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Volume VII
Pages 1-44

Brookline Zoning Board of Appeals Hearing
1180 Boylston Street Comprehensive Permit
Application
Chestnut Hill Investments, LLC
November 7, 2016, at 7:00 p.m.
Brookline Town Hall
333 Washington Street, 6th Floor
Brookline, Massachusetts 02445

Reporter: Kristen C. Krakofsky

1 APPEARANCES

2 Board Members:

3 Johanna Schneider, Chair

4 Jonathan Book

5 Mark Zuroff

6

7 Town Staff:

8 Alison Steinfeld, Planning Director

9 Maria Morelli, Senior Planner

10

11 Stormwater Management:

12 Peter Ditto, P.E., Director of Engineering and

13 Transportation, Brookline Department of Public Works

14

15 40B Consultant:

16 Judi Barrett, Director of Municipal Services,

17 RKG Associates, Inc.

18

19 Independent Environmental Review:

20 John Chambers, PG, LSP, Senior Vice President,

21 Fuss & O'Neill, Inc.

22

23

24

1 Applicant:

2 Deborah Danik, PE, LEED AP BD+C, Project Manager

3 Nitsch Engineering

4 Bob Engler, President, SEB, LLC

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7 Members of the Public:

8 Janice Khan, 63 Craftsland Road, Town Meeting Member,

9 Precinct 15

10 Diane Schweitzer, 13 Jefferson Road, Chestnut Hill

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1 PROCEEDINGS:

2 7:13 p.m.

3 MS. SCHNEIDER: We apologize for the delay.
4 We do have our panel here this evening for
5 1180 Boylston, the comprehensive permit application.
6 Just a reminder, my name is Johanna Schneider. To my
7 left is Mark Zuroff, to my right Jonathan Book.

8 I think everybody here has been to at least
9 one of the hearings on this project. So we are in
10 the comprehensive permit review process. What we're
11 going to be talking about tonight are environmental
12 issues and stormwater issues.

13 As many people know, the project site used
14 to have a gas station. The previous owner,
15 Cumberland Farms, is responsible for remediating
16 environmental conditions of the site from its prior
17 use, but because this is a former -- because this is
18 a contaminated site that's going to be used for
19 potentially residential use, we wanted -- the ZBA
20 wanted assurances that the site is, in fact, safe and
21 appropriate for residential use, so we requested that
22 an environmental review be conducted by an
23 independent licensed site professional or LSP, and
24 that peer reviewer is here tonight to provide

1 testimony. We're also going to be hearing some
2 testimony about stormwater this evening.

3 So without -- unless there are any
4 administrative procedural things, Maria, that we want
5 to get out of the way before we turn it over, I would
6 like to have John Chambers from Fuss & O'Neill
7 present his report.

8 MR. CHAMBERS: Hello. Is there anything
9 formal I have to say about -- anything you need from
10 me, or just go through the report?

11 MS. SCHNEIDER: You can just start with
12 the report.

13 MR. CHAMBERS: Okay. So basically, I
14 think you all know -- I wasn't at the previous
15 meetings on this, but it sounds like you all know
16 it's a former gas station. There's a real simple
17 diagram on the wall over there. Basically, the real
18 issue with the release here is gasoline was released
19 to the subsurface. The highest concentrations are in
20 the area where the former tanks were on the far left,
21 that rectangle, and the adjacent former pump aisles,
22 which is very typical of a gas station. There are
23 still dissolved gasoline contaminates in the water on
24 the site.

1 And then the other area that's outlined in
2 front of the former building there was an area where
3 there was some, you know, fill material basically
4 that had lead in it as a contaminant as well.

5 So really, in my mind, the two primary
6 concerns that those would drive for occupying this as
7 a residence are vapors -- buildings can, due to the
8 fact that they have a heating system that sucks in
9 and, you know, the way the pressure works, it'll suck
10 in things from the ground through cracks and other
11 pathways into the building, so there needs to be some
12 thought put into how do you prevent that from
13 happening if you have dissolved volatile compounds,
14 which you do at the site.

15 And then the second is just soil
16 management. You know, you're going to be digging in
17 soil that's contaminated. You're going to be pump
18 dewatering and, you know, build deep foundations and
19 things, which we read about here. You're going to
20 have to extract the groundwater and it becomes
21 contaminated. You have to treat it before you
22 discharge it.

23 So that's kind of the overall summary of
24 the site conditions. We kind of read through the

1 existing environmental reports and came up with, I
2 think, six or seven concerns that I had that I wanted
3 to raise to you. I'll just go through the letter
4 here real briefly. The first one, No. 1, was --

5 MS. SCHNEIDER: Let me just stop you for a
6 second.

7 Maria, is this letter already on the
8 website or it will be?

9 MS. MORELLI: It will be on the website.

10 MS. SCHNEIDER: Okay. For folks who are
11 here from the neighborhood, there was a letter report
12 that was performed. It will be on the project
13 website. So he's going to talk to it, but you all
14 can check it out on the website after tonight.

15 I'm sorry. Go ahead.

16 MR. CHAMBERS: And basically, most of the
17 information we got was from the application or from
18 the few submittals. MassDEP regulates a site like
19 this and the cleanup that Cumberland Farms has been
20 conducting, so there were reports on that. And I can
21 answer any questions on that if that's not enough
22 detail.

