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Volume I
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Brookline Zoning Board of Appeals Hearing
455 Harvard Street
Comprehensive Permit Application
Harvard Danesh 455, LLC
March 30, 2017, 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 Kate Poverman, Chair

4 Lark Palermo

5 Christopher Hussey

6

7 Town Staff:

8 Alison Steinfeld, Planning Director

9 Karen Martin, Planner

10 Polly Selkoe, Assistant Director For Regulatory

11 Planning

12

13 Applicant:

14 Dr. Mordecai Danesh, Harvard Danesh 455, LLC

15 David Danesh, Harvard Danesh 455, LLC

16 Danny Danesh, Harvard Danesh 455, LLC

17 Geoff Engler, Vice President, SEB, LLC

18 Peter Bartash, Associate Principal, CUBE 3

19 Studio, LLC

20 Scott Thornton, P.E., Vanasse & Associates, Inc.

21 Tim Williams, P.E., Principal, Allen & Major

22 Associates, Inc.

23 Mark Bobrowski, Esquire, Blatman, Bobrowski &

24 Haverty, LLC

1 PROCEEDINGS:

2 7:22 p.m.

3 MS. POVERMAN: We are opening the first
4 hearing for the comprehensive permit that has been
5 submitted relating to a project at 455 Harvard
6 Street. It is a project to build 17 residential
7 rental units, four of which would be affordable, and
8 1,735 square feet of retail space. It has been
9 submitted by Harvard Danesh 455, LLC.

10 My name is Kate Poverman. I will be acting
11 as chair for these proceedings. To my left is
12 architect Christopher Hussey, and to my right is Lark
13 Palermo.

14 The general structure of tonight's hearing
15 will be as follows: Polly Selkoe, the assistant
16 director of regulatory planning, will give us some
17 really important information about 40B and how it
18 works. After that, we will get the applicant's
19 presentation, and the ZBA and the planning department
20 will then spend time on administrative details about
21 the project. There may be some questions from us at
22 this time. There may or may not.

23 And it's going to be frustrating for the
24 folks, but public comment will not be taken at this

1 meeting. There will be lots of time for that at
2 future meetings, including next Wednesday, which is
3 when the next meeting is scheduled to occur.

4 I'm now going to hand the floor to
5 Ms. Selkoe.

6 MS. SELKOE: Thank you very much.

7 I know many of you are familiar with the
8 40B process, but some of you are not, and they are
9 different from a 40A case. The 40B statute was
10 created in order to promote affordable housing, and
11 it allows developers who meet certain state
12 requirements and provide affordable housing to
13 override a municipality's zoning if the municipality
14 has not met its obligation for affordable housing.

15 So the applicant first applies to one of
16 the four state subsidizing agencies, and then the
17 subsidizing agency looks at the project and
18 determines whether the site is eligible. And if it
19 is, they issue a project eligibility letter. And
20 that has occurred with this project. At that point,
21 the applicant can apply to the board of appeals for a
22 comprehensive permit, and the ZBA will have to open a
23 hearing within 30 days, and they have to make a
24 decision within 180 days.

1 The ZBA would typically do one of three
2 things after it's heard the presentation, asked
3 questions, gotten advice from different consultants,
4 considered the project, and hopefully worked
5 cooperatively with the applicant to help shape the
6 project. At that point, they'll either approve it,
7 or they'll approve it with conditions -- quite
8 frankly, I can't think of a case where we just
9 approved it without conditions -- so we approve it
10 with conditions, or they can deny it.

11 Unless a municipality has met its
12 state-established numerical threshold to provide
13 affordable housing, it is extraordinarily unlikely
14 that a denial will be upheld by the state's housing
15 appeals committee, so it's in the town's interest, as
16 well as the applicant's interest, to work together to
17 come up with an acceptable project.

18 During the course of the public hearing,
19 the ZBA may request that peer reviewers be engaged at
20 the expense of the applicant, and those peer
21 reviewers can give advice on design, traffic,
22 stormwater, and other environmental concerns. During
23 that process, the ZBA encourages the applicant to
24 work with the town to minimize any adverse impacts

1 from the development, and the planning staff helps
2 facilitate the process, not only with the board, but
3 also the public may have questions.

4 Tonight the board will hear the proposal
5 and then go over some administrative matters with the
6 planning staff and the applicant. Although public
7 comment will not be taken tonight, there will be
8 ample time for public comment next week because this
9 hearing is going to be continued to next Wednesday,
10 April 5th at 7:00 p.m. I encourage the public to
11 submit written comments to the ZBA via the planning
12 department. You can send them via email to either
13 Karen Martin, who's the planner that's working on
14 this case, or myself, Polly Selkoe.

15 The planning board is joining you tonight
16 to hear the presentation, and I'd like to introduce
17 the members briefly: Linda Hamlin, who's chair of
18 the planning board, Mark Zarillo, Bob Cook, and Matt
19 Oudens. We have a couple other members who couldn't
20 be here, but that is a quorum, and they thought that
21 it would be efficient if they heard about the project
22 from the applicant at the same time.

23 Boards and commissions, at the next
24 meeting, will actually give recommendations to the

1 ZBA, and that's why the planning board is here
2 tonight, to hear about the proposal.

3 I'll call on Geoff Engler, who's the
4 consultant, and David and Danny Danesh who are the
5 applicant, Mr. Danesh. Why don't you introduce your
6 team, Mr. Engler --

7 MS. POVERMAN: Sorry to interrupt.

8 On the planning department's website, there
9 is a lot of information about 40Bs in general. And
10 everything that is relevant to this case, letters
11 that are written, will be posted on this particular
12 project's link, so you can get a lot of information
13 there, as well as writing to Polly or Karen.

