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Volume 6
Pages 1-97

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

1 APPEARANCES

2 Board Members:

3 Jesse Geller, Chairman

4 Lark Palermo

5 Kate Poverman

6 Johanna Schneider

7

8 Town Staff:

9 Alison Steinfeld, Planning Director

10 Maria Morelli, Senior Planner

11

12 40B Consultant:

13 Judi Barrett, Director of Municipal Services,

14 RKG Associates, Inc.

15

16 Traffic Peer Reviewer:

17 James Fitzgerald, P.E., LEED AP, Director of

18 Transportation, Environmental Partners Group

19

20 Applicant:

21 Victor Sheen, 420 Harvard Associates, LLC

22 Dartagnan Brown, Principal, EMBARC Studio, LLC

23 Geoff Engler, Vice President, SEB

24 Scott Thornton, Vanasse & Associates, Inc.

1 Members of the public:
2 Ira Dobrow, 73 Fuller Street
3 Karen, Babcock Street
4 Beth Kates, 105 Centre Street
5 George Abbott White, 143 Winchester Street, town
6 meeting member, Precinct 9
7 Tom Gunning, 39 Fuller Street
8 Henry Law, 84 Fuller Street
9 Kailey Bennett, 12 Fuller
10 Martha Rollins
11 Colm McMahon, 45 Coolidge Street
12 Sloat Shaw, 88 Thorndike Street
13 Mark Rosen, Thorndike Street
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1 PROCEEDINGS: 7:04 p.m.

2 MR. GELLER: Good evening, everyone. We
3 are reconvening our 40B hearing on 420 Harvard Street.
4 Again, for the record, my name is Jesse Geller. To my
5 left is Kate Poverman, to my right is Johanna
6 Schneider, and to her right is Lark Palermo.

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

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

17 Tonight's hearing is largely going to be
18 dedicated to the ZBA's peer reviewer's review of the
19 traffic report for the project, and we will also give
20 the public an opportunity to speak and offer testimony
21 concerning that specific issue. Again, as I said in
22 the past, what we want to do is we want to try and do
23 this in an efficient manner, so I would ask that people
24 focus on what is being said, listen to what other

1 people have to say. If you agree with them, but don't
2 have additional information, just point at them and
3 say, "I agree with them." If you have additional
4 information, we certainly want to hear it. It should
5 relate to the topic for the evening, and then jump in.

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

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

10 MR. GELLER: Thank you for the clarification.

11 So I'd like to -- any other administrative
12 details?

13 (No audible response.)

14 MR. GELLER: No. Okay.

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

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

24 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.

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

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

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

1 Street and Harvard Street at Coolidge Street.
2 Turning movement counts were done during the typical
3 morning and afternoon peak periods during the weekday
4 at both intersections in the month of July of this
5 year.

6 July typically represents a higher-than-
7 average traffic volume in most instances. In this
8 location, however, the Devotion School is located
9 within 900 feet, and so we verified traffic operations
10 through observing how traffic flowed through the
11 intersection during -- actually, last week, in the
12 month of September, while school was open. The peak
13 hours from the traffic study were identified as 8:00 to
14 9:00 and 5:00 to 6:00 p.m.

15 The study also included a review of existing
16 crash data by using available MassDOT information
17 during the five-year period of 2010 to 2014 identifying
18 eight crashes during that five-year period at the
19 Harvard and Fuller intersection and three accidents at
20 the Coolidge and Harvard intersection. The crash rates
21 were not provided in the report, so we've done a crash
22 evaluation and determined that there were .32 crashes
23 per million entering vehicles at the Harvard/Fuller
24 intersection and only .13 crashes per million entering

1 vehicles at the Coolidge/Harvard intersection. Both
2 values are significantly lower than the state-wide or
3 local district average for signalized or unsignalized
4 intersections.

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

12 So with the collected traffic data, those
13 volumes were then projected out seven years to the year
14 2023 using an assumed growth rate of 1 percent per year
15 looking at historical data in the area and also by
16 including traffic volumes from nearby developments.
17 There were four developments that were identified that
18 were incorporated in generating these future no-build
19 traffic volumes for the year 2023. Backup data was not
20 provided for these for us to verify these values,
21 however.

22 Once the future no-build volumes were
23 established in the report, then the trips generated by
24 the site itself were added to those volumes so that we

1 could compare how traffic operates with and without the
2 development. This was based on a number of things.

3 First of all, Census data was reviewed for
4 2010 to 2014 for Commuting to Work information. This
5 looks at information relative to how people in
6 Brookline commute to work, hence the name. This looks
7 at things such as walking, biking, working at home,
8 transit, etc. And what was determined was 54.7 percent
9 of trips that are typically generated by a residential
10 development would use these alternative modes of
11 transportation and therefore this 54.7 percent
12 reduction was included, which seems reasonable.

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

17 Trips were generated using the Institute of
18 Transportation Engineers, ITE's, Land Use Code 220 for
19 Apartments. Within this document, there's more than
20 one method of generating anticipated trips. The method
21 used in the report was the average rate method. We
22 actually feel, given the data provided in the ITE, that
23 the fitted curve method would be more appropriate, and
24 this would actually increase the trips slightly from 12

1 in the morning peak hour to 15 and from 15 in the
2 afternoon peak hour to 31. These trips generated are
3 before the reductions that I was talking about before,
4 that 54.7 percent reduction.

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

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

20 I also wanted to point out that the --
21 Saturdays typically are the -- provides the highest
22 trips generated by a retail development, and they were
23 not evaluated here. I should also point out here that
24 the square footage of the retail development as part of

1 this proposed project is relatively small, however.

2 The traffic volumes were evaluated to compare
3 the 2023 no-build to the 2023 build, and with the
4 volumes as they currently stand with the -- you know,
5 before addressing some of the concerns that we had
6 having to do with the trip generation, there was
7 essentially no difference in delay between the no-build
8 and build trips. Again, this would have to be verified
9 with updated trip generation.

