

**19 SHAILER STREET
BROOKLINE, MASSACHUSETTS 02446**

November 28, 2016

Zoning Board of Appeal
Town of Brookline
Town Hall
333 Washington Street
Brookline, MA 02445

Re: 40 Centre Street

To the Members of the Zoning Board of Appeal:

I write to oppose the granting of waivers sought by the developer Robert Roth for his project at 40 Centre Street. I have followed the progress of the proceedings held on the proposal advanced by Mr. Roth throughout this process, and I have opposed this project both in written statements to the Zoning Board of Appeal and in testimony that I have given, along with other concerned citizens who reside in the neighborhoods adjacent to 40 Centre Street.

It is time that the ZBA begins to take heed of the opposition of the citizenry to this project. I should note that this opposition is not based on an “NIMBY” resistance to the concept of affordable housing in the Town of Brookline. All of us opposing the 40 Centre Street project favor affordable housing. What we oppose is the oversized and mediocre 40 Centre Street project that Mr. Roth is attempting to foist upon our neighborhood.

The proposed 40 Centre Street building is too large. It encroaches on the property boundary lines on all sides of the planned structure. It comes too close to the Centre Street sidewalk and, if permitted, would be the only building on its side of Centre Street not to respect the setback requirement, which is honored even by much larger buildings such as 100 Centre Street. The entryway for 40 Centre Street will almost reach the sidewalk and destroys any sense that the building complies with the setback requirement of 15'. Adjacent to the entryway will be a walled enclosure for the building's transformer, which further destroys the illusory setback, and introduces the building's mechanicals into the neighborhood space, again something no other building on Centre Street does. The proponent is also requesting a waiver from the 30' rear setback to only 5.2', which will have the building looming over the outdoor recreation area for its rear-abutting neighbor, 19 Winchester Street. This building is simply too large for the lot for which it is proposed—it will cover 87.5% of the lot, well over the 80% limit provided by the Town's Zoning by-law. Significantly, this property will have barely half the required landscaped area and will offer *absolutely no usable open space* (where the by-law requires 20% usable open space). The waivers that will allow the developer to shoehorn the proposed oversized project into a lot currently occupied by a two-family home should be denied.

The proposed 40 Centre Street building is too tall. The current iteration of the design for 40 Centre Street calls for a 6-story building, while the Zoning by-law would permit only 4

stories, and neighboring buildings on Centre Street, which provide the streetscape context for 40 Centre Street are only three stories. The height limit in this area under the by-law is 40', while the proponent seeks a waiver to build a 67'4" structure, that is, an additional 2/3 of the current maximum permitted height. The modest setbacks proposed for the 5th and 6th stories will not disguise the fact that this building is too big for its context. (It should be noted that the developer and his architect did not comply with the ZBA's request for a setback of the upper two stories all across the structure, an approach consistent with this developer's resistance to even modest requests for modification to his proposal throughout this process.) The proposed 40 Centre Street will loom over the adjacent structures on Centre Street, and no neighbor or pedestrian on Centre Street will be under the illusion that this is a 4-story building just because the two uppermost floors are minimally set back. Reducing this structure by two stories would bring it closer into harmony with the neighborhood and alleviate the parking problem that this building is going to cause. Only the developer's wish to cram as many living units as possible on this modestly-sized property explains the insistence on the 6-story proposal. The ZBA should deny the request for an excessively high building and require the developer to reduce the building size by eliminating the 5th and 6th stories.

The proposed 40 Centre Street does not provide sufficient parking. According to the proponent's request for a waiver, Table 6.02 of the Zoning by-law would require 82 parking spaces for a residential building with the number of units proposed at 40 Centre Street. The developer proposes, instead, 17 spaces with 8 stackers, less than one-third of the required total. The real solution here would be the construction of an underground parking garage that would provide space for the vehicles of all tenants, visitors, building staff, and service providers. For all the discussion of the transportation alternatives in Coolidge Corner, tenants of the proposed building are going to want to have personal vehicles to go grocery shopping, run errands, visit friends and family, and travel to workplaces not conveniently reached by public transportation routes. Both high-income and affordable housing tenants at 40 Centre Street are going to want to have personal vehicles other than bicycles in order to conduct their lives. Current residents of the Centre Street area have already testified to the ZBA about the scarcity of parking in this area, particularly given the demand for parking from area residents and business owners, Devotion School staff, Kehillath Israel staff, service providers, delivery vehicles, and personal care attendants for many of the elderly residents at 100 Centre Street. The ZBA must not consider the proposal for 40 Centre Street in a vacuum: in evaluating the requests for waivers for this project, the Board must take into consideration the other Chapter 40B residential buildings currently before the Town, most of them crowded into the Coolidge Corner area, which are going to place a huge burden on the available parking resources. The ZBA should deny the requested waiver from the parking requirements of the Zoning by-law.

