Brookline Zoning Board of Appeals Hearing

420 Harvard Street Comprehensive Permit Application

420 Harvard Associates, LLC

September 26, 2016 at 7:00 p.m.

Brookline Town Hall

333 Washington Street, 6th Floor

Brookline, Massachusetts 02445

Reporter: Kristen C. Krakofsky
APPEARANCES

Board Members:
1. Jesse Geller, Chairman
2. Lark Palermo
3. Kate Poverman
4. Johanna Schneider

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

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

Traffic Peer Reviewer:
8. James Fitzgerald, P.E., LEED AP, Director of Transportation, Environmental Partners Group

Applicant:
10. Dartagnan Brown, Principal, EMBARC Studio, LLC
11. Geoff Engler, Vice President, SEB
Members of the public:

Ira Dobrow, 73 Fuller Street
Karen, Babcock Street
Beth Kates, 105 Centre Street
George Abbott White, 143 Winchester Street, town meeting member, Precinct 9
Tom Gunning, 39 Fuller Street
Henry Law, 84 Fuller Street
Kailey Bennett, 12 Fuller
Martha Rollins
Colm McMahon, 45 Coolidge Street
Sloat Shaw, 88 Thorndike Street
Mark Rosen, Thorndike Street
MR. GELLER: Good evening, everyone. We are reconvening our 40B hearing on 420 Harvard Street. Again, for the record, my name is Jesse Geller. To my left is Kate Poverman, to my right is Johanna Schneider, and to her right is Lark Palermo.

Just so that everyone remembers, we have, I believe, two methods of recording of this hearing. One, we have the testimony and information being transcribed, and also, as I understand it, we're live, so to speak.

So again, as we work our way through the hearing, I would ask that if people offer testimony at the hearing at the appropriate times, that you speak loudly and clearly and you start by giving us your name and give us your address.

Tonight's hearing is largely going to be dedicated to the ZBA's peer reviewer's review of the traffic report for the project, and we will also give the public an opportunity to speak and offer testimony concerning that specific issue. Again, as I said in the past, what we want to do is we want to try and do this in an efficient manner, so I would ask that people focus on what is being said, listen to what other
people have to say. If you agree with them, but don't have additional information, just point at them and say, "I agree with them." If you have additional information, we certainly want to hear it. It should relate to the topic for the evening, and then jump in.

I understand that there is no interim report from planning at this point; correct?

MS. STEINFELD: Correct. Because there was no staff meeting.

MR. GELLER: Thank you for the clarification. So I'd like to -- any other administrative details?

(No audible response.)

MR. GELLER: No. Okay.

What I'd you like to do is I'd like to call Jim Fitzgerald to come up and provide us with his peer review of the traffic report.

MR. FITZGERALD: Thank you very much. Again, my name is Jim Fitzgerald. I'm with Environmental Partners Group, and we did the traffic peer review of the proposed development at 420 Harvard Street. The traffic impact assessment was done by Vanasse & Associates.

The proposed development is -- at 420 Harvard
1 Street is to include the redevelopment of an existing
2 building, converting -- changing the building from
3 three apartments and approximately 6,200 square feet of
4 office space to 21 apartments and approximately 4,800
5 square feet of retail. It's our understanding that of
6 this 4,800 square feet of retail, approximately about
7 2,100 square feet is anticipated to be used by the
8 existing tenant RE/MAX.

The project is also to include the
9 redevelopment of 49 Coolidge Street, which directly
10 abuts the rear side of the property at 420 Harvard
11 Street, into three apartments bringing the total
12 apartments up to 24.

The existing curb cuts on Fuller Street -- on
14 the Fuller Street side of the Harvard Street parcel, is
15 to be retained and to be used for access to underground
16 parking leading to 24 vehicular spaces as well as a
17 loading dock. There are an additional four parking
18 spaces -- tandem parking spaces -- proposed at the
19 existing Coolidge Street lot to be retained for
20 commercial parking.

There are two intersections that were viewed
22 as part of this traffic impact assessment. The two
23 nearby intersections included Harvard Street at Fuller
Street and Harvard Street at Coolidge Street.

Turning movement counts were done during the typical morning and afternoon peak periods during the weekday at both intersections in the month of July of this year.

July typically represents a higher-than-average traffic volume in most instances. In this location, however, the Devotion School is located within 900 feet, and so we verified traffic operations through observing how traffic flowed through the intersection during -- actually, last week, in the month of September, while school was open. The peak hours from the traffic study were identified as 8:00 to 9:00 and 5:00 to 6:00 p.m.

The study also included a review of existing crash data by using available MassDOT information during the five-year period of 2010 to 2014 identifying eight crashes during that five-year period at the Harvard and Fuller intersection and three accidents at the Coolidge and Harvard intersection. The crash rates were not provided in the report, so we've done a crash evaluation and determined that there were .32 crashes per million entering vehicles at the Harvard/Fuller intersection and only .13 crashes per million entering.
vehicles at the Coolidge/Harvard intersection. Both values are significantly lower that the state-wide or local district average for signalized or unsignalized intersections.

I just want to point out there has been a known IT discrepancy between the Brookline Police Department and MassDOT's accident crash data, so as a result, it's possible that more accurate results could be obtained through pursuing crash reports from the Brookline Police Department to make up for this discrepancy.

So with the collected traffic data, those volumes were then projected out seven years to the year 2023 using an assumed growth rate of 1 percent per year looking at historical data in the area and also by including traffic volumes from nearby developments. There were four developments that were identified that were incorporated in generating these future no-build traffic volumes for the year 2023. Backup data was not provided for these for us to verify these values, however.

Once the future no-build volumes were established in the report, then the trips generated by the site itself were added to those volumes so that we
could compare how traffic operates with and without the development. This was based on a number of things. First of all, Census data was reviewed for 2010 to 2014 for Commuting to Work information. This looks at information relative to how people in Brookline commute to work, hence the name. This looks at things such as walking, biking, working at home, transit, etc. And what was determined was 54.7 percent of trips that are typically generated by a residential development would use these alternative modes of transportation and therefore this 54.7 percent reduction was included, which seems reasonable.

The one thing we did not necessarily agree with, however, was applying the same percentage of trips that were retail-related. Taking a 54.7 percent reduction in retail trips we found was unsupported.

Trips were generated using the Institute of Transportation Engineers, ITE's, Land Use Code 220 for Apartments. Within this document, there's more than one method of generating anticipated trips. The method used in the report was the average rate method. We actually feel, given the data provided in the ITE, that the fitted curve method would be more appropriate, and this would actually increase the trips slightly from 12
in the morning peak hour to 15 and from 15 in the
afternoon peak hour to 31. These trips generated are
before the reductions that I was talking about before,
that 54.7 percent reduction.

As far as the retail trips are concerned, that
was -- the retail trips were generated also using ITE,
but in this case it was Land Use Code 826, Specialty
Retail Center. Unfortunately, this land use code in
ITE is very limited and the data that it provides --
the data points that it's based off of are very limited
and a much different-sized development than what's
proposed here. The closest data points for Land Use
Code 826, for instance, during the evening peak hour is
about a 15,000-square-foot development, and we're
dealing with a much smaller one.

In the end, the report identifies four trips
generating, two entering and two exiting, during the
evening peak hour, which, again, we feel is low and
needs more support.

I also wanted to point out that the --
Saturdays typically are the -- provides the highest
trips generated by a retail development, and they were
not evaluated here. I should also point out here that
the square footage of the retail development as part of
this proposed project is relatively small, however. The traffic volumes were evaluated to compare the 2023 no-build to the 2023 build, and with the volumes as they currently stand with the -- you know, before addressing some of the concerns that we had having to do with the trip generation, there was essentially no difference in delay between the no-build and build trips. Again, this would have to be verified with updated trip generation.

The Harvard Street/Fuller Street intersection will continue to operate at level of service B, and the Coolidge Street approach to Harvard Street will continue to operate at level of service C. And both those operations are for both morning and afternoon peak hours.

As I mentioned before, we had gone out and observed traffic. It was last week, actually, that we observed traffic, midweek, during the identified peak hours based on the provided traffic volumes. What we found was pretty similar operations to what was analyzed under the existing conditions with a slight difference. The slight difference occurred during the morning peak hour. We observed a maximum of six vehicles queuing up along the Fuller Street approach to
Harvard Street blocking the proposed driveway. But on average, we observed three vehicles during that same peak hour. So during periods that the longer queues might occur when there's six vehicles, again, blocking the driveway, all those vehicles were able to queue through the intersection within one cycle. So with additional traffic volumes from the proposed site driveway, those vehicles would be able to turn left onto Fuller Street towards Harvard street when that traffic cleared through the signal.

As far as pedestrian accommodations are concerned, the plans, as they appeared when we were reviewing them, appeared that the driveway was proposed to be sunken down to the roadway elevation. What we would actually recommend is that the driveway be -- the driveway apron be elevated to the same height as the rest of the sidewalk to try to minimize the amount of inconvenience for pedestrians while also really helping to identify the pedestrian crossing along this existing curb cut and really highlight that.

The applicant has also proposed illuminated actuated warning signs to alert pedestrians and drivers -- I'm sorry -- to alert the pedestrians of the vehicles coming up the ramps.
One thing that we would recommend that be considered would be upgrades to the traffic signals over at the Harvard at Fuller intersection, given the increase in pedestrians that would be anticipated by these 24 apartments. This would include things like accessible pedestrian signals.

Now let's get into -- the next topic is parking spaces. So right now the proposed plan calls for twenty-four parking spaces, underground, at 420 Harvard Street. Eight of these spaces are single-row spaces that are anticipated for residential use only. The remaining sixteen are tandem spaces in two rows, so eight in the first row that are blocking eight in the second row. The eight in the second row will also be full-time, residential parking spaces. The eight in the first row would be shared-use spaces. So during the daytime hours from 8:00 a.m. to 5:00 p.m., it is proposed that those spaces would be used as commercial use. And from 5:00 p.m. to 8:00 a.m., those spaces would be used as residential.

The concern that we have has to do with the shared-use spaces. It has to do with it being reasonable and feasible for somebody trying to get into or out of that second row of tandem spaces, having
access to their vehicle. So during the daytime hours, the applicant has committed to ensuring that the vehicles will be managed by the retail development. However, if there are customers parking in these spaces and they visit one of the developments -- one of the retail spaces at 420 Harvard and then happens to go to a nearby shop for a few errands, it would be pretty difficult to locate them in order for them to move their vehicle.

At nighttime, the concern would be that it could be difficult to contact one of the other residents from one of the other apartments to move their vehicle if they're asleep or if they've stepped out for dinner somewhere or if they're away on vacation.