14 MS. SELKOE: Right. And we actually -- if
15 you want to get some history, we have -- all the 40Bs
16 that the town has been working on are on the town
17 website under the planning department, and we will
18 put all information and update information on this
19 project onto the website.

20 MR. ENGLER: Thank you, Polly.

21 For the record my name is Geoff Engler from
22 the firm of SEB. We are affordable housing
23 consultant developers. I appreciate the
24 introduction.

1 I'll keep my comments brief, but first I'd
2 like to introduce our team. The applicant, Harvard
3 Danesh 455, is represented by Dr. Mori Danesh and his
4 sons David Danesh and Danny Danesh. We have Peter
5 Bartash from CUBE 3, who's the architect; we have
6 Scott Thornton from Vanasse & Associates, who's the
7 traffic engineer; and we have Tim Williams from
8 Allen & Major, who's the civil engineer.

9 We have a pretty robust presentation for
10 you this evening, which we think will set the
11 appropriate context of what we're proposing. We hope
12 to get into a lot of details, but obviously, as the
13 board knows quite well, and the staff, that this is a
14 long process, and we look forward to discussion as it
15 evolves over, you know, many public hearings.

16 I think it's important -- what I want to
17 speak to briefly is a little bit of a background to
18 this application. Our firm in one way, shape, or
19 form has been involved with 420 Harvard Street,
20 40 Centre Street, 1099 Boylston, 1299 Beacon,
21 Crowninshield Road, so we have a lot of history, good
22 and bad, with all of those applications. And what
23 this application benefits from is all the feedback
24 we've heard on those proposals over the course of the

1 last -- gee, it's going back almost two years.

2 As you know, the town has retained Cliff
3 Boehmer to help with, you know, the architectural
4 review. And many of the things that we've heard on
5 other buildings we think are captured and reflected
6 in this design. Most notably, my client -- and I
7 think town staff would attest to this -- took a
8 different approach than some of my other clients in
9 that before anything was filed with the state or
10 otherwise, we had a sit-down and said, what would you
11 be comfortable with? What are your concerns here?
12 What would you like to see? As opposed to, here's
13 our proposal; thank you very much.

14 So, listen, I don't expect, you know, a
15 parade or rose petals to be thrown, but they have
16 made an attempt, and a legitimate attempt, and I
17 believe very strongly it's reflected. And I can say
18 definitively, all those other proposals came in at
19 six stories, some, you know, gross density, much more
20 dense. This is four stories, and it's 17 units with
21 12 one-bedroom units. It has first-floor retail.

22 So I think that's important to know because
23 I think the jumping-off point on this application is
24 a bit different than some of those other

1 applications. But obviously, the proof is in the
2 pudding. We look forward to the discussion. And I'm
3 not representing to you tonight that the building
4 that we're showing you right now is going to remain
5 untouched for the next however many months. We're
6 certainly open to constructive ideas and suggestions
7 and look forward to that dialogue and Cliff's input
8 and other professionals. Obviously, the town has a
9 very articulate and credible planning board that --
10 we value their input.

11 So I just wanted to make those comments.
12 I'll turn it over to my client. We're happy to
13 answer any questions of the board at any point during
14 the presentation and look forward to engaging in this
15 process.

16 MR. DAVID DANESH: Hello, everyone. My
17 name is David Danesh, and I'm just going to give a
18 brief history of the property at 455 Harvard
19 Street -- put everything in context.

20 Mr. Ferris owned the property forever. And
21 in 2004 Mr. Ferris sold the property to a local real
22 estate owner who tried to lease it for a year, and
23 when he was unable to, he decided to sell it. In
24 2005 my father bought the property from the local

1 real estate owner, and my father hired the Dartmouth
2 Company -- it's a big real estate firm downtown -- to
3 find a tenant for the property. Unfortunately, they
4 weren't successful and it sat empty for another year.

5 Finally, in 2007, after two years of having
6 the property vacant, we entered into a lease
7 agreement with b.good, the healthy fast food
8 restaurant, who's since expanded significantly.

9 So after three years b.good was unable to
10 succeed, and therefore they decided to leave. And as
11 a result, b.good subleased the property to Cognac
12 Bistro. Cognac Bistro was in business for roughly 2
13 1/2 years and he wasn't able to make it, and so he
14 was forced to sublease it as well.

15 They subleased the property to
16 Shan-A-Punjab, which is the current tenant. And
17 after three years, Shan-A-Punjab is having a hard
18 time paying bills and staying in business, just like
19 the restaurant before it.

20 So that's three restaurants in the last 10
21 years that have had a hard time making it there. And
22 I'm going to give you the reasons, what all the
23 tenants who have been there have said and complained
24 about, of why they were unfortunately unsuccessful

1 there.

2 One, the biggest complaint that a lot of
3 the tenants have is the setback. It is unusual to
4 have the parking in front and the retail in the back
5 of the property. In most cases, the retail is
6 located in the front of the property; the parking is
7 located in the back. Everyone is aware the property
8 does not conform to the rest of the street, and
9 therefore, a lot people looking for the store can't
10 find it or drive by because it's not noticeable.

11 Number two is the size of the building.
12 The building is roughly only 1,100 square feet and
13 only seats 30 people at a time, maximum capacity, so
14 it's only 15 tables total. Therefore, it is very
15 difficult to succeed in the restaurant business with
16 so few seats.

17 And another issue all the tenants have is
18 the size of the kitchen. The current kitchen that's
19 built today was built for b.good, who was serving
20 burgers and french fries, and now Shan-A-Punjab is
21 serving Indian food. And it's too small and it's
22 causing a lot of issues with the Brookline Health
23 Department who is always there talking to them about
24 what they can do to, you know, fix their problems.

