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Volume IV  
Pages 1-91

Brookline Zoning Board of Appeals Hearing  
420 Harvard Street Comprehensive Permit Application  
420 Harvard Associates, LLC  
August 30, 2016 at 7:00 p.m.  
Brookline Town Hall  
333 Washington Street, 6th Floor  
Brookline, Massachusetts 02445

Reporter: Kristen C. Krakofsky

1

## APPEARANCES

2 Board Members:

3 Jesse Geller, Chairman

4 Lark Palermo

5 Kate Poverman

6 Johanna Schneider

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 Victor Sheen, 420 Harvard Associates, LLC

18 Dartagnan Brown, Principal, EMBARC Studio, LLC

19 Bob Engler, President, SEB

20 Bradley McKenzie, McKenzie Engineering Group, Inc.

21 Scott Thornton, Vanasse &amp; Associates, Inc.

22

23

24

1 Members of the public:  
2 Hagen Mauch, 44 Fuller Street  
3 Mike Jacobs, 41 Coolidge Street  
4 Ira Dobrow, 73 Fuller Street  
5 Robert Lepson, 36 Thorndike Street  
6 Lynn Rosenberg, 48 Coolidge Street  
7 Colm McMahon, 45 Coolidge Street  
8 Jay Talerman, Esq.  
9 Mary Howard, 108 Fuller Street  
10 George Abbott White, 143 Winchester Street  
11 Chuck Swartz, 69 Centre Street  
12 Steve Pendery, 26 Winchester Street  
13 Mark Rosen, Thorndike Street  
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1 PROCEEDINGS:

2 7:03 p.m.

3 MR. GELLER: Good evening, everyone. We are  
4 reconvening. This is the comprehensive permit  
5 application for 420 Harvard Street. Again, for the  
6 record, my name is Jesse Geller. To my left is Kate  
7 Poverman, to my right -- immediate right is Johanna  
8 Schneider, and to Johanna's right is Lark Palermo.

9 As before, tonight's hearing is being kept for  
10 a record both in taped fashion as well as a transcript  
11 is being kept. Those transcripts are available on the  
12 website.

13 What was the last transcript that was posted  
14 from the last hearing?

15 MS. MORELLI: August 10th.

16 MR. GELLER: So people can certainly access  
17 that for reference.

18 Tonight's hearing is going to be dedicated to  
19 a presentation by Cliff Boehmer who is our peer  
20 reviewer for design elements. Cliff is ready to go,  
21 chomping at the bit.

22 We will provide the public an opportunity to  
23 speak and offer new testimony. Again, as I've  
24 commented before, what I would ask is, for an efficient

1 proceeding, that you focus on the things that are  
2 pertinent to this hearing, relevant information that is  
3 being presented at this hearing this evening. But  
4 certainly we want to hear any new information that you  
5 have. And obviously listen to others, and you need not  
6 repeat what others have said, but you certainly can  
7 point to them and tell us that you agree with their  
8 comments.

9 We will also give the applicant an opportunity  
10 to respond if they so choose.

11 The next hearing in this matter will be  
12 September 13th at 7:00 p.m. Right now we are scheduled  
13 to have traffic peer review at that time, and we will  
14 also have some testimony from Peter Ditto, the town  
15 engineer.

16 Alison, could you just give us a few updates?

17 MS. STEINFELD: Thank you. Alison Steinfeld,  
18 planning director.

19 I raised the issue of 49 Coolidge with MHP,  
20 which is Massachusetts Housing Partnership, the  
21 subsidizing agency for this project. MHP had received  
22 a P&S and, in consultation with their general counsel,  
23 determined that it is satisfactory to meet the needs of  
24 site control determination. Thank you.

1 MR. GELLER: Thank you.

2 Okay. Mr. Boehmer. And please start by  
3 giving us your name and your business address.

4 MR. BOEHMER: I'm Cliff Boehmer. I'm the  
5 president of Davis Square Architects. We're located at  
6 240A Elm Street in Somerville, which is right in the  
7 middle of Davis Square.

8 I think what I'd like to do is -- as I've done  
9 before -- is to run through some slides to get people  
10 oriented to the project. Much of this material you've  
11 seen already, but I'll touch on a few of the things  
12 that I'll go into more detail in when I'm really  
13 reading through the report. So I'll quickly go through  
14 these slides. We can go back and look at them, as you  
15 wish, in more detail.

16 So the site, I think, is -- well, here it is.  
17 This is the site right here. This is the existing  
18 structure there: an older home that's been wrapped  
19 with a one-story addition subsequent to the  
20 construction of the original home. This is Fuller  
21 Street that runs into Harvard Street, and Coolidge is  
22 on the other side of the site over here.

23 This is the site plan sort of sliced right  
24 through the first-floor level. There had been changes

1 in -- from the original development proposal. There's  
2 been another site added on Coolidge Street to the  
3 development. What we're looking at here is a ground  
4 floor plan with a residential entry here.

5           Surface parking in this region accessed by a  
6 curb cut here as well as a double ramp -- up-and-down  
7 ramp. The up is on that side, as depicted here, down  
8 on the other. In this area, it used to be -- the  
9 previous incarnation was some stacking mechanisms that  
10 were just inside the curb cut. Over there the accessed  
11 lower-level parking.

12           This is the revised lower-level parking. You  
13 can see --

14           Oh, I forgot to mention for the purpose of  
15 orientation: So this is now a shared open space  
16 between the properties. This is 49 Coolidge -- shared  
17 open space between the larger building and the existing  
18 home on Coolidge.

19           This is the basement level accessed by the  
20 ramp. You see a combination of some single-loaded  
21 spaces as well as tandem spaces here, tandem spaces  
22 over here, the ramp. There is a buffer. I just want  
23 to hit on it. I'll talk about it in more detail later.  
24 There is an eight-foot buffer indicated on that side of

1 the site between those two properties.

2           There's a little more detail in the  
3 first-floor plan, but fundamentally, this is what you  
4 saw before. This is retail space or commercial space,  
5 lobby entry, elevator access, surface parking again.  
6 This is a loading zone that is presumably shared with  
7 the neighboring commercial property. There is a right  
8 of way that pedestrians could use to go from Coolidge  
9 across to get onto that courtyard area, two tandem  
10 spaces or a pair of tandem spaces in that location.

11           And I'll mention this in the report: When we  
12 had our meeting after the walk-through, that was  
13 represented as either 1 or 2 three-bedroom units in the  
14 existing home.

15           This is a typical floor plan, essentially two  
16 through five. There's a very simple plan: double-  
17 loaded corridor, two stairwells, elevator, a variety of  
18 unit sizes that surround the entire plan. And then at  
19 the top level -- this is the blue area -- the top level  
20 is set back. There are setbacks indicated at the very  
21 top level that is more apparent when you see building  
22 elevations and perspective views.

23           These are the current building elevations. So  
24 you can see, this is the elevation as seen by the



1 neighboring property, this is the elevation along  
2 Fuller Street, this is that parking area. It's about  
3 a -- I believe about a 44-foot curb cut to access the  
4 ramps and the parking area. Behind that material,  
5 there are some parking spaces. This is the residential  
6 entry, and we're looking at fenestration at the  
7 commercial space.

8           These are sections. This is a section along  
9 Fuller Street, essentially, so there's the building,  
10 there's the southern -- I'm going to call it a, kind  
11 of, "project south." This is the southern end of the  
12 building on Fuller that is propped up. That's the  
13 parking -- surface parking and access to ramps. That's  
14 the neighboring home, another home. I believe that's a  
15 larger apartment building. There is Harvard Street and  
16 then a commercial building across. This is looking  
17 from Harvard across. There is the section of the  
18 proposed building. There are those setbacks I talked  
19 about. This is the existing market there and the  
20 existing one-story market across the street -- across  
21 Fuller Street.

22           Another section: This is cut through.  
23 There's a parking area in that propped-up part of the  
24 building that you can see and the building that's on

1 Coolidge. There you get an idea of how the parking is  
2 proposed, so you ramp down. This is that courtyard  
3 area, so there are actually parking spaces proposed  
4 under the courtyard, so that would be some type of  
5 structured courtyard. That's a section that's cut  
6 through the building that's been added to the  
7 development. Here you see the four stories plus the  
8 top level plus the ground level, so a total of six  
9 stories. The total building height is around -- is  
10 indicated to be around 64 feet.

11 This is the previous proposal that was  
12 included in the application materials. There have been  
13 changes since. We see that primarily the balconies  
14 went away.

15 What I did, because -- and I have to tell you  
16 that this is not a drawing that was prepared by the  
17 proponent. I did this drawing. The proponent did  
18 provide me with a Revit, a 3-dimensional model of the  
19 building, a computer-generated model of the building,  
20 and I needed to see with my own eyes what I thought it  
21 would look like within the context. So this is a view  
22 looking from Harvard Street at the building -- at the  
23 new building. Again, I can't 100 percent verify the  
24 height of this. It's my drawing. It's not the

1 proponent's drawing.

2           And this is the view from the other direction,  
3 so looking -- the other one-story commercial, there's  
4 the one-story commercial on that side.

5           And shadow studies were new. Shadow studies,  
6 you know, can be kind of tricky to read. I think the  
7 thing to keep in mind -- there's the building  
8 footprint, there's Harvard Street. North is straight  
9 up in this drawing. And I think the easiest way to  
10 understand shadow studies, I think, is just  
11 understanding that in the -- when the sun is in the  
12 lowest -- here you're seeing the December 20th view of  
13 the building -- when the sun is really low, it rises,  
14 actually, south of east and sets south of north --  
15 south of west. So you get very long shadows cast by  
16 the development, in contrast with the summer when the  
17 sun is very high in the sky.

18           So, you know, shadow impacts are always better  
19 in the -- or more impactful in the shoulder seasons,  
20 and then, of course, when the sun is really low, it  
21 never gets very high, and as I said, rises to the south  
22 of east and then sets south of west.

23           So what I'll do, I'll bring this back to the  
24 site plan because that's usually what most people have

1 questions about. So if you can bear with me, what I'll  
2 do is read through this report. It's in a format that  
3 is -- conforms with -- essentially what I was hired to  
4 do by the town, and I'll dig right into that and try to  
5 make it not be a total boring thing.

6           Members of the development team did conduct a  
7 site walk-through. That was back on August 11th.  
8 Attending, I was there, Maria was there, Victor was  
9 there, as was Jonathan Parks who works for the  
10 developer. We did walk the site. It's not very hard  
11 to walk the site. It's not very big.

12           Observations at the walk-through included an  
13 overhead power service that traverses the site off of  
14 Fuller Street. That's somewhere right around there  
15 that cuts across the site. There's an overhead power  
16 line that -- I think it feeds other properties. It may  
17 feed this. I'm not entirely sure about that. The  
18 right-of-way access -- we observed the right of way  
19 that accesses the main site from Coolidge Street. I  
20 talked about that before. That's right over there.  
21 There was fire damage observable. I think everybody  
22 knows about the fire that happened next door. And the  
23 street frontage -- we observed frontage both along  
24 Fuller Street and at Coolidge Street.

1           Most of the discussion afterwards was focused  
2 on reviewing the revised project drawings, which are  
3 the ones you're seeing now that were not originally  
4 submitted. The major changes from the May 3rd drawing  
5 set include the elimination of balconies, the angling  
6 of the north elevation to broaden the view corridor  
7 from Coolidge Street through to Fuller. That's  
8 indicated by that dotted line. So in this drawing  
9 you're looking at the paved surface parking, the ramps.  
10 The dotted line is the outline of the building above.

11           The elimination of the stepped elevation on  
12 the north side, that's better seen in the elevations,  
13 but this -- the elevation on this side of the building  
14 was stepped -- if you looked in the elevation, it was  
15 stepped up to the upper levels.