So given that it seems this could potentially be an inconvenient way of -- this could result in a lot of inconvenience for the people trying to use these spaces, not to mention somebody trying to enter into the parking garage to access their second-row parking space when it's being blocked. I don't see where that vehicle would stop and leave their vehicle while they go upstairs and try to contact a neighbor or go into the retail spaces to have somebody move their vehicle.
so that they can get into their parking space. So it
seems as if with this sort of parking scenario, that a
full-time parking attendant on-site would be the
practical way to go.

As far as the number of parking spaces are
concerned, when you look at the peak parking period for
residential use, which would be at nighttime, the
proposed plan shows for -- calls for 24 spaces per
night, so that would be one parking space per
apartment, and that's during the peak residential
parking period at nighttime.

During the peak commercial retail parking
period, during the daytime, they're proposing that
there would be 12 parking spaces during the daytime for
commercial use. When we get into Saturdays and
weekends, however, it gets a little dicey as far as --
you know, again Saturdays are the peak retail period,
so who gets the parking spots, the resident who has the
weekend off from work, or the retail establishment?
That's unclear.

The percentage of -- one other thing to point
out -- the percentage of the compact vehicles is about
33 percent, which exceeds the 25 percent maximum in the
zoning bylaw.
As far as accessing the parking, the No. 1 issue that we had was really navigating the proposed 180-degree turn at the bottom of the ramp. It's a very tight curve, and it would be very difficult for a lot of vehicles to navigate that within that tight space.

We also had some concerns having to do with the ramp itself. What is proposed is the ramp coming from the back edge of the sidewalk. They're proposing the first 10 feet to consist of an 8 percent slope and then 16 percent slope beyond that. Ideally, as documented in the zoning bylaw, there would be a longer transition between the back of sidewalk and the steep 16 percent slope, hence the 20-foot requirement in the zoning bylaw that the slope not exceed 10 percent.

Also, 16 percent is steep. When you compound that with snow and ice, because this ramp will be exposed to the elements, it could become dangerous. So what could be considered would be to either shield this ramp from the elements or to perhaps have a heated pavement surface so that it doesn't become slick and dangerous when the cars start sliding downhill.

Next we looked into the sight distance. Speed data was not provided for Fuller Street, so we have assumed a speed of 30 miles hour for the roadway, which
would require a sight distance of about 200 feet.

There is a wooden fence on the southern property limit that extends about 7 feet tall and extends all the way to the back of sidewalk. This is what's limiting the sight distance down to 150 feet. So the sight distance is not meeting 30 miles an hour. Again, we do not know what the actual travel speeds are out there along Fuller Street.

A number of transportation demand management strategies were proposed by the applicant, including posting a transit schedule on-site, providing MBTA CharlieCards to each new household after establishing residency, providing information on available pedestrian and bicycle facilities in the vicinity, promoting MassRIDES to the residents, and also promoting nearby Zipcar locations. A number of accommodations have been provided for bicyclists including parking bike racks on-site to try to encourage bicycle usage.

The loading zone is located adjacent to the entrance and exit to the site right on Fuller Street. The existing curb cuts for -- on either side, both on one side of the exit for the parking garage and on the other side of the loading zone, are directly in line
with the openings themselves making it difficult or impossible for a vehicle to turn right into the space without protruding into the other direction of traffic along Fuller Street. So we would recommend considering pushing those out a little bit. Unfortunately, this would widen the driveway opening a little more but it would allow for vehicles to turn in easier.

The loading zone, even by widening this out a little bit, could mean still, depending on how far back these curb cuts are widened, that traffic could protrude into opposing traffic into the other direction along Fuller Street, so we would recommend loading times be restricted to off-peak periods.

One other thing to bring up is with the pedestrian access on Fuller Street we would recommend some sort of provision to be made for pick-up and drop-off traffic. If a vehicle is trying to pick somebody up at 420 Harvard, where are they going to stop? We wouldn't want them to stop in the stream of traffic on Fuller because obviously it would block the roadway, and it's a narrow roadway to begin with. So one thing that might be considered would be to try to utilize some of the loading bay area for a vehicle to stop without blocking vehicular traffic on Fuller
Street or the pedestrians for that matter.

And that is the conclusion of our findings.

So basically, in summary, things that we would consider looking at -- or asking to be looked at would be accident information from the Brookline Police Department to verify the crashes at the intersection;
backup for the four other developments in the area that were used in generating the future no-build volumes;
support for the reduction in trips -- in retail trips -- instead of using the Commuting to Work information; increasing the number of trips for Land Use Code 220, Apartments using the fitted curve method instead of the average rate method; updating the trip generation for the retail use to reflect the proper square footage of the development. If 4,800 square feet of retail was proposed and approximately 2,100 square feet is anticipated for RE/MAX, the 2,700 square feet of retail is greater than the 1,500 that was analyzed. Also, looking at better information for retail trip generation, something that's more appropriate for this size of a development; not depressing the driveway entrance and extending out the curb cuts a bit; providing pedestrian upgrades at the Harvard Street and Fuller Street intersection including
accessible pedestrian signals; providing a full-time parking attendant on-site to manage those tandem spaces so people can get in and out in a realistic manner; and improving the slope along the ramps leading down to the parking garage -- underground parking garage -- to try to at least shield the steep slope from the elements or provide some sort of pavement heating, perhaps; realigning the bottom of the parking garage ramp so that a vehicle can actually make the turn at the bottom, fix that 180-degree bend; improving sight distance by addressing that fence on the southern property line; and having limited loading times to be off peak; and to allow for drop-off and pick-up traffic.

MR. GELLER: Thank you.

Okay. Questions?

Kate, go ahead.

MS. POVERMAN: Okay. I first want to say that I appreciate all the work you've put into this, and I agree with a lot of your stuff, most of all your suggestions. I do need an education here, and so I apologize for what may be the length of my questions. So one of the things I just didn't understand is why it's generally assumed that traffic volumes are
higher in July, especially for a town like Brookline which has such a heavy student population.

MR. FITZGERALD: It's really based on information that's available to us. It does not necessarily mean that saying that July represents a higher than average month of traffic is applicable to every location. That's, again, why we observed what we did. It's a general rule of thumb more so than it is an exact science, I guess is what I would say.

MS. POVERMAN: I find that weird since everyone, I would think, goes on vacation.

MR. FITZGERALD: Comes back in September, right.

MS. POVERMAN: Right. So on the accidents that are listed, I didn't see any of them that indicated bicycle accidents, since they seem to be rear-ending and things like that. Would there be a reason that those would be excluded, or do you think you might find those in the Brookline Police Department's --

MR. FITZGERALD: It's possible they may have just been -- may have just fallen off because of the IT discrepancy between the police department and MassDOT.

MS. POVERMAN: I'm sending myself to various
tabs, so I apologize for jumping around a bit.

I find that the idea, when you talk about the build versus no build, that a 1 percent traffic increase over five years would result in increases of, like, one car going down on a weekday morning or two cars on a weekend evening, it sort of boggled my mind. So this is on page 12 of Table -- it's on Table 5 of the developer's transportation impact assessment. And I'm certainly not crunching the numbers, but I'm very surprised by how small those numbers are, especially considering growth, not just in this area, but also areas west of us like Newton. And a lot of traffic coming down Fuller is sort of channeled off of Beacon and doing shortcuts through Fuller, we've heard a lot of people say.

MR. FITZGERALD: So I'm looking at -- I'm comparing what -- if you're comparing the -- when you talk about 1 percent, that was used for projecting the traffic volumes from 2016 to 2023, so I'm comparing Figure 2 to Figure 3 in the original report, which I believe still holds.

MS. POVERMAN: So more than 1 percent. Let's go to Table 5, and maybe you can explain that to me on page 12.
UNIDENTIFIED AUDIENCE MEMBER: Do you have a table to show us?

MS. POVERMAN: I don't know if anybody -- I'm sorry. I know it's inconvenient, but it's in the traffic analysis that Mr. Fitzgerald worked off of. So what it says, basically, is that -- and actually, if you could just fully describe what "no-build" versus "build" mean. I think it's pretty obvious, but I want to the make sure I have a full understanding of what that is. And as an example, just read off the first two lines so the people who don't have it in front of them can understand what I'm talking about.

MR. FITZGERALD: Sure. So the traffic volumes -- the existing traffic volumes that were physically counted were increased seven years to the year 2023 by assumed growth percentages so that we can make sure that the traffic is going to operate in a way that we want it to for years to come.

So the existing volumes were increased by 1 percent per year for those seven years, and as a result, they increased, actually, significantly. What we're looking at in Table 5 -- I'm sorry. Let me step back.
So we get the 2023 no-build traffic volume, so that's the existing roadway as it stands today with the existing uses in the area. We've added in -- or the applicant has added in additional traffic volumes to reflect four specific developments in the area that could change volumes a little bit.

And so in theory, without this development at 420 Harvard, the traffic volumes in the year 2023 will be those called the "2023 no-build." When we then add in the volumes anticipated by the proposed development, that's how we get the traffic volumes for the 2023 build. In other words, build 420 Harvard Street. So in Table 5, there's only a small difference between the no-build and build because those are the anticipated trips generated by this development. They don't have anything to do with the 1 percent per year growth.

If there was a column in advance of that that compared 2016 existing volumes, that's where you would see the significant increase.

MS. POVERMAN: So what would those numbers be? How can we tell what those would be?

MR. FITZGERALD: So actually, if you look at -- if you compare Figure 2 in their report --

MS. POVERMAN: What page is that?
MR. FITZGERALD: That's on 5, in between 5 and 6.

MS. POVERMAN: See, this is where the explanation really helps. Okay.

MR. FITZGERALD: And then go to Figure 3, which is just after page 9.

MS. POVERMAN: Okay.

MR. FITZGERALD: So if you look at those side by side, Figure 2 and Figure 3, just take, for instance, the Fuller Street at Harvard Street intersection on Figure 2. Do you see that 468 with the straight arrow right next to it?

MS. POVERMAN: Fuller Street on --

MR. FITZGERALD: The top right side, see 468?

MS. POVERMAN: I do.

MR. FITZGERALD: Okay. Now compare that same exact spot over on Figure 3. That's increased up to 532.

MS. POVERMAN: Okay.

MR. FITZGERALD: So that's your 1 percent per year for seven years plus what they've added in for the other four projects in the area.

MS. POVERMAN: Okay. Got it. I think I understand now. But basically it does show -- so this
is the 1 percent increased for five years or seven years or whatever on top, on top, on top.

