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Volume IV  
Pages 1-42

Brookline Zoning Board of Appeals Hearing  
1180 Boylston Street Comprehensive Permit Application  
Chestnut Hill Investments, LLC  
Wednesday, August 17, 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 Johanna Schneider, Chair

4 Jonathan Book

5 Mark Zuroff

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 Raj Dhanda, Chestnut Hill Investments, LLC

18 Deborah Danik, PE, LEED AP BD+C, CPESC, Nitsch

19 Engineering

20 Bob Engler, President, SEB, LLC

21 Catherine Johnson, GEI Consultants

22

23

24

1 Members of the Public:

2 Sergey Shafranskiy, 1164 Boylston Street

3 Bernice Wilner, 25 Holly Lane

4 Janice Khan, 63 Craftsland Road, town meeting member,

5 Precinct 15

6 Grace Fehrenbach, 517 Heath Street

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1 PROCEEDINGS: 7:18 p.m.

2 MS. SCHNEIDER. Okay. I apologize for the  
3 delay, but we're all here now, so we are going to get  
4 started. I think everyone here looks familiar to me at  
5 this point, but we'll just go through introductions  
6 real quickly again.

7 Again, this is the ZBA for the comprehensive  
8 permit review of the 1180 Boylston project. My name is  
9 Johanna Schneider. I am chairing these proceedings.  
10 To my right is Jonathan Book, to my immediate left is  
11 Mark Zuroff, and to my far left is Steve Chiumenti. We  
12 are the board for this project.

13 Primarily, this meeting tonight is going to  
14 focus on the stormwater. I understand that the  
15 applicant has something to show us from the engineer,  
16 perhaps, so I would invite you up to the podium,  
17 whoever from your team is going up, to talk about what  
18 you're showing us tonight.

19 MS. DANIK: Thank you. I only have about five  
20 slides. It's going to be kind of quick in general. So  
21 thank you very much for having me. My name is Deborah  
22 Danik. I'm a project manager with Nitsch Engineering.  
23 We're the consulting site civil engineer for this  
24 project. We're very excited about 1180 Boylston Street

1 and the mixed-use, multibuilding that's being proposed.

2 So I just want to show you a couple images.

3 I'm sure a lot of you have seen the one on the left,  
4 our proposed building. The one on the right is the  
5 existing site at 1180 Boylston Street, the former gas  
6 station that was there.

7 Again, this is kind of a generic ALTA plan  
8 that shows the site. The site is bounded by Boylston  
9 Street to the north, we have Hammond Street to the  
10 west, and then private residences to the south and the  
11 east. The site was before -- part of it was  
12 decommissioned, and we started doing site  
13 investigations. But on top of it was the gas station  
14 with the pumps, a lot of pavement, as well as a  
15 convenience store building that also had some  
16 mechanical bays. The site is a little under 15,000  
17 square feet.

18 So the existing site, prior to what we're  
19 proposing to do, looks like this. I tried to color it  
20 just to show you the different surfaces associated with  
21 it. When we think about stormwater, we think of  
22 surfaces that run off and what happens when the  
23 stormwater hits the ground and what that surface is.  
24 So the green area is the existing impervious areas that

1 were planted landscaped beds or some areas that had  
2 grass and trees; the gray area is vehicular, drivable  
3 surfaces that was paved; and then kind of the gray hash  
4 is the existing building.

5           So looking a little bit closer, about 75  
6 percent of the site was impervious, meaning that when  
7 stormwater hit it, it wouldn't seep into the ground and  
8 it would run off. Overall, 62 percent of this site is  
9 drivable surface.

10           When we talk about stormwater, we think about  
11 stormwater quantity and quality. When we think about  
12 stormwater quality, it has to do with how dirty that  
13 stormwater is. So stormwater that hits impervious  
14 areas gets soaked up by the ground. Stormwater that  
15 hits the roof will either shed off the roof and hit the  
16 ground or get collected by downspouts. Stormwater that  
17 hits roofs is considered clean. Stormwater that hits  
18 paved, drivable areas is considered dirtier and has to  
19 be treated prior to overflow.

20           So the existing site does have a closed  
21 stormwater drainage system. There's some trench drains  
22 and catch basins, which you can see by the blue lines.  
23 There's little lines with Ds that show the piping  
24 between these systems.

1 But the existing site collected stormwater,  
2 didn't treat it, and basically unmitigated, didn't slow  
3 it down, and let it connect and overflow into the  
4 existing 12-inch drain at Boylston Street. Stormwater  
5 that hit, kind of, the grass areas would get soaked  
6 into the ground, and very heavy storms would either run  
7 off to the street or else onto the paved area.

8 Currently, you know, where the site's located,  
9 ultimately that 12-inch drain on Boylston Street  
10 discharges the stormwater to the Charles River. The  
11 Charles River currently has a total maximum daily load  
12 requirement for phosphorous that is determined by the  
13 MassDEP. I'll talk a little bit more about how we're  
14 mitigating for that in our proposed site.

15 So our postdevelopment site: So I used the  
16 same colors to distinguish the different areas. So in  
17 our proposed site, you can see the dotted line around  
18 the perimeter. That's basically the extent of the  
19 basement. So any stormwater that hits our site is  
20 going to get collected either by the roof, it's going  
21 to get collected by the drivable area, or basically  
22 basement roof. So there will be area drains and  
23 catchment areas within there.