1 Reason number three is the lack of storage.
2 The lack of storage space has resulted in
3 Shan-A-Punjab to place a shipping container on the
4 property. If you ever drive by, it's located on the
5 Thorndike side. It runs along Harvard and Thorndike,
6 and they're using it to store the dry goods and paper
7 goods. It got to the point that the Town of
8 Brookline has forced them to build a side expansion
9 onto the building, and after nine months they haven't
10 been able to finish it, and the shipping container is
11 still there today, and they have a half-finished
12 expansion on the left and a shipping container on the
13 right.

14 Reason number four is, obviously, everyone
15 who drives by knows that the building is not in great
16 shape and is falling apart and has forced the tenants
17 over time to keep pouring more and more of their
18 money into keeping the building upright. And it's
19 really a huge burden on them. And the neighbors and
20 other residents have often complained to the Town of
21 Brookline over the upkeep and the smell of the food
22 and everything.

23 So those are the main reasons -- the
24 history and the main reasons why a lot of the tenants

1 have been unsuccessful.

2 MR. DANNY DANESH: Good evening. I'm Danny
3 Danesh.

4 We believe that this proposal will work for
5 several reasons. The first main reason is that it's
6 walkable to two different train lines. First of all
7 we have the B, and we also have the C. Also the bus
8 stops a block away on Harvard Street, and there's a
9 Hubway station right across the street.

10 Obviously, it's on Harvard Street. It's
11 very conveniently located: nearby parks, schools,
12 you have churches, you have synagogues, coffee shops,
13 restaurants. It's a very walkable area.

14 The other thing is that we're basically,
15 you know, putting in a new building somewhere where
16 there's a building -- a property there right now
17 that's in pretty bad disrepair.

18 And, you know, the last thing is that the
19 retail corridor on Harvard Street, it kind of
20 disconnects right there because you have three
21 different gas stations at one corner. So, you know,
22 it's kind of an area where you don't have a
23 continuous retail corridor.

24 So basically what we're proposing is 17

1 units, 4 of those units are affordable and 13 of them
2 are market rate. We have approximately 1,800 square
3 feet at the ground level on Harvard Street, and
4 mostly, the building consists of one-bedrooms, and we
5 will also have bike parking in the building.

6 MR. DAVID DANESH: I just want to give a
7 little background to the board about our history and
8 our experience. I don't know if a lot of you
9 remember, but we were the group -- my father, myself,
10 Peter, and everyone else -- Bob Allen -- who did
11 45 Marion Street. That was another 40B, but it was a
12 little bit different, and I'm just going to explain
13 the history of that.

14 In 2012 we bought 45 Marion Street in
15 Brookline. It was a neglected four-story building
16 with permits to build an eleven-story building with
17 close to 70 apartments consisting of mostly two-,
18 three-, and four-bedroom units. We all worked with
19 the town, the neighbors, the school department to
20 change the permit from eleven stories to six stories
21 and 64 units consisting mostly of studios,
22 one-bedrooms, and two-bedrooms. We lowered the
23 building to almost half the height, and that helped
24 the neighbors be happy. And we also removed the

1 larger units to help alleviate the pressure from the
2 overcrowding in the schools.

3 And, you know, with our team, the
4 construction company, and everyone, we started
5 construction in 2015, and about a year later in 2016,
6 we finished the project as scheduled, as promised,
7 and as planned. So it's not our first time doing
8 something like this here.

9 MR. DANNY DANESH: I just want to conclude
10 by saying as a developer, you know, we really do hope
11 to work collaboratively with the town and the
12 neighbors through the process. We're not proposing
13 six stories. We didn't come in here asking for so
14 much, to, you know, do a long, drawn-out process and
15 end up with four. We're proposing something that
16 takes into consideration all the factors at play. We
17 believe we're being modest with the proposal. And as
18 Geoff said earlier, this is definitely the best 40B
19 to date.

20 And just take a moment to, you know,
21 consider the affordable component of the building. I
22 personally, on 45 Marion Street, worked on the
23 lease-up of the affordable units -- for the 13
24 affordable units on Marion Street. And, you know, it

1 really does make a difference in people's lives. I
2 know it's really easy to be sitting here in the
3 meeting and just think about the height and the space
4 and the setbacks and everything, but these affordable
5 units do help people out. I had people crying at
6 the -- you know, when they got accepted. There are
7 people whose lives have changed because of these
8 affordable projects, so I want to take a minute to,
9 you know, make sure people do keep that in the back
10 of your mind throughout this process. Thank you.

11 MR. BARTASH: Good evening, everybody. My
12 name is Peter Bartash of CUBE 3 Studio.
13 Unfortunately, because this isn't really cooperating
14 tonight, I'm going to have to be here and talk with
15 everyone, so I'm going to try to speak loudly enough
16 so everyone can hear and understand. But if at any
17 point I'm mumbling or it's not clear, just let me
18 know.

19 So we did present this project to the board
20 of selectmen prior to receiving the project
21 eligibility letter from MassHousing. And in that
22 presentation, we heard a lot of feedback from
23 residents, we heard feedback from the board of
24 selectmen about the contents of our presentation,

1 about the application, about the proposal in general.

2 And we, as a team, had done a pretty close
3 look at the existing neighborhood and the patterns of
4 developments in and around the site along Harvard
5 Street, so we had a lot of process that was internal
6 to our group that we weren't really sharing with the
7 board or with the community. And we feel it's really
8 important in order to help put this development in
9 context.

10 So as a framework for what we're going to
11 show you tonight, I think that David, Danny, and also
12 Geoff have spoken to a great degree about what's
13 there right now. The first part of our presentation
14 is going to take us through what we see and feel
15 around this site. We're going to kind of move
16 quickly through that, and then we'll start talking
17 about the actual proposal in front of us today for
18 this new project, new building, and wrap up by
19 looking at some of the analysis of the potential
20 impacts from this building on the surrounding
21 community.