MR. FITZGERALD: Right.

MS. POVERMAN: And while the development itself would only be adding one car onto that, apparently the volume itself would be growing in that area as a result of developments.

MR. FITZGERALD: Correct.

MS. POVERMAN: And those are not just the developments coming out of what's being built in the area; is that correct?

MR. FITZGERALD: These numbers are just their proposed development at 420 Harvard.

MS. POVERMAN: And am I correct in remembering that you said that they included those numbers for this development but did not provide the underground -- or underlying data?

MR. FITZGERALD: Correct. So they accounted for four other developments in the area. We just don't know what those numbers are to check them. That's all.

MS. POVERMAN: And is that something you think is critical for you, or not in the overall scheme of things.

MR. FITZGERALD: To be honest, these low
trips, if it increases the no-build it will increase
the build.

MS. POVERMAN: Okay. So another thing I
really don't understand has to do with the reduction in
traffic related to the anticipated site generation
based on the 2010 to 2014 American Community Survey for
five years for Brookline where, based on the Commute
Into Work information, it reduces the amount of trips
that would be generated by the site by 54 percent
because it's assumed that that percentage of people
will not be using cars to make trips in and out of the
development.

MR. FITZGERALD: Yes.

MS. POVERMAN: Now, I understand that that
might be valid for analyses of commuting, but how does
it account for noncommuting trips? Because I think
that it's not necessarily fair to assume that all of
the residents of the apartment are going to be
commuting to work, especially with an increase of
people working at home. So why did you think that it's
still a valid analysis?

MR. FITZGERALD: So the people working from
home is included in that number, so there was a
percentage provided in that breakdown of the
anticipated people working from home.

In the end, we don't have a crystal ball, and so we can only go off of the information that's available to us. Do we know that some people will use transit, some people will work from home? Yes, we do.

Do we have an exact study for this specific area of Brookline? No. But we have one for Brookline. So it's the best that we have, I guess is the answer to your question. I mean, we could increase those -- provide an assumed increase based on other parameters, but this is not unreasonable.

MS. POVERMAN: Will the developer be discussing the traffic management plan, Alison, today and the proposed summary?

MS. STEINFELD: You'll hear from the developer.

MS. POVERMAN: Developer, will you be discussing that? Because I just wanted -- or is this just going to be devoted -- I know at 9:00 everyone's going to want to run out of here, so -- well, the only reason I'm saying it is because I want to mention that I think the benefit of providing T cards to people is a very good benefit to encourage people to take public transportation. So I just wanted to get that out
Another thing I don't understand is why there are more evening trips coming in than morning trips going out.

MR. FITZGERALD: Part of it could be associated with retail, although there wasn't a very large number of retail included in the study. There is -- I don't believe there were any retail trips in the morning. I would have to verify that, though.

MS. POVERMAN: I think it was just employees or something.

MR. FITZGERALD: Right. The findings are -- again, they're based on multiple studies in ITE. For the apartment use that they base their study off of, there are several data points available, which helps.

MS. POVERMAN: So it's a formula that's used in general?

MR. FITZGERALD: All of the -- there are many, many studies that take place for other similar developments and they -- the amount of trips are based on, in this case, the number of apartments. And so all this data is compiled together to provide different rates of -- different ways of calculating trip generation.
MS. POVERMAN: Is it based on the number of apartments or the number of cars that are proposed to be provided to tenants in the apartments -- or parking spaces?

MR. FITZGERALD: It's based on the number of apartments.

MS. POVERMAN: Okay. So one of the things I had the most problem understanding had to do with the analysis of the traffic flows and the -- on Fuller Street. So you said that Environmental Partners observed traffic briefly during the morning and evening peak hours. And I think you went there at a time when I never go, because I don't think I've ever seen traffic clear through Fuller Street, but we'll get to that in a minute.

And one of the reasons I ask is: If you go back to the transportation impact assessment done by Vanasse & Associates and you look at their chart for -- it's page 18.

MR. FITZGERALD: Got it. Yup.

MS. POVERMAN: And this is the "Signalized Intersection Capacity Analysis Summary," for those who don't have it right in front of them. And while it's correct that the overall assessment of the
intersection, for example, on Harvard Street at Fuller is at B, in fact, going down Fuller Street eastbound is an E. And E is "high controlled delay values, individual cycle failures are frequent occurrences," which certainly is much more in line with my experience on Fuller Street and my guess is it's much more in line with residents' experiences.

And similarly, westbound -- this is during the morning -- Fuller Street gets a D, which is "many vehicle stops and individual cycle failures are noticeable." Fuller street improves to a D in the evening both ways.

But that's pretty stinky. And I think that that undercuts the argument that -- well, I think what it shows is there are big problems on Fuller Street in terms of driving up and down it. It is very infrequent that you get through a cycle, so I'm curious as to when you were there that you were able to observe this, because it just doesn't happen that often.

MR. FITZGERALD: Right. So we were out there on Wednesday and Thursday of last week and -- first of all, let me just explain a few things. The intersection as a whole operates at a level of service B. Obviously, as you point out, each approach operates
differently.

MS. POVERMAN: That's because Harvard Street does well. It pulls it up.

MR. FITZGERALD: Exactly. And there are a lot of cars that are on Harvard Street, and they're the majority, so that's diluting the delays, if you will.

So what's happening is that a level of service D or better is, believe it or not, considered acceptable in an urban environment typically. A lot of places would be doing good if they have a level of service D. I'm not necessarily promoting it, but I'm just saying that that's kind of the rule of thumb. Level of service D, you're absolutely correct, not good.

That's an existing condition along the eastbound approach, and so what we found was that their queue length from Fuller Street in front of the site was anticipated to have three cars or so in the morning, three or six cars in the evening, and so it basically didn't operate that --

MS. POVERMAN: I can tell you six cars does not make it through.

MR. FITZGERALD: When we were out there, it didn't seem that bad, quite honestly. So, I mean, we
1 could go back out and observe a different time,
2 absolutely. Maybe something was going on in the area.
3
4 MS. POVERMAN: That may or may not be
5 necessarily because, frankly, I think the truth is told
6 by the numbers right here that Vanasse & Associates
7 did. If you believe they're inaccurate, then go
8 forward, but I have no problem relying on the actual
9 data that is here.
10
11 And I don't think that it's fair, since the
12 real issue we're talking about here is what the effect
13 on Fuller Street is going to be from the impact of this
14 project to say, hey, it's an A level on Harvard Street.
15 You get one car from Fuller Street that's turning left
16 onto Harvard and you've got 25 cars backed up behind
17 you. I'm exaggerating, but you know what I'm saying.
18 And as you very well point out, if you have a truck
19 turning right from Fuller, that's going to create a
20 whole other --
21
22 MR. FITZGERALD: Exactly, correct.
23
24 MS. POVERMAN: So this is something I think is
25 really important to take into account.
26
27 Oh, and what I wanted your opinion on was,
28 getting back to the traffic buildup that's anticipated
29 over the next few years, what's going to get that D to
an E or the E to an F in terms of making it worse?
What kind of numbers is it going to take to get us there?

MR. FITZGERALD: Well, if you look at the 2023 no-build, and again that's--

MS. POVERMAN: This is on 18?

MR. FITZGERALD: Yes. On the same chart. The 2023 no-build represents the proposed operation without this site being developed or changed.

MS. POVERMAN: But does that include the 1 percent increase per year?

MR. FITZGERALD: Yes.

MS. POVERMAN: It does?

MR. FITZGERALD: That includes the 1 percent increase per year plus some volume for those four developments.

MS. POVERMAN: Also, one of the issues I think needs more information for the board before we can really adequately consider this project is pedestrian information, because we didn't get any information about pedestrian flow down Fuller Street, especially -- I mean, what's going on now -- what hours were you there?

MR. FITZGERALD: We were there -- I had
somebody down there at, I think, 7:45 to about 8:45 in the morning and about 4:45 to 5:45, something along those lines.

MS. POVERMAN: Because one of the issues that people have talked about are the kids going to school. And especially with the Devotion being off of Centre Street now, a lot turning up and going down Fuller street and the danger of a really open driveway presented a problem. So I would like to see some more pedestrian information put into this mix so we can really understand the safety issues.

Okay. Now, in terms of parking, I agree that a full-time attendant is really going to be necessary to resolve the parking as it currently is.

And right now is where I'm going to get tomatoes thrown at me from everyone in the room, but parking is a real problem here, and I think that stacking may be the only way to solve it. We have another 40B where we're telling them you've got to consider stacking. But as -- I mean, it's going on in the city elsewhere, and I'm just throwing this out. It's a real problem getting enough spaces in there. The tandem is a problem, the amount of spaces is a problem, and I'm just throwing it out there that that
may be the only way to solve things.

I'm evolving. My views of parking solutions are evolving, and I just don't know the answer. This is just really awkward because -- well, I'll get to some more of that in a minute. I mean, it's an issue we have to resolve, and I really appreciate how much you guys are working with us, and I see this as a really good collaborative thing that --

MR. GELLER: I don't want to be rude, but let's ask questions. We'll get to a discussion later.

MR. FITZGERALD: The concern that we had was snow landing on the ramp, so whatever it takes to prevent snow from landing -- snow or ice from landing on the ramp is what I envision.

Would it impact sight lines? Probably not because it would be overhead.

MS. POVERMAN: Would it be like a -- I don't know. Well, whatever. I don't have to solve that right now.

I might be getting there. Hold on.

Oh, what exactly is a manual turning movement
count? How does that work? What is manual about it?
I assume it's not somebody there with a clicker. Is it?

MR. FITZGERALD: Many times it is. You can either -- somebody actually enters in the number of left turns, straight, right, etc. In the old days it used to be somebody sitting out there. In some instances they do it with video and do it after the fact. But yes, it's actually counting the cars that are going through the intersection and making turns.

MS. POVERMAN: But it's not counting the cars going by, so it's something you have to click, click, click the --

MR. FITZGERALD: It is counting the throughs through the intersections, yes.

MS. POVERMAN: How do you do that? How does one person accurately do that?

MR. FITZGERALD: There could be pretty complex intersections where multiple people -- if you were to go old school and be out there counting manually, you could have more than one person to make sure that they can handle it.

MS. POVERMAN: How much confidence do you have in an analysis of counting that involves manual
turning? Aren't there more sophisticated -- or manual counts. Aren't there more sophisticated ways now, like putting down lines --

MR. FITZGERALD: I recognize the company who did the counts, and I use them myself.

MS. POVERMAN: I think that's it. Thank you very much.

MS. SCHNEIDER: I have a few questions.