24 So the hatched area is basically building

1 roof, so looking at the top of the building, there's  
2 roof there; the gray area on the right is the drivable  
3 surfaces; and then kind of the white area in the middle  
4 is area that's roof but no one's going to drive on it  
5 and it's actually at grade.

6           So part of our proposed design is going to  
7 remove or dispose of the existing closed drainage  
8 system on-site. We're going to remove the connection  
9 to the 12-inch drain in Boylston Street. The new  
10 building will have a roof collection system. There  
11 will be a collection system for the drivable area,  
12 meaning that there will be catch basins or inlets  
13 that'll collect the stormwater. The stormwater will  
14 be -- if it hits the vehicular area, will be treated  
15 before we discharge it and the stormwater will be  
16 collected and it will go into a storage tank and then  
17 overflow to the 12-inch drain in Boylston Street.

18           The reason for the storage tank is to mitigate  
19 for what I previously talked about: quantity. And  
20 when we worry about stormwater quantity, we also worry  
21 about rates and volumes. So we're going to basically  
22 be slowing down the stormwater that hits the site so  
23 that it meets the same rate that it was going off in  
24 the predevelopment condition as it is in the

1 postdevelopment condition.

2           So I just wanted to do a little bit of a  
3 summary of basically the improvements that we're doing  
4 to the stormwater that's leaving the site. And one  
5 other thing -- I'm sorry -- I forgot to mention was  
6 that I mentioned the total maximum daily load  
7 requirement of phosphorus previously.

8           So basically, phosphorus exists naturally in  
9 the air. Phosphorus happens when people fertilize  
10 their grass, because there's phosphorous in that, and  
11 phosphorus just exists. So when all the stormwater  
12 hits the ground and ends up in the Charles River, the  
13 Charles River has, actually, too high levels of  
14 phosphorus which leads to overgrowth of nutrients in  
15 the water.

16           So one way that we're mitigating for  
17 phosphorus is in, basically, a land-use change. So  
18 this used to be a gas station, a commercial use, and  
19 it's getting changed into a residential use, so it will  
20 have very little driving on it as well as we don't have  
21 any landscaped areas where we would be putting  
22 fertilizer for phosphorus.

23           The other way that we're bettering stormwater  
24 quality is that there's a lot less drivable surface on

1 the site. So right now, you know, in our proposed  
2 vehicular areas, it's only about 12 percent, where  
3 existing there was about 62 percent of the site where  
4 cars could drive around.

5           So just a quick summary of what I previously  
6 discussed. You know, our stormwater management system  
7 is going to maintain the existing drainage patterns.  
8 Stormwater, as of now, gets collected and routed to the  
9 12-inch drain in Boylston Street. We're going to  
10 maintain that same design in our proposed system.  
11 We're going to have better stormwater quality leaving  
12 the site.

13           We're reducing the areas of vehicular access  
14 services by 80 percent, so the reduction in where cars  
15 can drive and where they're basically depositing dirt  
16 and stuff that gets collected by stormwater during  
17 storms is reduced, so therefore, you know, our  
18 stormwater quality from the site will be much better.  
19 And then those areas where there is vehicular access,  
20 the stormwater will be treated, whereas existing right  
21 now, it's untreated.

22           What I just talked about, our land-use change,  
23 will help provide a reduction in total phosphorus from  
24 the site by about 33 percent. And then our tank and

1 our collection system will help maintain or reduce our  
2 peak rate for volume of stormwater runoff from the  
3 site.

4 And then all of this we do under the  
5 Massachusetts Department of Environmental Protection  
6 Stormwater Management Standards. We're going to meet  
7 those to the greatest extent practicable for the site.

8 I also have a slide that just shows the  
9 overall utility plan. It's pretty small, but I wasn't  
10 sure if you wanted to discuss that as well today. But  
11 basically, you know, this will be a building where  
12 people are living, so we're going to have this new  
13 stormwater management system. It's also going to  
14 require sewer connections for the sanitary sewer  
15 system, we're going to need domestic water for the  
16 building, as well as gas and telecom and electrical  
17 services.

18 MS. SCHNEIDER: Thank you. Have you submitted  
19 this presentation to the planning staff so that it can  
20 go up on the website for the public to take a look at?

21 MS. DANIK: I have not, but we will.

22 MS. SCHNEIDER: Okay. Thank you.

23 Anyone have any questions?

24 MR. BOOK: Yes.

1 MS. SCHNEIDER: Go ahead.

2 MR. BOOK: So the existing site -- I think you  
3 said in an earlier slide -- it's 75 percent impervious,  
4 25 percent pervious?

5 MS. DANIK: Yes.

6 MR. BOOK: And after the development, there's  
7 no impervious? It's all -- I mean there's no pervious?  
8 It's all, you know, covered with something?

9 MS. DANIK: Yes.

10 MR. BOOK: So there is -- I mean, there is no  
11 water getting into the ground, so I guess -- I mean,  
12 more stormwater is being discharged into the town  
13 stormwater system; right?