16           The replacement of the mechanical parking  
17 system with more conventional ramped access to the  
18 basement parking area and the inclusion of the Coolidge  
19 Street single-family home into the project where there  
20 will be, reportedly, from that meeting, 1 or 2  
21 three-bedroom units.

22           In response to my request to see more  
23 three-dimensional renderings, particularly from street  
24 level, the developer did offer to share their

1 preliminary Revit model, which is the software that  
2 they use, that had been developed by the architect, and  
3 the project architect did provide that for me on --  
4 well, I received it through the town on August 22nd.

5 My site visit, a reconnaissance of the  
6 surrounding residential and nonresidential areas within  
7 one mile of the site, I did spend a lot of time doing  
8 this. Harvard Street and Avenue is approximately a  
9 two-mile stretch of road that runs between Cambridge  
10 Street in Boston, south, southeast of Washington Street  
11 in Brookline. It passes through several Brookline  
12 concentrated commercial areas including Brookline  
13 Village, Coolidge Corner, which is Brookline's largest  
14 commercial area, JFK Crossing, and then into Boston  
15 where Commonwealth Avenue intersects creating another  
16 concentrated commercial area.

17 Generally, on Harvard Street in Brookline,  
18 between more concentrated commercial zones there are a  
19 variety of building types and uses with some variation  
20 in scale and variation in setback. Most prevalent are  
21 one-story commercial uses with little or no setback,  
22 that is, right up against the sidewalk.

23 There are a variety of three-story masonry  
24 apartment buildings with no setback or with modest

1 setbacks that are just large enough to accommodate a  
2 little bit of landscaping.

3           Several large, historic, wood-frame, former  
4 homes, probably single-family homes, exist generally  
5 with significant landscaped areas in the front.

6           The street wall is periodically broken by  
7 parking lots or atypical, most likely nonconforming  
8 uses, for example gas stations, a supermarket with an  
9 open-field parking along the street, etc.

10           Taller civic or religious structures along  
11 that long stretch are set back from the street to  
12 compensate for their increased building height.

13           There are also some two-story commercial uses,  
14 particularly within the Coolidge Corner area. There's  
15 retail on the first and what appears to be commercial  
16 on the second.

17           There actually appears to be very little mixed  
18 residential or commercial development along the street.  
19 That is, that most commercial buildings are 100 percent  
20 commercial, and most multifamily buildings are  
21 100 percent residential.

22           There's only one -- two counting the attic of  
23 S.S. Pierce Building, assuming it is residential. I'm,  
24 frankly, not sure that it is. It looks like it might

1 be. There's only one 4-story residential building with  
2 no setback from Harvard Street, and that's just south  
3 of Coolidge Corner at Vernon street. One other  
4 four-story residential building is just north of  
5 Coolidge Corner, but it's set back something like 12 to  
6 15 feet from the sidewalk.

7           The tallest structure on the entire length of  
8 Harvard Street, with the possible exception of the bell  
9 tower at St. Mary's, appears to be the Brookline  
10 professional building. And I will say I wasn't out  
11 there with my laser measuring tool, but I did look  
12 pretty carefully. The Brookline professional building  
13 is a five-story building with parking at the first  
14 level. It's a commercial building set back about 10  
15 feet.

16           MS. POVERMAN: Where is that?

17           MR. BOEHMER: That is just past Beacon Street,  
18 south of Beacon Street -- south of Coolidge Corner.

19           MS. PALERMO: Across from Marion Street.

20           MR. BOEHMER: Yeah. Large concrete elevation.

21           The entire length of Harvard Street is very  
22 pedestrian friendly with fully adequate to broad  
23 sidewalks articulated by some street trees activated by  
24 many commercial storefronts and some outdoor dining



1 opportunities. The length of Harvard Street is served  
2 by buses, and it crosses two Green Line train tracks,  
3 B and C, and it dead ends, as you know, in the other  
4 Green Line, the D Line.

5           So while there is a large variety of building  
6 types and scale along Harvard Street, there is a  
7 consistent attitude towards maintaining a pleasant  
8 streetscape. Larger civic/religious structures are set  
9 back with landscaping and/or extending entry zones, for  
10 example grand staircases, and smaller scale residential  
11 and commercial uses hold the sidewalk street wall line  
12 or are set back just enough for modest landscaping.

13           The two-block area along Harvard that frames  
14 the proposed development site is an unbroken stretch of  
15 single-story retail uses, all with a strong horizontal  
16 expression at the cornice or parapet line with  
17 consistent storefront head height.

18           Generally, side streets along the Harvard  
19 corridor that intersect Harvard are lined with one and  
20 two family, two-and-a-half-story wood-frame houses, hip  
21 or gable roofs, with setbacks adequate for landscaping  
22 and the creation of a semiprivate outdoor zone.  
23 Interspersed among the small structures are numerous  
24 three-story, typically masonry, flat-roof, multifamily

1 structures with common entry vestibules that create the  
2 transition from street to private corridors and the  
3 stairs within the building.

4           There is a four-story, masonry, multifamily  
5 building on Fuller Street across from the intersection  
6 of Centre, so just a little ways up from the site.  
7 This building is set back between 15 and 20 feet, and  
8 it includes a one-story entry piece that brings the  
9 scale down to the pedestrian level. This pattern of  
10 smaller, wood-frame homes mixed in with three-story  
11 masonry multifamily buildings on side streets is very  
12 similar, even after passing over into Boston on Harvard  
13 Avenue.

14           The next section is consulting with the  
15 applicant's design team, and we did have a meeting  
16 after the walk-through, but we have not met since then.

17           So moving on to the review of the buildings  
18 and the site plan, the orientation of the buildings in  
19 relation to each other and to the streets, open space,  
20 parking, and on-site amenities, and solar access.

21           The proposal is to build a new six-story  
22 building that covers most of the Fuller/Harvard site  
23 with either building footprint, ramp structures down to  
24 the parking level, or surface parking spaces, as we saw

1 in the site plan. The project has incorporated an  
2 existing home on Coolidge, which we already talked  
3 about, will be 1 or 2 three-bedroom units, immediately  
4 adjacent to the retail use on the corner of Coolidge  
5 and Harvard. The development reportedly includes a  
6 total of 36 units, and I believe the count is 2  
7 studios, 20 one-bedrooms, 10 two-bedrooms, and 4  
8 three-bedrooms, 12 at-grade parking spaces, and 28  
9 basement parking spaces.

10 The originally submitted plan that indicated a  
11 mechanized parking system has been abandoned in favor  
12 of surface parking plus ramp-accessed basement spaces.

13 Between the historic home and the new  
14 structure spanning the underground parking spaces,  
15 there is that open-to-the-air courtyard that we talked  
16 about along with an area designated for bicycle  
17 parking, which is back there.

18 There is an additional eight-foot buffer  
19 wide-open space proposed between the parking ramps and  
20 the property along the southwest -- along the southwest  
21 border on Fuller that could provide some landscape  
22 buffering. There is an existing front yard over here  
23 associated with the existing home on Coolidge. There  
24 don't appear to be any other on-site outdoor amenities.

1           We talked about the loading zone off of  
2 Coolidge presumably shared with the retail use on the  
3 corner along with two tandem parking spaces, and we  
4 already talked about the right of way. Both Fuller and  
5 Coolidge are two-way streets.

6           Approximately half of the length of the  
7 building along Fuller Street is open at the ground  
8 level to accommodate surface parking and access to the  
9 ramps that connect the parking level to the street, so  
10 that's this area along here that we talked about. The  
11 combined length of the curb cuts that access those  
12 elements is about 44 feet. It's not clear from the  
13 plans or elevations what material is employed to screen  
14 parked cars from view beyond the width of the parking  
15 area access without adding screening or solid walls.  
16 That would add another 18 feet, about, to the open  
17 parking. So that's this area right here. These are  
18 parking spaces right in that spot.

19           The residential lobby is off of Fuller Street,  
20 and commercial entry is depicted off of Harvard. The  
21 footprint of the existing structure on Harvard has been  
22 expanded to match the zero setback of the retail use to  
23 the west. A single, mature street tree is in front of  
24 the building near the corner. The building that sits

1 there now is actually kind of canted back a bit, so the  
2 new structure is proposed to come right out to the  
3 street line in line with the neighbor.

4 As far as open space and landscaped areas, as  
5 I've noted already, open space is limited to a shared  
6 courtyard, a buffer zone to the south, and the front  
7 yard at 49 Coolidge. It's not clear that the existing  
8 mature tree on Harvard will survive the construction  
9 process or the pruning that would be required to shape  
10 the crown to the proposed new structure.

11 As far as use and treatment of natural  
12 resources, I'm not aware of any natural resources that  
13 are threatened by the proposed development.

14 On to building design, so maybe I will go to  
15 the elevations here. The language of the building is  
16 minimally depicted in the building elevations. As you  
17 can see, they're very generic and they're not  
18 annotated, along with nonspecific notes in the project  
19 narrative that was included in the application  
20 materials. The narrative cites a combination of  
21 full-height storefront system, large format stone  
22 veneer panels at the first-floor level with levels 2  
23 through 5 that play off -- these are from the  
24 narrative -- that play off of the traditional Brookline

1 vernacular with materials that will draw from the  
2 neighboring structures: various cladding, siding  
3 materials, and color palette, close quote.

4           This reviewer could find no information  
5 regarding the sixth-floor cladding, which is rendered  
6 differently from the main body, so that's that -- kind  
7 of the attic level, nor any more specific information  
8 about the selection of materials on the other levels.  
9 Accordingly, it's difficult to comment on the  
10 relationship to vernacular relative to materiality.

11           In addition to missing information on typical  
12 floor designs, no elevator/stair penthouses or  
13 mechanical equipment screening are depicted in the  
14 elevations or any of the axonometric views that were  
15 provided. So what I'm pointing out is we don't see any  
16 mechanical equipment or screening that would probably  
17 have to happen or stair or elevator penthouse areas.

18           The facade fenestration, as seen in the  
19 elevations, consists of simple, repeated patterns of  
20 what appear to be somewhat oversized  
21 fixed-over-projected windows. That's me speaking.  
22 This was not outlined, but I read these windows as a  
23 fixed pane over a projected. It could be a projected  
24 window over fixed, but you can see it. It's a divided,

1 somewhat oversized window for residential use. This  
2 pattern is carried across all floors, two through five,  
3 with virtually no variation in window types.

4           There's no articulation in the main body of  
5 the facade that could accentuate important design  
6 elements. For example, accentuating the retail entry,  
7 the resident entry, corner conditions, vehicular  
8 access, etc.

9           The length of the facade along Fuller Street  
10 is about 110 feet long -- that's this guy -- with no  
11 articulation that could relate it to the scale of the  
12 existing residential development on the street. Even  
13 the existing multifamily facades on Fuller -- further  
14 up Fuller are broken up with multiple entries,  
15 human-scale detailing, and other things that related to  
16 the street.

17           The sixth-floor-attic level is set back  
18 something like five feet on all elevations, and the  
19 fenestration pattern is offset a little from the floor  
20 below, so you don't see perfect alignment in elevation  
21 of the -- at the attic level. It's not clear how the  
22 horizontal banding at the division between the first  
23 and second floor relates to the adjacent or nearby  
24 retail uses. I'm talking about the elevation on

1 Harvard.

2           The same is true of what's proposed for  
3 storefront design. There are no -- basically, there  
4 are no street elevations showing context in the  
5 materials.

6           The end of the building that's propped up  
7 along Fuller Street -- this end -- lacks connection to  
8 the ground and appears precarious. All we see here are  
9 some columns holding up that end of the building.