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

16 As I mentioned before, we had gone out and
17 observed traffic. It was last week, actually, that we
18 observed traffic, midweek, during the identified peak
19 hours based on the provided traffic volumes. What we
20 found was pretty similar operations to what was
21 analyzed under the existing conditions with a slight
22 difference. The slight difference occurred during the
23 morning peak hour. We observed a maximum of six
24 vehicles queuing up along the Fuller Street approach to

1 Harvard Street blocking the proposed driveway. But on
2 average, we observed three vehicles during that same
3 peak hour. So during periods that the longer queues
4 might occur when there's six vehicles, again, blocking
5 the driveway, all those vehicles were able to queue
6 through the intersection within one cycle. So with
7 additional traffic volumes from the proposed site
8 driveway, those vehicles would be able to turn left
9 onto Fuller Street towards Harvard street when that
10 traffic cleared through the signal.

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

21 The applicant has also proposed illuminated
22 actuated warning signs to alert pedestrians and
23 drivers -- I'm sorry -- to alert the pedestrians of the
24 vehicles coming up the ramps.

1 One thing that we would recommend that be
2 considered would be upgrades to the traffic signals
3 over at the Harvard at Fuller intersection, given the
4 increase in pedestrians that would be anticipated by
5 these 24 apartments. This would include things like
6 accessible pedestrian signals.

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

21 The concern that we have has to do with the
22 shared-use spaces. It has to do with it being
23 reasonable and feasible for somebody trying to get into
24 or out of that second row of tandem spaces, having

1 access to their vehicle. So during the daytime hours,
2 the applicant has committed to ensuring that the
3 vehicles will be managed by the retail development.
4 However, if there are customers parking in these spaces
5 and they visit one of the developments -- one of the
6 retail spaces at 420 Harvard and then happens to go to
7 a nearby shop for a few errands, it would be pretty
8 difficult to locate them in order for them to move
9 their vehicle.

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

16 So given that it seems this could potentially
17 be an inconvenient way of -- this could result in a lot
18 of inconvenience for the people trying to use these
19 spaces, not to mention somebody trying to enter into
20 the parking garage to access their second-row parking
21 space when it's being blocked. I don't see where that
22 vehicle would stop and leave their vehicle while they
23 go upstairs and try to contact a neighbor or go into
24 the retail spaces to have somebody move their vehicle

1 so that they can get into their parking space. So it
2 seems as if with this sort of parking scenario, that a
3 full-time parking attendant on-site would be the
4 practical way to go.

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

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

21 The percentage of -- one other thing to point
22 out -- the percentage of the compact vehicles is about
23 33 percent, which exceeds the 25 percent maximum in the
24 zoning bylaw.

1 As far as accessing the parking, the No. 1
2 issue that we had was really navigating the proposed
3 180-degree turn at the bottom of the ramp. It's a very
4 tight curve, and it would be very difficult for a lot
5 of vehicles to navigate that within that tight space.

6 We also had some concerns having to do with
7 the ramp itself. What is proposed is the ramp coming
8 from the back edge of the sidewalk. They're proposing
9 the first 10 feet to consist of an 8 percent slope and
10 then 16 percent slope beyond that. Ideally, as
11 documented in the zoning bylaw, there would be a longer
12 transition between the back of sidewalk and the steep
13 16 percent slope, hence the 20-foot requirement in the
14 zoning bylaw that the slope not exceed 10 percent.

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

22 Next we looked into the sight distance. Speed
23 data was not provided for Fuller Street, so we have
24 assumed a speed of 30 miles hour for the roadway, which

1 would require a sight distance of about 200 feet.
2 There is a wooden fence on the southern property limit
3 that extends about 7 feet tall and extends all the way
4 to the back of sidewalk. This is what's limiting the
5 sight distance down to 150 feet. So the sight distance
6 is not meeting 30 miles an hour. Again, we do not know
7 what the actual travel speeds are out there along
8 Fuller Street.

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

20 The loading zone is located adjacent to the
21 entrance and exit to the site right on Fuller Street.
22 The existing curb cuts for -- on either side, both on
23 one side of the exit for the parking garage and on the
24 other side of the loading zone, are directly in line

1 with the openings themselves making it difficult or
2 impossible for a vehicle to turn right into the space
3 without protruding into the other direction of traffic
4 along Fuller Street. So we would recommend considering
5 pushing those out a little bit. Unfortunately, this
6 would widen the driveway opening a little more but it
7 would allow for vehicles to turn in easier.

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

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

1 Street or the pedestrians for that matter.

2 And that is the conclusion of our findings.

3 So basically, in summary, things that we would consider
4 looking at -- or asking to be looked at would be
5 accident information from the Brookline Police
6 Department to verify the crashes at the intersection;
7 backup for the four other developments in the area that
8 were used in generating the future no-build volumes;
9 support for the reduction in trips -- in retail
10 trips -- instead of using the Commuting to Work
11 information; increasing the number of trips for Land
12 Use Code 220, Apartments using the fitted curve method
13 instead of the average rate method; updating the trip
14 generation for the retail use to reflect the proper
15 square footage of the development. If 4,800 square
16 feet of retail was proposed and approximately 2,100
17 square feet is anticipated for RE/MAX, the 2,700 square
18 feet of retail is greater than the 1,500 that was
19 analyzed. Also, looking at better information for
20 retail trip generation, something that's more
21 appropriate for this size of a development; not
22 depressing the driveway entrance and extending out the
23 curb cuts a bit; providing pedestrian upgrades at the
24 Harvard Street and Fuller Street intersection including

1 accessible pedestrian signals; providing a full-time
2 parking attendant on-site to manage those tandem spaces
3 so people can get in and out in a realistic manner; and
4 improving the slope along the ramps leading down to the
5 parking garage -- underground parking garage -- to try
6 to at least shield the steep slope from the elements or
7 provide some sort of pavement heating, perhaps;
8 realigning the bottom of the parking garage ramp so
9 that a vehicle can actually make the turn at the
10 bottom, fix that 180-degree bend; improving sight
11 distance by addressing that fence on the southern
12 property line; and having limited loading times to be
13 off peak; and to allow for drop-off and pick-up
14 traffic.