22 We also have the traffic engineer, civil
23 engineer here tonight as well to speak just in broad,
24 high-level terms about the initial studies in those

1 areas to set the stage, knowing that we're going to
2 talk in more detail later on throughout the process.

3 But at any point, feel free to interrupt
4 me, ask questions, stop me, tell me to speed up. I'm
5 happy to go in either direction.

6 So here's the overview that we just talked
7 about. We'll keep going.

8 And now, site location and context, just to
9 start. So we sit here on Harvard Street right at the
10 intersection of Thorndike Street and Harvard Street.
11 We do have Fuller Street coming up from the
12 southwest, creating that four-way intersection at
13 this corner. As David and Danny mentioned, there are
14 three gas stations on the other corners of this
15 intersection.

16 And when David spoke about there being a
17 disconnect in the retail corridor along Harvard
18 Street, I'm not going to use -- try to use language
19 to illustrate that point, other than to say, as we
20 get to looking at the renderings of the project from
21 either direction on the street, what was apparent to
22 us is something we noticed when we were there walking
23 around looking at the site.

24 When you're approaching from Harvard Street

1 traveling down from kind of the southeast and moving
2 northwest along Harvard Street, there's a consistent
3 pattern of retail that sits right up against the
4 sidewalk. And as soon as you pass the edge of --
5 this kind of edge that sits right before the block
6 where Thorndike Street is, then there's this
7 transition to nothing. If you walk about another 500
8 or 700 feet, you end up coming to the Starbucks. And
9 then past the Starbucks you have to walk even further
10 to finally come back into a retail environment again.
11 So that gap is really just a space in experience for
12 pedestrians as they move along Harvard Street.

13 And so our proposal is really trying to
14 mirror the successful street wall that we have a
15 little bit further down Harvard Street, create that
16 same condition at this corner to reinforce the
17 pedestrian realm at this edge, and also to really
18 kind of be that point to link those two zones at the
19 other end of Harvard Street.

20 This is just a map of the public
21 transportation options that Danny outlined earlier.

22 And here we're identifying just the zoning
23 that sits in and around the site. So everything that
24 sits along Harvard Street, though for Harvard Street

1 it is consistent, it is, in some sense, a buffer from
2 Harvard Street back to the residential neighborhoods
3 that sit behind Harvard Street on the other side of
4 the street.

5 And so here we are in the L-1 district,
6 which has a height limitation of 40 feet. And you'll
7 notice we about the T-5 district, which does have a
8 height limitation of 35 feet, four stories.

9 What we did is we took a pretty close look
10 at other similar projects along Harvard Street in
11 between these two points of connection that we're
12 trying to bridge the gap between. And this is a
13 mixture of three-and-a-half to four-story buildings
14 that do sit along the street that do have a primarily
15 masonry look and feel. They were built anywhere from
16 70 to 100 years ago, so they have specific details
17 and character and elements that you would expect for
18 traditional buildings: well-designed bays,
19 commercial-scale windows, strong cornice lines.

20 And without really expecting this to be the
21 case, when we put this exhibit together we actually
22 looked at it and stepped back and said, hold on a
23 second. We're onto something. Because we know that
24 our project is the second one down on the left-hand

1 side, but at first glance, it does start to feel like
2 it fits within this family of buildings that is
3 already existing along Harvard Street.

4 Here we've gone through and done an
5 analysis of heights, both of the proposed project but
6 also in the surrounding context. And the number that
7 we have here is an absolute on our specific building
8 itself, and our building is represented in blue at
9 the intersection of Harvard and Thorndike Street in
10 the center of the screen.

11 So the building, it is four stories at the
12 intersection at its corner where it's up against
13 Harvard Street, and the height from the ground to the
14 top of that parapet is 47 feet. Now, we have
15 incorporated a step-down as you move up along
16 Thorndike Street, and the height of that location
17 steps down to 35 feet to that structure.

18 You'll notice immediately behind that
19 structure, where we have the existing single-family
20 residence and other single-family residences along
21 Thorndike Street, we're seeing a range of heights
22 from the mid 30s to the mid 40s at some of those
23 residential buildings. They are residential, they
24 are single-family, but they are big. They are big

1 homes. They have big roofscapes, they are grand,
2 they have beautiful details, and we want to pay them
3 some sense of respect by starting to step down and
4 respect their edge of the neighborhood as well,
5 knowing that they are a transition from this
6 commercial zone along Harvard Street back into that
7 residential neighborhood feel.

8 So this is a view on Thorndike Street
9 looking back towards Harvard Street. The proposed
10 building is ghosted in on the right-hand side of the
11 street, and you'll notice the two heights that we
12 were talking about, the 47 feet and the 36 feet to
13 the right here. We have 40 feet to the peak of the
14 roof of the single-family home that sits directly
15 behind the site on the right-hand side, and the
16 height does step back down to 42 feet for the next
17 house further down. Now, there's kind of a stepping
18 here that's starting to naturally emerge, but we're
19 also up as well too.

20 MS. POVERMAN: Peter, what height do you
21 have to be at to get that angle?

22 MR. BARTASH: Which angle?

23 MS. POVERMAN: I mean, if I'm looking at
24 that, I mean, I feel like I'd have to be, with the

1 cars down there, like about 25 feet high.

2 MR. BARTASH: So the Google Street View car
3 is probably about 12 feet. It's about 8 feet to the
4 top of the car, and then the camera sits about 3 or 4
5 feet above that, so you're between 10 and 12 feet for
6 this angle.