10           The new building's massing and scale are  
11 radically and abruptly at variance with the surrounding  
12 context both along Harvard and Fuller Street. It's  
13 likely that the building, if constructed as currently  
14 proposed, would be the tallest structure anywhere on  
15 Harvard Street all along its run through Brookline.

16           It's the opinion of this reviewer that the  
17 height of the building, which is almost 64 feet to the  
18 main roof, as well as its unbroken length along Fuller  
19 Street combined with zero front and side setbacks puts  
20 it significantly outside of existing development  
21 patterns over the entire distance along Harvard Street  
22 and Harvard Avenue from Brookline Village to Cambridge  
23 Streets in Boston.

24           While the site is arguably generally



1 appropriate for residential development, the scale,  
2 massing, setbacks, and perhaps the facade design create  
3 a typology wholly outside of the existing fabric. The  
4 impact on the streetscape will be significant, as will  
5 the degradation of privacy and access to natural light  
6 to the immediate neighbor on Fuller street.

7           Next I'll talk a little bit about the side  
8 elevations. The south elevation on Fuller Street,  
9 assuming the presence of the tapered-view corridor, is  
10 between about 15 -- actually, we're talking about  
11 here -- is between about 15 to 25 feet. So in the  
12 tapered elevation, we're looking at the closest the  
13 building gets to the neighbor on Fuller Street.  
14 Assuming the presence of the tapered-view corridor,  
15 it's about 15 to 25 feet -- 15 at the minimum, 25 at  
16 the greatest -- from the neighboring home with five  
17 levels of apartments facing the neighbor. Two levels  
18 look directly across at the habitable floors of the  
19 home, and the three remaining floors either look out  
20 over the neighbor's roof or look over the roof. So  
21 these two levels here -- the windows in this building  
22 are in the first part of that gambrel roof, and there  
23 are three floors that are either looking right out  
24 there or looking over the building.

1           In addition to the nearness of the six-story  
2 massing, the 44-foot curb cut along Fuller Street is  
3 problematic. While it's arguable that the existing  
4 open parking area is a similar width, it's open -- the  
5 existing area is open to the sky and there are only two  
6 lanes of car movement to monitor. The proposed curb cut  
7 accommodates two incoming and two outgoing lanes, one  
8 of which is coming up a ramp towards the sidewalk, and  
9 the south end of the building is propped up above,  
10 casting year-round afternoon shadows on the street, the  
11 surface parking spaces, and the ramp access to the  
12 basement parking.

13           In addition to pedestrian issues on the  
14 sidewalk, developing a convincing building elevation  
15 that suitably grounds the building, screens the parking  
16 spaces, and is supportive of existing development is  
17 challenging.

18           The west elevation of the building that will  
19 be visible from Harvard Street approaching is drawn  
20 with a high percentage of window area, and I just ask  
21 the question of whether that's feasible given the  
22 nearness to the property line.

23           As far as pedestrian and vehicular  
24 circulation, the original submission included

1 mechanized vehicular access to the basement parking  
2 supplemented by surface parking beneath the south end  
3 of the building. While the current plan that dispenses  
4 with the auto transfer area is easier to envision from  
5 a technical perspective, as noted above, the shift to a  
6 traditional ramp system combined with surface parking  
7 does create other issues related to the Fuller Street  
8 building elevation and the pedestrian environment. The  
9 question of the best parking solution is still open in  
10 this reviewer's mind: whether it still is worth  
11 thinking about a mechanized system or not.

12           Integration of the building and site,  
13 including but not limited to preservation of existing  
14 tree cover: The site is currently fully occupied by a  
15 commercial use -- virtually 100 percent impervious  
16 surface -- and has one mature tree in front that's on  
17 the public right of way, which is right there. And I  
18 noted that consideration should be given to adding  
19 street trees along Harvard.

20           Exterior materials: I already told you what  
21 was provided in the materials.

22           Energy efficiency: No information was  
23 available for review. Brookline has adopted the  
24 Stretch Code which will ensure relatively high levels

1 of sustainability, at least from an operating  
2 perspective.

3 I didn't find any information about exterior  
4 lighting.

5 There was no new landscape plan provided with  
6 the revised scheme. There was a landscape plan  
7 originally submitted, but this is what we have for the  
8 new scheme.

9 As far as the feasibility of incorporating  
10 environmental and energy performance standards in the  
11 design, construction, and operation of the building  
12 such as standards required for LEED certification,  
13 there's no information that expresses the developer's  
14 desire to design and construct to a third-party  
15 verifiable level. It's not included in the application  
16 materials beyond the project narrative that states  
17 specific attention will be placed on making this a  
18 sustainable project, carefully selecting products from  
19 appliances through building components to achieve this  
20 level of sustainability.

21 Any other -- this is sort of my catch-all  
22 category of any other design-related considerations  
23 noted. The floor plans are limited to fit plans -- you  
24 saw those already -- that box out the gross square

1 footage of units within the proposed overall footprint  
2 of the building. It's not possible to review  
3 conformance with some code requirements. For example,  
4 accessibility codes. Fit plans don't indicate the  
5 locations and types of proposed Group 2 accessible  
6 units. Note that all units in an elevator-fed building  
7 must be, at a minimum, Group 1 accessible units.

8           Some other comments: Is it possible that the  
9 fire department will have concerns about access to all  
10 elevations of the large building?

11           A question about how trash will be handled.

12           I already noted that the -- there's no rooftop  
13 elevator extension, penthouses, mechanical equipment  
14 screening depicted on any of the drawings. I think  
15 it's important to see those.

16           During the initial meeting on August 11th, the  
17 developer stated that there would not be a stairway  
18 access to the roof, and I'm just asking if this is  
19 realistic given the amount of mechanical equipment that  
20 would likely be up there, particularly given the scale  
21 of the proposed development and the extremely  
22 constrained site area available for contractor layout.

23           A construction management plan should be  
24 submitted for review.

1 A question I did ask at the walk-through was:  
2 Does the power company have an easement over the site  
3 for that overhead line?

4 Provision of on-site resident amenities should  
5 be considered, which would most likely be made possible  
6 by diminishing the size of the commercial space.

7 The surface parking under the Harvard Street  
8 building shows accessible spaces that share a five-foot  
9 aisle. A van-accessible space must be provided, and  
10 that actually requires an eight-foot aisle between  
11 those parking spaces.

12 Traffic/parking analysis should be updated to  
13 reflect the current plan or to consider other options  
14 that might mitigate some of the issues that I talked  
15 about.

16 And the stormwater management plan, there was  
17 an original submission of that, and that also needs to  
18 be updated.

19 And as far as techniques to mitigate the  
20 visual impact, as noted in detail above, the project is  
21 significantly out of conformance with existing  
22 development patterns along the entire length of Harvard  
23 Street and Harvard Avenue. At a minimum, to mitigate  
24 the problem, the relationship of building height to

1 setback must be recalibrated; the best solution likely  
2 being to lower the overall height of the structure and  
3 to create a strong alignment of the first-floor retail  
4 reference roof and cornice line along Harvard. Another  
5 potential solution is to lose less height but create a  
6 meaningful setback to the upper floors from Harvard and  
7 Fuller Street.

8           Another thing to think about is the setback  
9 from the neighboring structure on Fuller should be  
10 increased to diminish privacy and access-to-light  
11 issues. The shadow studies are not actually that  
12 impactful. The shadow impact isn't that much on the  
13 adjacent building on Fuller, but the access to open sky  
14 is significant.

15           And then the final comment: Setback along  
16 Fuller Street should be increased, particularly given  
17 how narrow the right of way is on that street.

18           That's it.

19           MR. GELLER: Thank you.

20           Questions?

21           MS. POVERMAN: I just want to confirm my  
22 understanding that you said that the distance between  
23 the windows of the project on the west side and the  
24 residence on Fuller Street -- 44 Fuller Street, I

1 believe the address is -- are between 15 feet at the  
2 closest and 25 feet?

3 MR. BOEHMER: Well, we're talking about this  
4 dimension right there. There are windows at the second  
5 level in the neighboring building as well as windows up  
6 in the gambrel roof, so that's kind of the two and a  
7 half stories, or third floor is actually utilized in  
8 that building.

9 MS. POVERMAN: So closest -- that closest  
10 point, how far away are the neighbors going to be  
11 looking at each other as it's currently structured?

12 MR. BOEHMER: Well, it kind of depends exactly  
13 where that window is. It varies as you move back into  
14 the site, but that's the 15-foot dimension, that's the  
15 25-foot dimension. There are windows in that elevation  
16 of the neighboring building. So the actual distance  
17 depends upon which window you're looking out, I guess.

18 MS. POVERMAN: I'm going to hop around a bit  
19 here. Do you feel like the shadow study you received  
20 is adequate to do the analysis -- a full analysis of  
21 the impact?

22 MR. BOEHMER: I think it is. You know,  
23 assuming that it's accurately constructed, I think it  
24 is. It looks right. I mean, we didn't talk about that



1 much at all, but because of where the building sits,  
2 most of the impact is actually out onto -- right onto  
3 Harvard Street. Most of the time, most of the impact  
4 is on Harvard Street. As the sun gets lower, as I was  
5 saying in the shoulder period, you are starting to get  
6 shadows -- they do cast shadows on their own property.  
7 Probably that's one of the greater impacts, which is on  
8 49 Coolidge Street, and there is some shadow impact on  
9 the neighboring building during the wintertime.

10 MS. MORELLI: Cliff, if you could just advance  
11 to the next slide, I think you might have the proposed  
12 conditions.

13 MR. BOEHMER: Oh, yeah, you're right. Sorry.

14 So anyway, as I was saying, in the extreme  
15 conditions with low sun and late in the day, they are  
16 casting shadows across onto Coolidge Street, including  
17 the neighboring property that isn't on their site. But  
18 most of the shadow impact -- and you can see that. And  
19 there's Harvard Street. Very many times of the year,  
20 you're seeing shadow impacts on Harvard Street because  
21 it's almost facing south. But it seems like it was  
22 reasonably presented. I didn't reconstruct it. I do  
23 have the Revit model that was given.

24 MS. POVERMAN: What additional information

1 would you need to determine whether or not the project  
2 is compatible with 40B design guidelines?

3 MR. BOEHMER: I think that I would like to see  
4 the justification for just exactly how it does fit in.  
5 As I note in my report, to me, I did study the entire  
6 length of Harvard Street and the side streets, and I  
7 don't see where it is fitting in the development  
8 pattern for quite a distance, and I haven't -- the  
9 narrative didn't express how it did fit into existing  
10 development patterns. I looked pretty thoroughly up  
11 and down lots of streets to make my own determination.

12 MS. POVERMAN: And would it also include  
13 information about the materials that are going to be  
14 used and fenestration, etc.?

15 MR. BOEHMER: Well, that's why I said in the  
16 report it's, to me, the massing, the setbacks, the  
17 height of the building. That, to me, is demonstrable  
18 right now. It's not fitting in. I can't comment on  
19 the materials. So there was a reference in the  
20 narrative about kind of farming the neighborhood for  
21 vernacular materials and things like that, but I don't  
22 know what they are, so I can't comment on that.

23 MS. POVERMAN: Judi, I know there are cases  
24 outside the 40B context that address basically how

1 close is too close when neighbors are next to each  
2 other. Do you know of anything in the 40B context that  
3 addresses that?

4 MS. BARRETT: Not in 40B, no, I don't. That  
5 doesn't mean it doesn't exist. It's just, I'm not an  
6 expert on all the cases. If it's something you wanted  
7 me to research, I would, but I can't answer your  
8 question off the top of my head. That's up to you  
9 guys. You need to tell me what you need.