23 But I'm going to go into the
24 recommendations, which are basically -- so number 1,

1 during the -- there was discussion in the application
2 of a deep garage that's going to be underneath the
3 building. It's going to go down 20 or 25 feet, if I
4 recall correctly. Depth of water is probably 8 feet
5 or 7 feet. So in order to do something like that,
6 you're going to have to pump out the contaminated
7 water and treat it.

8 That is regulated by US EPA and MassDEP, so
9 in my mind, if those are adhered to during the
10 process, that probably doesn't pose a lot of risk for
11 the town or the residents. In fact, any removal of
12 contamination from a site is a positive thing, so,
13 you know, if this water is treated under those
14 regulatory programs, that shouldn't pose a real risk.

15 Second, though, is long-term dewatering and
16 groundwater control. It wasn't clear to me -- there
17 was mention that the underground garage would be
18 waterproofed and that there would be some kind of
19 drain system on it. That had a concern for me in the
20 long term, and that may be more on the stormwater
21 side of it, but I'll mention my concerns, which were
22 sealing something that's going to be, you know, 17
23 feet under water. It's going to be under a lot of
24 pressure in perpetuity, so I'm not certain whether

1 they're going to depressurize that and remove the
2 water or just rely on the waterproofing. I would be
3 concerned that the waterproofing can remain in
4 perpetuity under that much pressure over the long
5 term.

6 And if it's a long-term discharge, pumping
7 the water out to release that pressure, then you have
8 the same kind of issue where you're discharging
9 through your storm sewer -- your storm system over
10 the long term and that may have impacts to the
11 capacity. And again, there would be a permanence
12 that would have to be entered into to treat that
13 water before it was discharged. So those would be my
14 concerns in the long term, dewatering.

15 Number 3 is the accumulation of remediation
16 waste. Any soil, kind of overburdened soil,
17 unconsolidated soil, or groundwater that's removed
18 from this during construction, which will happen,
19 it's likely to be -- some portion of it, if not all
20 of it, will be contaminated and it will have to be
21 disposed of properly.

22 So the one concern I would see to the town
23 is if -- sometimes on a development like this, if the
24 financing isn't strong and you're getting in trouble

1 or you have a big pile of contaminated soil on your
2 site and it's stuck sitting there, you may want some
3 financial assurance that they can get rid of it.

4 It's not a big site, so I would imagine,
5 you know, they've got to think -- they've been
6 thinking about how they can get rid of the material
7 anyway, because there's not going to be a lot of
8 place to store it in the first place. But that --
9 you know, how that's treated, it's, again, regulated
10 under the MassDEP regulations, so if they adhere to
11 those regulations, they have 120 days to get it off
12 site. But my only concern really would be how it's
13 stored on-site and the timing of removal.

14 The fourth issue was bedrock removal.
15 Basically, it looks like they're going to have to dig
16 into bedrock pretty seriously to get this garage in.
17 And I think in the foundation report, the applicant
18 indicated there would be no blasting, which I
19 would -- I would think the neighbors would appreciate
20 because there's nearby houses and stuff. But that's
21 just -- you know, does the council have preferences
22 on how that's done?

23 You know, there's some risk on the
24 environmental side, but again, that's regulated

1 elsewhere. Where right now the contamination is in
2 the bedrock, it flows through fractures and you could
3 create more fractures, but I'm not certain that would
4 be something that you would want to get into. That's
5 more of an MCP, DEP issue. But that's a concern you
6 might want to think about.

7 Number 5 was a vapor intrusion issue.
8 Looking at the design as it's proposed, I think it
9 does a nice job of dealing with vapor intrusion. Two
10 of the ways that vapor intrusion is typically dealt
11 with is sealing the foundation so that vapors in the
12 subsurface cannot get into the building, or
13 waterproofing, if it's done right, would do that.

14 And secondly, operating a garage
15 underground like that, I would presume there would be
16 some kind of ventilation in that. Any vapors that
17 would go into the garage would be ventilated and
18 would pose no risk to the occupants. So that one I
19 would actually put more emphasis on, or I would
20 recommend that that -- some requirement as to how
21 those systems operate in perpetuity while the site is
22 still contaminated might be something you would
23 consider. You know, if the ventilation system goes
24 off, you know, can vapors get in? Or if the

1 waterproofing fails, can they get in?

2 So we had questions, in reading the
3 material, on who the responsible party was. It
4 appears Cumberland Farms is the one doing the
5 cleanup. There are activities that could be
6 considered remediation activities on this as far as
7 long-term dewatering and treating groundwater. These
8 arguably are remediation activities, taking out the
9 contamination and treating it and leaving the site
10 cleaner. You know, who's going to be responsible for
11 that? And again, if that's occurring, that's
12 something that needs to happen in perpetuity and
13 needs to be redundant. Who's in charge of that if it
14 fails, kind of would be the question I would have.

15 And then the overall -- or the last comment
16 we made was, I guess, a positive one in that any
17 removal of contaminated waste material or removal of
18 groundwater that gets treated certainly improves the
19 environment here. You know, I think as is, it
20 doesn't pose a lot of -- the way the site is right
21 now, Cumberland Farms has it permitted to just
22 monitor the groundwater and have it naturally
23 attenuate or kind of biodegrade. There's no active
24 remediation. It's effectively just breaking down in

1 the environment, and there's no identified risks to
2 the neighborhood or anything like that from it. So I
3 don't think this changes that with the -- if the
4 measures that I talked about here are put in place,
5 and the reduction of the mass of the contaminate
6 certainly is a positive thing.