7 MS. POVERMAN: Okay.

8 MR. BARTASH: So the idea here is to
9 represent that we're starting to look and map those
10 lines and also start to consider how those lines fit
11 within the street view itself.

12 So here we're standing on Harvard Street.
13 We're looking back at Thorndike Street. I was
14 beginning to mention that Thorndike Street does start
15 to increase in elevation as you move away from
16 Harvard Street, so we have a slight increase in grade
17 as we move away from Harvard Street. And again,
18 right in front of us on the right-hand side of the
19 image, that's one of the three gas stations that we
20 can see -- one of the two -- and you'll notice the
21 single-family house behind it that's at a 38-foot
22 height.

23 MS. POVERMAN: We know what's there. There
24 used to be three, but that was years ago.

1 MR. BARTASH: Yes, right. Because the
2 third would have been included as what's indicated as
3 No. 1 on the site, which has been discussed has been
4 a restaurant and is now proposed as residential.

5 MS. POVERMAN: Right. It's the site.

6 MR. BARTASH: This is just the existing
7 site to describe the boundaries. Before we move past
8 this, just briefly for context, Thorndike Street is
9 on the right. We have an existing single-family home
10 to the rear, which is set between 5 and 6 feet from
11 the property line that abuts our property. And then
12 to the left we do have this parking lot that serves
13 the Starbucks and retail building that is northwest
14 of the site.

15 Just in terms of elevation, the parking lot
16 to that side of the property is about 5 feet below
17 the elevation of our site itself, and there is some
18 existing retaining along the left-hand edge of the
19 property and the rear of the property in this image.

20 MR. HUSSEY: Could you tell me how many
21 parking spaces there are now at the restaurant, the
22 existing property?

23 MR. BARTASH: So right now there are four
24 active parking spaces because the others are being

1 occupied by the shipping container, and I believe the
2 total parking count there is nine.

3 MR. DAVID DANESH: I think it's six.

4 MR. BARTASH: It is six? Okay.

5 This is just identifying the existing curb
6 cuts, and I believe the traffic engineer is going to
7 talk a little bit more about that when we get to his
8 portion of the presentation.

9 So this is the existing building that we
10 talked about that's on-site now that's serving as a
11 restaurant. This is the view from Thorndike Street
12 looking back at the existing building, and this is
13 actually a recent photo showing the shipping
14 container and the fence that sits along the property
15 line from Thorndike Street in the existing conditions
16 today.

17 So project facts: So we set out a series
18 of design objectives at the start of this process
19 when we first met with members of town staff and just
20 started to think about how we could even approach
21 this.

22 To David and Danny's credit, they did come
23 to us and say, we don't want to just propose the
24 biggest possible building we could propose on this

1 site. We want to think critically about establishing
2 design criteria and adhering to those criteria to
3 create a building that is tied in with its
4 surroundings.

5 And so we wanted to improve the pedestrian
6 experience along Harvard Street; we wanted to extend
7 the Harvard Street retail corridor; we wanted to
8 respect the residential character of Thorndike
9 Street; we wanted to articulate the massing,
10 vertically and horizontally, to reduce the visual
11 scale of the building; we wanted to respond to the
12 Coolidge Corner design guidelines; we also want to
13 develop a timeless design language and material
14 palate.

15 This is just the -- these are the numbers
16 that lie beneath the plans and the proposal that
17 you're looking at. It is the 17 units, the roughly
18 1,800 gross square feet of proposed building on this
19 site, and also the 12 parking spaces that we've
20 proposed here.

21 So building plans: The proposed building
22 plan, we've located -- so there are a few things to
23 note: From a big-picture standpoint, we've put
24 active program along Harvard Street, both the retail

1 and the residential entry lobby, and we've located
2 the residential garage entry along Thorndike Street
3 and set off the street by recessing it into the
4 garage.

5 So anything that you see in the gray color
6 is the actual parking area with a new garage
7 footprint. Anything with a darker blue/purplish tone
8 is either a service space or a stair or an elevator
9 that ties in with the building above. The yellow is
10 the residential entry lobby. And then the red tone
11 is the retail block that sits at the front edge of
12 Harvard Street.

13 What you'll also see is that at the front
14 edge, though we're sitting on the property line with
15 the columns that we have in front of the building, we
16 are stepping back the storefront to create little
17 pockets of space that could be used as outdoor
18 seating and start to create some touchdown space
19 along the sidewalk edge for people.

20 This is an exhibit that talks about vehicle
21 sight distances from the garage entry, and we're
22 going to come back to that when we talk about
23 traffic.

24 This is the typical floor plan. It is

1 consistent for levels two and three. You'll note we
2 have the double-loaded corridor. It's just running
3 right down the center of the building with units on
4 either side. And anything that you see in the darker
5 color on the screen, that darker blue or purplish
6 tone is either a stair or an elevator.

7 As we get up to the upper floor, the fourth
8 floor, you'll note that the two units on the rear of
9 the plan do drop off and become private outdoor space
10 for the two units that abut that space on the upper
11 floor. And so the bulk of that four-story is
12 concentrated toward the Harvard Street side of the
13 project.

14 This is the roof plan, which shows that we
15 are proposing rooftop mechanicals on a flat roof that
16 are centered over the corridor and just concentrated
17 in the center of the building.

18 I'll talk about this section very quickly.
19 Again, we talked about how does this thing work and
20 step down. If you move from left to right, from
21 ground to roof, looking at this section, on the left-
22 hand side we have Harvard Street, and on the right-
23 hand side we have the existing abutting home.