14 MS. DANIK: Yes. There will be a slightly  
15 higher volume of stormwater going into the system  
16 overall.

17 MR. BOOK: And is there any evaluation -- can  
18 the system handle that or -- I don't know what the  
19 magnitude of the numbers are but --

20 MS. DANIK: Yeah. I don't have the magnitude  
21 of the numbers offhand, but, like, percentage  
22 increase -- I do have the, you know, per storm increase  
23 in numbers. We have not evaluated the drain main in  
24 Boylston Street for that incremental change.

1 MR. BOOK: You have not?

2 MS. DANIK: We have not.

3 MR. BOOK: Okay. Is that something that will  
4 happen before -- that will happen sometime in the  
5 planning or --

6 MS. DANIK: It's not something we typically do  
7 for an application. Typically, when we submit a design  
8 like this to a town, their engineering staff will  
9 review and kind of evaluate if that incremental change  
10 is going to be a big issue. And then, at that point,  
11 if they want us to, we can look further into that.

12 MR. BOOK: Okay.

13 MS. DANIK: Because the only harder thing is  
14 that, you know, when you think about that drain main at  
15 Boylston Street, it's collecting stormwater from all  
16 the sites all around it, so that's a pretty big  
17 undertaking to really see upstream how much is there by  
18 the time it gets to our site.

19 MR. BOOK: Okay.

20 MR. CHIUMENTI: Well, Jonathan raises up an  
21 interesting point, actually. You say that this is  
22 going to improve the water runoff quality, but do you  
23 actually have data about what the quality of the runoff  
24 is now?

1 MS. DANIK: We don't have data from our site.  
2 We could definitely take from research data about --  
3 from a typical gas station, what the water quality is  
4 leaving from that.

5 MR. CHIUMENTI: So we have no data about this  
6 at all. It's just -- you imagine it's going to be  
7 better.

8 MS. DANIK: Well, given standard engineering  
9 practices, the stormwater quantity leaving the site  
10 will be better.

11 MS. SCHNEIDER: I can't remember -- and  
12 someone here will know this. How long has the site  
13 been not operating as a gas station? I mean, you're  
14 talking about a comparison between a gas station and  
15 the proposed development.

16 MR. ENGLER: Like two years.

17 MS. SCHNEIDER: Two years? What about the  
18 existing condition? Which, again, I don't think  
19 anybody expects to be maintained. But right now it is  
20 just an empty lot. There's not a gas station in use  
21 there.

22 MS. DANIK: So right now, you know, the  
23 existing has a lot of dirt on it because of the  
24 excavation of the impervious area, so I would imagine

1 that the dirt is potentially running into the trench  
2 drains that are there and that because it is dirt,  
3 stormwater would be going into the ground versus  
4 completely running off.

5 MR. ZUROFF: I have a question. I'm not an  
6 engineer, but you said that one of the factors in  
7 calculating the amount of phosphorus runoff is the  
8 lesser amount of traffic because it's no longer being  
9 used as a gas station.

10 You have parking for 80 cars underneath the  
11 building. And I don't know how many trips are  
12 calculated in and out during the day, but it actually  
13 seems to be that there might be more car traffic on the  
14 site now -- or after the building is built -- than  
15 there was when there was a gas station. Is that  
16 reasonable?

17 MR. ENGLER: It's in the application itself.  
18 Bob Engler of SEB.

19 It's in the application. I'm not the traffic  
20 expert, but the traffic study indicated that we're four  
21 times less the amount of cars than the gas station  
22 generated daily, morning peak, and evening peak, so  
23 we're far less cars for the 80 spaces. But the 45  
24 people that are seniors that live there and the amount

1 of trips they're going to make and the retail is  
2 25 percent of what was going in and out of the gas  
3 station. You have that in the application.

4 MR. ZUROFF: So you have data on the use by  
5 the gas station on how many cars --

6 MR. ENGLER: They have that in that study, and  
7 your traffic consultant will also look at that.

8 MR. ZUROFF: Well, we're waiting to hear from  
9 our traffic consultant.

10 MR. ENGLER: That's the best I can talk about  
11 that.

12 MR. ZUROFF: Thank you.

13 MS. SCHNEIDER: Anyone else have any  
14 questions?

15 (No audible response.)

16 MS. SCHNEIDER: I know that you mentioned that  
17 it was difficult to figure out the impact on the drain  
18 because it's gathering water from all sorts of other  
19 sites but I -- what data do you have that you either  
20 have presented to the town or could present to the town  
21 to put us in a better position to evaluate the change  
22 in volume that this site is going to be generating? I  
23 mean, I understand the percentage of what's running  
24 through the pipes, that may be difficult to do, but

1 surely there is some ability to calculate the  
2 predevelopment and postdevelopment generation just from  
3 the site itself.

4 MS. DANIK: Exactly, yeah. Thank you for  
5 asking that.

6 So we put together a memo that we submitted to  
7 engineering, and included in that memo there is a  
8 comparison of the pre- and postdevelopment runoff rates  
9 and volumes for the two-year, ten-year, twenty-five-  
10 year, and hundred-year storm event. So that chart  
11 shows you in the existing condition with the gas  
12 station still there compared to what we're proposing  
13 with our building.

14 MS. SCHNEIDER: Okay. I understand that the  
15 team has their environmental consultant here, and I'm  
16 not sure -- it's between the two of you. I don't want  
17 to get into a full discussion about environmental  
18 tonight. I think it may be premature. But I'm  
19 wondering if there's any interplay between the way the  
20 stormwater system has been designed and what on-site  
21 remediation may be ongoing as a result of this being a  
22 21A site.

