

December 29, 2016

Dear Chairman Geller and Members of the Zoning Board of Appeals:

I would like to address several deficiencies in the December 27 draft of the ZBA's Decision on Chapter 40B Comprehensive Permit Application at 40 Centre:

A. Findings 16 to 19

I agree with Steve Chiumenti's and Kate Poverman's position that Findings 17, 18 and 19 are superfluous and should be deleted. **Finding 17 is inaccurate:** "The Board finds that the Local Concerns affected thereby do not outweigh the regional need for affordable housing, *especially given the Project changes the Applicant has agreed to make, specifically the redesign of the building and improvements to the site layout in direct response to concerns of the Board and other parties of interest.*" As neighbor testimony has repeatedly stated, the **Applicant's changes are superficial and illusory, and do not adequately mitigate the Project's impacts to Local Concerns.**

Finding 19 is also inaccurate: the Project creates new problems of stormwater management, waste management and pedestrian endangerment. The lack of adequate parking for residents, visitors, deliveries and tradespeople is created by Waivers N and O for this Project, and has serious consequences to the Local Concern of public safety.

I wish to make additional comments at the upcoming ZBA hearing on January 3, 2017.

B. Condition 3

In order to comply with the indistinguishable requirement of Affordable Units (Conditions 30 & 32), please consider adding the following sentence: "*No more than two (2) parking spaces available to the occupants of Affordable Units shall be elevated in an unattended, semi-automated parking system described in Condition 2.*"

C. Condition 4

The listing of dens as bedrooms in this table is ambiguous and problematic. This table is not consistent with its corresponding table in Condition 7 of the 420 Harvard draft decision, which does not list dens as bedrooms.

Please consider using the same wording as the similar condition as Condition 4 of the Hancock Village Memorandum of Agreement: "*All dens in these units shall be open to the adjoining rooms, the dens shall not be considered legal bedrooms as specified in the state building code, and that the leases or occupancy agreements pertaining to these units shall expressly prohibit the use of dens as bedrooms to the extent permitted by law.*"

D. Condition 36

The five (5) parking spaces that will be available at no cost to the occupants of Affordable Units should be included in the Project's conditions in perpetuity.

E. Condition 47

The Applicant has failed to acknowledge or mitigate the dangers posed by an active construction site to schoolchildren attending Devotion School. Notably, the Applicant's two

traffic consultants have failed to conduct a pedestrian count on a school day during school opening or closing times. The Applicant is blatantly disregarding a Local Concern to public safety that is explicitly caused by this Project.

I strongly urge the ZBA to limit construction to the hours of Monday to Friday from 8:15 am to 2:15 pm, and from 3:00 pm to 5:00 pm.

F. Condition 48

The Construction Management plan should include a Pedestrian Safety Narrative, as well as the provision of police detail. Construction workers' vehicles should not be allowed to park in the Centre Street East Town parking lot.

Thank you very much for your consideration on how to mitigate the negative impacts of this proposed development.

Yours truly,
Derek Chiang