24 You'll note the change in grade and the

1 fact that the grades will start to step up as we get
2 to the right-hand side. But you'll note that as your
3 eye follows the line of the roof, we've also
4 eliminated that upper floor on the right-hand side of
5 this section as we step down toward the neighborhood
6 side. And we've set the entire fourth floor in on
7 the plan by a foot to be able to start to create
8 really vertically and change the materials to kind of
9 define that upper floor and distinguish it from the
10 body of the building.

11 So the moment that we've all been -- well,
12 I've been waiting for, to show you what the building
13 actually looks like.

14 So this is a rendering taken from Harvard
15 Street. And when we showed the last series of
16 renderings to the board of selectmen, they were very
17 early, rough images. They were dark, they were
18 heavily toned, there wasn't really a lot of subtlety
19 to them, and they didn't really accurately represent
20 the context.

21 So we went back. We updated our model. We
22 took some time to really map out tree locations on
23 Harvard Street, to make sure we're capturing the
24 appropriate scale along Harvard Street, and to show

1 exactly what we feel this building is going to look
2 and feel like when it's built on this site.

3 So as you're standing here on Harvard
4 Street, again, looking and facing northwest, you'll
5 see that retail corridor that I was mentioning kind
6 of immediately in the foreground, the image on the
7 right-hand side. But as soon as you get past the end
8 of that one-and-a-half-story building, it turns into
9 a parking lot. And today, that parking lot then
10 travels all the way down until you get to the
11 Starbucks building, which is roughly in the center of
12 the image in a very dark tone. It's very difficult
13 to see.

14 What our proposal does is it uses material
15 at the base to define that base and continue that
16 retail experience along the street edge. We then
17 grouped the second and third floors using a
18 consistent brick material and residential punched
19 window openings to really create and define a second
20 and third story that feel separate from that fourth
21 upper story, which is lighter. It's more
22 transparent. It's meant to feel as if it starts to
23 blend into the, kind of, sky as you're looking down
24 along the street edge.

1 All of these materials and moves and
2 changes in plane are architectural devices to work on
3 breaking down the visual scale of the building and to
4 let the -- the moves that are defining the
5 architecture of the building really become what the
6 building looks and feels like from the street as you
7 experience it.

8 So we'll keep going and look a little
9 closer. This is from Thorndike Street looking back
10 towards Harvard Street. So we've pared some trees
11 out of this elevation or this image because there are
12 some trees that sit right in the foreground of this
13 image that would make it difficult to see anything.

14 But you'll note that we are taking the
15 building, again, as I mentioned, and we're stepping
16 it down as it gets towards the residential edge of
17 the neighborhood. We're also starting to change the
18 geometry of the wall along Thorndike Street. It's a
19 subtle curve, but what it does is it opens up view
20 corridors from the front of the abutting building
21 behind this proposed building and allows them access
22 to light and view past this building that they
23 wouldn't have if it were a hard edge.

24 I know it seems like a subtle detail, but

1 it's not an easy one to achieve, both in terms of
2 planning the building and building the building. But
3 we feel that subtle details like this are important
4 to distinguishing this project from some of the other
5 40B proposals we've seen, which are just rigid, hard
6 boxes that are attempting to grab gross square
7 footage.

8 So if we're standing at the intersection of
9 Harvard Street and Thorndike Street, we're looking
10 again a little bit closer at this --

11 MS. POVERMAN: I'm sorry, Peter. Sorry to
12 interrupt. Could you show us the previous page?

13 MR. BARTASH: Yup.

14 MS. POVERMAN: And now show us the one you
15 just went to.

16 Okay. So that side looks much more
17 detailed and differentiated versus if you go to the
18 next page -- or the previous page just looks like
19 sort of a monolithic slab of brick, so I don't
20 understand that difference.

21 MR. BARTASH: So that's a great question.
22 It's something we'd actually -- we spent a lot of
23 time thinking about. The question of where the
24 ground floor band of masonry starts and stops was an

1 area of interest for us.

2 Originally, we had it carried all the way
3 up the street, but we felt that the proportion and
4 scale of the brick wall as you got further up the
5 street wasn't in balance by carrying the base all the
6 way through. And we also felt that we weren't trying
7 to drive the same sort of residential -- I mean
8 retail feel along the street edge as you move further
9 up Thorndike Street. So we wanted to transition the
10 material at the ground level to sort of concentrate
11 the retail edge and activity on Harvard Street.

12 That being said, that's something that
13 we're interested in looking at and exploring further
14 as we go through the process.

15 MS. POVERMAN: Thanks.

16 MR. BARTASH: So here again you'll see
17 raising precast headers and sills. We're really
18 trying to pay attention to how these other window
19 openings are detailed on buildings further down the
20 street that fit within the same family of building
21 that we feel this belongs to.

22 Just keep going from here.

23 And this is the view from the other
24 direction on Harvard Street, again, with that

1 Starbucks to the left of the image, the parking lot
2 in between the Starbucks and the proposed building.
3 And you can see how this building just kind of fits
4 and fills that gap along the street.

5 So these are the 2-D elevations that
6 describe the 3-D images that we were just looking at.
7 And for technical purposes, the 2-D number in height
8 for this building is 46 feet 11 inches from the grade
9 to the top of that upper-most parapet on the fourth
10 floor.

11 And this is the elevation seen from
12 Thorndike Street, this is the elevation to the rear
13 of the property facing the abutting residential home,
14 and this is the elevation that faces the Starbucks
15 parking lot.

16 So shadow studies: We also looked at
17 shadow studies for quite an extensive amount of time.
18 When I say that, what I mean is in the past, on other
19 40B projects, when we've looked at shadow studies
20 we've picked key points at the four seasons
21 throughout the year and expressed those and also been
22 questioned about does that represent the worst-case
23 scenario? What are we looking at here?