15 MR. GELLER: Thank you.

16 Okay. Questions?

17 Kate, go ahead.

18 MS. POVERMAN: Okay. I first want to say that
19 I appreciate all the work you've put into this, and I
20 agree with a lot of your stuff, most of all your
21 suggestions. I do need an education here, and so I
22 apologize for what may be the length of my questions.

23 So one of the things I just didn't understand
24 is why it's generally assumed that traffic volumes are

1 higher in July, especially for a town like Brookline
2 which has such a heavy student population.

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

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

12 MR. FITZGERALD: Comes back in September,
13 right.

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

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

24 MS. POVERMAN: I'm sending myself to various

1 tabs, so I apologize for jumping around a bit.

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

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

22 MS. POVERMAN: So more than 1 percent. Let's
23 go to Table 5, and maybe you can explain that to me on
24 page 12.

1 UNIDENTIFIED AUDIENCE MEMBER: Do you have a
2 table to show us?

3 MS. POVERMAN: I don't know if anybody -- I'm
4 sorry. I know it's inconvenient, but it's in the
5 traffic analysis that Mr. Fitzgerald worked off of.

6 So what it says, basically, is that -- and
7 actually, if you could just fully describe what
8 "no-build" versus "build" mean. I think it's pretty
9 obvious, but I want to the make sure I have a full
10 understanding of what that is. And as an example, just
11 read off the first two lines so the people who don't
12 have it in front of them can understand what I'm
13 talking about.

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

20 So the existing volumes were increased by
21 1 percent per year for those seven years, and as a
22 result, they increased, actually, significantly. What
23 we're looking at in Table 5 -- I'm sorry. Let me step
24 back.

1 So we get the 2023 no-build traffic volume, so
2 that's the existing roadway as it stands today with the
3 existing uses in the area. We've added in -- or the
4 applicant has added in additional traffic volumes to
5 reflect four specific developments in the area that
6 could change volumes a little bit.

7 And so in theory, without this development at
8 420 Harvard, the traffic volumes in the year 2023 will
9 be those called the "2023 no-build." When we then add
10 in the volumes anticipated by the proposed development,
11 that's how we get the traffic volumes for the 2023
12 build. In other words, build 420 Harvard Street. So
13 in Table 5, there's only a small difference between the
14 no-build and build because those are the anticipated
15 trips generated by this development. They don't have
16 anything to do with the 1 percent per year growth.

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

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

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

24 MS. POVERMAN: What page is that?

1 MR. FITZGERALD: That's on 5, in between 5 and
2 6.

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

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

7 MS. POVERMAN: Okay.

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

13 MS. POVERMAN: Fuller Street on --

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

15 MS. POVERMAN: I do.

16 MR. FITZGERALD: Okay. Now compare that same
17 exact spot over on Figure 3. That's increased up to
18 532.

19 MS. POVERMAN: Okay.

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

23 MS. POVERMAN: Okay. Got it. I think I
24 understand now. But basically it does show -- so this

1 is the 1 percent increased for five years or seven
2 years or whatever on top, on top, on top.

3 MR. FITZGERALD: Right.

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

8 MR. FITZGERALD: Correct.

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

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

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

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

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

24 MR. FITZGERALD: To be honest, these low

1 trips, if it increases the no-build it will increase
2 the build.

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

13 MR. FITZGERALD: Yes.

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

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

1 anticipated people working from home.

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

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

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

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

17 MS. POVERMAN: Developer, will you be
18 discussing that? Because I just wanted -- or is this
19 just going to be devoted -- I know at 9:00 everyone's
20 going to want to run out of here, so -- well, the only
21 reason I'm saying it is because I want to mention that
22 I think the benefit of providing T cards to people is a
23 very good benefit to encourage people to take public
24 transportation. So I just wanted to get that out

1 there.

2 Another thing I don't understand is why there
3 are more evening trips coming in than morning trips
4 going out.

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

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

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

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

18 MR. FITZGERALD: All of the -- there are many,
19 many studies that take place for other similar
20 developments and they -- the amount of trips are based
21 on, in this case, the number of apartments. And so all
22 this data is compiled together to provide different
23 rates of -- different ways of calculating trip
24 generation.

1 MS. POVERMAN: Is it based on the number of
2 apartments or the number of cars that are proposed to
3 be provided to tenants in the apartments -- or parking
4 spaces?

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

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

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

20 MR. FITZGERALD: Got it. Yup.

21 MS. POVERMAN: And this is the "Signalized
22 Intersection Capacity Analysis Summary," for those who
23 don't have it right in front of them. And while it's
24 correct that the overall assessment of the

1 intersection, for example, on Harvard Street at Fuller
2 is at B, in fact, going down Fuller Street eastbound is
3 an E. And E is "high controlled delay values,
4 individual cycle failures are frequent occurrences,"
5 which certainly is much more in line with my experience
6 on Fuller Street and my guess is it's much more in line
7 with residents' experiences.

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

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

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

1 differently.

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

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

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

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

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

23 MR. FITZGERALD: When we were out there, it
24 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 MS. POVERMAN: That may or may not be
4 necessarily because, frankly, I think the truth is told
5 by the numbers right here that Vanasse & Associates
6 did. If you believe they're inaccurate, then go
7 forward, but I have no problem relying on the actual
8 data that is here.

9 And I don't think that it's fair, since the
10 real issue we're talking about here is what the effect
11 on Fuller Street is going to be from the impact of this
12 project to say, hey, it's an A level on Harvard Street.
13 You get one car from Fuller Street that's turning left
14 onto Harvard and you've got 25 cars backed up behind
15 you. I'm exaggerating, but you know what I'm saying.
16 And as you very well point out, if you have a truck
17 turning right from Fuller, that's going to create a
18 whole other --

19 MR. FITZGERALD: Exactly, correct.

20 MS. POVERMAN: So this is something I think is
21 really important to take into account.

22 Oh, and what I wanted your opinion on was,
23 getting back to the traffic buildup that's anticipated
24 over the next few years, what's going to get that D to

1 an E or the E to an F in terms of making it worse?
2 What kind of numbers is it going to take to get us
3 there?