The applicant's waste management proposal for 40 Centre Street is incomplete and unsatisfactory. The federal Environmental Protection Agency estimates that the average household generates 29 pounds of garbage, trash and recyclable material per week. At a building housing 40 units, as does the current iteration of 40 Centre Street, the residents will generate 1160 pounds of garbage per week, or 60,320 pounds per year—over 30 tons of waste that the developer does not fully account for. Studies on organic waste management suggest that fully 3 1/3 tons of this garbage will be organic waste, which will engender unpleasant odors, attract flies, and other vermin to the structure. The building will evidently be equipped with trash chutes

on each floor, so that residents will drop their garbage, waste, and recyclables in an unsorted way to the ground floor where there will reportedly be a compactor. Who will sort the materials thrown down the chutes and who will operate the compactor are unclear. The compactor's capacity is unclear. And even if compacted, 60,320 pounds of garbage is a huge volume of waste materials to manage. It is unclear whether the developer's 12' x 18' trash room will reliably provide enough space to store over half a ton of garbage every week, even if compacted. Moreover, the Town public works department's evaluation of the developer's waste management plan leaves open the possibility that the Town will require additional containers in the trash room, which may, then, be too small to accommodate them.

Because the building design does not permit access of a large waste removal truck to empty the necessary dumpsters on the site, the 40 Centre trash, waste, and recyclables will have to be hauled to the Centre street curb, where they will create an obstacle and safety concerns for passers-by of all kinds—including school children, the elderly, and the disabled, whether on foot or in wheelchairs. Should the developer opt for undifferentiated private hauling, the building will have a globally-negative environmental impact, a public health concern. The volume of trash generated by this 40-unit building will most likely require the equivalent of thirty 35-gallon trash carts placed out at the curb—a line about 55 feet long and two feet deep. Recycling containers will take even more space.

The scale of the waste management problem for 40 Centre Street can best be reduced by eliminating the upper two floors of the building and reducing the number of residential units. The ZBA should, again, deny the developer the waivers he seeks from the maximum height limits permitted in this area.

The ZBA must use its own best judgment in determining whether to grant waivers for the 40 Centre Street project. During the most recent public hearing on the 40 Centre Street proposal, the Chairman of the panel suggested that the ZBA must approve a project that has satisfied, in whole or in part, the ZBA's peer reviewers. The Chairman cited no legal authority for this position, which cannot withstand scrutiny. Nothing in the Town's Zoning by-law or in the regulatory framework for Chapter 40B requires the ZBA to cede its responsibilities to peer reviewers in any field. Such a position would make the ZBA a nullity and mean that the hours spent by Board members in meetings and by the citizens of Brookline who attend those meetings and testify during them have all been wasted. Rather, it is the responsibility of the ZBA to consider the proponent's proposal in light of not just the peer reviewers' opinions, but also of the views of the citizens of the Town, the arguments of legal counsel for opponents of a project, and the experienced opinions and judgments of other members of the ZBA itself. It is the ZBA's duty to consider not only the merits and failings of a single project like 40 Centre Street, but to take into account the environment in which such a project has been proposed. In the present case, as it evaluates the developer's planned project for 40 Centre Street, the ZBA must take into account the other projects that are going to have impacts on the Coolidge Corner neighborhood and raise many of the same issues about increased density, design, waste management, parking, public safety, construction impact, demands on infrastructure, and, quite importantly, the character of the Coolidge Corner area and our Town. These other projects include the JCHE proposal for 384 Harvard Street, 420 Harvard Street, the Neena's Lighting site at 1299 Beacon Street, 134-138 Babcock Street, and 455 Harvard Street, among others.

As citizens of Brookline and residents of the area most affected by these Chapter 40B proposals, we rely upon the ZBA to try to preserve our Town, its character, and the homes in which we have invested as well as to uphold the Zoning by-laws that the Town has adopted in the interests of all its residents. While duly respecting the objective of creating an adequate supply of affordable housing, the ZBA should try to protect Brookline from unplanned and disorganized assaults on the Town's character by developers who are driven solely by a profit motive and will do anything possible to maximize the gains they can extract from a single property, without regard for the current residents or the character of a neighborhood or the impact their projects will have on the environment and the civic fabric. Neither developers nor architects who design mediocre buildings to be constructed on the cheap should have the last word on the urban fabric in Brookline. The ZBA should not, therefore, approve any Chapter 40B proposal uncritically just because that project has satisfied, in whole or in part, a peer review. The peer reviewer is merely doing a job. In contrast, the ZBA has a higher duty to the citizens of Brookline, and should exercise its own best judgment in evaluating a project like 40 Centre Street. In this case, the ZBA could best fulfill that duty by denying the requested waivers for building height and maximum floor area and requiring the elimination of the 5th and 6th stories of the building proposed for 40 Centre Street.

Sincerely,

Stephen K. Ault