7 So that was the main focus areas we had.

8 MR. BOOK: It's a relatively small site,
9 and they're going to be essentially digging a 20-foot
10 trench, you know, digging up -- is there any --
11 aren't they removing all the -- will there be
12 anything left in terms of contamination, or are they
13 pulling it all up?

14 MR. CHAMBERS: A lot of -- it's virtually
15 impossible to get rid of all contamination in these
16 kind of sites. I mean, it's likely it's going to
17 persist for a long while anyway, but the levels are
18 going to just get lower and lower over time.

19 And the way the regulatory program works,
20 it really is more -- you know, 20 years ago the
21 regulatory programs realized that you weren't going
22 to get sites pristine and cleaned up and no
23 contamination anymore, so focus more on risk both to
24 the environment and to human health.

1 So in that regard, you know, the real
2 nastiest contamination has probably already been
3 removed out of the site. I mean, they did -- I don't
4 know. Fifteen different tanks were pulled out of
5 this site and contaminated soil was dug up with them.
6 I think 2014, all the kind of sourced materials had
7 been removed by then from the site. So I don't think
8 that's the main -- you know, there's residual
9 contamination that's still there, but it's not the
10 worst of it. And their LSP believes that it would
11 kind of degrade to a condition of no risk over time
12 if left the way it is.

13 And I don't disagree with that. It does
14 appear that they've taken the, you know, free phase
15 product, that gasoline doesn't appear to be there
16 anymore.

17 But any soil, I think, will probably have
18 some residual contamination and will get hauled out.
19 The rock doesn't adhere -- it probably won't have
20 much on it. It'll probably go away as clean fill is
21 my guess. So it's really the groundwater and soil
22 are going to be the big issues, unless they discover
23 something when they're digging, which is at times a
24 possibility. I don't think it should be a question,

1 but I think they've got to remove the stuff, yes,
2 because they're making a big hole for cars.

3 MR. BOOK: I was really just trying to
4 assess the risk of what is the residual
5 contamination. Once they, you know, remove all of
6 these cubic yards of soil and rock, you know, it's
7 just not gone. And so how much farther below the 20
8 feet that they're digging is there still
9 contamination that needs to really -- that would be a
10 significant source of concern to the residents in,
11 you know, the future building?

12 MR. CHAMBERS: Yeah. I don't see this
13 being a concern to the residents. I mean, there's
14 some residual level of gasoline as far as to the soil
15 there that is leaching into the groundwater at -- you
16 know, not -- I wouldn't say high levels, but not low
17 enough levels that the DEP has closed the site yet.

18 MR. BOOK: Okay. And even below -- you
19 think it'll be below the 20 feet that they're --

20 MR. CHAMBERS: Typically gasoline -- it
21 floats on water when it's released, so the actual
22 free phase -- the worst of it will stay at the water
23 table. As it dissolves into the water, it will go
24 deeper into fractures and things, but that's lower

1 level in a dissolved form in the water, and there's
2 not really a mechanism for somebody to be exposed to
3 it.

4 Like, when the site is done, the two ways
5 you can be exposed to it are either direct exposure
6 where people are exposed to the soil, and the whole
7 site appears to -- it's going to be capped with, you
8 know, pavement or building, so there's not going to
9 be a mechanism to touch the soil.

10 And then the only other way is the vapors
11 coming up through the ground. And again, standing
12 outside, that doesn't pose a risk to anyone. The
13 levels are fairly low. That's not -- you know, urban
14 areas have contaminate levels in it anyway.

15 But where it can be concentrated where a
16 building would suck it up, that would be a risk. But
17 again, I think they're dealing with that risk on the
18 building. They're putting in the waterproofing and
19 the ventilation. You know, there's a whole layer of
20 space that is ventilated before you get into the
21 living space, so there's not really a mechanism for
22 vapor from underground to get into the living space.

23 MR. BOOK: Okay. Thank you.

24 MR. ZUROFF: You mentioned that digging

1 deep into the bedrock would give rise to a concern
2 about the waterproofing and sealing of the basement
3 area. What mechanism exists to monitor who does
4 that, whether it's done properly? How is that
5 overseen?

6 MR. CHAMBERS: On the waterproofing?

7 MR. ZUROFF: You're digging down 25 feet,
8 well below the water table, into the bedrock, and you
9 expressed that there was some concern about
10 depressurizing and sealing it properly. Who oversees
11 how that is done and whether it's done correctly?

12 MR. CHAMBERS: That's a good question, and
13 I -- let me answer it two ways.

14 So when I have a site as an LSP that has
15 vapor issues on it, sealing the foundation is one of
16 the techniques that's widely accepted as appropriate
17 to stop vapors from coming in. If I was doing it as
18 a remediation technology as an LSP, I would be
19 responsible to oversee that, and I would have to sign
20 off that it was done properly. And, you know,
21 sometimes I'll do redundant systems on that. I'll
22 release the vapors and the sealings, depending on the
23 risk.

24 This is not being done as a remedial

1 technology, however, so I don't think in this case
2 there is oversight on it. I think it's probably the
3 contractor or whatever specs are in their
4 construction package. I'm not sure.

5 MR. ZUROFF: And the reason I ask the
6 question is if we were to recommend certain
7 procedures as part of our recommendation, how would
8 you know whether it was done right?