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

6 MS. POVERMAN: This is on 18?

7 MR. FITZGERALD: Yes. On the same chart. The
8 2023 no-build represents the proposed operation without
9 this site being developed or changed.

10 MS. POVERMAN: But does that include the
11 1 percent increase per year?

12 MR. FITZGERALD: Yes.

13 MS. POVERMAN: It does?

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

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

24 MR. FITZGERALD: We were there -- I had

1 somebody down there at, I think, 7:45 to about 8:45 in
2 the morning and about 4:45 to 5:45, something along
3 those lines.

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

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

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

1 may be the only way to solve things.

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

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

11 MS. POVERMAN: Okay. Oh, so shielding the
12 driveway, what do you involve -- or envision as being a
13 shield to the driveway and would it impact sight lines?

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

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

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

23 I might be getting there. Hold on.

24 Oh, what exactly is a manual turning movement

1 count? How does that work? What is manual about it?
2 I assume it's not somebody there with a clicker. Is
3 it?

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

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

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

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

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

23 MS. POVERMAN: How much confidence do you have
24 in an analysis of counting that involves manual

1 turning? Aren't there more sophisticated -- or manual
2 counts. Aren't there more sophisticated ways now, like
3 putting down lines --

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

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

8 MS. SCHNEIDER: I have a few questions.

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

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

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

1 really talking about is something more significant than
2 that.

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

11 MS. SCHNEIDER: Okay. I understand.

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

16 Are you also making an assumption that spaces
17 will also be used for customers of the retail space or
18 RE/MAX? And this is a question we can ask the
19 developer at some point. I'm not sure whether those
20 spaces are meant to be used for just employees or also
21 for customers, and I wonder if your analysis or your
22 concern about this changes if it's employee parking
23 only as opposed to customer parking. And your point
24 that customers might be parking there and then, you

1 know, walking around the neighborhood is well taken,
2 but I wonder if that concern is alleviated in any way
3 if those spaces are limited to people who work in the
4 building.

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

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

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

23 MR. FITZGERALD: Well, that's what sight
24 distance is all about, is visibility for oncoming

1 traffic. Without having speed data along the roadway,
2 we've made an assumed travel speed of 30 miles an hour.
3 So yes, sight distance always is related to safety.

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

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

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

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

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

19 MR. FITZGERALD: It wouldn't be a full-fledged
20 large tractor trailer. It would be a single unit.
21 It's a -- probably like a FedEx truck or -- would be
22 able to back in adequately if you were to push the curb
23 corners back, and there probably would still be a
24 little protruding into opposing traffic.

1 MS. SCHNEIDER: I guess I have one more
2 question. This is probably not a fair question because
3 you don't talk about it in your report. But I am
4 wondering about your opinion on the feasibility of a
5 lower parking-to-unit ratio for this project. I mean,
6 right now they're going one to one for shared parking
7 scheme, and I'm wondering if you think that it is
8 feasible for a use of this kind to go below a one-to-
9 one ratio.

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

20 MS. SCHNEIDER: Okay. Thank you.

21 MR. GELLER: Thank you.

22 MS. PALERMO: I'll be even briefer. Once,
23 again, I also thank you for this very useful report.
24 You have identified some important flaws in the

1 developer's traffic study, and chief among them, which
2 is my particular concern, is the number of accidents.
3 And it does seem that it's critical that we get a
4 report from the Brookline Police Department as to
5 accidents involving cars, vehicles, bicycles, and
6 pedestrians over the last -- I don't know what -- what
7 period of time would be --

8 MR. FITZGERALD: It was five years.

9 MS. PALERMO: Five years. Okay. I'm looking
10 for your recommendation. So I would want to see that.

11 And I think you mentioned this in your
12 comments tonight. It may have been in the report, and
13 I missed it. But what would help me is having data
14 that gives me information that I can make a decision
15 on. And what I mean by that is, primarily the issue
16 related to traffic, for me, is safety. And it happens
17 to be within our purview as the zoning board of appeals
18 to render a decision relative to safety.

19 And I think you said something about the
20 connection between the crash history -- crash rates
21 were .32 CMEV on Fuller and .13 CMEV on Coolidge and
22 then something about the number of cars equaling the
23 probability of crashes, but I don't know if all that
24 connection -- it didn't come across to me as a way for

1 me to understand the data to say this creates a
2 probability issue -- danger.

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

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

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

24 MR. FITZGERALD: Exactly. So typically, when

1 you get close to the threshold of the average in the
2 state, for instance, that once you get to that point
3 and beyond, that's when you can say that there's a
4 potential safety issue at this intersection.

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

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

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

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

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

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

22 MR. FITZGERALD: Coolidge?

23 MS. PALERMO: Yeah, next to the Coolidge
24 property. Just logically, four cars backing out -- if

1 you've got one car at the end and the one at the other
2 end wants to get out onto a street, it sounds dangerous
3 to me. Is there any way to determine that?

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

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

15 MS. PALERMO: Okay. Thank you.

16 MR. GELLER: Thank you.

17 A just a few more. I think you've touched on
18 this. The -- and you can correct me if I'm wrong. So
19 your findings are that subject to the additional data
20 that you've requested and assuming that data turns out
21 in favor of the conclusions that have been reached, the
22 methodologies that have been applied in this case are,
23 in your opinion, correct. They've done this the
24 correct way. They've analyzed the correct

1 intersections. They've used the correct standards
2 based on the -- what happens in the industry. Again,
3 subject to -- you made a recommendation of an
4 alternative methodology. In one instance you've
5 commented on the usage of a calculated percentage which
6 you thought was inappropriate for, I think,
7 retail-specific. But subject to all of that, have they
8 done this the right way?

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

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

19 MR. FITZGERALD: Correct.

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

24 MR. FITZGERALD: I can't really answer that

1 question because it's not just the change in
2 methodology in calculating the apartments. It's also
3 trip generation for the retail, which the land use code
4 provided, in my opinion, does not provide adequate data
5 to be used for this development. So depending on what
6 the numbers are and depending on what the difference is
7 when the numbers are analyzed in the traffic software
8 and comparing the future no-build to the future build,
9 that's really when we'll be able to identify increases
10 in delay, increases in queues, etc.