23 MS. JOHNSON: I'm Cathy Johnson. I'm the  
24 licensed site professional from GEI Consultants.

1           We have looked at the current state of  
2 remediation at the disposal site and the current plans  
3 and what is being undertaken by ECS and Cumberland  
4 Farms. This system won't have any impact on the  
5 existing remediation plans.

6           What they are currently doing for remediation  
7 is sort of end-stage cleanup, which is monitoring  
8 wells, sampling and analysis, and long-term data  
9 comparison. Essentially, they're waiting for the site  
10 to naturally attenuate.

11           The stormwater system is contained and won't  
12 impact -- won't have any adverse impact on  
13 environmental quality of the site. In fact, it's  
14 essentially a separate system. They won't impact each  
15 other, so we don't expect any interplay between this  
16 system and the environmental conditions.

17           MS. SCHNEIDER: Okay. Thank you both.

18           I would like to invite Maria Morelli to come  
19 up and just give us a little bit of an update, please.

20           MS. MORELLI: Good evening. At the last  
21 hearing, the ZBA did give instructions to the developer  
22 after you heard from the urban design peer reviewer,  
23 issues that the developer needs to address. And toward  
24 that end, we scheduled our first staff meeting next

1 week. We would have scheduled it earlier had the urban design peer reviewer, Cliff Boehmer, been available. He is on vacation for over a week. But next week will be our first staff meeting with the developer and Cliff Boehmer. Staff will also include relevant departments: Any combination of fire; DPW, that's engineering and transportation; the building department; and public health, so we would be dealing with a whole range of issues.

10 Peter Ditto isn't here this evening, but he did submit a letter to the ZBA in early July, and he stipulated that he wanted the applicant to hire a licensed site professional, which the applicant did.

14 There is also a site plan review that is routinely conducted after a permit is issued, and that does concern -- there are still several -- there's a checklist that DPW has. I believe that is one of the waivers requested in the site plan review, and Mr. Ditto has advised the ZBA not to grant that waiver. That is a routine aspect of the process. That would involve comparisons of pre- and post-rate of stormwater runoff.

23 Also, the building commissioner has submitted a letter to all ZBA members. Several of these projects

1 are proposed construction in close proximity to  
2 existing structures, and he wanted to say that there is  
3 a process for dealing with that, and that is really  
4 under the purview of the state building code, not the  
5 ZBA. So he has submitted a memo that just highlights  
6 some of the concerns, whether it's fire safety or  
7 exterior wall construction.

8 He has recommended, though, that the ZBA  
9 request all applicants to submit a preliminary building  
10 code analysis, and that's something that we can  
11 evaluate during the public hearing process.

12 MS. SCHNEIDER: So I think, picking up on  
13 that, that I would pass that request along to the  
14 applicant and ask if the applicant is willing to  
15 provide a preliminary code analysis with respect to  
16 height and area compliance as well as with respect to  
17 exterior wall rating and openings for this project. Is  
18 that something you can do for us?

19 MR. DHANDA: Yeah, it will be done.

20 MS. SCHNEIDER: And picking up on another  
21 thing that Maria said, I think it was the case that in  
22 earlier comment letters it was requested that the  
23 applicant hire an LSP and make that person available to  
24 us and we appreciate that you've done that.

1 I think that there is still some discomfort on  
2 the board that we don't fully understand the  
3 environmental condition of the property, and obviously  
4 it's going to be a residential site. We want to make  
5 sure that we fully understand how the site is going to  
6 be used and be sufficiently protective of the future  
7 residents of the site and also the neighborhood.

8 I think that what we would like to request the  
9 applicant to do is to pay for the town to hire an LSP  
10 of our own to do a very brief -- but it would be very  
11 helpful to us -- a review of the existing environmental  
12 documents to advise the board in a way that we,  
13 frankly, can't figure out ourselves as to the  
14 environmental condition of the site and where it is in  
15 the cleanup process.

16 MR. ENGLER: Bob Engler of SEB, the 40B  
17 consultant.

18 I think this is correct. Maria can certainly  
19 tell me if it isn't. But I think when she mentioned  
20 that we were seeking a waiver, it wasn't a waiver of  
21 doing the post- and pre-, you know, evaluation. It was  
22 a waiver saying that the zoning board has ultimate  
23 authority over all local decisions -- land-use  
24 decisions. And the way it read was that the decision

1 was handed off to -- or that decision was in the  
2 purview of the department of transportation and  
3 engineering.

4 We were saying it's your -- under 40B, you  
5 speak for all those boards. It was a process issue,  
6 not a substantive issue that we were refusing to have  
7 that kind of review, so I just want to make that clear.

8 MS. SCHNEIDER: Okay. Thank you.

9 So was that a yes on the LSP for our benefit?  
10 Just so I'm clear.

11 MR. ENGLER: For the record, it is yes.

12 MS. SCHNEIDER: Thank you. Thank you very  
13 much.

14 MR. ENGLER: But we would like to see a  
15 proposal and then a price because we are entitled to  
16 look at that.

17 MS. SCHNEIDER: Of course.

18 MR. DHANDA: Multiple bids.

19 MR. ENGLER: Yes. We would like to see more  
20 than one bid, which hasn't been the case.

21 MS. SCHNEIDER: I think that given the burden  
22 on town resources that -- and particularly on planning  
23 staff -- that, as you all know, numerous other 40Bs in  
24 the pipeline are placing on the town, I think I'd like

1 to give the discretion to the planning staff to figure  
2 out how best to find and utilize an LSP for the board's  
3 benefit.