MR. GELLER: You can have as many as you want.

MS. SCHNEIDER: Thank you for your report and your presentation. It's very helpful, and I really appreciate it. I just have a couple of quick questions for clarification.

In your comments, you say that it is anticipated that the shared parking system would be inconvenient without having a full-time attendant. And I guess what I -- the word "inconvenient" kind of jumped out at me. Are we talking about inconvenient like it's sort of a hassle for the residents? Is it a safety issue? Is it not practically feasible to actually accomplish the movement of cars and the sharing of cars that are envisioned? Inconvenient to me means got to wait a little bit. I've got to get the key from somebody. But I'm wondering if what you're
really talking about is something more significant than that.

MR. FITZGERALD: It is a pretty significant inconvenience. I'll put it to you that way. Thinking practically, to pull your car over somewhere and hope that you're not blocking somebody else, leaving your car abandoned while you go up upstairs to a retail establishment to try to find somebody to move a car and hope that a customer is there to move their vehicle I would suspect would be impractical.

MS. SCHNEIDER: Okay. I understand.

One thing that you mentioned in the report is you talk about, you know, the applicant committed that commercial owners will manage the keys of parked vehicles.

Are you also making an assumption that spaces will also be used for customers of the retail space or RE/MAX? And this is a question we can ask the developer at some point. I'm not sure whether those spaces are meant to be used for just employees or also for customers, and I wonder if your analysis or your concern about this changes if it's employee parking only as opposed to customer parking. And your point that customers might be parking there and then, you
know, walking around the neighborhood is well taken,
but I wonder if that concern is alleviated in any way
if those spaces are limited to people who work in the
building.

MR. FITZGERALD: So then the problem changes a
little bit in making it a little bit faster for
vehicles in that first row of tandem parking to be able
to be moved a little faster. Somebody would still have
to run upstairs and try to find the owner. At least
you'd have a better chance of locating the keys and
getting the car moved.

The problem then becomes, okay, where are the
retail parking -- retail customers parking, and are
they going to be using the valuable on-street parking
that's there now, which is already a concern, I know,
for many abutters.

MS. SCHNEIDER: Okay. My next question has to
do with your comment regarding sight distance. In your
report you talk about how it does not comply with the
current Town of Brookline requirements, but I'm
wondering if that also -- in addition to noncompliance,
does this create a real safety hazard in your mind?

MR. FITZGERALD: Well, that's what sight
distance is all about, is visibility for oncoming
traffic. Without having speed data along the roadway, we've made an assumed travel speed of 30 miles an hour. So yes, sight distance always is related to safety.

MS. SCHNEIDER: So given the sight distance that you're assuming in this report, is this an unsafe condition?

MR. FITZGERALD: It's not meeting the requirement, so therefore it could potentially be.

MS. SCHNEIDER: Do you know the owner of the fence that you're citing in this report?

MR. FITZGERALD: I don't. It's the abutter immediately at 44 Fuller.

MS. SCHNEIDER: Okay. And I think my last question has to do with your comments regarding the loading zone. You mentioned -- you talk about a "single-unit truck," and I don't know what that is. Is that like a FedEx/Amazon van? Is that a moving truck? What kind of vehicle are we talking about?

MR. FITZGERALD: It wouldn't be a full-fledged large tractor trailer. It would be a single unit. It's a -- probably like a FedEx truck or -- would be able to back in adequately if you were to push the curb corners back, and there probably would still be a little protruding into opposing traffic.
MS. SCHNEIDER: I guess I have one more question. This is probably not a fair question because you don't talk about it in your report. But I am wondering about your opinion on the feasibility of a lower parking-to-unit ratio for this project. I mean, right now they're going one to one for shared parking scheme, and I'm wondering if you think that it is feasible for a use of this kind to go below a one-to-one ratio.

MR. FITZGERALD: Ideally not. This is purely opinion. This is not based on anything. Obviously, your ZBA -- your zoning bylaws require much more than that. Our big concern, really, with the parking garage have to do with the 180-degree bend at the bottom and what will the real number of parking spaces be in the end. So ideally, considering a lot of these apartments are three bedrooms and two bedrooms, I would prefer, in my opinion, not to go below one space per apartment, but that's my opinion.

MS. SCHNEIDER: Okay. Thank you.

MR. GELLER: Thank you.

MS. PALERMO: I'll be even briefer. Once, again, I also thank you for this very useful report. You have identified some important flaws in the
developer's traffic study, and chief among them, which is my particular concern, is the number of accidents. And it does seem that it's critical that we get a report from the Brookline Police Department as to accidents involving cars, vehicles, bicycles, and pedestrians over the last -- I don't know what -- what period of time would be --

MR. FITZGERALD: It was five years.

MS. PALERMO: Five years. Okay. I'm looking for your recommendation. So I would want to see that. And I think you mentioned this in your comments tonight. It may have been in the report, and I missed it. But what would help me is having data that gives me information that I can make a decision on. And what I mean by that is, primarily the issue related to traffic, for me, is safety. And it happens to be within our purview as the zoning board of appeals to render a decision relative to safety.

And I think you said something about the connection between the crash history -- crash rates were .32 CMEV on Fuller and .13 CMEV on Coolidge and then something about the number of cars equaling the probability of crashes, but I don't know if all that connection -- it didn't come across to me as a way for
me to understand the data to say this creates a
probability issue -- danger.

MR. FITZGERALD: So the reason we look at
crash rates is really to identify the high-hazard
intersections. When you compare the amount of shared
traffic that travels through certain locations, well,
they probably will experience more accidents and
.crashes than a small, little, local roadway.

So having said that, we look at crashes per
million entering vehicles, and that's what those
letters stand for. And our assessment was solely based
on the crashes provided in the report which came from
MassDOT and not from the local police station. Based
on those numbers, there is a substantially lower number
of crashes at those two intersections compared to
statewide or even the local district. So again,
those -- that rate was based solely on the crashes from
MassDOT data that was provided in the report.

MS. PALERMO: So you said substantially lower
than the number of crashes per intersection. Is there
further definition about the intersection? I mean,
there's millions of intersections in the Commonwealth
of Massachusetts, so --

MR. FITZGERALD: Exactly. So typically, when
you get close to the threshold of the average in the state, for instance, that once you get to that point and beyond, that's when you can say that there's a potential safety issue at this intersection.

MS. PALERMO: Okay. When it's close to the average?

MR. FITZGERALD: When it's at that average and above, that's kind of a red flag.

MS. PALERMO: Okay. That's the sort of thing I need to know.

And so, again, your advice is that we get data from the Brookline Police Department. And is there any other source where you would recommend we look?

MR. FITZGERALD: Probably the local police department would be best.

MS. PALERMO: Okay. As you undoubtedly heard, one of the largest concerns is the number of children walking down Fuller to school and down Coolidge to school. And I'm just using my own common sense. And one of the things that I found likely to be risky is the four tandem spaces next to --

MR. FITZGERALD: Coolidge?

MS. PALERMO: Yeah, next to the Coolidge property. Just logically, four cars backing out -- if
you've got one car at the end and the one at the other end wants to get out onto a street, it sounds dangerous to me. Is there any way to determine that?

MR. FITZGERALD: I think it's pretty similar to an existing residential driveway, quite honestly. I would anticipate that it probably -- that driveway there is probably going to be used by employees of the retail space, I would suppose. Otherwise, it might be difficult for a customer to find that, but I'm just assuming.

Having said that, there could very well be low turnaround from that driveway, and vehicles would exit much like they would a residential driveway, as they do today.

MS. PALERMO: Okay. Thank you.

MR. GELLER: Thank you.

A just a few more. I think you've touched on this. The -- and you can correct me if I'm wrong. So your findings are that subject to the additional data that you've requested and assuming that data turns out in favor of the conclusions that have been reached, the methodologies that have been applied in this case are, in your opinion, correct. They've done this the correct way. They've analyzed the correct
intersections. They've used the correct standards based on the -- what happens in the industry. Again, subject to -- you made a recommendation of an alternative methodology. In one instance you've commented on the usage of a calculated percentage which you thought was inappropriate for, I think, retail-specific. But subject to all of that, have they done this the right way?

MR. FITZGERALD: Yes, they have. With the exception of the things I noted, the methodology is standard.

MR. GELLER: Okay. And in terms of the alternative methodologies that you're proposing, I think it's in two instances in which you suggest there would be, in one case, a slight increase in volumes -- this is traffic -- slight increase in volumes and then in the second instance I think it was essentially doubling from 15 to 31, maybe?

MR. FITZGERALD: Correct.

MR. GELLER: Assuming the increases, have those increases created issues? Do those increase -- if we consider the most conservative approach, does that create traffic problems?

MR. FITZGERALD: I can't really answer that
question because it's not just the change in methodology in calculating the apartments. It's also trip generation for the retail, which the land use code provided, in my opinion, does not provide adequate data to be used for this development. So depending on what the numbers are and depending on what the difference is when the numbers are analyzed in the traffic software and comparing the future no-build to the future build, that's really when we'll be able to identify increases in delay, increases in queues, etc.

MR. GELLER: Okay. So you need that data in order to be able to answer that question?

MR. FITZGERALD: Correct.

MR. GELLER: So we need to get that data obviously. You're shaking your head in the affirmative. Okay.

One side note I do want to make is that in terms of -- I don't know what the secondary retail use is going to be, but I will tell you that for a real estate office, they make their hay on the weekends, so those parking spaces are certainly going to be used. And I believe the applicant has cited the section of bylaw in which there are two different uses in which you could utilize the same parking spaces because
there's no conflict, so I would simply point out to you that in this case there is a conflict. It just happens to be Saturday and Sunday, and obviously we need to address that. Whether that's in the form of a narrative or -- you just need to explain what you propose to do.

You recommended that the driveway elevation be raised to the level of the sidewalk, which seems to me counterintuitive.

MR. FITZGERALD: It is counterintuitive from the standpoint that we're trying to flatten the slope, yet we want to provide safe pedestrian accommodations along that apron -- that wide apron. So what would be ideal is to make sure that that sidewalk appears as a sidewalk and that people aren't crossing on the street. That was my intent on raising the driveway apron.

MR. GELLER: But with differentiation, so --

MR. FITZGERALD: Correct. Concrete sidewalk.

MR. GELLER: You answered my question about the fence.

In your opinion, based on the volume coming out of this project -- and I'm going to separate for a moment Kate's questioning of your conclusion. But it seems to me that your report says that vehicles exiting
from this project will not exacerbate the queuing problems, assuming there are queuing problems; is that correct?

