS. POVERMAN: Underlying beneficiary?

MR. SHEEN: It's a single entity that can be combined with 420 Harvard.

MS. POVERMAN: How do we know that?

UNIDENTIFIED AUDIENCE MEMBER: There's no site control.

MR. SHEEN: There will be -- you know, I defer to my consultants on that. But, you know, the same entity -- the same underlying partnership that owns 420 Harvard Associates owns a fee simple of 49 Coolidge LLC. We can provide -- we can provide --

MS. POVERMAN: Legally, I don't know if that's
MR. SHEEN: I can provide additional documentation.

MS. POVERMAN: One of the reasons LLCs exist is to keep separate ownership and separate liability, so I don't think --

MS. BARRETT: The board is -- let's just go back to the very beginning. What allows anyone to come before the board and seek a comprehensive permit is three things: evidence of site control; an entity that is either a public agency, a nonprofit corporation, or a limited dividend organization; and approval by the subsidizing agency. So certainly, if there's any question about site control, the board is entitled to know that that is secure for the plan that the applicant is asking you to consider. That's a statutory issue.

MS. POVERMAN: Well, I would like -- how do we ask -- so we would like evidence of that.

MS. BARRETT: Yes.

MS. POVERMAN: And by -- certainly by August 30th, but I don't know if that determines whether or not --

MR. SHEEN: Site control can be established
through a simple purchase and sales agreement.

MS. POVERMAN: I mean, I've seen the deed.

MR. SHEEN: Right. But just to clarify, site control can be established through a simple purchase and sales agreement, so we will provide that purchase and sales agreements by next week.

MS. POVERMAN: For both entities?

MR. SHEEN: For 420 Harvard Associates purchasing 49 Coolidge LLC.

MS. POVERMAN: Okay. That's fine.

MS. STEINFELD: Would that suffice the board if the applicant submitted the material to you or to MHP?

MS. BARRETT: It's up to the board. I'm just saying the board may ask MHP to review or not. It's entirely up to the board.

MR. GELLER: Well, I think we've heard one board member say that, to her, it seems unimportant.

MS. SCHNEIDER: I just don't think it's worth the extra step.

MR. GELLER: And we've heard one board member say that it is relevant.

MS. PALERMO: Oh, actually, what I said is the project has changed. I didn't necessarily indicate
that the agency needs to review this particular project change. I haven't made a decision about that, but I'd be happy to have any extra input we could get on the project, so I would say yes.

MS. POVERMAN: I would actually like the advice of our 40B consultant on whether or not she thinks the project has changed sufficiently to get additional PEL review.

MS. BARRETT: I think you should ask MHP for them to just take a look at this and provide you with an opinion on whether they think their determination would be materially different or if they have any, perhaps, conditions they might have suggested had this come in this way in the first place. I don't see any harm in it.

Boards are entitled to go back to the subsidizing agency and ask for input, ask questions, and often they don't because boards don't feel like they can have communication with the subsidizing agency, and you can.

Now, they may say, we've just taken a quick look at this and we don't think it's material. But you can ask, and it would actually, perhaps, open up a dialogue between the board and the subsidizing agency,
which --

MS. POVERMAN: As a practical matter, doesn't this actually happen through the planning department?

MS. STEINFELD: We'll be happy to do that on your behalf and with our consultant's assistance.

MS. BARRETT: The board, you know, has requested that the MHP take a look at this and provide further determination or review -- comment on the PEL, if anything has changed that, to them, would be significant enough to, perhaps, warrant more of a review.

MR. GELLER: I see no reason not to do it.

MS. BARRETT: It doesn't slow you down. I mean, they'll respond right away, so ... 

MR. GELLER: I wasn't worried about that. It seems to me there's no reason not to.

MS. BARRETT: Yeah. That's what I'm thinking. I can't hurt. It would be really novel for a board to actually communicate with the subsidizing agency. I don't think it's a bad idea.

MR. GELLER: It might throw them.

Okay. So, Alison --

MS. STEINFELD: We'll take care of that.

MR. GELLER: Thank you.
And the applicant will provide evidence of site control?

MR. SHEEN: Yes.

MS. BARRETT: There's a question from the back.

MR. GELLER: Question from the back, and then let's finish up our discussion.

MR. MITCHELL: Thank you. I'm Kent Mitchell from 62 Fuller Street. Many of the details that we've heard for several meetings can be consolidated into one idea: size, scale. That is the elephant in the room, and it's not talked about. Thank you.

MR. GELLER: Where is the question?

MR. MITCHELL: Why is it not talked about?

MR. GELLER: We haven't had urban design review yet.

MR. MITCHELL: Will they be informed of the number of people who have raised that point and it just is not addressed?

MR. GELLER: I'll leave urban design review to the urban design reviewer, and then the board will be able to have a full discussion.

So I don't want you to misunderstand. There's a process that's going on that may be frustratingly
slow, but there is a process. And we have engaged peer
reviewers to go over things like traffic, like parking,
and like urban design. And August 30th will be
preliminary urban design, and at that point what you'll
find, if you come to the hearing, is that the board
will start to have a conversation, and I suspect that
that conversation is going to include a discussion
about size and mass. So there's a process, and bear
with the process is what I would ask.

MR. MITCHELL: I appreciate that, but I am
struck that it's just not addressed so far, and it is
the common denominator to all of the rest that we are
talking about. Thank you.

MR. GELLER: Thank you.
Okay. Any further discussion?
(No audible response.)
MR. GELLER: No.
Okay. So we are continuing this hearing until
August 30, 2016, at 7:00 p.m., at which point we will
hear a preliminary presentation from our urban design
peer reviewer.

Alison, do we have anything else for that
hearing?

MS. STEINFELD: Urban design. That will
certainly fill up the meeting.

(Proceedings adjourned at 9:03 p.m.)
I, Kristen C. Krakofsky, court reporter and notary public in and for the Commonwealth of Massachusetts, certify:

That the foregoing proceedings were taken before me at the time and place herein set forth and that the foregoing is a true and correct transcript of my shorthand notes so taken.

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

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

Dated this 22nd day of August, 2016.

Kristen Krakofsky, Notary Public

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