4 MS. STEINFELD: Thank you. Alison Steinfeld,  
5 planning director.

6 For the record, other consultants -- peer  
7 reviewers who have been engaged in the past to date  
8 have been engaged through a strict RFQ through the  
9 purchase agents. Several bids were solicited, only one  
10 bid was received -- at least for the traffic engineer.  
11 Two were submitted for the urban design.

12 In terms of the licensed site professional, we  
13 will not go through a rigorous RFQ process since only  
14 one of the sites will necessitate an LSP, but we will  
15 request three telephone quotes.

16 MS. SCHNEIDER: Thank you, Alison.

17 Anybody else have any questions of planning  
18 staff or the applicant at this point?

19 (No audible response.)

20 MS. SCHNEIDER: Does the applicant want to say  
21 anything else?

22 Mr. Engler, thank you for your comments and  
23 for the applicant's willingness to assist us in the  
24 review.

1 Does anyone on the developer's team have  
2 anything else to say tonight? I know there's not a lot  
3 out there tonight.

4 MR. DHANDA: On this subject?

5 MS. SCHNEIDER: Whatever you like.

6 MR. DHANDA: We could be here for the whole  
7 night.

8 MS. SCHNEIDER: No, no. We don't want to be  
9 here the whole night, but if you have something that's  
10 come up tonight that you'd like to share with us,  
11 please feel free to do so now.

12 So I notice that there are some members of the  
13 public again with us here tonight. Thank you for your  
14 ongoing participation in this process.

15 I'm sorry. Yes, sure. Go ahead.

16 MR. DHANDA: Raj Dhanda, developer.

17 Not quite directly related to this, but last  
18 week we had an incident at the site. One of my  
19 employees went there to look at some things, and the  
20 delivery truck for the sushi place was delivering. He  
21 had pulled into our lot, as has been going on for many  
22 month, perhaps two years. And he said -- my employee  
23 said to the driver, you can't park here. We had let it  
24 be known ahead of time.

1 And he said some curse words and who are you?

2 And then he said, I represent the owner and  
3 it's private property. You cannot park here. So he  
4 insisted that the driver -- there were two people in  
5 the truck -- and started to make the delivery. So my  
6 employee called the police.

7 About 5, 10 minutes later when they finished  
8 their delivery, as they're leaving, and my employee  
9 said, no, no, we have the police coming. So they  
10 punched and kicked my employee, threw him to the  
11 ground, and drove away because my employee had taken a  
12 picture of the license plate.

13 So the police arrived. He described the whole  
14 thing to them, to the police. And the police, after  
15 taking the report, they left.

16 Ten minutes later, they called my employee --  
17 the police. They stopped the truck on VFW Parkway, and  
18 so they wanted my employee to come and identify this  
19 person. They came and picked him up. The police came  
20 and pick him up from the site and he identified them.  
21 And so a police report was issued, criminal pretrial  
22 hearing stuff would take place.

23 As a consequence of that, we have closed the  
24 site, cordoned off the site, so fully sealed it. So

1 except us, nobody can go in there. And it's an  
2 unfortunate consequence because we have been, I think,  
3 nice enough to allow neighboring businesses to use our  
4 site.

5           And, of course, the other thing we  
6 highlight -- we can talk next time when we meet about  
7 the loading zone. It will completely highlight, for  
8 everybody to see, the real need for this little cutout  
9 that we are proposing because all those vehicles that  
10 were parking on our side, guess where they're going.  
11 Hammond Street.

12           And so that was really a significant thing  
13 that we thought happened, and whatever develops, we'll  
14 talk about it next time.

15           MS. SCHNEIDER: I'm very sorry to hear that  
16 that happened to your employee. Obviously, that kind  
17 of conduct is totally inappropriate.

18           In terms of other area businesses and  
19 neighbors using the lot, I drive by there twice a day  
20 and I've noticed in recent weeks a lot of moving trucks  
21 parking there. Are those related to your business? Or  
22 do you know what those are? There's been a number of  
23 moving trucks, more than one at a time, parked --

24           MR. DHANDA: They were all on other

1 businesses. We had no trucks.

2           Until about, I think, six, eight months ago,  
3 we leased it to a moving company which later rented an  
4 office in the building -- in Delany Building. But then  
5 the building -- somebody must have complained, so the  
6 building commissioner came to me and said they needed  
7 us to go through the whole process for getting a permit  
8 for open parking. And we felt that that was a project  
9 and a half, which wasn't worth it, so we didn't pursue  
10 it.

11           But many people were parking without  
12 permission, and we tried to enforce some towing. We  
13 towed a few times, some companies. But after this  
14 incident, we felt strong that we're just going to seal  
15 the place.

16           MS. SCHNEIDER: Okay. Thank you for your  
17 comments.

18           I would like to now, actually, invite -- I see  
19 you have a hand up -- invite members of the public who  
20 wish to comment. I would remind everyone that we have  
21 already taken a lot of public comment on this, and so  
22 if you have something new to say, we would be most  
23 interested in hearing new comments. We don't really  
24 need to hear the same thing over and over again. I

1 think we have, at this point, a good understanding of  
2 what the neighbors view of the project is and what the  
3 concerns are.