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

13 MR. FITZGERALD: Correct.

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

17 One side note I do want to make is that in
18 terms of -- I don't know what the secondary retail use
19 is going to be, but I will tell you that for a real
20 estate office, they make their hay on the weekends, so
21 those parking spaces are certainly going to be used.
22 And I believe the applicant has cited the section of
23 bylaw in which there are two different uses in which
24 you could utilize the same parking spaces because

1 there's no conflict, so I would simply point out to you
2 that in this case there is a conflict. It just happens
3 to be Saturday and Sunday, and obviously we need to
4 address that. Whether that's in the form of a
5 narrative or -- you just need to explain what you
6 propose to do.

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

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

17 MR. GELLER: But with differentiation, so --

18 MR. FITZGERALD: Correct. Concrete sidewalk.

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

21 In your opinion, based on the volume coming
22 out of this project -- and I'm going to separate for a
23 moment Kate's questioning of your conclusion. But it
24 seems to me that your report says that vehicles exiting

1 from this project will not exacerbate the queuing
2 problems, assuming there are queuing problems; is that
3 correct?

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

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

21 So in the case of the a.m., the more critical,
22 that's four cars in an hour. That's one car every 15
23 minutes trying to break onto the roadway. I understand
24 that the vehicles will not be entirely evenly spaced.

1 There may be some that arrive closer to others. But 15
2 minutes on average is pretty decent to be able to break
3 onto Fuller, since when we were there, we were
4 observing traffic flowing through. But again, maybe
5 something strange may have been going on that day or
6 those days.

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

9 Anything else? Any follow-up?

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

19 And the second is to make sure -- well, to
20 make sure that my colleagues agree, and if they do, to
21 make sure that we do get some sort of pedestrian
22 analysis in the morning and perhaps on the weekends
23 since at least one of my concerns is student flow going
24 down the street and the shopping that goes on,

1 especially on Friday mornings with people getting their
2 Shabbat meal supplies.

3 Fellow ZBAers, how do you feel about this
4 request?

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

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

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

23 MS. POVERMAN: I just want the information.

24 MS. STEINFELD: I can't imagine the town has

1 that. There would be no reason to count pedestrians on
2 any given street.

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

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

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

8 MR. GELLER: I'm not sure the data exists.

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

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

1 MS. POVERMAN: Okay.

2 And, Judi, do you concur with this?

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

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

17 MR. GELLER: Okay. Thank you.

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

20 MS. STEINFELD: No.

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

23 We're going to hear from the applicant at this
24 point. But before the applicant does offer their

1 response, I just want to remind the applicant that
2 there's a list of outstanding materials and those --
3 Maria has the list. I believe you have the list. We
4 really need to get them so that we can keep moving
5 along.

6 MR. SHEEN: From the previous --

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

16 Go ahead.

17 MR. THORNTON: So this will be short. My name
18 is Scott Thornton. I'm with Vanasse & Associates. We
19 prepared the traffic studies for the project. I think
20 we're -- we did a preliminary traffic assessment,
21 traffic impact assessment, which included the counts
22 that we discussed earlier, and then an addendum to
23 address the changes in the project. That was the
24 September 8th memo.

1 And we just received the peer review comments
2 on Friday. Given that there's a fair amount of
3 information to respond to and data to collect: the
4 accident data that was requested as well as other
5 information, I think I would prefer to respond to all
6 of that at once and then get -- also have an
7 opportunity to discuss with Mr. Fitzgerald some of his
8 findings so we can -- so we can address his concerns.

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

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

24 MR. THORNTON: It will be close. I think the

1 concern is that we want to provide the information to
2 your peer reviewer. We've got to collect the
3 information. That's probably a couple weeks. Then we
4 want to compile it and provide it to your peer
5 reviewer. And then we don't want to give him a day to
6 turn it around, so we'd like to give him enough time to
7 digest the material and, you know, issue his findings
8 on it. So it may be tough to make the 19th.

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

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

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

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

23 MR. THORNTON: Yeah, absolutely.

24 MS. PALERMO: And then if our peer reviewer

1 would have sufficient time if he were to receive things
2 in two weeks, that brings us within that October
3 19th --

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

8 MS. PALERMO: I think we should try.

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

11 MR. THORNTON: October 19th.

12 MR. GELLER: October 19th.

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

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

18 MR. GELLER: Thank you.

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

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

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

23 I just want to add a couple quick things. I
24 understand the time is short. We have been in

1 discussion with a couple of the neighborhood groups,
2 more specifically with the abutters, so we're working
3 through some of the key issues, and I just want to sort
4 of mention that. I know a few of them are in
5 attendance, and I think some of the key concerns have
6 been heard, and we're certainly going through our
7 process of taking those recommendations into
8 consideration. That's one thing I do want to say.

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

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

24 Okay. We're going to invite members of the

1 public to offer testimony specific to the purpose of
2 this hearing which, as you know, is the ZBA's peer
3 reviewer's review of the traffic report. So I would
4 ask people again to focus on what has been the subject
5 of this hearing. Offer us your testimony that pertains
6 to that subject. Listen to what your predecessors have
7 to say. If you agree with them, by all means let us
8 know, but you don't need to repeat what they said. If
9 you have new information or additional information on
10 that subject, we absolutely want to hear it, so --
11 you've jumped in line.

12 MR. DOBROW: Ira Dobrow, 73 Fuller Street.

13 The thing that most stood out to me in the
14 report is that all of the traffic numbers kind of
15 implied that things don't back up in that underground
16 garage. And the difficulty with the tandem parking
17 spaces in particular or the small spaces or whatever it
18 is, it's not going to take much happening down in that
19 garage to spill out up the driveway and, you know,
20 really mess up the traffic on Fuller Street. And I
21 think that that's probably way more significant than
22 five more trips. You know, all it takes is like one
23 person to be stuck for 15 minutes and, you know, two
24 cars backed up and nobody can get by on Fuller Street.

1 So I really think that, you know, as the peer reviewer
2 did point out, the tandem parking spaces are a huge
3 problem as far as I'm concerned.