MR. FITZGERALD: That is correct. So what I'm referring to would be Figure 5R in the revised appendix that was provided that was dated September 8th. If you look at that Figure 5R, based on the existing trip generation, which, again, will change, the concern that we're having for queuing would be those left-turn vehicles exiting the driveway. So during the morning peak hour under this scenario, there are three lefts in the morning peak hour turning left onto Fuller. In the evening peak hour -- I'm sorry. I actually want to change figures. Figure 6R would be more representative because that would include the existing usage.

So there are four lefts during the morning peak hour turning from the site driveway onto Fuller, and there are three lefts during the evening making that left turn. So that's a volume of traffic over the course of 60 minutes.

So in the case of the a.m., the more critical, that's four cars in an hour. That's one car every 15 minutes trying to break onto the roadway. I understand that the vehicles will not be entirely evenly spaced.
There may be some that arrive closer to others. But 15 minutes on average is pretty decent to be able to break onto Fuller, since when we were there, we were observing traffic flowing through. But again, maybe something strange may have been going on that day or those days.

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

Anything else? Any follow-up?

MS. POVERMAN: I just want to make the two points I was scribbling notes about, which is that when we get accident information, I think it's also important to get accident information not just on the intersection, but also on Fuller Street because it is such a narrow street. And is it possible to -- I don't know who we tell to incorporate that into the request for the police data. Thank you very much. I appreciate that.

And the second is to make sure -- well, to make sure that my colleagues agree, and if they do, to make sure that we do get some sort of pedestrian analysis in the morning and perhaps on the weekends since at least one of my concerns is student flow going down the street and the shopping that goes on,
especially on Friday mornings with people getting their Shabbat meal supplies.

Fellow ZBAers, how do you feel about this request?

MS. SCHNEIDER: It's not something I've ever seen in a traffic study for a project of any size, regardless of the type of population surrounding and the type of use of the roadway. But if it's something that you feel strongly that you need, I'm not going to oppose the request. I just have never seen it incorporated into a professionally done traffic report.

MS. POVERMAN: I just don't know how else we could determine whether or not there's a pedestrian risk.

MS. SCHNEIDER: Well, I think it's a common sense issue. We understand -- we're taking testimony from the neighborhood that it's a well-traveled area, we live in the neighborhood, we've seen that there are people walking up and down the street, we've got the vehicular traffic data. I'm not sure that counting pedestrians at any particular time of day gets us where you're hoping it gets us.

MS. POVERMAN: I just want the information.

MS. STEINFELD: I can't imagine the town has
that. There would be no reason to count pedestrians on any given street.

MS. POVERMAN: Okay. Why don't we just leave that open for right now.

MR. GELLER: Okay. I don't -- look --

MS. POVERMAN: As in not requested now, but we'll see.

MR. GELLER: I'm not sure the data exists. And secondarily, what I always look to is: Is it consistent with what we have acquired before, given similar types of projects within urbanized settings like this. And I'm unaware of any circumstances in which we've asked for that specific data or in which the data has been provided in -- I mean, I can't -- certainly not within a transportation report, and I don't know of any independent report that I've ever seen. Maybe somebody else has seen it, but I've never seen a report of that nature.

And then separate from that is the question of, okay, so there are a thousand people walking in front of the building on Wednesday afternoon, or in your case it's 2:00 rushing to The Butcherie for the pre-Shabbat shop. Okay. What does that mean? You know, I just don't know where it's going.
MS. POVERMAN: Okay.

And, Judi, do you concur with this?

MS. BARRETT: Well, I was just going to say, you know, I do think you need to be a little bit careful about asking the applicant to provide -- or to carry out some kind of study that you would not require of another applicant. There's just always that issue with Chapter 40B, is making sure that you're not asking them to do more than perhaps, for example, your bylaw, your regulations, or your policies would indicate that you'd ask from another applicant.

MS. POVERMAN: I'm not saying I wouldn't ask it of another applicant. It was just a question of how to get information, but I understand your points. That's where we are. Okay. Well, we have testimony from the neighborhoods and common sense. Okay.

MR. GELLER: Okay. Thank you.

Okay. We're going to now call on the -- Alison, do we have comments from Peter -- or Maria?

MS. STEINFELD: No.

MR. GELLER: Okay. We're going to just skip right over that.

We're going to hear from the applicant at this point. But before the applicant does offer their
response, I just want to remind the applicant that there's a list of outstanding materials and those -- Maria has the list. I believe you have the list. We really need to get them so that we can keep moving along.

MR. SHEEN: From the previous --

MR. GELLER: Correct. And now we've added some additional items. And if you take the -- I'm sure Maria can put it together, but I think you also have the peer reviewer's report, and you'll see a list of additional items within that report that need to be addressed both in terms of data that needs to be supplied to our peer reviewer as well as basic questions that need to be responded to. Okay? Thank you.

Go ahead.

MR. THORNTON: So this will be short. My name is Scott Thornton. I'm with Vanasse & Associates. We prepared the traffic studies for the project. I think we're -- we did a preliminary traffic assessment, traffic impact assessment, which included the counts that we discussed earlier, and then an addendum to address the changes in the project. That was the September 8th memo.
And we just received the peer review comments on Friday. Given that there's a fair amount of information to respond to and data to collect: the accident data that was requested as well as other information, I think I would prefer to respond to all of that at once and then get -- also have an opportunity to discuss with Mr. Fitzgerald some of his findings so we can -- so we can address his concerns.

And it'll -- I can tell you, it'll take -- the accident data request alone will probably take a couple weeks, depending on what the -- what system the Brookline Police Department has. Some towns are more automated than others, but I'm anticipating that that review alone will take a couple weeks. So rather than, you know, going through and respond to two or three of these items, skip a couple, and go through and respond to a couple others, we'd rather just provide one response that addresses everything at once.

MR. GELLER: Okay. Let me -- I just want to make sure than we're fitting within our mandated time periods. I know that we've got -- we actually have another hearing we're going to schedule on this matter for October 19th. Can you meet that deadline?

MR. THORNTON: It will be close. I think the
concern is that we want to provide the information to your peer reviewer. We've got to collect the information. That's probably a couple weeks. Then we want to compile it and provide it to your peer reviewer. And then we don't want to give him a day to turn it around, so we'd like to give him enough time to digest the material and, you know, issue his findings on it. So it may be tough to make the 19th.

MS. STEINFELD: There is no alternative other than -- the next would be November 2nd. We're running out of time.

MS. POVERMAN: When are the 180 days up in this case?

MS. STEINFELD: December 27th. Our problem is October is a very difficult month to schedule hearings. Plus our consultant isn't available November 2nd. Out of the country.

MS. PALERMO: Perhaps we could ask our consultant -- our peer reviewer if he could meet a schedule provided he has the materials he needs from Vanasse within two weeks? So you'd make every effort to get it within two weeks from now --

MR. THORNTON: Yeah, absolutely.

MS. PALERMO: And then if our peer reviewer
would have sufficient time if he were to receive things in two weeks, that brings us within that October 19th --

MR. THORNTON: Quite honestly, the only thing that I'm concerned about is the accident data. I think everything else we can turn around in a couple weeks' time.

MS. PALERMO: I think we should try.

MR. GELLER: I think we don't have a choice, so --

MR. THORNTON: October 19th.

MR. GELLER: October 19th.

MS. STEINFELD: And may I suggest to the applicant that if he needs assistance with the police department, let us know.

MR. THORNTON: Absolutely. I might take you up on that.

MR. GELLER: Thank you.

MR. SHEEN: Mr. Chairman, may I just add --

MR. GELLER: Sure. Tell us who you are.

MR. SHEEN: Victor Sheen, development manager for 420 Harvard Street, LLC.

I just want to add a couple quick things. I understand the time is short. We have been in
discussion with a couple of the neighborhood groups, more specifically with the abutters, so we're working through some of the key issues, and I just want to sort of mention that. I know a few of them are in attendance, and I think some of the key concerns have been heard, and we're certainly going through our process of taking those recommendations into consideration. That's one thing I do want to say.

And in terms of the materials that were requested in previous hearings, we actually have them in digital form tonight that we can submit to Maria to be published. So the outstanding items we believe really remains to be collected in terms of the traffic analysis data. So we do -- you know, we are working diligently trying to meet the deadlines and our architects and the rest of the team is working with the neighborhood in addressing their concerns. So that's it.

MR. GELLER: Thank you. I do want to say I am very much appreciative of both you and the neighbors' willingness to work together and see if there is common ground and where that common ground is. It certainly makes this a better process, so I wanted to note that.

Okay. We're going to invite members of the
public to offer testimony specific to the purpose of this hearing which, as you know, is the ZBA's peer
reviewer's review of the traffic report. So I would ask people again to focus on what has been the subject of this hearing. Offer us your testimony that pertains to that subject. Listen to what your predecessors have to say. If you agree with them, by all means let us know, but you don't need to repeat what they said. If you have new information or additional information on that subject, we absolutely want to hear it, so --

MR. DOBROW: Ira Dobrow, 73 Fuller Street.

The thing that most stood out to me in the report is that all of the traffic numbers kind of implied that things don't back up in that underground garage. And the difficulty with the tandem parking spaces in particular or the small spaces or whatever it is, it's not going to take much happening down in that garage to spill out up the driveway and, you know, really mess up the traffic on Fuller Street. And I think that that's probably way more significant than five more trips. You know, all it takes is like one person to be stuck for 15 minutes and, you know, two cars backed up and nobody can get by on Fuller Street.
So I really think that, you know, as the peer reviewer did point out, the tandem parking spaces are a huge problem as far as I'm concerned.

MR. GELLER: Thank you.

KAREN: Hi. I'm Karen -- Karen of Babcock, and I am a fan of this project because I don't believe 40Bs are the enemy. We're given the wrong -- you know, the wrong sort of thing. It can be better than hotels, just based on who you choose as tenants, if they do have a rental history or not, which should be one of the top priorities.

And the other thing I'd like to say is that in terms of the neighbors -- in terms of the things that ruin neighborhoods, the biggest spoilers, in my opinion and from my experience, are schools because they don't pay the taxes, they don't pay their in-lieu-of-tax fees, and then they cause all kinds of disturbances of the peace because disturbance of the peace is what they're best at, especially related to sports. Thank you.

MR. GELLER: Thank you.

MS. KATES: Hi. I'm Beth Kates. I live at 105 Centre Street.

I have sort of quasi-anecdotal information to
inform the number of pedestrians. I sat at the Devotion School at the corner of -- it wasn't Fuller, but it was Williams and Stedman and Harvard one morning end of last year. Bear in mind that Devotion was half the number of students. Well, less than half the number of students because it was only, I think, K through 4 at that point. And -- or K through 5.