4 I do not want to cut anyone off, but I would  
5 ask you, when you come up and speak, if you come up and  
6 speak tonight, please be mindful of the fact that we  
7 are hoping to elicit new testimony as opposed to a  
8 repetition of some of the things that we've already  
9 heard. Please do make a line at the podium if you wish  
10 to speak. When you come to the podium for your turn,  
11 please speak loudly and clearly so the stenographer can  
12 capture your comments, and please start by stating your  
13 name and your address. Come on up.

14 MR. SHAFRANSKIY: Hi. My name is Sergey  
15 Shafranskiy. I live at 1164, which is actually next  
16 door, right at the proposed future building.

17 We talk a lot about approval, but when we  
18 start speaking about environmental situation, can I ask  
19 if any research will be done in order -- how when  
20 the -- it's more about the traffic they're talking  
21 about or from the side of our building where there will  
22 be the entrance to the garage or not.

23 Because they was, earlier, speaking about the  
24 system, how they would park cars in the morning, bring

1 them up, let them run next to our windows. So if any  
2 research would be done -- how this would be affected,  
3 you know, the air condition around it, you know, noise.  
4 How it will be remediated by the company who will --  
5 planning to -- you know, the water, parking, and all  
6 stuff like that. So just somehow we will be knowing so  
7 at least in the future if anything goes wrong, we will  
8 have legal rights to us -- owner of the building or  
9 whoever holds management of the building -- to control  
10 situation the best way.

11 MS. SCHNEIDER: So typically, impacts from  
12 traffic and parking are handled by a traffic  
13 consultant. They'll talk about the noise from the  
14 parking system, they'll talk about -- you know, they'll  
15 discuss air quality, I think, you know, to the extent  
16 that there might be an impact from there being a  
17 parking garage.

18 That's not what we -- I saw you were sitting  
19 here. So that's not what we're talking about tonight,  
20 but at some point within the next month or so -- is  
21 that right -- we will be having a presentation -- a  
22 meeting dedicated to traffic and those things will be  
23 discussed at that meeting.

24 MR. SHAFRANSKIY: That's actually what I was

1 asking, if it will be done, so it will be, you know,  
2 stepped back. So thank you very much.

3 MS. SCHNEIDER: Thank you.

4 MS. WILNER: Good evening. My name is Bernice  
5 Wilner, and I am president of the neighborhood  
6 association, but I'm here on very selfish reasons.

7 I live on Holly Lane. That's the street  
8 between the Santander and the Brookline Bank. We have  
9 an underground garage, and when Route 9 floods, that  
10 garage floods. I'm not an engineer. I'm not sure why  
11 it happens, but the water comes up. Eventually it goes  
12 back down, but it's just a mess in that garage. And so  
13 I'm just wondering, is this going to impact it any  
14 more, or would there be some remedial that they're  
15 going to do that would help our flooded garage? I  
16 don't know.

17 MS. SCHNEIDER: What I'm going to ask, if you  
18 don't mind, the civil engineer for the project team to  
19 come up. Can you talk a little bit about the slope of  
20 the site, whether or not you expect there to be any  
21 groundwater or surface water impact to neighboring  
22 properties as a result of the development? I know we  
23 talked a lot about surface water, but to the extent  
24 that you think that there may be, because of the slope

1 of the site, et cetera, impacts on neighboring  
2 properties and how -- if there are going to be impacts,  
3 how they're expected to be mitigated.

4 MS. WILNER: Route 9, that Star Market parking  
5 lot, I mean, that floods horribly. Sometimes it makes  
6 the Channel 5 news. And somehow or other, and I'm not  
7 sure why, that comes down and up through -- into our  
8 garage, so I'm just concerned about that project.

9 MS. DANIK: Yeah. So I can definitely talk to  
10 the surface stormwater. The groundwater, I would look  
11 to my friend over here to help out with that, please.

12 But yeah, the existing site is essentially  
13 generally very flat, so stormwater that comes from the  
14 air that hits it runs off into the catch basins on the  
15 site and then goes into the drain main in Boylston  
16 Street.

17 The proposed building will basically be the  
18 same, except that it will be roof and driveway areas.  
19 The proposed building has a pretty deep basement, so  
20 that basement is expected to be within groundwater. So  
21 maybe I can turn it over?

22 MS. JOHNSON: Again, Cathy Johnson from GEI.  
23 I'm the licensed site professional.

24 We also prepared a geotechnical investigation

1 for the property that addresses dewatering. If you  
2 need more detailed information, I can have our engineer  
3 come.

4 But we do expect that the foundation for the  
5 property, particularly because it has underground  
6 parking, to be approximately two feet into the  
7 groundwater. We made very specific recommendations for  
8 underslab drainage to mitigate flooding issues for that  
9 garage.

10 The property is significantly into bedrock,  
11 and for that reason -- I am familiar with that part of  
12 town -- I would expect, actually, that -- and I'm not  
13 going to swear to this. I would defer to Doug  
14 Aghjayan. But we don't expect the same type of  
15 flooding, partly because of the design that we have  
16 specified in our geotechnical report, but also because  
17 the site actually had -- because of the bedrock,  
18 actually has a slope to, effectively, the -- to the  
19 north -- essentially, directly north of the property.  
20 I don't think it will, sort of, backflow west and in  
21 that direction of Route 9.