10 MS. POVERMAN: I would find it helpful to have  
11 information on that.

12 MS. BARRETT: I suspect I'm not going to find  
13 much, but I'm happy to look if you want me to.

14 MS. POVERMAN: That wouldn't surprise me  
15 either.

16 For right now, those are all my questions.

17 MS. SCHNEIDER: I just want to pick up on a  
18 point that Kate raised, and someone correct me if I'm  
19 misremembering. But I think that at some point,  
20 perhaps at the first meeting, the applicant made  
21 reference to there being height precedent on Centre  
22 Street and a couple of other streets off of Harvard.  
23 You conducted a very thorough analysis of the relative  
24 height of this building compared with basically the

1 entire length of Harvard, Brookline Village, and then  
2 back into Boston. Do taller buildings off of  
3 Harvard -- how does that affect the contextual analysis  
4 in your mind?

5 MR. BOEHMER: Well, that's a good question  
6 because Centre Street isn't far away and there are  
7 several very large buildings on Centre Street and the  
8 street immediately behind Centre Street. There's a  
9 large condominium building right behind -- well, down  
10 near the 40 Centre Street end.

11 The context is very different. The south side  
12 of Centre Street has been developed with -- it's  
13 interesting. The north side of Centre Street is quite  
14 intact, actually. A lot of large homes with lots of  
15 articulation in the fronts of the buildings,  
16 pedestrian-sized entry pieces on the buildings. It's  
17 relatively intact.

18 The other side of Centre Street has really  
19 changed radically. There's still a handful of older  
20 homes there, but in my mind it's a different -- it's a  
21 very different context. It doesn't have the same very  
22 strong commercial presence that Harvard Street has. It  
23 doesn't have the kind of consistent attitude towards a  
24 pedestrian environment and the streetscape. So to me

1 it's very different. Yes, there are tall buildings  
2 around but, as I pointed out, I believe that this  
3 building would be the tallest building on Harvard  
4 Street. And by definition, that we're not talking  
5 about a contextual approach to the project.

6 MS. SCHNEIDER: Thank you.

7 MS. POVERMAN: I have one more question I  
8 forgot to ask.

9 How much height, typically, would the  
10 mechanical, etc., add to a building if they're not  
11 pictured on --

12 MR. BOEHMER: It's highly variable. I think  
13 there was -- in the narrative, I believe there was a  
14 reference to having individual heating and cooling in  
15 the units. To me, that implies that there might be a  
16 small farm of condensing units. Those are not that  
17 tall, maybe five feet, three and a half to five feet  
18 tall on the roof. There's -- elevator overrun has to  
19 be accommodated if the elevator goes to the top floor,  
20 so there's -- that has to be accommodated on the roof.

21 It's different if you have different types of  
22 mechanical systems. If there were a chiller up there,  
23 that would be a bigger, taller piece of equipment. But  
24 it's variable. Probably, the tallest thing is, if it

1 existed, would be a stair penthouse. So providing  
2 stairway access to the roof would probably be the  
3 tallest piece that you'd have to add onto the roof.

4 MS. POVERMAN: At what height would these  
5 accessories have to be visible a block away looking at  
6 the building?

7 MR. BOEHMER: Interesting question. I think  
8 probably -- again, I'm going to repeat: These are my  
9 drawings, so there you get some idea. Usually, the  
10 goal is to place the equipment far enough back on the  
11 roof so that you don't get a view. I can't really tell  
12 you if you can get far enough away to see something if  
13 it were really strategically placed on the roof.

14 MS. POVERMAN: If there were a mechanical  
15 failure, how could someone get to the roof to repair it  
16 if they were --

17 MR. BOEHMER: Well, the code does have  
18 allowances for hatches. You can have hatches. I  
19 brought it up mainly in the context of imagining 36, at  
20 least, condensing units up there that require  
21 maintenance, ongoing lots of maintenance, and going up  
22 a ladder -- ladder access to a roof under those  
23 circumstances. It can be tough, not impossible. It  
24 happens a lot, actually.

1 MS. POVERMAN: Okay. Thank you.

2 MR. GELLER: You didn't say it, but it seems  
3 to me you suggested that -- you certainly said it with  
4 respect to Fuller Street, but I assume that your  
5 comment with respect to breaking up the mass of the  
6 building would apply also on Harvard Street. You seem  
7 to be suggesting that by speaking of large windows --

8 MR. BOEHMER: I think that my concerns on  
9 Harvard Street have more to do with the height of the  
10 building, reference lines to the one-story commercial  
11 level, and the lack of setbacks.

12 As I was noting, there are some taller  
13 buildings along Harvard Street, but they are still  
14 really consistent with the context in the sense that  
15 they're really trying to maintain a very walkable,  
16 pleasant, generally pedestrian-scaled environment. So  
17 for me, there's a lot of -- a lot can happen in  
18 building elevations that aren't necessarily about  
19 movement in the elevation. You know, in and out in  
20 plans, so to speak.

21 For me, the issue is more just the massing of  
22 the building. There's not enough information in the  
23 drawings to really know, other than setback at the top  
24 floor, you know, what they're proposing as far as

1 window setbacks. Clearly there are no bays.

2 But other comments I was making, when I say  
3 "generic," I think that's kind of what I meant, the way  
4 the building is presented is -- there's no -- it's just  
5 very simple window patterns projected up through four  
6 floors. No recognition of where the entry is, you  
7 know, essentially the residential entry. And again, no  
8 really strong statement on that first floor, the  
9 first-floor commercial line.

10 So I'm not trying to evade what you're asking.  
11 I think the building could -- needs to -- needs to have  
12 much more study and development of the facade. But in  
13 my mind, it kind of really wouldn't matter what you do  
14 to the facade as long as the building is as tall as it  
15 is. That, to me, is most impactful, the issue with the  
16 building.

17 MS. BARRETT: As tall without setbacks?

18 MR. BOEHMER: Correct. That's right. There  
19 are -- well, like I said, there are some four-story  
20 buildings, residential buildings, that do have some  
21 setbacks, but that's lower than this building is --  
22 four stories is.

23 MR. GELLER: Thank you.

24 MS. POVERMAN: In those areas, are the



1 sidewalks as wide as they are here?

2 MR. BOEHMER: There's not that much variation  
3 in the sidewalk width all along Harvard Street. The  
4 real differences along Harvard Street are, as I was  
5 saying, the kinds of anomalies where there was a gas  
6 station made or a supermarket with a parking field. So  
7 not a huge variation.

8 MR. GELLER: Thank you.

9 Okay. I want to -- I'm going to sort of jump  
10 around on the agenda a little bit. I'd like to -- just  
11 by a show of hands, how many people would like to  
12 speak -- would like to offer testimony?

13 Again, a fair number.

14 Okay. So as we've done in the past, when you  
15 start, start by giving us your name, your address,  
16 speak loudly and clearly into the microphone at the  
17 podium where Mr. Boehmer is standing, and listen to  
18 what other people have to say.

19 MR. MAUCH: Good evening. My name is Hagen  
20 Mauch, M-A-U-C-H, owner of 44 Fuller Street.

21 I found this greatly instructive, but I have a  
22 general comment. There is, in one of the slides, a  
23 picture of 44 Fuller Street next to the proposed  
24 building, and I have an issue with the developer. He

1 and his architect asked me if they could measure the  
2 height of my house, and we did a proper measurement.  
3 We all agreed the house is 36 feet. It's supposed to  
4 be confirmed by a study Colm submitted to the planning  
5 board, which also shows the house at 36 feet.

6 Now, the developer has changed the height to  
7 42 feet. And when I did sketches of the proposed  
8 building compared with my house, it looked to me like  
9 the house is considerably smaller than it's shown. So  
10 I'm -- have some suspicion that the architects or the  
11 developer increased the size of the neighboring  
12 building to make the proposed building a little bit  
13 more attractive, and that is very devious, and I just  
14 want to bring that to your attention.

15 I confronted Mr. Sheen from my porch, and I  
16 told him: Do you remember that you measured the house  
17 with me?

18 And he gave me a reasonable answer and said,  
19 it has been remeasured. That's when we come to a solid  
20 argument. I said, I'm an engineer. If you measure the  
21 house with a tape and you agree it's 36 feet, you  
22 cannot make it 42 to suit your needs. Thank you.

23 MR. GELLER: Thank you.

24 MR. JACOBS: Good evening. My name is Mike

1 Jacobs. I live at 41 Coolidge Street.

2 I just have -- first, have just two  
3 clarifications on the MHP issues. One, is there a site  
4 control document about the 49 Coolidge Street that's in  
5 the town's possession?

6 MS. STEINFELD: Purchase and sale.

7 MR. JACOBS: Excuse me?

8 MS. STEINFELD: A purchase and sale.

9 MR. JACOBS: There is a purchase and sale.  
10 Has that been posted, or will it be posted?

11 MS. STEINFELD: (Nodding.)

12 MR. JACOBS: And two, has the question been  
13 posted -- posed to MHP as to whether this is a  
14 substantial change in terms of reevaluating the site  
15 approval?

16 MS. STEINFELD: Other than that MHP said they  
17 would make a determination after a comprehensive permit  
18 is issued.

19 MR. JACOBS: Okay. Thank you.

20 You know, with regards to Mr. Boehmer's  
21 letter, I think it, obviously, to us, confirms all of  
22 the issues that have been raised to the board. Beyond,  
23 sort of, it being striking, what we've all said about  
24 massing and height, I think the other thing that's

1 striking is we're now halfway through the 180-day  
2 process. And what was striking to me is how much  
3 missing information is still out there: materials, we  
4 still don't really know what's up there on the roof in  
5 terms of the mechanicals and what the height of that  
6 could be, how that could affect shadows, how that could  
7 affect sound, how that could affect light. We actually  
8 don't know the total number of units, we don't know the  
9 unit mix, we're still dealing with a lack of unit  
10 plans. I do a lot of 40B work, and to go almost 90  
11 days into the process and still not see unit plans is  
12 fairly remarkable for a building of this scale.

13           If this board is being asked to make some  
14 major decisions, I would hate to find out after the  
15 fact -- to get this information and have them come back  
16 to you for, quote, minor changes if you granted them a  
17 permit, so I urge you, please, to get all of this  
18 information before you make a decision. We would hate  
19 to find out the 64-foot building is a 75-foot building  
20 after the fact. Thank you very much.

21           MR. GELLER: Thank you.

22           MR. DOBROW: Good evening. Ira Dobrow. I  
23 live at 73 Fuller Street.

24           I would like to thank the architect for his

1 presentation, and I thought that there were a couple of  
2 things that really stood out to me while I was looking  
3 at it. And that was, first of all, the -- I agree with  
4 the issue of the overall height of the building, and  
5 also the architect quoted a number of times the kind of  
6 one-story line that is on Harvard Street on that block.  
7 I feel like if the floors above the first floor were  
8 recessed, you'd have a much stronger integration with  
9 that line on Harvard Street. I think, perhaps, the  
10 architect was saying that, but I wanted to emphasize  
11 that. So if you could set those back and, of course,  
12 lower the building.

13           But the other thing that I really can't quite  
14 see a resolution in is that kind of 44-foot driveway on  
15 Fuller Street with the posts supporting the kind of,  
16 you know, set back building there. It's really -- as  
17 far as I'm concerned, really destroying the element of  
18 everything that exists in that neighborhood. I'm not  
19 quite sure what could be done about that, but it's  
20 really bothersome. Thank you.

21           MR. GELLER: Thank you.

22           MR. LEPSON: Hi. My name is Robert Lepson,  
23 L-E-P-S-O-N, 36 Thorndike Street.

24           Again, I appreciate the architect's peer

1 review. It was very informative. And I think the  
2 thing that stood out most for me was the fact that it  
3 is so out of character with the rest of Harvard Street  
4 and the rest of the neighborhood. So I know that many  
5 people feel that way, so I won't beat a dead horse, but  
6 I just want to emphasize that on my end.