And it was -- I sat there from 7:30 to 8:30 in the morning and I counted the number of pedestrians that crossed different directions at that intersection, many of them coming from Fuller, from that direction. And there were 527 crossing. So -- in an hour. And that gives you an idea of potentially how many pedestrians and kids and parents.

And the thing about this particular time of year and the fact that it was only K through 5 was it was a lot of parents and small children, whereas you're likely to get older kids rushing to school alone going through -- down Harvard and, you know, across Fuller, across -- you know, that direction. So just -- it really surprised me at the number of pedestrians in an hour on Harvard.

MR. GELLER: Thank you.

MR. WHITE: Good evening. George Abbott
White, 143 Winchester Street, one of the town meeting members for Precinct 9, which this is in. Like my neighbors and colleagues, I'd like to thank the developer for getting together with the community. I think this is really terrific. And from what I've heard, it's been very productive, very fruitful, so that's great. And it's in that spirit of getting a good, a safe, and effective project for everybody that I ask the three questions.

I guess it's Mr. Fitzgerald? Yeah. I'm just wondering, have you been down to the Devotion School site?

MR. FITZGERALD: Yes.

MR. WHITE: Okay. You know that -- and you know a bit about Brookline Public Schools, that there are nine lower schools?

MR. FITZGERALD: Yes.

MR. WHITE: Okay. And you know that Devotion is the largest?

MR. FITZGERALD: Okay.

MR. WHITE: Well, do you know the number?

MR. FITZGERALD: I do not know the number.

MR. WHITE: Okay. It's 850 now and we expect it to go up to 1,150, perhaps 1,200, and a lot of that
is coming from this North Brookline neighborhood. And from what I got from the superintendent's office, this is where some of the increases are expected.

But I'd particularly like to thank the chairman this evening because I just wrote down "cars not kids." I do think -- I do think that we need to get some numbers on young people because they're going to increase. And if we're worried about accidents with cars, I'm concerned about the liability for this project in terms of kids. So that's the first thing. We're looking at a lot of kids coming in this direction.

The second thing I want to point out is that -- which hasn't been mentioned and I think it's important information -- this is a busy retail area, so the -- right next to the property that you have, 49 Coolidge, The Butcherie, you know, their customers are on Coolidge Street -- I wouldn't say morning, noon, and night, but there's scarcely a parking space. And it's not just Shabbat. I mean, they're there. And so that also is going to create, I think, some -- it's really worth taking, not just that into account and not just the Ace Hardware where people are trying to find parking at, we're taking about Kupels,
which now has an outdoor thing, and we're talking about five restaurants and we're talking about the coffee shop and we're talking about Anna's Taqueria, which thousands of students from the area kind of descend upon. Everyone knows this.

So in terms of numbers, it's not just cars. Many of these people, especially these young people, they have cars, so this is really going to add to the problem, and I think it really needs to be taken into account. And maybe in a more numerical way we need to quantify this. If we can't do it now, for future projects. I don't think we can, dealing with safety, leave it out. So in some way we've gotta come out with this.

The third thing I want to point out which hasn't been mentioned is there is something down the street from the project called the "senior center." And when it was built, as the ZBA folks may know but certainly the neighborhood knows, right, the parking for that kind of didn't get taken care of, so it's now getting taken care of. That parking is on Fuller Street and it's on Coolidge street and it's -- you know, and it's scattered about.

And we have just -- this spring I was at
meetings as a town meeting member in which kind of an understanding was made that because the senior center has such difficulty with its volunteers parking, that they're now going to assign parking at the top of Fuller and assign it at the top of Coolidge, so that means even less parking which means even more congestion. But what it does mean is at the top of Fuller -- at the top of Fuller, that by Winchester, that lane effectively will be closed off.

So we're talking about safety tonight,

Mr. Fitzgerald got to talk about traffic, and that's really something I think that needs to be understood and looked at again. Thank you very much.

MR. GELLER: Thank you.

MR. DUNNING: Hi. Tom Gunning, 39 Fuller Street.

I just wanted to make sure that -- I've taken some photos. I have a great vantage point of this intersection. When I turn right, I hit the Fuller Street parking lot and then the light and my window looks directly at the intersection, so I can see the stacking. I've sent some photos that show six or more cars going past my house and a regular blocking of the Fuller Street entrance -- the Fuller Street parking lot
entrance. I just wanted to make sure those photos made it. So I think there is some common sense that needs to be considered there.

I was happy to hear -- or unhappy to hear that our intersection is pretty stinky and it's a D or an E, and I do think it could be moving to an F. And I really am focused just on this one issue. Does it make common sense for the entrance, exit, and loading zone to be on Fuller, or would it make more sense for it to be on Harvard and -- watching out for tomatoes -- on Coolidge?

And I understand that Coolidge is a ready option. It was presented by the developer, and the developer can go under, around, and through another property to take care of the -- to take care of any issues with the entrance, exit, or loading zone.

And if I just go through common sense and look at the issues, so the issues with entering 420 Harvard, if you're coming down Fuller having come off of Centre and there's a stack, and we know from the traffic report that there's a stack, you can't get home. You can't go left into 420 Harvard because you're going to wait for that light, which will exacerbate the problem that's already there. If the entrance was on Fuller --
I mean on Coolidge, you just wouldn't have the same issue.

If you look at exiting 420, it's the same issue in reverse. You cannot take a left-hand turn when those cars are stacked up waiting for that light. And it doesn't clear always in one cycle. I see it all the time not clearing in one cycle. And again, if the entrance -- or the exit was on Coolidge, you wouldn't have that issue.

The issues with the sidewalks I think are really important, so the pictures I showed or what I see all the time is cars trying to leave the Fuller Street parking lot and take a right. It's queued. They do what human beings do, and they edge out and block the sidewalk. And I showed this in an hour three or four times one morning. It just happens all the time that cars are blocking that sidewalk.

And when we think about pedestrian traffic and safety, I know people are concerned about the kids, but the senior life center is at the corner of Centre and Fuller, and there's only one way for those residents to get down to shop and that's down Fuller. They come past my house all day long with walkers. So that sidewalk is often blocked.
Now go to the other side of the street. So the sidewalk's blocked on this side. If I'm making a left to leave 420 and the cars are queued and stacked and I can't make that left, then what are human beings going to do? They're going to edge out and block that sidewalk, so you're going to have sidewalks blocked on both sides of the street.

I do think if it stays there, leveling that sidewalk is a good idea for the people who are coming up and down that street with walkers, but I don't think it makes sense to have the entrance there. And again, no issues like this if the entrance and exit were on Coolidge Street -- the loading zone.

So we know that the traffic on one side of Fuller going towards the light is often queued and blocked. So a truck coming to the loading zone taking a right off of Harvard to take a right into the loading zone -- we know from the traffic report -- can't do that unless they swing into traffic on the other side. Well, they can't. There are cars there. And it's the same with the trucks that would then be exiting that loading zone. So the loading zone doesn't work. I think it might if it were somewhere else. Just general congestion issues.
And now, again, this takes a little more common sense. When the queue forms at Fuller and Harvard and blocks the entrance to the Fuller Street parking lot, if you are coming -- if you're going to that parking lot, you can't turn. And if you're coming off Harvard, you're going to stop and wait to take a left-hand turn directly in front of the entrance and exit to 420 Harvard. And that happens. I've seen it. I didn't get the picture yet, but I will, and you can see it as a matter of common sense.

There are a whole lot of restaurants that back up to the Fuller Street parking lot that are served by trucks that come and pick up the trash and deliver the food and entirely block Fuller Street on a regular basis. That's a particular time when the traffic can't get through the parking lot in two cycles. The parking lot also serves the temple. It's not just busy in these windows that the traffic consultant observed. It's busy all the time, including Friday nights and Sundays. It's regularly busy and backed up.

So I just think, as a matter of common sense, there are issues here. What I would like to offer to the ZBA is that -- I bought a camera. It can take pictures in 15-second intervals. I will take pictures
for the next week of the intersection, of sidewalk backups. It's not as good as a pedestrian study. I will send a selection of pictures and make any and all available. And I would appreciate if the ZBA and the developer considered these pictures from a safety point of view and a traffic point of view before you decide where the entrance, exit, and loading zone should be.

Thank you.

MR. GELLER: Thank you.

MR. LAW: Henry Law, 84 Fuller Street.

I submit three reports. I think Mr. Fitzgerald -- I think he covered two of my reports. My third report is the loading dock. I think a couple of previous speakers also mentioned it. I'm not going to talk about it any more.

Another one is -- I talk about the driveway location. The existing driveway on the existing property is 27 feet from the parking lot across the street. So they have two T sections separate each other, so the conflict is not that great.

But now you extend your driveway to 30 and 10 feet, almost twice as much as it used to be. And now you lined up your exit ramp with the exit public parking driveway. That's a big conflict. I don't know
whether -- either you build this condition -- your
traffic confliction will be effect on your
projection -- on your traffic -- level of traffic.

So I think I've heard right now some areas is
a Level D. You have the four-way intersection. You
will get a D easily. It's not acceptable. So I wish
somebody have to look at this carefully. Is this right
location?

I suggest the way it is, move it back at least
27 feet from the existing public parking garage
driveway -- parking lot driveway -- so at least avoid
the conflict. If you have that kind of traffic, no
traffic light, no left-turn, people just keep on trying
to make a left. Traffic keep coming. You cannot move.
You just stall, cannot -- traffic jam right at the
location at rush hour.

Okay. The last thing I'd like to talk about
is sight distance. Mr. Fitzgerald talk about the
fence. Beside the fence -- right at the fence there's
a utility pole. A huge one. And then they have a
cable to brace it because it spans quite a distance
from this location to go across to the other property,
the supermarket.

Besides this, on the right there's a column
right at the -- there's a red door. You have a problem with the sight distance. So we have fence, we have column. We have both sides you cannot see clearly what is going on. That's horizontal -- not -- vertical. You have 16 percent slope coming out the site to the sidewalk. You cannot see anything from the sidewalk. You can't see any cars on the roadway.

In the wintertime, you have snow condition. The driver, we don't want to stop. You stop, you lose -- lost momentum. Somebody gets hurt. You have pedestrians, you have car accidents. That's a bad design right there.