9 MR. CHAMBERS: I mean, there's ways to --
10 depending on what they're doing for waterproofing,
11 there's ways to inspect it.

12 My personal feeling is I think it's very
13 hard to seal something from water in perpetuity. It
14 generally finds a way to get in, especially if it's
15 under 17 feet of pressure, which it will be. So I'd
16 be more inclined to make sure that the vapors -- that
17 the ventilation system has a backup generator or
18 something, that that continues to operate. Because
19 if that operates, you don't really have a risk, and
20 it's probably easier to deal with than the
21 waterproofing.

22 MR. ZUROFF: And if they're having vapors
23 potentially escape from the bedrock or wherever it's
24 coming from, is there a treatment system that treats

1 the vapors before it's released to the general air
2 supply or...

3 MR. CHAMBERS: It depends on the levels.
4 You know, if you're extracting the vapors because
5 they're really high levels and you trip air
6 permitting requirements, yes, you have to treat them.
7 These levels I doubt are that high. And it's not an
8 easy translation because it's dissolved phase in the
9 water that they have data on. I think the only -- I
10 think they took one single sample at one point to
11 evaluate vapor migration.

12 So to close out that -- I don't think that
13 issue was formally closed out with DEP yet. It will
14 be eventually. They have to close that out to close
15 the site out. But until such time as that is closed
16 out, you may want a backup on the generator. I mean,
17 I don't really think the vapors are at that high a
18 level. I mean, they may be able to prove that there
19 are no vapors into the building in the first place,
20 and they could take that route.

21 I mean, sometimes we just put protection on
22 a building because vapor science is a complicated
23 thing and it's easier to handle it that way.
24 Sometimes we go analyze the actual -- what's coming

1 out of the ground and then close it out that way with
2 DEP and say there isn't a vapor risk in the building.
3 I don't think either of those steps has been taken to
4 finality on this DEP case yet.

5 MR. ZUROFF: Does DEP actually come and
6 monitor or anything before they sign off on the site?

7 MR. CHAMBERS: No. They're LSPs, so it's a
8 privatized program, so it's people like me, an LSP,
9 who has to sign off on that. And they audit LSPs in
10 cases. And there are pretty prescribed ways of
11 analyzing it as well.

12 MR. ZUROFF: As part of this project, would
13 the applicant hire somebody like you to make sure
14 that they get a certification so DEP signs off on it?

15 MR. CHAMBERS: Well, one of my comments in
16 the letter that was really driving at that point is
17 who's actually responsible to close it out with DEP.
18 And I don't know whether it's the applicant or it's
19 Cumberland Farms, but someone, to close this out,
20 does need to demonstrate that there's no vapor risk
21 to the building.

22 MR. ZUROFF: Demonstrate to whom?

23 MR. CHAMBERS: To DEP.

24 MR. ZUROFF: Okay. So they do -- DEP is

1 going to be looking at this in somebody's report?

2 MR. CHAMBERS: Yeah. At some point --
3 well, when the site gets closed out. Right now it's
4 monitoring natural attenuation where they're just
5 sampling the wells, quality sampling, and I'm not
6 certain whether anyone's looking at the report until
7 they file a closure report. And I don't know what
8 the -- kind of the plan is to close out the site.

9 MS. SCHNEIDER: Well, I think that's
10 something we need to ask the applicant before we go
11 home tonight.

12 MR. ZUROFF: And then another question
13 about the vapor intrusion and ventilation: When they
14 have a ventilator, which is, I suppose, some kind of
15 air cleaner, where do the contaminants go? Is there
16 a filter that has to be regularly changed or...

17 MR. CHAMBERS: Again, it depends on how
18 much you're emitting over time, whether it trips
19 levels. And I'm not -- I can look into that, but I'm
20 not familiar -- I presume a parking garage with all
21 the carbon dioxide and carbon monoxide and all that
22 can be an enclosed space and it has to be ventilated.
23 You know, a lot of times they're open and things like
24 that. So I'm assuming there's going to be some kind

1 of ventilation system that would be sufficient to,
2 you know, get rid of the -- I think the car exhaust
3 fumes are probably going to be worse than what's
4 coming up through the ground, but what's coming up
5 through the ground is going to be regulated.

6 MR. ZUROFF: But I'm just asking for
7 informational purposes, whether it's contamination
8 from car exhaust or from the ground, is there a
9 system that exists that will be installed that would
10 clean the air and how is that kept in --

11 MR. CHAMBERS: I would say that's a good
12 question, because I didn't see that specifically.
13 That was kind of an assumption I was making, that
14 with the parking garage there will be some kind of
15 ventilation system, but I don't know the details of
16 that from what I read.

17 MR. ZUROFF: Okay. And then my last
18 question is -- the responsible party, we now know, is
19 Cumberland Farms, at least to a point. At some point
20 I assume that Cumberland Farms would be told, okay,
21 you did what you were supposed to do. Then the owner
22 of the building assumes control over the site. When
23 does that responsibility shift? How do we know that
24 it shifted? Should we be worried about who's

1 ultimately responsible?

2 MR. CHAMBERS: I guess that's a -- you
3 know, DEP is responsible to make sure this release
4 gets cleaned up through their program, certainly.