4 MR. GELLER: Thank you.

5 KAREN: Hi. I'm Karen -- Karen of Babcock,
6 and I am a fan of this project because I don't believe
7 40Bs are the enemy. We're given the wrong -- you know,
8 the wrong sort of thing. It can be better than hotels,
9 just based on who you choose as tenants, if they do
10 have a rental history or not, which should be one of
11 the top priorities.

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

21 MR. GELLER: Thank you.

22 MS. KATES: Hi. I'm Beth Kates. I live at
23 105 Centre Street.

24 I have sort of quasi-anecdotal information to

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

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

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

23 MR. GELLER: Thank you.

24 MR. WHITE: Good evening. George Abbott

1 White, 143 Winchester Street, one of the town meeting
2 members for Precinct 9, which this is in.

3 Like my neighbors and colleagues, I'd like to
4 thank the developer for getting together with the
5 community. I think this is really terrific. And from
6 what I've heard, it's been very productive, very
7 fruitful, so that's great. And it's in that spirit of
8 getting a good, a safe, and effective project for
9 everybody that I ask the three questions.

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

13 MR. FITZGERALD: Yes.

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

17 MR. FITZGERALD: Yes.

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

20 MR. FITZGERALD: Okay.

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

22 MR. FITZGERALD: I do not know the number.

23 MR. WHITE: Okay. It's 850 now and we expect
24 it to go up to 1,150, perhaps 1,200, and a lot of that

1 is coming from this North Brookline neighborhood. And
2 from what I got from the superintendent's office, this
3 is where some of the increases are expected.

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

13 The second thing I want to point out is
14 that -- which hasn't been mentioned and I think it's
15 important information -- this is a busy retail area, so
16 the -- right next to the property that you have,
17 49 Coolidge, The Butcherie, you know, their customers
18 are on Coolidge Street -- I wouldn't say morning, noon,
19 and night, but there's scarcely a parking space. And
20 it's not just Shabbat. I mean, they're there.

21 And so that also is going to create, I think,
22 some -- it's really worth taking, not just that into
23 account and not just the Ace Hardware where people are
24 trying to find parking at, we're taking about Kupels,

1 which now has an outdoor thing, and we're talking about
2 five restaurants and we're talking about the coffee
3 shop and we're talking about Anna's Taqueria, which
4 thousands of students from the area kind of descend
5 upon. Everyone knows this.

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

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

24 And we have just -- this spring I was at

1 meetings as a town meeting member in which kind of an
2 understanding was made that because the senior center
3 has such difficulty with its volunteers parking, that
4 they're now going to assign parking at the top of
5 Fuller and assign it at the top of Coolidge, so that
6 means even less parking which means even more
7 congestion. But what it does mean is at the top of
8 Fuller -- at the top of Fuller, that by Winchester,
9 that lane effectively will be closed off.

10 So we're talking about safety tonight,
11 Mr. Fitzgerald got to talk about traffic, and that's
12 really something I think that needs to be understood
13 and looked at again. Thank you very much.

14 MR. GELLER: Thank you.

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

17 I just wanted to make sure that -- I've taken
18 some photos. I have a great vantage point of this
19 intersection. When I turn right, I hit the Fuller
20 Street parking lot and then the light and my window
21 looks directly at the intersection, so I can see the
22 stacking. I've sent some photos that show six or more
23 cars going past my house and a regular blocking of the
24 Fuller Street entrance -- the Fuller Street parking lot

1 entrance. I just wanted to make sure those photos made
2 it. So I think there is some common sense that needs
3 to be considered there.

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

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

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

1 I mean on Coolidge, you just wouldn't have the same
2 issue.

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

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

18 And when we think about pedestrian traffic and
19 safety, I know people are concerned about the kids, but
20 the senior life center is at the corner of Centre and
21 Fuller, and there's only one way for those residents to
22 get down to shop and that's down Fuller. They come
23 past my house all day long with walkers. So that
24 sidewalk is often blocked.

1 Now go to the other side of the street. So
2 the sidewalk's blocked on this side. If I'm making a
3 left to leave 420 and the cars are queued and stacked
4 and I can't make that left, then what are human beings
5 going to do? They're going to edge out and block that
6 sidewalk, so you're going to have sidewalks blocked on
7 both sides of the street.

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

14 So we know that the traffic on one side of
15 Fuller going towards the light is often queued and
16 blocked. So a truck coming to the loading zone taking
17 a right off of Harvard to take a right into the loading
18 zone -- we know from the traffic report -- can't do
19 that unless they swing into traffic on the other side.
20 Well, they can't. There are cars there. And it's the
21 same with the trucks that would then be exiting that
22 loading zone. So the loading zone doesn't work. I
23 think it might if it were somewhere else. Just general
24 congestion issues.

1 And now, again, this takes a little more
2 common sense. When the queue forms at Fuller and
3 Harvard and blocks the entrance to the Fuller Street
4 parking lot, if you are coming -- if you're going to
5 that parking lot, you can't turn. And if you're coming
6 off Harvard, you're going to stop and wait to take a
7 left-hand turn directly in front of the entrance and
8 exit to 420 Harvard. And that happens. I've seen it.
9 I didn't get the picture yet, but I will, and you can
10 see it as a matter of common sense.

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

21 So I just think, as a matter of common sense,
22 there are issues here. What I would like to offer to
23 the ZBA is that -- I bought a camera. It can take
24 pictures in 15-second intervals. I will take pictures

1 for the next week of the intersection, of sidewalk
2 backups. It's not as good as a pedestrian study. I
3 will send a selection of pictures and make any and all
4 available. And I would appreciate if the ZBA and the
5 developer considered these pictures from a safety point
6 of view and a traffic point of view before you decide
7 where the entrance, exit, and loading zone should be.
8 Thank you.

9 MR. GELLER: Thank you.

10 MR. LAW: Henry Law, 84 Fuller Street.

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

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

21 But now you extend your driveway to 30 and 10
22 feet, almost twice as much as it used to be. And now
23 you lined up your exit ramp with the exit public
24 parking driveway. That's a big conflict. I don't know

1 whether -- either you build this condition -- your
2 traffic confliction will be effect on your
3 projection -- on your traffic -- level of traffic.