7 I'm not opposed to development, I am not  
8 opposed to low income housing, I'm not opposed to low  
9 income housing in my neighborhood at all. This just  
10 feels like there's too much that's being jammed into  
11 too small of a space with things that are way out of  
12 character for its location.

13 I'm also very concerned about the traffic on  
14 Fuller Street. I know that's two weeks from now or  
15 three weeks from now, but emergency access -- Fuller  
16 Street is very cramped to begin with, and sometimes  
17 it's even tough to get two cars past when there's cars  
18 that are sometimes double parked. That whole thing is  
19 another very, very difficult issue. So again, I'll  
20 just -- I'm okay with development, I'm okay with low  
21 income housing in the neighborhood. This is not okay  
22 in my opinion. Thank you.

23 MS. ROSENBERG: Hi. My name is Lynn  
24 Rosenberg. I live at 48 Coolidge Street, which is

1 right across the street from 49 Coolidge Street, which  
2 is the building that has just recently been bought and  
3 incorporated. And it's also across the street from the  
4 back of The Butcherie with their loading area and their  
5 dumpster. And what we have learned recently is that  
6 the developers are now proposing to use Coolidge Street  
7 for an entry, I gather, to the back of the house for  
8 deliveries and that kind of thing.

9           Now, The Butcherie has trucks loading and  
10 unloading in that area all day long. In addition, The  
11 Butcherie employees -- at least some of them -- park on  
12 Coolidge Street all day long, for some reason, with  
13 impunity. The customers of The Butcherie come and park  
14 on Coolidge Street, so it's a very busy street. The  
15 truck that empties the dumpster comes a couple times a  
16 week and empties it and blocks up the street. And not  
17 only that, when the Jewish holidays come, the dumpster  
18 needs to be emptied every day. So it's an extremely  
19 busy street, and it's really a mystery to me how the  
20 developers would somehow use that area to enter the  
21 back of their building.

22           It's sort of instructive that recently there  
23 was a fire that began in the alley next to The  
24 Butcherie that damaged the house at 49 Coolidge Street.

1 And the reason this fire started, it seems, is that  
2 there's usually debris around the dumpster at The  
3 Butcherie, and the workers at The Butcherie come out  
4 and smoke in that alleyway. And someone, the fire  
5 department official told me, must have dropped a  
6 lighted cigarette and it then caught fire and started  
7 to burn down 49 Coolidge Street.

8 Now, this is the area with trucks loading and  
9 unloading all day long, the dumpster being loaded,  
10 unloaded, the workers out in the alleyway smoking among  
11 the debris, this is what they are proposing to use as  
12 their back entrance to their building.

13 And the final word is that my neighbor spoke  
14 to someone from The Butcherie today who said they have  
15 no intention of sharing that area with anyone. Thank  
16 you very much.

17 MR. GELLER: Thank you.

18 MR. MCMAHON: Good evening. My name is Colm  
19 McMahon. I live at 45 Coolidge Street. I agree with  
20 everything that's been said and thank the architect for  
21 his detailed and insightful review of this proposal.

22 A few comments: One, just to speak to Lynn's  
23 comment about the use of Coolidge Street. I think as  
24 the traffic reviewer looks at this, it will be



1 important to factor in that The Butcherie is closed  
2 currently as they renovate after this fire, so a lot of  
3 the deliveries and traffic associated with that can't  
4 be studied until that reopens, outside of the fact that  
5 it's the summer months before the school is returning  
6 and the children start walking to school.

7           A minor point just to pick up something in the  
8 presentation: The green buffer zone we see here is  
9 actually five feet, not eight feet. It's eight feet to  
10 the building, but it's five feet of green space there.

11           And then finally, to talk about the shadows a  
12 little bit -- so even just visually looking at the  
13 existing versus the proposed shadows, you can see a lot  
14 more gray than there was before. One thing that was  
15 requested by MHP in their site eligibility acceptance  
16 letter was to show a map which showed the current  
17 versus the proposed changes in shadows on one picture.  
18 That was something that the developers at 40 Centre  
19 were able to provide, and it gives a very nice way of  
20 seeing the difference that happens when you build a  
21 structure which is much bigger.

22           But just to comment particularly on this  
23 shadow study, what we can see -- and Mr. Boehmer spoke  
24 about the effect on 44 Fuller Street, but there's a

1 significant effect in the morning throughout all of the  
2 year on Coolidge Street. So here's our house here.  
3 You can see it's now covered in gray even in the  
4 summer. You go through the winter, and it's completely  
5 blacked out. Sunlight is extremely important. It's  
6 important for health. We've all heard of seasonal  
7 affective disorder. In the winter, the sunlight hours  
8 are less. This would be completely taken away from us  
9 year-round and, in particular, in the winter. It  
10 extends into later hours in some of these other times  
11 of the year.

12           One other comment is that the shadow study  
13 doesn't completely include what buildings it affects,  
14 so the shadows here in the winter actually extend  
15 across the far side of Coolidge Street onto buildings  
16 across the road from us. So it's not just immediate  
17 abutting neighbors, it's affecting buildings which are  
18 across the street. So that's an important thing to  
19 consider. This is so large, its negative effect  
20 extends way beyond its immediate place. And that  
21 should really be represented, I think, on this map in  
22 terms of the loss of light that's occurring to all of  
23 the neighbors. Thanks very much.

24           MR. GELLER: Thank you.

1 MR. TALERMAN: Hello. Jay Talerman again. I  
2 represent a number of the neighbors here and a couple  
3 that have spoken. I'm certainly struck by some of the  
4 comments that the architect made. For example, it's  
5 radically and abruptly at variance with the  
6 neighborhood. The development pattern fits in squarely  
7 with the regulations, which, as you know, allow you to  
8 take into consideration the relationship of a project  
9 to the abutting properties and the abutting  
10 development patterns.

11 I want to talk a little bit less about that --  
12 because I think what's been said stands on its own --  
13 and a little more about process. And two meetings ago  
14 I raised some concerns about that in the same vein, and  
15 that is, if you're three months in now and there's a  
16 process at which if you are -- have concerns about the  
17 scale and the mass of this and you want to see this  
18 change, at what point do you raise those issues?

19 And it's important, and it kind of dovetails a  
20 little bit with what Ms. Poverman said in terms of case  
21 law. Because I think you're getting very close to the  
22 point in the six-month process where if you have  
23 concerns, say about the mass or the setbacks or  
24 anything that the architect said, might now or very

1 soon be the time to say, okay, this is the kind of  
2 things that we'd like to see change here. And would  
3 you be willing to change? And if you're not willing to  
4 change, show us why economically you can't afford to  
5 change.

6           And if they show that to you economically,  
7 then you are permitted to do peer review. That is a  
8 two-month cycle right there. You are now three months  
9 in, you have six months total, so it is getting to be  
10 the, kind of, late afternoon in terms of how you want  
11 to approach this going forward. I think only you guys  
12 can make that decision, but if it waits until five  
13 months, absent an extension, then you're behind the  
14 eight ball, so to speak, in terms of what tools you  
15 have to work with.

16           Now, in terms of the case law, I think the  
17 case law that's more important to follow than these  
18 kinds of context -- and there aren't that many urban  
19 related cases under 40B. But the case law that's more  
20 important to follow is the case law regarding the  
21 economic impact of conditions that you might impose.

22           For example, if they say that it's uneconomic  
23 to reduce to four stories and give you a ten-foot  
24 setback but you impose that, there is very good case

1 law that provides models and standards as well as HAC  
2 guidelines on how that process goes forward. And the  
3 case law is much more favorable, as is the guidance on  
4 those concepts, than they are, perhaps, on the  
5 underlying issue. They don't even get to discuss the  
6 underlying issue if the conditions you impose do not  
7 render the project uneconomic.

8           So I think that that is something that you  
9 have to address squarely and soon, in our opinion, if  
10 you want this to all occur within the limited window  
11 that the state gives you. I've always been a proponent  
12 that six months is not long enough, but it's the  
13 process we have, and it's at your doorstep now. So we  
14 encourage you to work with this applicant quickly to  
15 address those issues.

16           Two meetings ago, the applicant said they'd  
17 contact myself and Mr. Jacobs and have some meetings,  
18 and I had some conversations with the elder Engler  
19 about doing that as well, and I hoped that would be  
20 productive. But they haven't occurred yet, and you're  
21 heading to your fourth meeting or your fourth months of  
22 meetings in September, so we would kind of encourage  
23 the board to maybe challenge this applicant to make  
24 this project conform with development patterns shortly.

1 Thank you.

2 MS. HOWARD: Hi. My name is Mary Howard. I  
3 live at 108 Fuller Street, and I may be the only one  
4 from the other side of the project who's spoken --  
5 correct me if I'm wrong -- on the other side of Harvard  
6 Street.

7 And I'm not sure I completely understand the  
8 shadow studies, but it seems like our side of Harvard  
9 Street is going to be cast in shadow for a lot of the  
10 year. And the businesses that are on that side, the  
11 ones that are right there are cafes and the bagel  
12 place. And to enjoy those places, by removing the sun,  
13 it just -- it just takes away the life of that corner  
14 to me. It, like, creates a dark canopy over what that  
15 place feels like. You're going to walk out onto Fuller  
16 from the end of my street, and it's going to be this  
17 block in front of me rather than this open field.

18 The second thing is: Having all those people  
19 in that apartment, I would imagine that a lot of them  
20 would take their cars out of the parking during the day  
21 just to have easy access, potentially. I don't know if  
22 they would get permits to be parking along our street.  
23 I just know that on my side of the street when school  
24 is in session and businesses are sort of moving along,

1 the cars back up. You know, we're like one block in  
2 beyond Gibbs. You know, the cars are getting backed up  
3 and, you know, bumper-to-bumper cars all along our  
4 street. And that -- if that's worse, it just feels  
5 more like a stranger place than a neighborhood place.  
6 So that's all.

7 MR. GELLER: Thank you.

8 MR. WHITE: Hi. Good evening. George Abbott  
9 White, 143 Winchester Street, and I'm one of the town  
10 meeting members for this precinct.

11 I really appreciate Mr. Boehmer's careful look  
12 up and down Harvard Street. It's quite a sweep. I  
13 think my wife and I first saw it 50 years ago when we  
14 moved to Brookline.

15 The thing that concerns me, and I just would  
16 like to emphasize in terms of the enormity of this  
17 project, is how pedestrian it is. And I mean that in  
18 the sense that I'm really glad that we moved to  
19 Brookline. I'm glad that my daughter is moving back to  
20 Brookline with us. To some extent, the design that's  
21 been described is an embarrassment, and I'm sorry for  
22 that and for her.

23 This is the neighborhood that Joe Kennedy  
24 moved to. I don't think that's irrelevant. Many of us

1 know that, and we feel very strongly about that. This  
2 is the neighborhood that Joe Kennedy, Jr. and Jack  
3 Kennedy had their first confirmation. They were at the  
4 Devotion School. They were at St. Aiden's.

5           And when the Devotion, at 108- or  
6 \$110 million, was being revised or renovated, that 1913  
7 front was kept because it was kind of distinguishly  
8 linked with the past. And not just with that family,  
9 but with the sense of why people come to Brookline and  
10 what kind of a place we want.

11           The design is pedestrian: the cookie-cutter  
12 implementation of the windows, the lack of any really  
13 distinguishing features. I'm sorry to say this, but  
14 the amount of money that's being put into this, the  
15 amount of time and energy you're spending and we're  
16 spending looking at it, to some extent, some of the  
17 conversation, to my mind, is beyond and beside the  
18 point. It's a very poor, unimaginative design. It's  
19 not worthy of this neighborhood, whether it's 100 feet  
20 tall or 10 feet tall.