5 I have some questions about how they're
6 handling the vapor system that we've been discussing.
7 Is that something that's going to be there? You
8 know, again, if I hear there's a vapor system, you
9 know, backup generator, I feel pretty comfortable
10 that there's probably no risk. If I hear that
11 Cumberland Farms has a plan to close out the vapor
12 issue as part of their closure documents and, you
13 know, that's happening before the building's
14 occupied, that would be comfortable. I just don't
15 know the route they're heading with that.

16 MR. ZUROFF: Is that something that you
17 would advise us on, or should there be another
18 consultant involved?

19 MR. CHAMBERS: No. I can certainly advise
20 you on -- certainly, all the LSP stuff I can
21 personally advise you on. And, you know, I work at a
22 much bigger company that has experts in other things
23 too. I could probably find out. I mean, we design
24 parking garages as a company. I can certainly look

1 into that and get back to you.

2 MR. ZUROFF: Thank you.

3 MS. SCHNEIDER: Anything further?

4 (No audible response.)

5 Okay. Thank you.

6 MR. CHAMBERS: All right. You're welcome.

7 MS. SCHNEIDER: The next topic we're going
8 to -- I'll give the applicant the choice.

9 Would you like to address the environmental
10 issues now, or do you want to save everything for the
11 end after we've heard stormwater?

12 MR. ENGLER: Can I speak to that issue?

13 MS. SCHNEIDER: Sure.

14 MR. ENGLER: Bob Engler for the applicant.

15 We just got the report. Our team looked at
16 it today. I actually got it yesterday. Maria sent
17 the email on Sunday, which is hard to imagine, but I
18 appreciate that. But anyway, I got it yesterday and
19 the team saw it today, so we haven't -- we've looked
20 at it. GEI, our consultant, quickly -- they really
21 don't have any problem with it, but they are going to
22 write a written report to you that covers some of the
23 issues you've raised.

24 The way I see some of these things, it

1 comes back during the working drawings and the
2 detailed planning, which you'll get to look at again
3 with your experts so that you can see, before we pull
4 the building permit, that the actual operations and
5 the details are worked out.

6 At this stage, I think what we need to work
7 with you on is the legal language of the conditions
8 and what you're going to say about controlling this.
9 We're happy to work on that, because I don't have
10 that language, but you and your lawyers and your 40B
11 consultant can work that out so we get the right
12 language for control. And then when we come back to
13 see you with all the details, you get another look at
14 it to make sure that it's correct before we pull the
15 permit.

16 But in the meantime we'll get you a letter
17 from GEI that you can respond to or your consultant
18 can respond to before the next meeting.

19 MS. SCHNEIDER: Yeah. I think I would just
20 specifically request in the response -- and I'm sure
21 you were already planning on providing it. I do
22 think that we need some clarity as to who the -- how
23 the responsibility for the cleanup is going to be
24 allocated, both during construction and then after

1 construction during building operation. That's
2 clearly something we don't know enough about, and I
3 think that will help us in figuring out how to
4 formulate appropriate conditions. And so if you can
5 make sure to provide sufficient detail about that,
6 we'd appreciate it.

7 MS. MORELLI: Excuse me, Chairman
8 Schneider. If you could just ask Mr. Engler what he
9 meant about coming back before the board. Does that
10 mean after the hearing closes? I just want some
11 clarity about the timeline.

12 MS. SCHNEIDER: Yeah. Did you mean coming
13 back to the board, or did you mean that when you
14 submit building permits to the town --

15 MR. ENGLER: No. Two things I meant.
16 Coming back -- we will submit a written response to
17 this report for you. We'll work with you on
18 language. But we'll come back to the town, or
19 through you, through the building inspector, and
20 through any peer review consultants that have to be
21 looked at to look at our final working drawings and
22 details, so that will be another check on what we're
23 doing.

24 MS. SCHNEIDER: Okay. Thank you.

1 We're now going to move on to stormwater
2 management. And in regard to stormwater management,
3 we are going to rely on the town's director of
4 engineering and transportation, Peter Ditto, to
5 comment on the engineering plans and any materials
6 from the applicant that he's seen to date.

7 MR. DITTO: Good evening. My name is Peter
8 Ditto, director of engineering and transportation.

9 And back in May of -- May 26, 2016 -- '15,
10 I'm sorry -- no, '16 -- the applicant submitted a
11 stormwater management plan as well as a stormwater
12 design for utilities. And this is a little bit of a
13 unique site in that there's a significant amount of
14 bedrock and that the building itself is probably
15 going to occupy 85 to 90 percent of the site.

16 That being said, as far as stormwater
17 management, this is a very difficult site to try fit
18 anything in there, and basically we can't.

19 Of the area that you might look at putting
20 infiltration units in, they're in proximity to
21 neighboring homes, and I'd be awful hesitant to try
22 to infiltrate any kind of ground in proximity to any
23 building in that area. One, you don't know what's
24 underneath the ground, and if it hits bedrock and

1 finds a vein, it could wind up in someone's basement
2 quite easily. And so that kind of puts that out the
3 window.

4 And the function of the infiltration of
5 groundwater into the groundwater is to actually have
6 the stormwater go through a filter and have all the
7 solids caught in the ground matrix. So what we have
8 to do in place of that in order to treat the
9 stormwater runoff is to put a -- it's basically a
10 filter inside of a manhole that will filter out
11 solids and oil and gas. And that has to be sized for
12 the site.