We talk about the inside radius. I don't want to mention any more. It is going to be -- screw up the queue section, and also you have a pretty dangerous condition. Sixteen percent slope is pretty steep. I mention in my report, Mt. Washington auto road is 12 percent grade. They close down the traffic in the wintertime. This is 16 percent grade here. You have snow coming in. You're underneath the building and it's drifting. The snow will come in through the hole. You have a hole in the ground, just falling on the ramp. Slippery conditions. How can the car stop when you come down?
Also, when you come in, you need to see what is on the ramp. 16 percent grade is below the roadway surface level. By the time you see it, too late. A lot of accidents happen in this condition because you cannot see what is in the front. And it's so steep you might slide and hits the cars in the back.

On the bottom of the slope, you have a tight radius. The guy cannot make one turn because you need 45 feet to make a one-turn movement. But that area just 30 feet, so the guy have to make several turns -- several point turns because he make one turn, so you back up the car on the ramp and you take the turn. You take up both roadways. A car cannot go out. Everyone have to stop until he finish the turn because there's not enough room.

This site is too small and this -- I think the developer is trying to build something there to fit in. I think from -- I'm an engineer. I'm retired. I'm a bridge engineer, but I've worked with other people. That's why I know some roadway designs, traffic. But I make -- that's why I wrote my report, so I hope somebody can read it.

If, Mr. Fitzgerald, you don't have the report, I can -- Maria can give it to you. I spent a lot of
1  time.
2  MR. FITZGERALD: I have it.
3  MR. LAW: Thank you.
4  MR. GELLER: Thank you.
5  MS. BENNETT: Hi. My name is Kailey Bennett,
6  and I live at 12 Fuller.
7  I would like to reiterate the 16 percent
8  grade. For perspective, Summit Avenue is 15 percent,
9  so over a much longer distance. Therefore, I also have
10  issue and don't really see how it would work that you
11  would have a parking lot that goes down at a 16 percent
12  grade especially considering weather conditions with
13  snow and with ice. That would be very dangerous.
14  The car count that happened last week which
15  supposedly shows that Fuller Street moves effectively
16  with traffic specifically going from Fuller onto
17  Harvard I find suspicious. It was done over two days.
18  The weather last Wednesday and Thursday was perfect,
19  sunny and 70 degrees, 80 degrees. So what is that
20  traffic going to be like tomorrow when it's supposed to
21  be raining during the morning commute? Or what is that
22  traffic like during the wintertime when there's snow or
23  a couple years ago when Fuller was brought down to one
24  lane because of snow? So I feel like a two-day study
done for a total of four hours is not enough information or data, certainly, to come to a conclusion, in my opinion.

Correct me if I'm wrong, but I didn't hear any mention of emergency vehicles. Fuller Street constantly has traffic with emergency vehicles turning or ending up on Centre Street because of the senior center. There are definitely multiple times a day, every single day, I would say, there are emergency vehicles that are going down Fuller Street because of the needs at the senior center. So I think that's an important consideration, especially if you're discussing traffic getting backed up at this intersection.

Fuller Street is mostly young families, so I would like to reiterate that there are children absolutely under the age of 12 years. We discussed them going to school, but just generally, whether they're out walking dogs, out with their parents, or by themselves -- they're really college students that live on Fuller Street as much as young families and young professionals, so there's definitely heavy traffic of children not just during the school hours.

I think that's it.
MR. GELLER: Thank you.

MS. ROLLINS: Hi. Martha Rollins, I work in Coolidge Corner, and I'm a real estate agent. And I've done 10 years of transactions in Brookline. Half my business is rentals and the other half is sales.

And regarding, you know, this problem of, you know, people needing a parking place for every unit, I feel like I've been in, you know, hundreds of properties throughout Boston and a lot of these projects just don't have a parking space for every unit. I think this could be a solution.

I was in a property yesterday, 1975 Mass. Avenue in Davis Square. It's a very similar-sized project. They elevated the building up. The parking is under the building. There's nothing -- there is some retail up front, but the parking is kind of behind it and out back. There's much fewer units. And they're not offering a parking space with every residential unit that they're selling. It's a condo.

It's not a rental property.

But there's so much new construction going on in the city. There's just, you know, an immense amount of projects, and a lot of these projects just do not offer a parking space with every unit. Why do they
I have to have -- you know, you are in transit-rich location in Coolidge Corner. A lot of people don't have cars. I do so many rentals where people are just like, I don't have a car. I don't need a parking space. So why jam all these parking spaces in there? Just make half of them with parking and half of them without, and you'll get your tenants. You'll get them.

Thank you.

MR. MCMAHON: Good evening, Board. My name is Colm McMahon. I live at 45 Coolidge Street.

So just to pick up on what was raised by a member of the public about Coolidge Street and moving the entrance to Coolidge Street, we've previously touched on this just briefly because it has never been part of any formal proposal. It was shown during one ZBA meeting as a demonstration of work and iterations that happened coming to a particular version of the proposal, and as such, has never been subject to any kind of architectural review, any traffic review, or any of the peer review process that would have gone into part of any formal proposal.

At that particular ZBA meeting, I did mention some of the major concerns about a move to that site. Just in case anybody is considering that, so if we just
look at the map of the plan here, we can see the blue house on the top, which is 49 Coolidge Street, which is on that green part of the site. The edge of that site is three and a half feet from not just our site, but from our house. All along the edge of that -- those two opposing properties is an easement for a right of way. There is no way that the demolition and construction required to construct a new entrance there would possibly be performed without at least temporarily infringing on legal rights along that site.

I've previously mentioned how unsafe that concept would be. This is taking an existing -- existing proposal here as an existing curb cut and moving it to Coolidge Street would be taking a whole new entrance and putting where people expect to find a single-family home, which is what's currently there. Taking that proposal from Mr. Gunning would also require demolishing yet another Victorian home in Brookline.

And then specifically on this particular stretch of the street, when you live here or you frequent the shops there, you'll be familiar with how intense the pedestrian activity is there with The Butcherie, with the loading, unloading of shopping...
carts, the people parking. If you did create a new curb cut there, you would be removing these two spaces where people do park at The Butcherie.

And also the site along the side of those two house is where we egress our property on foot or by bicycle, so putting a major garage entrance right on that border where we turn the corner with our kids we consider extremely unsafe. So just to address that particular comment from Mr. Gunning. Thanks.

MR. GELLER: Thank you. But as far as I'm aware, they haven't proposed a change in their plan.

MR. MCMAHON: I totally accept that. I was hoping to have a night off from getting up here. But just since the issue was raised, I felt I needed to address it.

MS. SHAW: Hi. I'm Sloat Shaw at 88 Thorndike Street, and I just wanted to bring up a point.

We've already had a parking garage that doesn't operate as proposed, a parking garage that doesn't operate in cold weather, which was put up before. Now we have a parking spot that's operating with a slope that is like Summit Avenue, and it's not regarding the population that's walking by or the people coming out.
And I feel that the people in Brookline are living here long after this property is developed. And once the development is done and the enormous profits are reaped, then the population there is left with a really strange parking arrangement and also a house that -- I mean a complex that's squished into a space. And I wanted to bring that up because I think that gets forgotten, that this is a space that isn't very large and that's why these enormously bizarre arrangements are being made with either stacked parking or parking that's tandem that's clearly not operable or something that -- a 14-degree slope that doesn't work.

MR. GELLER: Thank you.

MR. ROSEN: Good evening. I'm Mark Rosen and I too live on Thorndike Street.

I first would like to thank Madam Chairman for her insightful and perceptive questioning.

MS. POVERMAN: Mr. Chairman.

MR. ROSEN: Mr. Chairman, okay. I'll just make it the board because I thought you raised some good questions.

I just wanted to present some of my own anecdotal experiences with Fuller Street because as I was listening to the traffic study, I couldn't imagine
what street they were talking about until he mentioned Fuller. I thought it was a completely different street.

I would like to ask the ZBA to remember the time when they went to the site visit at 420 Harvard and there was a stack of cars that went from the corner of Harvard Street and Fuller all the way up to Winchester Street trying to negotiate that street. It was all jammed up. And I actually pointed it out to some of the people that were there for the site visit. I said, oh, my God. Look at that stack of cars going up the street.

So I wanted to say that I'm in agreement with the people who expressed opposition to this parking plan and also, just once again, I love the gentleman who mentioned this common sense approach and to consider some good points about safety and so forth. Sight lines are so important when you're driving a vehicle and you have to make a split second decision.

I was working on a television show for the City of Somerville, and they mentioned that cars going over the -- or around the speed of 30 miles an hour, if you were to hit a pedestrian, that's a guaranteed fatality. So cars do move up and down our streets at
those speeds. And you want to, in all possible circumstances, have the best possible sight lines and safety considerations because these children that are moving around are the future citizens of Brookline. They are the -- they represent the culmination of the hopes and desires of many, many people and they're a precious -- a very precious commodity. We need to really consider them and protect them.

And then on the other age scale, we have these wonderful people who have helped build Brookline and make it what it is today. These are the elderly citizens in our community. We need to respect these people, to allow them to have egress onto the sidewalks. Someone mentioned the fact that these cars pull out on the sidewalk and block the sidewalks on both sides of the street, and I've seen that happen. That's not fiction. And the result -- what happens is that you're forcing the pedestrians into the street on a very busy street.

So I appreciate all of these different plans coming up and the willingness of the developer to modify the proposal.

And I also want to commend Colm and his wife who are actually coming up with a completely
alternative architectural scheme, which seems to be moving in the right direction, which is to actually reduce the size and scale of the project to -- because, you know, it just makes, as he said, common sense. If you reduce the whole thing, it's going to have less of an impact on the general area.

And I also wanted to voice my support of the gentleman who is the retired bridge engineer talking about the turn radius, which I had mentioned earlier, problems with that in the garage, problems with the extreme slope: Summit Avenue but in a parking garage. I can't think of a greater nightmare for anyone trying to park in a garage, especially in the wintertime when you have ice and snow on the road. It's very difficult to stop.

So thank you all for letting me speak. And I want to just close in the hopes that the developer will continue to meet your deadlines for requests for materials -- I think that's so essential -- and that they would reconsider their refusal to grant an extension for this process.

Because with the slowness that they are showing over the past few months would almost -- it's unfortunate that the 40B law does not have a mandatory
extension process to compensate cities and towns for
people who are a little bid tardy -- I'll try to put it
in a nice way -- in providing very necessary and
essential details and materials so that people can make
a really informed and a good decision.

Because, as it's been said before, it's going
to impact people's lives for many, many years to come.
After all is said and done and Mr. Sheen has his money
from his project, the rest of Brookline is going to
have to live here and deal with what is constructed,
built, and the impact that this has on the community.
So it's so essential to have all this information here,
and I think it would be really commendable on his part
that Mr. Sheen would then allow the board an extension
so that we can extend this process so that we could
really give it a fair hearing.