21           The last point I want to make is: I was in  
22 this building today sort of tracking down what's  
23 happening to my daughter's school, Devotion, a lower  
24 and upper school now. Mention was made of the traffic



1 study coming up. The school is going to be hundreds of  
2 children larger, and I think you know and I know that  
3 many of those children are going to come from North  
4 Brookline. That is, they're going to come from this  
5 neighborhood. The cars are going to be coming down  
6 Harvard Street, the cars are going to be coming  
7 Coolidge, Fuller. Kids are going to be walking,  
8 parents are going to be taking them.

9           And the egress, the designs in and out of this  
10 building, this monstrous building, this enormous  
11 building, really this gigantic building is just -- I  
12 think my colleague Mr. Rosen asked us all when we walk  
13 out tonight -- he said this the other night --  
14 imagine -- look up at the town hall because that's what  
15 this is going to be. And I thought we should all do  
16 that. Look up. That's how big it's going to be.

17           So in terms of safety, which hasn't really  
18 been emphasized, adding all those cars, adding the  
19 difficulty of getting in and out, crowding the two  
20 streets, Fuller and Coolidge, I think is unacceptable.  
21 And I think we would support you in anything you can do  
22 to reduce the size of this to something that's  
23 reasonable, something that makes sense. Thanks very  
24 much.

1 MR. GELLER: Thank you.

2 MR. SWARTZ: Hi. I'm Chuck Swartz. I live on  
3 the north side of Centre Street. I'm also a town  
4 meeting member representing Precinct 9.

5 Some of you know that I'm very concerned about  
6 the character of the neighborhood. And since the  
7 buildings on Centre Street, the high buildings on  
8 Centre Street, of which there are three, have been  
9 brought into this conversation, I do want to say that,  
10 first of all, they're buildings that probably date back  
11 to the '60s before there was such zoning oversight.  
12 But they were built with setbacks. They have from 15-  
13 to 25-foot setbacks, which make them less imposing on  
14 the streetscape.

15 Much has been said already about the mass of  
16 this building, so I won't repeat anything, but I do  
17 want to say that this is only one of several buildings  
18 being proposed in this neighborhood, and if they are  
19 all built, they're really going to overpower or  
20 overwhelm this neighborhood. Now it's a friendly,  
21 inviting streetscape and I'm really worried about that  
22 being -- that continuing when buildings like this are  
23 built.

24 So I would urge the board to do whatever it

1 can, especially in the light of having to deal with  
2 many proposals, not just one -- I would urge the board  
3 to do its best to protect the neighbors and to protect  
4 the interest of the town and work towards getting a  
5 building that is appropriate for the space and that is  
6 acceptable to the neighborhood. Thank you.

7 MR. GELLER: Thank you.

8 MR. MAUCH: I'm sorry to bother you again.  
9 Hagen, H-A-G-E-N, M-A-U-C-H.

10 A lot was said about the setback of the  
11 building for 44 Fuller Street. I took the effort to  
12 measure the distance from our wall to the existing  
13 unit. It's about 55 feet.

14 When we bought the building, we were convinced  
15 that this was going to be the wall we're going to have  
16 to live with for the rest of our lives, and as a  
17 result, we moved -- and the architect talked about the  
18 windows. I just wanted to confirm that we moved our  
19 quiet areas to the back of the building to take full  
20 advantage of the 55 feet: bedrooms, we put --  
21 bathroom, put a huge window in there, kitchen windows,  
22 so we call that our quiet area of the house. So these  
23 are not just windows, but these are very important  
24 windows to us in our areas which require privacy and

1 quiet to sleep and to use the facilities. Thank you.

2 MR. GELLER: Thank you.

3 MR. PENDERY: Hi. My name is Steve Pendency.  
4 I live at 26 Winchester Street, and I wish to speak  
5 about a glaring safety issue that came to my attention  
6 this week.

7 Looking at construction on Winchester Street  
8 and driving around town that day, I noticed that some  
9 construction sites in public ways had police details  
10 and others didn't, and the one on Winchester Street  
11 lacked a police detail. And so I observed as a  
12 contractor blocked traffic in one lane and that  
13 untrained crew members were managing traffic for about  
14 a total of nine or ten hours that day. And because  
15 of -- well, I mean, Winchester is pretty busy.

16 So I thought I'd check into that and see --  
17 because meanwhile, another project on Beacon Street had  
18 a police detail. So I spoke with Sergeant Farris who  
19 manages police details in Brookline, and he confessed,  
20 in fact, that the town is shorthanded on police  
21 details. And so he then referred me to the public  
22 works department. And, in fact, they were pretty  
23 straightforward about this and indicated that, well,  
24 first of all, nothing can be done, which I thought was

1 an interesting response to a safety concern, and that  
2 apparently there's a contract agreement between the  
3 town and the police department that provides for police  
4 doing traffic details when they can but, in fact,  
5 there's no town bylaw that requires police details when  
6 there's construction in public ways.

7           So it turns out that the police, at this  
8 point, for their own reasons -- and I think it has to  
9 with they're already working a lot of overtime doing,  
10 perhaps, administrative and other work -- that there  
11 aren't enough police available at this point in time  
12 for them to cover the existing construction taking  
13 place in Brookline. That's what I was told, and that,  
14 quote, you can't stop work because there's no police  
15 detail. So that was in response to my query to the  
16 building department about how they felt about issuing  
17 permits when they knew perfectly well that there would  
18 be no police detail protecting the public.

19           So I think we can all assume that for this  
20 whole spate of 40B projects in Coolidge Corner, there  
21 probably will not be any police detail when the public  
22 ways are opened up, when there are trucks, when there's  
23 construction taking place in these congested areas, and  
24 that since the building department goes ahead and

1 issues these permits, I think the real question is:  
2 Should you be allowing these projects to happen in the  
3 first place? Thanks.

4 MR. ROSEN: Hi. I'm Mark Rosen. I live over  
5 on Thorndike Street.

6 I want to start out by thanking George for  
7 including me in his colleague posse. Thank you,  
8 George. I appreciate that.

9 And I want to say that I'm here really just to  
10 come up and affirm my support and agreement with the  
11 people that have spoken in opposition to this  
12 particular development at 420 Harvard. It really does  
13 seem to be completely out of scale with common sense.  
14 I have seen 40B housing that does blend in with the  
15 neighborhood, and it's very heartwarming to see that  
16 housing can be provided for low income people and in a  
17 very nice neighborhood, and it's wonderful. But when  
18 we have a project like this that's completely out of  
19 scale, massing and just -- it's chilling, actually, and  
20 the effect it will have on the neighborhood is just  
21 really very negative.

22 But what I wanted to come up tonight -- rather  
23 than make comments, I did look over some of the  
24 material that Maria had posted on the website, and I

1 noticed that I'm in agreement with the architecture --  
2 and I wanted to thank him for his very nice  
3 presentation and his letter. I thought it was very  
4 thorough and very helpful and he raised some excellent  
5 points.

6 But I looked at some of the material that the  
7 developer submitted, and because there's such a great  
8 lack of detail and information, I have some questions.

9 First off, it does not mention the size of the  
10 parking spaces that are subterranean or even above  
11 ground, and I'm concerned about what size these parking  
12 spaces are. And I prefer not to call them "compact  
13 size" or "standard size," but actually they have an  
14 empirical measurement. Feet and inches would be the  
15 most helpful.

16 And the reason for that is because in Edmunds'  
17 survey -- these are the people who do the analysis of  
18 car buying habits in the United States for American  
19 buying public. They did a survey and released the top  
20 ten automobiles that were purchased in the United  
21 States last year. Of the top ten, seven of them were  
22 SUVs and pickup trucks. And so I just want to be sure  
23 that you're not going to be restricting the ability of  
24 a person that has an SUV or a pickup truck to be able

1 to park their vehicle in this location.

2 I also am concerned that -- as I looked at the  
3 architect's drawing, that in the subterranean garage  
4 that there are no indications anywhere on the diagram  
5 for support columns, which we all have done parking in  
6 garages before, so we know you have to have support  
7 columns. But I don't see those indicated anywhere on  
8 the design, so I thought that that would be very  
9 helpful having that information.

10 And the other question I have is: How does  
11 the traffic flow, actually, in the garage. I mean,  
12 is -- what is the amount of the turning radius? These  
13 may seem like very minute -- minutiae type of details,  
14 but I feel that they're very important in terms of  
15 practicality and understanding the feasibility of this  
16 particular project and the proposal.

17 Once again, I just want to say that I'm in  
18 opposition to this proposal and in agreement with many  
19 of my good neighbors who have come here tonight to  
20 voice their opposition. And I want to thank the board  
21 for allowing me to speak, and I want to thank  
22 Mr. Boehmer for doing such a terrific study and really  
23 showing the pluses and the minuses of this particular  
24 project. Thanks so much.



1 MR. GELLER: Thank you.

2 Anybody else?

3 MR. ROSEN: I'm sorry. I do have an  
4 additional comment. This, again, is Mark Rosen. I  
5 live on Thorndike Street.

6 As I was looking at the diagrams for the  
7 subterranean parking, I noticed that the majority of  
8 parking spaces are tandem. If you look at them,  
9 they're tandem. And I'm wondering, well, how does that  
10 exactly work? Because not everybody's on the same  
11 schedule and, you know, not everybody works 9 to 5 so  
12 they're all out at the same time and they all come back  
13 at the same time.

14 And I live in a home that has three parking  
15 spaces in the driveway, pretty much a tandem parking  
16 situation. And when my car is in the driveway and I  
17 have to get it moved and there's two cars behind me,  
18 everybody has to get up with their keys and run out and  
19 get their cars going and we all move the cars.

20 So I'm wondering, how's that work for this  
21 particular development? Is there going to be a  
22 24-hour, on-duty parking attendant valet to assist with  
23 majority of the parking spaces that are tandem and seem  
24 to be rather impractical, actually, for this type of a

1 development? And that's my last comment. Thank you so  
2 much.

3 MR. GELLER: Thank you.

4 Applicant?

5 MR. ENGLER: Bob Engler the senior for the  
6 developer.

7 This is the first we've heard from Cliff's  
8 report. Obviously we just got it. We take it very  
9 seriously. We take the comments very, very seriously.  
10 We have a working session Thursday, which is really  
11 getting down to how we're changing this project, and  
12 that's the beginning of probably other changes.

13 I told the neighbors and Jay that we would  
14 meet. After we tried to deal with Cliff and all his  
15 comments, we'd be able to talk to the neighborhood if  
16 they had more comments.

17 So yes, three months have gone by, but we have  
18 a lot of work to do in a short period of time, which we  
19 intend to do. And I'll represent that we want to make  
20 this a project that works and understand what you're  
21 saying, or even haven't said, and really the same  
22 things that have been said by everybody, including  
23 Cliff.

24 So we have our charge, and we have to look as

1 carefully as we can at that plus the economics. But  
2 the design considerations, the lack of detail, the  
3 things that we haven't got to yet, we'll get to as  
4 quickly as we can and that's really where we're going  
5 from here.

6 So we don't have any comments tonight,  
7 obviously, but we have plenty to work on and we will do  
8 so.

9 MR. GELLER: Okay. Don't leave yet. A couple  
10 questions for you: One, you touched on working  
11 sessions, and I thank you for bringing that up. I want  
12 to confirm that you will participate in working  
13 sessions which will be set up through our planning.

14 MS. MORELLI: Yeah. If you could just clarify  
15 the attendance of the applicants.

16 MR. GELLER: Right. That's what I'm trying to  
17 get to.

18 Will the applicant be participating?

19 MR. ENGLER: The applicant -- I will represent  
20 the applicant and the architect would be there. So  
21 that's very important.