13 And basically, the site that -- part of the
14 site that you have to look out for those contaminants
15 is in the driveway. The other 80 percent of the site
16 is all roof leaders, and that's really clean water.
17 So that in itself can be discharged directly into the
18 storm drain without any concerns. The other one with
19 the driveway has to go through some kind of
20 structured manhole that will remove the oil and silt.

21 What the proponent has proposed to do to
22 mitigate peak runoff from the site -- has designed,
23 at this point in time, a 4,500 gallon tank that the
24 roof water and surface water runoff would cycle

1 through and then go out into our 12-inch concrete
2 pipe in Boylston Street.

3 So when we review stormwater management
4 plans, two things jump right out: Peak runoff --
5 stormwater runoff and volume runoff. In both
6 instances, we try to get the pre-runoff figures less
7 than -- continue to be less than the post.

8 So as far as the volume is concerned,
9 there's nothing we can do with that. There's no way
10 we can contain that and treat it on-site, so that
11 number is going to increase. And in the report it
12 shows what the percentage increase is going to be.

13 For the peak runoff, we require that a
14 25-year storm be treated on-site and then released to
15 the storm drain, and that 4,500 gallon tank was sized
16 with that in mind. Those two things were taken care
17 of, and we're comfortable with that.

18 One thing that concerns me that hasn't been
19 addressed in the report is the actual capacity of
20 that 12-inch storm drain on Boylston Street. A
21 12-inch storm drain is nothing by today's standards.
22 Maybe 60, 70 years ago when there wasn't as much
23 impervious pavement it wouldn't be a problem, but
24 today a 12-inch pipe -- you could probably get maybe

1 6-, 700 square yards that you can put through the
2 pipe without surcharging it. So I'd like to have
3 that looked at and confirmed that that pipe won't
4 surcharge during a 25-year storm.

5 The state stormwater handbook has 10
6 standards that the applicant has described to me, and
7 they've done a pretty good job doing that. However,
8 again, Standard No. 4 is water quality treatment, and
9 that's what I was talking about earlier, is that
10 you've got to make sure that that water gets at least
11 the same level of treatment that it would get if it
12 was infiltrated into the ground. So that has to be
13 looked at.

14 Standard No. 1 is no new untreated
15 discharges, and that is not going to happen, so
16 that's all right.

17 Standard 2 is peak rate attenuation, and
18 that's what I just talked about.

19 And Standard 3 is groundwater discharge,
20 and there won't be any of that on this site.

21 Standard 4 is the water quality treatment.

22 Standard 5 is land uses with higher
23 potential pollutant loads, and that's not applicable
24 for our site.

1 Standard 6, critical areas, I guess that
2 would be analogous to a conservation commission
3 ruling by jurisdiction, but there is no critical
4 areas in this or the surrounding site.

5 Standard 7 is redevelopment, and this is,
6 by DEP standards, a redevelopment. That being said,
7 it allows the proponent to try to achieve these other
8 standards to the maximum extent possible, so that's
9 basically what -- when we say we're going to -- we
10 don't make them look at the 100-year storm because
11 that's not achievable at this site, so it gives a
12 little leeway as to the depth of treatment that we
13 need to give.

14 And Standard 8 is construction period,
15 pollution prevention, and sedimentation control.
16 That's a standard plan that gets submitted to us, and
17 we review it to make sure it covers all aspects of
18 that plan -- requirement.

19 Standard 9 is an operation and maintenance
20 plan. That's pretty self-explanatory.

21 And Standard 10 is prohibit elicit
22 discharges, and that won't happen on this site.

23 So all in all, I think we're not at the end
24 of the road yet, but we're getting there. And when,

1 you know, the final footprint and what's going to
2 happen in this site is completed, then we can
3 hard-line the site plan and submit it for approval.

4 MS. SCHNEIDER: Thank you.

5 MS. MORELLI: So I think Mr. Ditto is
6 asking for additional information from the applicant,
7 namely an analysis regarding the adequacy of the
8 12-inch-diameter pipe that was in the public way.
9 And if that doesn't meet your threshold, then there
10 might be mitigation on the applicant's part to
11 replace that pipe with a larger one.

12 MR. DITTO: Yes.

13 MR. BOOK: Is this 12-inch pipe -- does
14 this run the whole length of Boylston Street?

15 MR. DITTO: No. That's a good question. I
16 meant to check that out. But I'm pretty sure that
17 that pipe heads down, outbound on Route 9 and
18 connects into a pipe that goes across Route 9 and
19 discharges into Hammond Pond.

20 MR. BOOK: Okay.

21 MR. DITTO: So I think this pipe here -- as
22 you recall going inbound on Route 9, you're kind of
23 going up the hill by the Benevolent Society, and I
24 think that's the peak point. Everything from that

1 hill comes back this way, and so it's a pretty big
2 area that we're talking about. So that 12-inch
3 pipe -- it's close. But as you go down heading west,
4 that pipe should get bigger because it's taking more
5 water as it goes downstream.

6 MS. MORELLI: Can I just ask a follow-up?
7 In terms of the timing, did you -- Peter Ditto, do
8 you recommend when the analysis takes place?
9 Obviously, we want that during the public hearing
10 process. Or do you have to wait until you have
11 construction drawings?