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

9 I suggest the way it is, move it back at least
10 27 feet from the existing public parking garage
11 driveway -- parking lot driveway -- so at least avoid
12 the conflict. If you have that kind of traffic, no
13 traffic light, no left-turn, people just keep on trying
14 to make a left. Traffic keep coming. You cannot move.
15 You just stall, cannot -- traffic jam right at the
16 location at rush hour.

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

24 Besides this, on the right there's a column

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

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

13 We talk about the inside radius. I don't want
14 to mention any more. It is going to be -- screw up the
15 queue section, and also you have a pretty dangerous
16 condition. Sixteen percent slope is pretty steep. I
17 mention in my report, Mt. Washington auto road is
18 12 percent grade. They close down the traffic in the
19 wintertime. This is 16 percent grade here. You have
20 snow coming in. You're underneath the building and
21 it's drifting. The snow will come in through the hole.
22 You have a hole in the ground, just falling on the
23 ramp. Slippery conditions. How can the car stop when
24 you come down?

1 Also, when you come in, you need to see what
2 is on the ramp. 16 percent grade is below the roadway
3 surface level. By the time you see it, too late. A
4 lot of accidents happen in this condition because you
5 cannot see what is in the front. And it's so steep you
6 might slide and hits the cars in the back.

7 On the bottom of the slope, you have a tight
8 radius. The guy cannot make one turn because you need
9 45 feet to make a one-turn movement. But that area
10 just 30 feet, so the guy have to make several turns --
11 several point turns because he make one turn, so you
12 back up the car on the ramp and you take the turn. You
13 take up both roadways. A car cannot go out. Everyone
14 have to stop until he finish the turn because there's
15 not enough room.

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

23 If, Mr. Fitzgerald, you don't have the report,
24 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

1 done for a total of four hours is not enough
2 information or data, certainly, to come to a
3 conclusion, in my opinion.

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

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

24 I think that's it.

1 MR. GELLER: Thank you.

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

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

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

21 But there's so much new construction going on
22 in the city. There's just, you know, an immense amount
23 of projects, and a lot of these projects just do not
24 offer a parking space with every unit. Why do they

1 have to have -- you know, you are in transit-rich
2 location in Coolidge Corner. A lot of people don't
3 have cars. I do so many rentals where people are just
4 like, I don't have a car. I don't need a parking
5 space. So why jam all these parking spaces in there?
6 Just make half of them with parking and half of them
7 without, and you'll get your tenants. You'll get them.
8 Thank you.

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

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

22 At that particular ZBA meeting, I did mention
23 some of the major concerns about a move to that site.
24 Just in case anybody is considering that, so if we just

1 look at the map of the plan here, we can see the blue
2 house on the top, which is 49 Coolidge Street, which is
3 on that green part of the site. The edge of that site
4 is three and a half feet from not just our site, but
5 from our house. All along the edge of that -- those
6 two opposing properties is an easement for a right of
7 way. There is no way that the demolition and
8 construction required to construct a new entrance there
9 would possibly be performed without at least
10 temporarily infringing on legal rights along that site.

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

20 And then specifically on this particular
21 stretch of the street, when you live here or you
22 frequent the shops there, you'll be familiar with how
23 intense the pedestrian activity is there with
24 The Butcherie, with the loading, unloading of shopping

1 carts, the people parking. If you did create a new
2 curb cut there, you would be removing these two spaces
3 where people do park at The Butcherie.

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

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

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

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

18 We've already had a parking garage that
19 doesn't operate as proposed, a parking garage that
20 doesn't operate in cold weather, which was put up
21 before. Now we have a parking spot that's operating
22 with a slope that is like Summit Avenue, and it's not
23 regarding the population that's walking by or the
24 people coming out.

1 And I feel that the people in Brookline are
2 living here long after this property is developed. And
3 once the development is done and the enormous profits
4 are reaped, then the population there is left with a
5 really strange parking arrangement and also a house
6 that -- I mean a complex that's squished into a space.
7 And I wanted to bring that up because I think that gets
8 forgotten, that this is a space that isn't very large
9 and that's why these enormously bizarre arrangements
10 are being made with either stacked parking or parking
11 that's tandem that's clearly not operable or something
12 that -- a 14-degree slope that doesn't work.

13 MR. GELLER: Thank you.

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

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

18 MS. POVERMAN: Mr. Chairman.

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

22 I just wanted to present some of my own
23 anecdotal experiences with Fuller Street because as I
24 was listening to the traffic study, I couldn't imagine

1 what street they were talking about until he mentioned
2 Fuller. I thought it was a completely different
3 street.

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

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

20 I was working on a television show for the
21 City of Somerville, and they mentioned that cars going
22 over the -- or around the speed of 30 miles an hour, if
23 you were to hit a pedestrian, that's a guaranteed
24 fatality. So cars do move up and down our streets at

1 those speeds. And you want to, in all possible
2 circumstances, have the best possible sight lines and
3 safety considerations because these children that are
4 moving around are the future citizens of Brookline.
5 They are the -- they represent the culmination of the
6 hopes and desires of many, many people and they're a
7 precious -- a very precious commodity. We need to
8 really consider them and protect them.

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

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

23 And I also want to commend Colm and his wife
24 who are actually coming up with a completely

1 alternative architectural scheme, which seems to be
2 moving in the right direction, which is to actually
3 reduce the size and scale of the project to -- because,
4 you know, it just makes, as he said, common sense. If
5 you reduce the whole thing, it's going to have less of
6 an impact on the general area.

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

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

22 Because with the slowness that they are
23 showing over the past few months would almost -- it's
24 unfortunate that the 40B law does not have a mandatory

1 extension process to compensate cities and towns for
2 people who are a little bit tardy -- I'll try to put it
3 in a nice way -- in providing very necessary and
4 essential details and materials so that people can make
5 a really informed and a good decision.

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

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

19 MR. GELLER: Anybody else?

20 (No audible response.)