22 MS. POVERMAN: That's been an issue in the  
23 past.

24 MS. STEINFELD: Alison Steinfeld, planning

1 director. Obviously, the planning department will be  
2 happy to work with the development team, but as far as  
3 I'm concerned, if the owner, specifically Victor Sheen,  
4 does not participate, there's really no point in  
5 town -- being town staff, planning department, police,  
6 fire -- participating.

7 MR. GELLER: Well, isn't the issue that the  
8 participant in the working session has to have  
9 decision-marking authority? That's really the issue.

10 MS. STEINFELD: The applicant has to have  
11 decision-making authority. Obviously, town staff  
12 does not.

13 MR. GELLER: Understood. I'm not saying that  
14 anyone within the working sessions outside -- until  
15 they bring it to the ZBA and the ZBA makes a decision,  
16 nothing is -- you know, there's nothing bound.

17 However, for purposes of working sessions to  
18 bring forth fruit, if you will, you need somebody on  
19 behalf of the applicant who has the authority to say we  
20 can do this or we can't do this or whatever it is.  
21 That's really the issue. So whether that's Mr. Sheen  
22 or whether that's Mr. Engler, it is about whoever has  
23 that decision-making authority.

24 MR. ENGLER: I would like to comment on that.



1 MS. POVERMAN: Mr. Sheen is here, isn't he?

2 Yeah, he's here.

3 Could you come forward, Mr. Sheen, and let us  
4 know why you don't want to participate? Because it  
5 would be much more effective in the limited time we  
6 have. And, as I understand it, you have rejected our  
7 request to give a two-month extension. It would be  
8 very helpful for us to know why you do not want to  
9 participate in a very effective method of letting us  
10 know --

11 MR. SHEEN: Sure.

12 MS. POVERMAN: If you could come forward so we  
13 can all here you. Thank you.

14 MR. SHEEN: This is Victor Sheen representing  
15 420 Harvard Associates.

16 Quite frankly, it's a logistical issue. I  
17 initially just got back from being away on vacation for  
18 about 10 days and, you know, I fully trust Bob and  
19 Dartagnan in representing the ownership. This is why  
20 we hired them.

21 And the same way that the town has entrusted  
22 the working sessions to the planning staff as well as  
23 Cliff, you know, I -- you know, I welcome that the ZBA  
24 members come to the working sessions as well. And I

1 believe that, you know, all of us are quite constrained  
2 in terms of time as well as resources. And, quite  
3 frankly, this is not the only project that we manage or  
4 work on. And I've given the team the authority to make  
5 some design decisions, and they will bring the design  
6 revisions to us in the same way that Cliff will -- and  
7 the staff will bring those revisions to the board for  
8 approvals or discussions and whatnot.

9           This is not the only working session that we  
10 have scheduled. I believe that there has been, at  
11 least penciled, about three or four working sessions,  
12 so I didn't necessarily believe that the -- that my  
13 presence will be material in this particular working  
14 session.

15           And in working with my schedule -- and I  
16 assume that, you know, the chairman and the rest of the  
17 board have day jobs as well. You know, I don't expect  
18 the board members to sit in on those working sessions,  
19 and you trust your very capable staff and clearly their  
20 capable architect peer reviewers to make some  
21 recommendations. And that's what we do. I mean, we  
22 hire, you know, the best consultant on 40B as well as  
23 working with Dartagnan and his team and -- because we  
24 trust them. We trust the decisions that they bring

1 forth and the recommendations that they make.

2 MS. SCHNEIDER: Judi -- I mean, I think --  
3 look, obviously, to the applicant, you've heard both  
4 this board and planning staff express a very strong  
5 preference that you attend this meeting and that you  
6 make it a priority, particularly given the very short  
7 time that we have to work with. And I hope that you  
8 would reconsider your position and attend, again, given  
9 how little time we have and how much you are hearing  
10 that this is important to this town and to this board  
11 that you participate.

12 But I would like to ask Judi, our consultant,  
13 whether it is the norm that the applicant participate  
14 in these kinds of working sessions or if that decision-  
15 making authority typically is delegated to its  
16 consultant.

17 MS. BARRETT: I have never, in all my time  
18 working in this field, have been in the work sessions  
19 when the applicant wasn't present. Frankly, I think  
20 it's insulting to this board that the applicant for the  
21 permit --

22 (Interruption in the proceedings.)

23 MS. STEINFELD: Judi, no one heard anything  
24 after the consultant. Grab the microphone.



1 MS. BARRETT: I think it's insulting to this  
2 board that it's having its feet held to the fire to  
3 complete this process in 180 days but an applicant for  
4 a permit cannot take this process seriously enough to  
5 attend the work sessions. I've never seen it done.

6 Obviously, the board can't require you to do  
7 it. I suppose you could decide, perhaps, to handle the  
8 work sessions a different way. But I'm just -- I'm  
9 appalled, frankly. I'm absolutely appalled.

10 MR. SHEEN: May I follow up with a comment?

11 I strongly object to your categorization that  
12 we don't take this very seriously. We've spent an  
13 enormous amount of resources trying to invest in this  
14 neighborhood, in this town. This is not the only  
15 project that we do, and we have consistently -- we have  
16 consistently responded in a timely manner to the staff  
17 requests and to expedite our design changes and respond  
18 to preliminary comments made by the neighbors as well  
19 as some of the concerns raised by the board. So I  
20 strongly object to the characterization that our team  
21 is not taking this seriously.

22 (Multiple parties speaking.)

23 MR. GELLER: I want to get to the answer,  
24 so --

1 MR. SHEEN: This is not a -- again, this is  
2 not -- 420 Harvard Street is not the -- it's not a  
3 project that I own in -- as an individual, and there  
4 are other partners, other principals. I will certainly  
5 look into the availabilities of other key  
6 decision-makers.

7 UNIDENTIFIED AUDIENCE MEMBER: Seriously --

8 MR. GELLER: Excuse me, excuse me. He wasn't  
9 calling catcalls when you were speaking. He was  
10 respectful of you.

11 UNIDENTIFIED AUDIENCE MEMBER: What he's  
12 saying doesn't sound very respectful to me.

13 MR. GELLER: Excuse me. Let him speak.

14 MR. ENGLER: I would add a couple of things.  
15 I'm surprised at Judi's comments because, first of all,  
16 I've been in as many towns as she has, maybe 150.  
17 Brookline has got its own set of programs, which is all  
18 these working sessions. And I've told Maria this. We  
19 hear what you're saying. We hear what the peer review  
20 consultants say and we come back, having heard that and  
21 made changes to give you the benefit of what we're  
22 saying.

23 The peer review is kind of an in-between step  
24 to help us focus where we are, which we kind of know

1 where we are anyway. So I don't see the peer review  
2 as -- I, frankly, sometimes think it slows down the  
3 process, not speeds it up.

4 We're at risk of not giving you a project that  
5 you're going to approve, so it's totally on us to hear  
6 what Victor -- I mean what Cliff has said and what  
7 other people have said and get back to you with the  
8 right kinds of information.

9 The fact he's not coming to the session  
10 doesn't slow down our procedure for giving you a  
11 project that you'll support. That's totally on us. So  
12 whether we choose to meet in peer review session -- in  
13 working sessions or not, you have a schedule. We're  
14 going to be here. We're going to present to you our  
15 changes. You're going to say you like them or not.  
16 We'll come back and make more changes or we'll say,  
17 here it is. Here's what we have. So I don't see that  
18 the working sessions and the participation of the owner  
19 versus the team is interfering with that process.

20 MS. STEINFELD: I don't know if it's worth  
21 reiterating. Obviously, the planning department will  
22 do what the ZBA requests, but I don't think I need to  
23 remind the ZBA that the planning department and the ZBA  
24 is in an untenable situation at this point. With four

1 40Bs and three more coming, we do not have time. Time  
2 is of the essence, and I'm very concerned about delays.  
3 And if the owner is not there, there's going to be more  
4 delays.

5 MR. GELLER: All understood.

6 MS. STEINFELD: Thank you.

7 MR. GELLER: I think the cold, hard fact is  
8 the applicant doesn't care. Okay? So we can only deal  
9 with this specific application. That's what's in front  
10 of us.

11 In terms of -- I'm going to try and simplify  
12 this. Okay? So I'm going to ask -- well, let me first  
13 ask Judi a question.

14 I mean, you know, frankly, if the applicant  
15 doesn't want to participate in working sessions, we  
16 don't have any recourse.

17 MS. BARRETT: No.

18 MR. GELLER: No. Okay. Thank you.

19 Applicant, you've heard the sentiment, and if  
20 it hasn't been clear, forgetting what everyone else  
21 says, it is the sentiment of the ZBA -- and I apologize  
22 for summarizing -- it is the sentiment of the ZBA that  
23 it would be particularly helpful to an efficient  
24 process if you would participate in these working

1 sessions and --

2 MR. SHEEN: I will make myself available if  
3 that is helpful in facilitating this --

4 MR. GELLER: It absolutely is, and I thank  
5 you.

6 MR. SHEEN: I will attend.

7 MR. GELLER: Thank you.

8 Okay. So in terms of working sessions,  
9 Alison, you will do your magic and -- tap Maria -- the  
10 magic team. So you will get those started.

11 One other detail that Mr. Engler touched on  
12 that I just want to raise again is missing information.  
13 And you said we're working on it, we'll get it to the  
14 town. I would hope that that would coordinate with  
15 this process so that we can narrow down missing  
16 details. Okay? That would be a personal ask from me.  
17 Thank you. And I assume that's the meaning of what you  
18 were saying.

19 MR. ENGLER: Yes, it is.

20 MR. GELLER: Okay. So now that we've been  
21 through all of that, I want to start the process of ZBA  
22 members talking about the project, and it's sort of  
23 tricky. It's tricky because we obviously -- although  
24 we've heard from peer review on design, we have yet to

1 hear traffic as well as stormwater, drainage, and other  
2 relevant peer review issues. I believe we're still  
3 outstanding something from fire and safety.

4           So when board members are speaking, I just  
5 want you to be aware that, in fair deference, that  
6 information is forthcoming, so our comments should be  
7 limited to testimony, should be limited to peer review  
8 that we've had so far. And it's fine to sort of  
9 project information, but I would ask you to, in some  
10 ways, reserve your judgement until those peer review  
11 reviewers are present. Okay?

12           So who wants to start?

13           MS. PALERMO: I'll start. I've been quiet.  
14 It's my turn.

15           Well, thank you everyone in the community and  
16 our peer review architect. Thank you very much.

17           I will just highlight two things. I, first of  
18 all, understand that it is difficult for the developer  
19 to identify all of the details in connection with this  
20 project before answering the big questions. And the  
21 big questions are: How big is the building going to  
22 be, and where's the parking going to be located, and  
23 how are cars going to enter and exit the parking area?  
24 Those are the big questions.

1           And once we have the answers to those and once  
2 the developer has decided what he can do, at that  
3 point, they can refine their design. Very  
4 specifically, we want a cost of materials. Materials  
5 cost money. Some materials cost more money, some  
6 materials cost less. And I completely understand the  
7 difficulty of deciding how much you're going to spend  
8 on materials when you haven't figured out how big the  
9 building is going to be.

10           So from my perspective, I would hope that it's  
11 become abundantly clear to this developer that the  
12 building is too big and it has too many stories, and I  
13 don't think it would be possible for me to support a  
14 comprehensive permit with the peer review report that  
15 we have demonstrating that this building is completely  
16 out of scale with this neighborhood. So that is the  
17 first thing that needs to be addressed.