12 MR. DITTO: The capacity of that pipe is
13 dictated by anything -- you know, including the site
14 and around it. But for calculations, we can assume
15 what's going to happen on that site is what's there
16 now, and it won't make a lot of difference in the
17 result should it change a little bit. So I think
18 that's something that should be done ASAP.

19 MR. ZUROFF: Just to clarify, the site now,
20 as just a paved-over lot, is not going to generate
21 less water than six stories and a roof. Am I
22 correct?

23 MR. DITTO: Right. But the impervious
24 pavement on this project as it's submitted is more

1 than what was there originally.

2 MR. ZUROFF: So when the building is
3 constructed as requested, is it going to generate
4 more or less than what it's generating now?

5 MR. DITTO: More.

6 MR. ZUROFF: More. Okay. So that's your
7 concern?

8 MR. DITTO: Yes.

9 Going back to that environmental report,
10 you know, should we have to -- they have to move
11 forward with putting a sump pump, if you will, that's
12 another thing that we have to look at. Because if
13 they do, in fact, have to draw that table down to
14 keep the basement dry, that could be running 24/7 for
15 a long period of time, which would also take away
16 from the capacity of that 12-inch pipe. So that
17 would be another thing that should be looked at also,
18 is how that groundwater elevation reduction system is
19 going to affect the 12-inch pipe out on Boylston
20 Street.

21 MR. ZUROFF: Are there other mitigation
22 measures that are possible on-site to reduce the flow
23 into the drain?

24 MR. DITTO: For the stormwater, yeah. We

1 can add a bigger tank, which gives you more time to
2 process the stormwater without letting it all go at
3 once. So again, we can't do anything about the
4 volume. The volume is the volume. But the peak
5 discharge, which is -- my way of thinking is more --
6 well, you've seen the flash rains we've had over the
7 last couple of years where we get 3 inches of rain in
8 five hours. That's precisely what we don't want to
9 have happen. So, I mean, intersections that have
10 leaves on them, just one big puddle in a matter of 30
11 minutes. So to the extent we can hold that water and
12 then discharge it over a longer period of time,
13 that's the solution to that.

14 MR. ZUROFF: So is there a possibility that
15 a mitigation system on the site would override the
16 need for changing the piping in Boylston Street?

17 MR. DITTO: Uh-huh. That would be my first
18 suggestion, to take a look at that, because I don't
19 know how far you'd have to chase that pipe down
20 Boylston Street to get to the right size, if you
21 could at all.

22 MR. ZUROFF: Thank you.

23 MS. SCHNEIDER: Does the applicant
24 understand what additional information is being asked

1 that you provide to Mr. Ditto?

2 MR. ENGLER: We have our expert right here.

3 MS. SCHNEIDER: I just want to make sure
4 that we've given sufficient direction as to what we
5 need to continue with the --

6 MS. DANIK: Thank you. My name is Deborah
7 Danik. I'm with the applicant. I'm a project
8 manager with Nitsch Engineering. We did the
9 stormwater design.

10 I guess my question would just be -- it
11 sounds like you're asking for an analysis of the
12 whole pipe and the whole drainage area going to the
13 pipe in Boylston Street. Is that what I'm hearing
14 correctly?

15 MR. DITTO: That's correct.

16 MS. DANIK: Okay. I'm wondering if the
17 town has information about all the other areas that
18 may be tributaries of this pipe that we can use for
19 that.

20 MR. DITTO: Yeah. We have topographical
21 plans that delineate how much area goes to this
22 particular pipe, so that's readily available.

23 MS. DANIK: Okay. And cover types? Like,
24 impervious versus pervious?

1 MR. DITTO: We can get that for you, yes.
2 We don't have it, but we can get it.

3 MS. DANIK: Okay. Yeah. I'm just
4 concerned that that's a pretty big analysis to do for
5 this small site if we don't have the data that we
6 need to get it done. We can definitely look at our
7 current impact on that 12-inch pipe and then look at
8 what incrementally our site is proposing to do to
9 that pipe as well.

10 MR. ENGLER: Did I hear that a bigger tank
11 might alleviate the need to look at the pipe? Could
12 we fit a bigger tank than 4,500 gallons, or is that
13 the largest tank you can get up there?

14 MS. DANIK: You know, obviously, the bigger
15 the tank, the more parking-space potential it's
16 taking up, but we can definitely look at the tank
17 size and getting that larger.

18 MR. ENGLER: We have our charge.

19 MS. SCHNEIDER: Okay. I just wanted to
20 make sure. I mean, there was a little bit of back
21 and forth, and I just wanted to make sure that the
22 development team understood what we were asking to be
23 looked at.

24 MR. ZUROFF: And just curious, the

1 mitigation tank, the one that you're proposing for
2 4,500 gallons, if you had to double it, is it under
3 the floor of the garage?

4 MS. DANIK: Right now it's sitting in the
5 garage, so it would -- you'd just -- you'd walk in
6 the garage and you'd almost see just a concrete tank
7 or a fiberglass tank, whatever we end up picking for
8 that.

9 MR. ZUROFF: Okay.

10 MS. DANIK: So it's at the garage level.

11 MR. ZUROFF: You wouldn't want to put it
12 underneath the floor?

13 MS. DANIK: Probably not. That would be a
14 lot more excavation. And then we're hoping that,
15 depending on how this tank is designed, that there's
16 the potential that it -- the stormwater could flow by
17 gravity out of the bottom of the tank or the middle
18 of the tank. Once we put the tank under the slab,
19 we're definitely going to have a pumping system,
20 actually, yeah.