24 So we've taken what we've learned from

1 those studies, and we have looked at worst-case
2 scenarios on the four points throughout the year
3 where the sun's just coming over the horizon and we
4 have the longest possible shadows in the spring, in
5 the fall, and in the winter, and also the moment just
6 before the sun does set, again, where we have those
7 long shadows.

8 So when we're looking at these images, our
9 proposed building is shown in blue. Anything that
10 you see in that dark gray color is an existing
11 shadow, and any new shadow that our building would be
12 adding is identified in red in the following slides.
13 So we're starting here in March, and we're just going
14 to move from morning to night and just kind of flip
15 through these as we go through. And you can see that
16 the sun moves from the right-hand side of the screen,
17 to the bottom, and over to the left-hand side of the
18 screen. That's how that shadow tracks from west,
19 north, and then back to the east.

20 So the same thing. Now we're looking at
21 June, the middle of the summer; this is looking at
22 September; and this is looking at December when the
23 shadows truly are the longest.

24 And in terms of the methodology for what

1 context buildings were shown on this slide -- so when
2 you factor in the existing trees and the other homes
3 around this site, there are obviously more shadows
4 that are cast. What we've done is we've identified
5 the properties that we feel are contributing most
6 directly to the shadows that are cast today on and
7 around our project site, and we've modeled those
8 around the proposed building in order to conduct this
9 analysis. As we start to layer in more buildings and
10 we start to layer in all of those trees, we end up
11 seeing shadow in most places most of the time, so it
12 kind of obscures our ability to observe where we
13 think the moments of shadow will be added by this new
14 proposed building.

15 So now we're going to take another step and
16 look a little bit at the initial approach to civil
17 engineering for the project. Thank you.

18 MR. WILLIAMS: Thanks, Peter.

19 Madam Chair, members of the board, for the
20 record, Tim Williams with Allen & Major Associates.

21 And what we essentially did was we looked
22 at what we can do outside the building envelope to
23 enhance the existing utilities. We looked at
24 pedestrian connections, what we can do to improve the

1 sidewalks and add some green space, as much as we
2 could.

3 So essentially the site, as we saw in an
4 earlier slide, has three existing curb cuts. We're
5 proposing to reduce those down to one curb cut into
6 the building. We actually moved the curb cut from
7 the intersection of Harvard Street and Thorndike
8 further down Thorndike Street, which would access the
9 underground parking, and repurpose the curb cut on
10 Harvard Street to act as a loading area for residents
11 moving in and for the retail as well.

12 So under your zoning, the site would
13 require -- I believe it's 43 parking spaces, and
14 we're proposing 16, which is a good
15 sustainable-design practice. We're eliminating
16 vehicles --

17 MS. POVERMAN: Is that correct?

18 MR. WILLIAMS: I'm sorry?

19 MS. POVERMAN: Well, I think two things:
20 One, it's in the Coolidge Corner overlay district,
21 isn't it? Right? This area?

22 MR. WILLIAMS: It is.

23 MS. POVERMAN: Right. So does that 43
24 number correlate with the new zoning law that was put

1 into place with the reduced number?

2 MR. WILLIAMS: Yeah, I believe it does.

3 MS. POVERMAN: Okay. And the project is 12
4 parking spaces; right?

5 MR. WILLIAMS: 12.

6 MS. POVERMAN: Okay. Currently.

7 MR. WILLIAMS: Okay. So that being said,
8 the parking spaces themselves are going to be
9 mechanically operated, so you'll be able to park and
10 then the lift will lift your car up, and you'll be
11 able to park underneath that as well. So the parking
12 spaces you see on the Thorndike Street side
13 underneath the building, those will be the mechanical
14 ones. And then there's another one that's adjacent
15 to the handicap spot as well.

16 The utilities -- it's pretty easy, this
17 site, because we're building out -- it's in an urban
18 area. All the utilities are already existing, either
19 to the site, which will be reused and repurposed, or
20 we'll provide new sewer connections, new water. Gas
21 and electrical will come in underground with a
22 transformer located on the back side of the building.

23 The stormwater will be captured and
24 treated. Currently the existing site has no

1 stormwater management system on it whatsoever.
2 Everything flows off the site. We will be proposing
3 water quality treatment devices to improve the
4 quality of the water exiting off the site.

5 So the building is essentially -- from
6 property line to property line, there's not much more
7 we can do to enhance the landscaping outside of some
8 grass strips associated with the sidewalks and
9 sidewalk improvements themselves.

10 MS. POVERMAN: Thank you.

11 MR. THORNTON: Good afternoon. For the
12 record, Scott Thornton with Vanasse & Associates. We
13 did take a look at the traffic aspects of the
14 project. While Peter is getting to our slide, I just
15 want to go over some of the findings from our memo
16 that was issued January 25th of this year.

17 With this project, we're below the
18 threshold of 25 units that require a full traffic
19 study, so we're really focused on the safety aspects
20 and access. If you were to do a full traffic study
21 for this project, you wouldn't really identify any
22 impact, because the overall volumes would be minor in
23 terms of the traffic volume that's going through the
24 Thorndike Street and Harvard Street intersection.

1 We did look at the geometrics out on
2 Thorndike Street, out on Harvard Street. Thorndike
3 Street is about 24 feet wide, sidewalks on both sides
4 that are between 4 and 5 feet in width. There's
5 parking on one side, just on -- this slide is sort of
6 aligned so that north is kind of in this direction.
7 So the northbound -- this is actually a northeast
8 movement, but northbound -- the parking's on the
9 northbound side. And I'm sure everyone's aware, but
10 Thorndike Street is two-way only between Clarence
11 Street and Harvard Street in this block, and then it
12 changes to one-way southbound headed towards Harvard
13 Street.