18           I'm also concerned with respect to the second  
19 issue, which is parking and exiting and entering the  
20 parking lot. We did receive a letter from a Mr. Law,  
21 which Maria distributed to us earlier today, and I'm  
22 not sure if it made it onto the website, but I think  
23 it's --

24           MS. MORELLI: It's a new document. I got it

1 at about 5:00.

2 MS. PALERMO: Okay. Well, we saw it  
3 electronically, and a couple of people in the audience  
4 have mentioned the same thing. And I will admit I was  
5 very struck by this, that we are looking at a curb cut  
6 somewhere in the neighborhood of 45 feet, 46 feet,  
7 which has two entrances and two exits. And once again,  
8 I think that is really, really going to be very  
9 difficult to justify for any project. And in addition,  
10 across the street is a entrance and exit from the  
11 parking lot. So I think that's something that I hope  
12 to see some redesign and rethinking: how you're going  
13 to exit and enter that parking lot and where those  
14 parking spaces are going to be located.

15 I know it's a struggle to try to make the  
16 neighborhood happy. You obviously have a division  
17 between the people who live on Coolidge Street and the  
18 people who live on Fuller Street. The people who live  
19 on Fuller Street want you to have more traffic on  
20 Coolidge Street, and the people who live on Coolidge  
21 Street want you to have more traffic on Fuller Street  
22 if there's going to be more traffic. Your job is not  
23 necessarily to try to make everyone happy, but it's to  
24 come up with a good design that could, in fact, be



1 supported by the zoning board of appeals. And I really  
2 hope that when we see you again you'll have done all of  
3 those things.

4 MR. GELLER: Wow. That was well said.

5 MS. POVERMAN: So I will not be as eloquent,  
6 I'm sure, but I have the same concerns that Lark has in  
7 that it's hard to really address the little issues that  
8 need to be addressed until the big ones are addressed,  
9 and that is size and mass.

10 And as Mr. Boehmer's report said and as a lot  
11 of the neighbors have commented, the building is not  
12 consistent with the streetscape and does not appear or  
13 does not apparently follow the 40B design guidelines  
14 for what should be in the neighborhood trying to fit  
15 into the streetscape. Part of that is significantly  
16 having to do with size, with it being the proposed  
17 largest building on Harvard Street in its whole two  
18 miles length from Boston throughout Brookline.

19 Stylistically it's a no-go, but also for  
20 safety reasons it's going to be a no-go. But I think  
21 that's going to be, in my opinion so far, in  
22 anticipation of the traffic reports that are going to  
23 come. In part, that's based on my own personal  
24 experience of 25 years in the neighborhood, driving in

1 the area, my daughter having accidents across the  
2 street in that parking lot, and the traffic of the  
3 children, which I think is something which is  
4 necessary.

5           So I agree with what Lark has said. I think  
6 it's going to be very difficult to get a project of  
7 that height and that mass with those setbacks approved  
8 by the ZBA.

9           I think that some of the information I will  
10 need to have before I can comment on a building of any  
11 size includes the following: One of the most important  
12 ones is -- especially timewise -- I don't want to have  
13 to wait until we give our traffic report and then a  
14 whole new study goes out. It's a traffic study that's  
15 done when school is in session, including a pedestrian  
16 study that includes all the kids that are going to be  
17 flowing down those streets at quarter of eight  
18 o'clock -- you're going to be mowed over by them,  
19 Mr. Sheen, if you stand out there -- and the traffic  
20 that comes with dropping them off. That's really a key  
21 element of the safety analysis here.

22           I think we do need to expand the reach of the  
23 shadow study. I think there were very good points made  
24 in terms of the exact circumference of how far the

1 building will go. Now, if you drop it down first, then  
2 the shadow may not be as relevant, so that's sort of a  
3 chicken-and-egg thing that has to be approached or  
4 addressed.

5 I'm not going to be able to make a decision --  
6 a final decision on the project until I do know what  
7 the materials are and, obviously, the final look of the  
8 thing, what the units are going to look like, making  
9 sure that the units are consistent among the 40B, the  
10 affordable housing, and the retail rental group, retail  
11 price rental.

12 We're going to need to know what the  
13 mechanicals are. I know you spoke to that to some  
14 degree, but again, you can't operate in a vacuum here.

15 I also think the point about the deliveries on  
16 Coolidge Street was a very good point, especially if  
17 there is no agreement with The Butcherie. I think we  
18 need to have that resolved. And it might be necessary  
19 to have somebody from The Butcherie come in and speak  
20 on the agreement and say, yeah, we have resolved this.  
21 Because if you do have an agreement to pull into some  
22 side area that you've agreed on and then go down an  
23 alley, that's a great way of resolving the traffic,  
24 which is hellacious when there are trucks there with

1 The Butcherie.

2           And I'm wondering -- this is again for Judi --  
3 is it possible to make as a condition for a 40B project  
4 that in the construction management portion that they  
5 hire somebody to manage the traffic? I mean, this is  
6 something that's going to come up with every single  
7 project that goes on in --

8           MS. BARRETT: You can't require a 40B project  
9 to do something that's not required of other  
10 developments, so I think you really -- I can't directly  
11 answer the question except to say that I don't know  
12 what the town's policies are, but if the town is  
13 allowing other construction to go forward without  
14 requiring a police detail, I don't really see how you  
15 can require it for a 40B.

16           MS. POVERMAN: Jesse, do projects of a certain  
17 size have to have a police detail?

18           MR. GELLER: I don't know what the town  
19 provides.

20           Can you find out from Peter?

21           MS. MORELLI: Sure.

22           MS. POVERMAN: So it's a valid concern, but  
23 it's -- you know, frankly, I think you can't stop a  
24 project. It's a reality that we have to deal with as a

1 town and as with the police and -- you know, that's  
2 just something that has to be worked out.

3 I am, as you probably picked up, concerned  
4 about the time and that's why I appreciate your  
5 agreeing to participate in the working sessions so that  
6 as much as possible can be done. I think that in the  
7 next two weeks, the next time we meet -- we need to  
8 know in the next month, at the very latest, what size  
9 building we're dealing with. And if we don't know  
10 that, we can't make any recommendation.

11 MS. PALERMO: Two weeks. That's not a month  
12 decision. That can be done in two weeks, I believe.

13 MS. POVERMAN: Yeah. Because if we don't know  
14 that, we can't say yea or nay. Or we can't say, you  
15 know, yeah, like a -- yeah, you've got a -- you know,  
16 one apartment building house and we're going to tell  
17 you to find out if that's economic or prove that it's  
18 not. So we need to move quickly here, as Alison  
19 emphasizes, as Judi emphasizes, as Mr. Talerman  
20 emphasized. And as you guys know, without an  
21 extension, Mr. Sheen, we need these numbers.

22 MR. SHEEN: I fully understand the constraints  
23 and I --

24 MS. POVERMAN: And Mr. Engler knows very

1 well -- as well -- better than anyone, having been  
2 through so many of these.

3 So when do we want this information, guys?

4 MS. PALERMO: Well, we have a hearing on  
5 September 13th. I assume at least the major items I  
6 listed, you can come in with new designs addressing  
7 those items.

8 MR. BROWN: Correct.

9 MS. PALERMO: And after that, it would be  
10 appropriate to expect more refinement of things like  
11 materials. But I think really the key issue here is:  
12 How small can they get this building to be on the land  
13 that they have, and how can we address what are real  
14 issues involved in parking and exiting and entering  
15 that parking lot?

16 MR. SHEEN: Yes.

17 MS. SCHNEIDER: I would just -- for the sake  
18 of time, I would echo Lark's comments. I think she  
19 summed it up very nicely.

20 The only thing that I would add in addition to  
21 the fact that I think we've heard -- you've heard from  
22 the neighborhood, you've heard from us, you've now  
23 heard from the peer consultant. The project is --  
24 currently it's too big for this site. It's just

1 totally out of scale with the entire streetscape. So  
2 we're clearly looking for a smaller project.

3 But I think one other thing that I would ask  
4 you to give careful consideration to is the design.  
5 And I think that, you know, Cliff made a comment about  
6 the relationship of height to setback. I think it's  
7 perfectly appropriate for the front of the building to  
8 be aligned with the retail on Harvard. But I think  
9 what's missing is a setback of the residential height  
10 so that you're maintaining the street wall and the feel  
11 of the street.

12 And to the extent that you're going to have  
13 height, let's call it a three-story, four-story  
14 building behind it, but it's set back enough so that it  
15 does feel like a natural extension of the streetscape,  
16 primarily on Harvard, but I think also on Fuller. And  
17 so that if you pull the height back -- I mean, I work  
18 on really tall buildings in Boston all the time. You  
19 know, my architects stand up and they say, you know,  
20 above whatever the prevailing ground plane is, people  
21 don't notice the height as much. It's not as offensive  
22 if it's set back a little bit.

23 And so I think -- and I say this directly to  
24 the architect -- think about ways that you can pull

1 back the mass so that we're able to maintain the  
2 character of the street, which clearly means so much to  
3 the town and so much to the community. Maybe still get  
4 a big chunk of your units. And probably not six  
5 stories of units, but a big chunk of your units, but  
6 pull it back in a way so that it's not towering over  
7 people on that street corner. And I think that, you  
8 know, playing with the massing in that way may end up  
9 making a big difference.

10 MR. BROWN: Understood.

11 MR. GELLER: I'm going to follow my own rule,  
12 but I'm going to start slightly differently.

13 I just want to comment that one of the  
14 understandings of 40B is that an applicant gets greater  
15 mass, greater density, they get to build bigger than  
16 what we would ordinarily approve under 40A so that -- I  
17 want to keep that in mind.

18 Let me raise one other point, which is that  
19 one of the dichotomies here is that this building  
20 really has -- touches on two different neighborhoods.  
21 One is a commercial face, which is Harvard Street.  
22 It's a retail strip. And the other is Fuller and  
23 behind the building. That's residential. And I think  
24 that we have to be mindful of those two aspects. And



1 in particular, we have to be mindful on Fuller Street,  
2 taking your comments, that the facade on Fuller  
3 Street -- you should consider the fact that it is  
4 really a residential street. And I think in the  
5 context of constructing a building that is contextual,  
6 that you need to take that into account: scale,  
7 appearance. That's not my primary comment.

8 My primary comment really relates to the  
9 overarching implication of all of the points that  
10 Mr. Boehmer is raising and the -- and due to each one  
11 of those factors: lack of setbacks, height, that all  
12 of those things filtered together create what I view as  
13 a building that raises safety concerns and raises  
14 environmental concerns. I don't mean hazardous  
15 materials. I mean the environment.

16 And as far as the rest of it, I agree with  
17 her.

18 So, hopefully you will take these as  
19 constructive comments, and you will directly  
20 participate in the working sessions, as you said you  
21 will -- I know you have said you will -- and we will  
22 see some changes on September 13th.

23 Let me also note that on September 13th, we  
24 will also have traffic peer review and also a

1 presentation by the town engineer relative to  
2 stormwater drainage.

3 Uh-oh. Alison is standing up.

4 MS. STEINFELD: On that note, I just want to  
5 make sure that both the applicant and the ZBA  
6 understand that the traffic peer reviewer will be  
7 reviewing the plans from August 10th, not any plans  
8 that has -- basically, I've learned that 40B is all  
9 chicken and eggs. Nothing makes sense in terms of  
10 timing. But thank you.

11 MR. GELLER: Thank you, Alison.

12 Okay. I want to thank everyone for their  
13 participation this evening, and I will see you on  
14 September 13th, 7:00 p.m.

15 (Proceedings adjourned at 9:10 p.m.)

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

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

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

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

13 Dated this 12th day of September, 2016.

14   
\_\_\_\_\_

15 Kristen Krakofsky, Notary Public

16 My commission expires November 3, 2017.

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