22 And if you need much more detailed  
23 information, I can bring the geotechnical engineer to  
24 discuss it. But I don't know if you have the

1 geotechnical report, but we do, as I said, have  
2 recommendations for drainage under the slab and for  
3 specific requirements for sealing this particular  
4 garage because of the groundwater issues.

5 MS. SCHNEIDER: But those are issues relative  
6 to keeping this garage dry. I guess my question is:  
7 By digging down, is that going to affect the flow to  
8 neighboring properties? I think what this neighbor was  
9 saying is that she's concerned that by excavating the  
10 site or by, you know, altering the site in some way, it  
11 may have spillover effects to other properties, and I  
12 think that's really the question.

13 MS. JOHNSON: It's not my area of expertise,  
14 so I would prefer to defer that question to the  
15 geotechnical engineer or --

16 MR. ENGLER: We'll get an answer to that.

17 MS. SCHNEIDER: Thank you.

18 UNIDENTIFIED AUDIENCE MEMBER: How deep is the  
19 garage underground?

20 MS. JOHNSON: 10 to 12 feet.

21 UNIDENTIFIED AUDIENCE MEMBER: 10 to 12 feet?

22 MS. JOHNSON: For one-story underground  
23 parking, yes.

24 MS. KHAN: I'm Janice Khan. I'm a town

1 meeting member from Precinct 15. I live on Craftsland  
2 Road, which is near the intersection of Hammond Pond  
3 Parkway and Route 9. And my neighborhood has felt the  
4 impact of another 40B that was in Newton, so we have  
5 some experience with what happens when a site is  
6 flat-topped such -- to such a degree. And I believe  
7 that -- they said that it was going to be -- 80 percent  
8 of the site is going to be impervious, yes?

9 MS. DANIK: The proposed site is 100 percent.

10 MS. KHAN: Will be 100 percent.

11 So what happened in our neighborhood when we  
12 lost all the green space there that absorbed the water  
13 is that it did create tremendous flooding in the area  
14 to neighboring houses, and neighboring houses did end  
15 up with water in the basement on the Brookline side,  
16 even though this was -- the water actually did not stay  
17 on-site as it's required, I believe, by state law that  
18 properties have to hold the water on the site. So it  
19 does concern me that all this land is going to be  
20 impervious.

21 And I do believe that this area also does tend  
22 to flood. We know that the property diagonally across  
23 from it that -- it was the CVS there -- that the  
24 parking lot actually collapsed shortly after it was

1 built. And it was after a major storm that that  
2 happened where they had sink holes in the ...

3 So it is a tricky area, I think, to build in  
4 in the first place because it's all ledge. And so I  
5 don't know. I think that there has to be great care  
6 when developing a property there to make sure that  
7 adequate resources are put into not overwhelming the  
8 system, which easily gets overwhelmed in that area.  
9 Thank you.

10 MS. SCHNEIDER: Thank you.

11 MS. FEHRENBACH: Hi. My name is Grace  
12 Fehrenbach, and this is the first time I've attending  
13 one of these hearings.

14 We purchased the property at 517 Heath  
15 Street -- my husband, myself, and my brother -- in  
16 April, so we're new to the neighborhood. I have two  
17 children. We, at some point, plan to live over there.  
18 We live in the Longwood Medical area part of Brookline  
19 right now and have been residents of Brookline for over  
20 seven years. So we're looking to have a home.

21 In general, I would like to say I don't know  
22 too much about this. I have looked on the website and  
23 read, but I believe that our property will be very much  
24 impacted by the development here. Development is not

1 necessarily bad, but it can be a positive thing.

2           But we -- based on the concerns the zoning  
3 board of appeals has written about and letters to the  
4 developer, I would like to just state that as owners of  
5 517 Heath, we strongly agree with many of the items  
6 that you have requested and concerns you've brought up.

7           And I would like to make a couple of comments.  
8 The traffic will be very concentrated next to  
9 residential property in this proposed plan, and so  
10 special care, when we do talk about traffic, if that  
11 could be definitely considered. Maybe there's less  
12 than before, but it's like the gentleman said, it will  
13 be very concentrated right next to -- without many  
14 setbacks. So that's something to consider.

15           As far as the conversation today, the property  
16 being very flat concerns me as a neighbor, and I'm  
17 thankful that you guys have requested more information  
18 on how it will affect abutting properties as far as  
19 drainage.

20           I want to also know whether the roof is being  
21 developed to capture the water for major storms, like  
22 hundred-year-storm capture, or just normal, and how  
23 that's going to happen. Because, again, as the  
24 building is proposed, it is right up against the

1 south-facing properties right there.

2           So those are my comments. I'm sorry. I've  
3 never done this before. I hope I was clear. If I'm  
4 not, please feel free to ask me questions.

5           MS. SCHNEIDER: Thank you. And I just -- for  
6 your benefit and for everybody else who is here, you  
7 know, we've been saying all along, thank you for coming  
8 and speaking. If you would also like to send us  
9 written comments, please do so. Those can be submitted  
10 through the planning staff to the board. We're happy  
11 to receive your comments in writing as well.