21 MR. ZUROFF: Okay.

22 MS. DANIK: So maybe we can discuss more
23 off-line how to get to the point of looking at the
24 tank size and how to determine how big that is, you

1 know, look at the whole tributary area, if there's a
2 way to do it differently.

3 MS. SCHNEIDER: Okay. Thank you.

4 Is there anything else that the applicant
5 wants to say in response to what we've heard tonight
6 about either stormwater or environmental?

7 MS. DANIK: I mean, one thing I did hear
8 about, you know, treatment of, basically, the
9 stormwater that hits the driveway area, we can
10 definitely provide more information on that. But
11 there will be another structure in the garage to
12 treat the stormwater that hits the driveway area that
13 Mr. Ditto was talking about.

14 MS. SCHNEIDER: Okay. Thank you.

15 We are now going to open this up for public
16 comment. I would just ask that any comments that we
17 get from the public tonight be focused on the two
18 topics that we've covered this evening, so that's
19 environmental peer review and stormwater management.
20 If you're going to speak, please come up to the
21 podium, introduce yourself, give your address. And
22 as usual, if the person who -- or somebody who has
23 spoken before you has said what you were planning on
24 saying, brevity is much appreciated and you can say,

1 I agree with my neighbor.

2 MS. KHAN: Thank you. Janice Khan. I live
3 at 63 Craftsland Road, and I'm a town meeting member
4 in Precinct 15.

5 So I'm coming mainly to tell you a
6 stormwater management issue that I saw firsthand, and
7 that's when Avalon Bay built their project at the
8 corner of Hammond Pond Parkway and Route 9. They did
9 pave everywhere, and what happened was they lost all
10 their green space. What happened was the water
11 actually ended up flowing from the property. It was
12 not able to be maintained on the site, and it flowed
13 downhill. This is not necessarily exactly right
14 because this won't be flowing downhill. There was
15 quite a downhill created. But the water did run off
16 into the basements of the houses closest to it.

17 And so I am really concerned that we're
18 covering so much of this site, that the neighbors
19 next door might experience some real problems. That
20 is exactly what happened in Brookline from the site
21 that was on the border -- the Brookline/Newton
22 border. And so I really want to make sure that that
23 was really carefully looked at since there is
24 virtually no green space to absorb any water. Thank

1 you.

2 MS. SCHNEIDER: Thank you. Anyone else?

3 MS. SCHWEITZER: My name is Diane
4 Schweitzer, 13 Jefferson Road in Chestnut Hill.

5 And I'm concerned about the building site
6 having vapors and lead and other elements discharged
7 into the surrounding area when they're building. If
8 this is a contaminated site, I would like to know how
9 they're going to protect the air quality for people
10 in the surrounding area.

11 MS. SCHNEIDER: Thank you.

12 MS. SCHWEITZER: And additionally, I want
13 to question, when are the modifications that were
14 suggested going to be presented to the local
15 neighbors and to the people who are concerned about
16 the site? When are we going to hear of any
17 modifications to the size of the building and the
18 impingement of the building on the walkways and the
19 lack of accommodation for their garbage that's going
20 to be apparently on the walkways? I mean, those
21 things have not been revisited, and they haven't
22 given us evidence that they're going to change those
23 concerns, as well as the height of the building and
24 the fact that it really doesn't fit in with the

1 village character that we have.

2 MS. SCHNEIDER: Yeah. I mean, right now
3 the project plans are what they are. It's what's
4 been proposed by the applicant. You know, we can't
5 require them to change it. We can only provide
6 feedback, and it's up to them what the project is
7 that they want to present.

8 MS. SCHWEITZER: So they haven't modified
9 anything. They've ignored all suggestions by the
10 zoning board for the space?

11 MS. SCHNEIDER: Right now, what we have as
12 the formal submission is what's been provided to the
13 board. The applicant may, down the road, choose to
14 make modifications, but right now we're still talking
15 about the project as proposed.

16 MS. SCHWEITZER: So the concerns of the
17 neighbors, the concerns of traffic, the impact of the
18 garage, the lack of viability of that garage, you
19 know, functioning without obstructing traffic, still
20 exists. Okay. I just would like that on record.

21 MS. MORELLI: If I could just respond. So
22 there are staff meetings that have been taking place.
23 However, we've stopped because of the -- the parking
24 issues are really so large that we are going to be

1 having a staff meeting with our peer reviewer, our
2 parking consultant, and the project team to really
3 look at the parking. That certainly will have an
4 effect on the square footage.

5 In the meantime, there have been meetings
6 with the architectural peer reviewer, and that
7 addresses some of the issues. But we really have to
8 look at the parking because that will have an impact
9 on the square footage overall.

10 MS. SCHNEIDER: Thank you, Maria.

11 Is there anyone else who would like to
12 speak tonight?

13 (No audible response.)

14 Our next hearing -- anything else from the
15 applicant?

16 (No audible response.)

17 Our next hearing is going to be
18 November 29th. We will, at that meeting, be
19 following up on traffic and parking issues and
20 potentially have an architectural update at that time
21 as well.

22 (Proceedings adjourned at 8:03 p.m.)

23

24

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

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

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

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

13 Dated this 17th day of November, 2016.

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22 Kristen Krakofsky, Notary Public

23 My commission expires November 3, 2017.

24

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