21 MR. GELLER: No. Okay.

22 So as we've done in the prior hearings, what
23 I'm going to do now is I'm going to invite the board
24 members to talk about outstanding issues, give greater

1 focus to the developer in the hopes that that will
2 resolve outstanding issues.

3 As I've noted to the developer and as
4 Mr. Sheen has responded to, there is some outstanding
5 data. I know some of it's being provided tonight in
6 digital format, but the traffic report -- the
7 outstanding data that Mr. Fitzgerald has highlighted,
8 you're going to provide hopefully within the next two
9 weeks. As I understand it's dependent on responses,
10 particularly from the Brookline Police Department.

11 Let me just say one other thing. Judi, you
12 can jump in too if you want to. I think -- and it's
13 difficult to do. But I think it is exceedingly
14 important that for purposes of our analysis and our
15 discussion, that we have to recognize the difference
16 between existing conditions as opposed to the ways in
17 which this project exacerbates or changes conditions.
18 Those are two very distinct things.

19 What we cannot do, okay, under 40B is we can't
20 will away or, if you will, take into account for
21 purposes of our analysis, things that are existing
22 conditions. This is an urban environment, as much as
23 we might like to sometimes think it isn't. It is an
24 urban environment, and those types of conditions exist,

1 and we can't take those into account in what we are
2 considering.

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

15 MS. POVERMAN: I agree, but with one
16 modification. And I'm not going to -- I think there
17 are -- it is possible to have situations where -- for
18 example, an extreme. You take an apartment building.
19 You put it in the middle of the Mass. Pike. That's not
20 exacerbating -- you know, that's not saying -- taking
21 an existing condition -- it's taking a condition and
22 making an unsafe condition because of the situation.
23 But I'm not saying that exists here, and I hear what
24 you're saying.

1 So taking that into account, I will make just
2 a couple of brief comments, because I think that really
3 is what it comes down on. We have what we have. We
4 have a busy street. And I think that the biggest
5 issues I see now are finding out how to deal with that
6 in terms of the parking. That's the biggest problem,
7 dealing with the slope, which I think does create a
8 significant problem. You know, the radius, the tandem,
9 all those things that that -- that's sort of in situ,
10 but you've got to find out some way to deal with that.

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

21 And I have to admit that I, unfortunately, am
22 one of those people pulling out of the, you know,
23 garage onto Fuller Street because there's no way in
24 heck you're going to get into the traffic unless you're

1 somewhat aggressive. That's just Brookline driving.
2 So that's something that we need to -- urban developer,
3 you have to find an answer for.

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

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

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

20 I still am struggling with understanding how
21 you're going to make this shared parking situation
22 work. And I think the notable lack of information that
23 we have has to do with the weekend use and how exactly
24 the conflicts between residential and retail customers

1 and employees on the weekends is going to work.

2 I know it is not a popular view, and I know
3 that it is a greater deviation from what the zoning
4 bylaw is suggesting for this, but I would be very
5 interested in hearing about your consideration of a
6 proposal to have fewer parking spaces in the garage. I
7 think this is an area that is tremendously served by
8 public transportation, and it's very walkable. I'm
9 just not sure you need as many parking spaces as you
10 are trying to fit into this garage. I think that if
11 you are able to take some spaces out, it would free up
12 some room to navigate within the garage. Obviously,
13 you would have a lesser traffic impact in terms of the
14 congestion, and I think that it spares everybody sort
15 of the brain damage of how to we meld these uses.

16 There are a lot of projects going on in
17 Brookline now that don't have that much parking, and
18 there are a lot of projects going on in urban areas in
19 Massachusetts that have a .3 parking ratio or a .4
20 parking ratio. And I don't think that that would be
21 inappropriate for this location, so I would ask that
22 the developer give some consideration to that and also
23 ask that my fellow board members give some
24 consideration to that as we go on with the process.

1 MR. GELLER: Let me say -- well, let me say
2 this: I'm unaware of another project -- another
3 residential project where there has been a reduction in
4 the parking to that degree. 45 Marion Street is a case
5 unto itself. It is a tortured project, and it is a
6 product of quite a group, as I understand it. So I've
7 said it before. I don't know that we can use 45 Marion
8 Street as a paradigm for anything.

9 MS. SCHNEIDER: Fair enough.

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

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

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

1 guidance on that before I would certainly consider it.

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

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

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

21 Anybody else?

22 MS. SCHNEIDER: I would say only that I think
23 that the applicant has previously agreed in their
24 current parking plan that they're going to make the

1 units -- parking spaces available in the same ratio, so
2 I don't think we need to worry about discrimination,
3 and I would be very hesitant to be throwing that word
4 around.

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

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

20 I actually think it's much of -- for the
21 developer, it is an economic question, and that
22 that's -- and the reason I'm saying that is whether
23 they can actually market the units without a parking
24 space, whether they can get what they need out of the

1 project in order to make it profitable if they don't
2 have one space per unit.

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

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

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

19 MS. POVERMAN: Okay. But it still bothers me
20 that, as a practical matter, no 40A has come in saying,
21 we want, you know, .3 percentage of parking spaces and,
22 neighborhood people, you can take a hit for our
23 overflow. It is in the context of 40B that that can
24 happen, and it's the only context in which it does

1 happen. And so it's a philosophical, so we will --

2 MR. GELLER: In 40As they do come in on
3 occasion and say, well, we'd certainly like a
4 reduction, and I'll tell that you they generally don't
5 get it.

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

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

18 MS. SCHNEIDER: Understood.

19 MS. SCHNEIDER: If the applicant wants to
20 consider that, I think they need to come in with the
21 data that you're saying you need to make the case that
22 your parking spaces works here. I'm just throwing it
23 out as probably the easiest solution to what is clearly
24 a problem here, which is that the shared parking scheme

1 doesn't really seem to work and there doesn't seem to
2 be enough space in the garage.

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

14 Okay. Anything else?

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

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

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

24 (Proceedings adjourned at 9:20 p.m.)


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

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

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

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

13 Dated this 6th day of October, 2016.

14 
15 _____
16

17 Kristen Krakofsky, Notary Public

18 My commission expires November 3, 2017.

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