12           Can I ask the civil engineer to jump back up  
13 and answer her question about what's going to happen  
14 with the roof to collect stormwater from major storm  
15 events.

16           MS. DANIK: Yes, so -- Deborah Danik, Nitsch  
17 Engineering, civil engineer.

18           So the roof will have collection spots that  
19 will meet the plumbing code and the Mass. State  
20 Building Code. And I'm sorry. I'm not familiar with  
21 that, so I'm not sure what that standard is other than  
22 it has to do with the area of the roof.

23           But I do know that for our proposed system, at  
24 this point, you know, it's something that will be

1 better than what was there before. Before, the  
2 stormwater basically hit the ground, went into the  
3 catch basins, and then just went straight into the pipe  
4 and the street. So our system is going to collect the  
5 stormwater and put it in a tank, so there will be  
6 storage in the tank.

7           The other thing that you get is -- because  
8 this building will have stories, basically the piping  
9 all the way up the building provides some level of  
10 stormwater storage in it too.

11           MR. CHIUMENTI: My understanding is -- and  
12 correct me if I'm wrong -- that we initially capture  
13 water in situations so that it can drain off at a  
14 certain rate, and it's the rate at which it runs off  
15 that is the limitation. You're not going to keep the  
16 water. It just pours off more slowly than otherwise  
17 would because of these --

18           MS. DANIK: Correct, yeah. So the tank that  
19 we're putting in there is going to mitigate for the  
20 rate of the stormwater coming off.

21           MR. CHIUMENTI: And that's what's regulated.  
22 You're not going to hold on to the water, you're just  
23 going to regulate the rate at which it pours off onto  
24 the --

1 MS. DANIK: Correct, yup.

2 MS. SCHNEIDER: Thank you.

3 Is there anybody else from the public who  
4 would like to speak tonight? Anybody?

5 (No audible response.)

6 MS. SCHNEIDER: Should you think of something  
7 between now and the next hearing, again, please feel  
8 free to submit written comments, as I know many of you  
9 already have. But if you have other things that you'd  
10 like to say, please don't be shy about it.

11 So I think it's back to us now.

12 I'm sorry.

13 MR. ENGLER: I was going to make a couple of  
14 summary comments, but I can wait.

15 MS. SCHNEIDER: You can do that. Well, let's  
16 decide if you want to go now or in a minute. What I  
17 was going say is I was just going to turn it over to  
18 the board for a moment to see if there are any  
19 additional inquiries or issues that we want to raise,  
20 in large part for the applicant's benefit, things that  
21 we'd like you to look a little bit further into. Maybe  
22 you want to wait until we do that and then speak?

23 MR. ENGLER: Sure.

24 MS. SCHNEIDER: Okay. Is there anything else

1 besides the building code report, the 21A review, and,  
2 I guess, making the presentation available that was  
3 given tonight, anything else that we want to ask for  
4 based on what we've heard tonight or any feedback we  
5 want to provide?

6 MR. ZUROFF: I don't have anything.

7 MR. BOOK: I have nothing further.

8 MS. SCHNEIDER: Steve, anything?

9 MR. CHIUMENTI: No.

10 MS. MORELLI: I just want to ask Chairman  
11 Schneider about the geotech report. I'm not sure that  
12 that was submitted, and I'd like to request that it is.

13 MS. SCHNEIDER: Absolutely. Could we get a  
14 copy of that, please, if we don't have it already?

15 MR. ENGLER: Yes. Let me just make a couple  
16 of comments, because what I heard tonight was -- a lot  
17 of this hasn't been finished in terms of engineering,  
18 and we expect when we meet with the staff reviewer and  
19 DPW and transportation, that we will cover these  
20 issues, particularly the issue about how the basement  
21 is being constructed and where the water -- subsurface  
22 water is going.

23 But I want to caution that, you know, it's  
24 preliminary drawings. It's not final site engineered

1 plans. So there will be a point where there may be  
2 answers that have to come later, which will be reviewed  
3 as long as we meet code. But to the degree that we can  
4 answer these questions the best we can -- because  
5 you're not technicians and neither am I. But we should  
6 have answers from your department heads as to these  
7 questions, and our engineers, so we hope to cover that  
8 more -- pick it up at the next meeting. Even though  
9 it's traffic, we'll try and end up on what we didn't  
10 cover tonight on engineering. We look forward to the  
11 staff meeting to do that -- to start that process.

12 MS. SCHNEIDER: Thank you. We appreciate  
13 that.

14 Okay. Anything else?

15 (No audible response.)

16 MS. SCHNEIDER: All right. So at this point  
17 we are going to continue this hearing to  
18 September 19th, and at that point we will have further  
19 discussion and a presentation by our traffic and  
20 parking peer reviewers and also the -- sort of the  
21 holdover items that we've referenced.

22 Is that right? September 19th?

23 MS. STEINFELD: That's right.

24 (Proceedings adjourned at 8:07 p.m.)

1 I, Kristen C. Krakofsky, court reporter and  
2 notary public in and for the Commonwealth of  
3 Massachusetts, certify:

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

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

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

13 Dated this 29th day of August, 2016.

14   
\_\_\_\_\_

15 Kristen Krakofsky, Notary Public

16 My commission expires November 3, 2017.

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