Thank you so much for your time tonight, and
thank you for your insightful questions.

MR. GELLER: Anybody else?
(No audible response.)
MR. GELLER: No. Okay.

So as we've done in the prior hearings, what
I'm going to do now is I'm going to invite the board
members to talk about outstanding issues, give greater
1 focus to the developer in the hopes that that will
2 resolve outstanding issues.
3
4 As I've noted to the developer and as
5 Mr. Sheen has responded to, there is some outstanding
6 data. I know some of it's being provided tonight in
7 digital format, but the traffic report -- the
8 outstanding data that Mr. Fitzgerald has highlighted,
9 you're going to provide hopefully within the next two
10 weeks. As I understand it's dependent on responses,
11 particularly from the Brookline Police Department.
12
13 Let me just say one other thing. Judi, you
14 can jump in too if you want to. I think -- and it's
15 difficult to do. But I think it is exceedingly
16 important that for purposes of our analysis and our
17 discussion, that we have to recognize the difference
18 between existing conditions as opposed to the ways in
19 which this project exacerbates or changes conditions.
20 Those are two very distinct things.
21
22 What we cannot do, okay, under 40B is we can't
23 will away or, if you will, take into account for
24 purposes of our analysis, things that are existing
25 conditions. This is an urban environment, as much as
26 we might like to sometimes think it isn't. It is an
27 urban environment, and those types of conditions exist,
and we can't take those into account in what we are considering.

What we can take into account are the legitimate issues that have been raised by both our peer reviewer as well as by Mr. Law or Dr. Law. I'm not sure which you are. And I think Mark Rosen has raised them. I think there are questions -- and I'm not picking on any -- if I've left anybody out, I apologize. There are questions about sight distance. So there are legitimate issues here that relate specific to this project and we've given the developer the charge to respond to those specific issues. So I think that we, in particular, need always to think about the difference between those two things.

MS. POVERMAN: I agree, but with one modification. And I'm not going to -- I think there are -- it is possible to have situations where -- for example, an extreme. You take an apartment building. You put it in the middle of the Mass. Pike. That's not exacerbating -- you know, that's not saying -- taking an existing condition -- it's taking a condition and making an unsafe condition because of the situation. But I'm not saying that exists here, and I hear what you're saying.
So taking that into account, I will make just a couple of brief comments, because I think that really is what it comes down on. We have what we have. We have a busy street. And I think that the biggest issues I see now are finding out how to deal with that in terms of the parking. That's the biggest problem, dealing with the slope, which I think does create a significant problem. You know, the radius, the tandem, all those things that that -- that's sort of in situ, but you've got to find out some way to deal with that.

What worries me most are the problems with the slope and the ones that might exacerbate current conditions with traffic, which are not ideal by, you know, the turning trucks. And I don't really understand the driveways -- facing driveways -- but taking those into account to mitigate as much as possible any conflict. So right now I see that as one of the biggest problems, if not the biggest problem. So my point is that the safety issues that exist are exacerbated by parking and the garage.

And I have to admit that I, unfortunately, am one of those people pulling out of the, you know, garage onto Fuller Street because there's no way in heck you're going to get into the traffic unless you're
somewhat aggressive. That's just Brookline driving.

So that's something that we need to -- urban developer, you have to find an answer for.

MS. PALERMO: I don't have any comments.

MS. SCHNEIDER: Thank you for the raising the existing-conditions point. That was really the biggest point I wanted to make. And I think that Jim Fitzgerald's report goes through the issues -- the structural issues that need to be addressed with respect to the design and layout of the garage, the garage entrance, the curb cuts. We have seen a lot of good work out of this developer and design team in terms of incorporating feedback about the urban design of the project, and we can really use some more effort and creativity to solve some of the issues that we keep hearing: the slope, the turning radius, etc.

My biggest concern -- and I think that those are probably all fixable issues. Those are engineering issues; right?

I still am struggling with understanding how you're going to make this shared parking situation work. And I think the notable lack of information that we have has to do with the weekend use and how exactly the conflicts between residential and retail customers
and employees on the weekends is going to work. I know it is not a popular view, and I know that it is a greater deviation from what the zoning bylaw is suggesting for this, but I would be very interested in hearing about your consideration of a proposal to have fewer parking spaces in the garage. I think this is an area that is tremendously served by public transportation, and it's very walkable. I'm just not sure you need as many parking spaces as you are trying to fit into this garage. I think that if you are able to take some spaces out, it would free up some room to navigate within the garage. Obviously, you would have a lesser traffic impact in terms of the congestion, and I think that it spares everybody sort of the brain damage of how to meld these uses.

There are a lot of projects going on in Brookline now that don't have that much parking, and there are a lot of projects going on in urban areas in Massachusetts that have a .3 parking ratio or a .4 parking ratio. And I don't think that that would be inappropriate for this location, so I would ask that the developer give some consideration to that and also ask that my fellow board members give some consideration to that as we go on with the process.
MR. GELLER: Let me say -- well, let me say this: I'm unaware of another project -- another residential project where there has been a reduction in the parking to that degree. 45 Marion Street is a case unto itself. It is a tortured project, and it is a product of quite a group, as I understand it. So I've said it before. I don't know that we can use 45 Marion Street as a paradigm for anything.

MS. SCHNEIDER: Fair enough.

MR. GELLER: So one, I don't know that we've done that, whether in 40A cases or 40B cases.

Two, I can't say whether the right ratio is one parking space per unit or whether it's .6 parking spaces per unit. I would need somebody who is a lot more technically savvy and has more knowledge in this field to give me information for me to be able to formulate an opinion.

The issue is -- at least for me -- is there adequate parking to service the needs of this building so that there is not an attributable off-site response? Okay? So -- and I don't know -- again, I will leave it to the engineering types who crunch numbers and put things in little boxes to choose which box is appropriate, but they would have to give us some
guidance on that before I would certainly consider it.

MS. POVERMAN: Can I just make one comment on
the issue, because as you know, we've been dealing with
the parking issue in another case.

But one of the things that just struck me
about the whole -- reducing the parking in Brookline
cases is it's always the affordable housing projects
that take the hit. There is an uneven distribution in
terms of who is actually getting reduced parking on the
cases, and it's because the developers can't. Yeah,
that's part of what it's for. But why should it always
be the 40B cases that have to take the hit, there's not
enough parking? So that, I think, is a type of
discrimination in and of itself, and that's been
bothering me, so I'm putting it out there.

MR. GELLER: I think there have been no cases
where, frankly, we've reduced parking so significantly
that anybody is taking the hit. But I certainly think
that your hypothetical, were we to do it -- I would
concerned with the issue that you raised.

Anybody else?

MS. SCHNEIDER: I would say only that I think
that the applicant has previously agreed in their
current parking plan that they're going to make the
units -- parking spaces available in the same ratio, so I don't think we need to worry about discrimination, and I would be very hesitant to be throwing that word around.

And I think part of the reason that it's a negotiation on a 40B projects is because we get to talk about the parking and the number of parking spaces because of our role as the ZBA in a 40B case, which we don't really have in a 40A.

MS. PALERMO: I would agree with Johanna. This is absolutely not a case of discrimination in my mind. It is simply that the projects that propose an element -- a component of affordable housing are falling in a different category with the comprehensive permit. And I'm quite sure that the developer will allocate -- if there were not enough spaces to have one per unit, then they would allocate them proportionately to which ones were affordable units and which ones were market-rate units.

I actually think it's much of -- for the developer, it is an economic question, and that that's -- and the reason I'm saying that is whether they can actually market the units without a parking space, whether they can get what they need out of the
project in order to make it profitable if they don't have one space per unit.

From our perspective, we absolutely have the authority under a comprehensive permit to let them build something that doesn't have a parking space per unit if we think it's in best interest of the project.

MS. POVERMAN: Well, I absolutely agree with that, and I think that one of the things about 40B is that it can lead to differential treatment. It certainly can benefit developers or buildings that do not fit in with, you know, what has existed before. So I'm looking at more meta level. I'm not saying that necessarily a particular building will discriminate against the affordable housing people, especially, as I believe Judi said that there has to be a certain proportion set aside for affordable housing tenants.

MS. BARRETT: I didn't say it has to be. I said in my opinion it should be.

MS. POVERMAN: Okay. But it still bothers me that, as a practical matter, no 40A has come in saying, we want, you know, .3 percentage of parking spaces and, neighborhood people, you can take a hit for our overflow. It is in the context of 40B that that can happen, and it's the only context in which it does
MR. GELLER: In 40As they do come in on occasion and say, well, we'd certainly like a reduction, and I'll tell that you they generally don't get it.

MS. PALERMO: And it's a different standard of review when you are considering a request for a variance from the parking requirements for --

MR. GELLER: You know, Lark is correct in the sense that under 40B, for good or for bad, it all is thrown on the plate of the ZBA. You know, we make the decision. And we can tell them -- if we assume it fits within the things that we're entitled to look at, we can tell them, you can meet .3. I mean, whatever the parking amount is, we're guided by safety, health, and local concern. However, I'm unconvinced that -- you know, again, I would base it on real data.

MS. SCHNEIDER: Understood.

MS. SCHNEIDER: If the applicant wants to consider that, I think they need to come in with the data that you're saying you need to make the case that your parking spaces works here. I'm just throwing it out as probably the easiest solution to what is clearly a problem here, which is that the shared parking scheme
doesn't really seem to work and there doesn't seem to
be enough space in the garage.

MR. GELLER: Yeah. I'd actually back up and
say the shared parking scheme may not work for the
reasons that have been cited. And, frankly, it's the
combination of multiple factors that really creates the
problem, from being concerns with safety, problems
being, frankly, functionality, so that it's a bunch of
things. And our job is to simply throw it back to the
developer and say, go redesign that aspect of your
project. It doesn't work. So I think that's really
what we do. And then they can put their thinking caps
on and come back to us on what it is they want to do.

Okay. Anything else?

So we've got a changed continuation date,
which is now October 19th at 7:00 p.m. And we don't
have a location yet, correct, or do we know where -- I
don't know -- what day is that? A Wednesday?

MS. STEINFELD: In all likelihood, it will be
here, but I'll have to confirm it. I've reserved
Mondays and Wednesdays through the year.

MR. GELLER: I want to thank everyone for
their testimony and information.

(Proceedings adjourned at 9:20 p.m.)
I, Kristen C. Krakofsky, court reporter and notary public in and for the Commonwealth of Massachusetts, certify:

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

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

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

Dated this 6th day of October, 2016.

Kristen Krakofsky, Notary Public

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