14 Harvard Street is about 50 feet wide. It
15 has travel lanes of 12 feet per side. You've got
16 5 -- plus or minus 5-foot-wide bike lanes, and then
17 you've got an 8 foot -- 7 to 8 foot parking lane on
18 either side.

19 As Peter had indicated earlier, I think
20 David and Danny did a great job discussing the
21 existing curb cuts serving the site. There is a
22 large curb cut that's probably 30 to 35 feet wide on
23 Harvard Street. It serves kind of a split -- a
24 driveway that goes up to the west side of the site

1 and then the main parking area to the east side.
2 Then there's also an existing curb cut on Thorndike
3 Street that's about 12 -- about 14 to 16 feet wide,
4 and a similar curb cut further on the north side of
5 the site. Both of those are inoperative now because
6 they're fenced off.

7 As you see, crosswalks on all -- across all
8 legs of the intersection, a two-way-stopped
9 controlled intersection.

10 As I mentioned, we're looking at access and
11 safety, so we wanted to get an idea of the sight
12 distances that were available out there. As some of
13 the previous slides indicated, Thorndike Street, as
14 you're headed down into Harvard Street, it comes on a
15 downgrade. It's about a 3 percent downgrade coming
16 down, so that affects the sight distance and the
17 speed that traffic -- or the distance the traffic
18 needs to be able to come to a complete stop safely.

19 We also looked at the travel speeds out
20 there on Thorndike Street where the driveway is
21 located, and we -- it took us a while to get the
22 sufficient number of measurements, just because
23 there's not -- you know, in terms of the traffic
24 volume on Harvard Street, there's not a lot of

1 traffic volume on Thorndike. There are times where
2 there's a lot of traffic that's headed down. A lot
3 of it is headed southbound into Harvard Street. Not
4 much, obviously, is headed up the street because
5 they -- it's either for this gas station, for the
6 houses, and I think some people may -- you know,
7 maybe some folks on Clarence Street will head north
8 on Thorndike Street.

9 MS. POVERMAN: Do you know why the garage
10 was placed on Thorndike rather than Harvard, for
11 example?

12 MR. THORNTON: I would -- if I had my town
13 planning hat on, I would say that that's a better
14 location for it than on Harvard Street because you
15 want to try to minimize curb cuts and access points
16 on the busier roadway.

17 MS. POVERMAN: Yeah. Thorndike is very
18 narrow.

19 MR. THORNTON: Well, it's -- but it's
20 24 feet wide. I mean, that's sufficient for two-way
21 travel and --

22 MS. POVERMAN: Well, I'd be interested to
23 see what the planning board says and the neighbors,
24 so I'm just throwing that out.

1 MR. THORNTON: Sure.

2 MS. POVERMAN: Okay, thanks.

3 MR. HUSSEY: I've got a question for you on
4 the sight line. When you're coming down Thorndike
5 and turning onto Harvard, what are the sight lines
6 when you're taking that corner where the building's
7 right off the edge?

8 MR. THORNTON: Yeah. In this area, you've
9 got about 112 feet, 120 feet, and out over here you
10 don't really have any restrictions. But when you're
11 coming out of Thorndike, you know, you do what
12 people -- do what this car is doing here. You stop
13 at the stop bar -- or you stop before the crosswalk,
14 which is the stop bar, and then you proceed into the
15 roadway to the point where you're not an obstacle to
16 the traffic moving on that roadway. That's what
17 happens every -- you know, at every driveway where
18 there's any type of encumbrance or in any of these
19 other intersections.

20 MS. PALERMO: I have another question. Did
21 you, in your -- I realize you have a limited review,
22 but did you look into the proposal that there be
23 loading in front of the building on Harvard Street
24 for the retail and for the residents in conjunction

1 with creating new parking spaces?

2 MR. DANNY DANESH: So allow me just to
3 comment on that. So at the front of the building, as
4 you guys know, there's a curb cut right now on
5 Harvard Street, and, you know, we're discussing
6 getting back the parking spaces for the town so they
7 can meter it and generate revenue from those spaces.
8 Some of that is, you know, to be determined through
9 meetings, but, you know, it's something that we're
10 putting on the table; you know, rather than having
11 curb cuts, cars coming in and out of the space, to
12 have metered parking spaces, which obviously is to
13 the benefit of the town.

14 MS. PALERMO: Actually, my question wasn't
15 about metered spaces. My question was asking whether
16 you've looked at just the use of having loading for
17 retail -- and at this point it's undefined retail --
18 on Harvard Street. And I gather you haven't, so
19 we'll talk about that later. But I think it's
20 important that you give some thought to where you're
21 going to provide a place for a retail operation --
22 particularly if it's a restaurant -- to have loading.
23 And it may not be appropriate on Harvard. That's
24 just something to look into.

1 MR. BARTASH: So it is actually something
2 we did consider in the initial planning process, and
3 I'll just speak very briefly to it.

4 First and foremost, we wouldn't want to be
5 trying to bring any sort of trucks or loading or
6 delivery vehicles up onto Thorndike Street or
7 locating loading in that zone, so naturally, we want
8 to try to keep loading on the Harvard Street side of
9 the project.

10 We then identified that the existing curb
11 cut was in place in front of the property as it
12 stands today and that it was roughly the dimension
13 and location that we would need for a loading zone.

14 And when Danny was speaking about the idea
15 of that being kind of shared use between, you know,
16 parking and loading, what we were talking about is
17 the idea of thinking critically about what the use
18 would end up being at the retail space and
19 restricting loading to certain times throughout the
20 day or during off-peak hours so that loading and
21 service activities wouldn't impede the normal
22 operation along Harvard Street. It also does provide
23 direct access into the building in an area that's
24 most convenient.

1 It's difficult because of the nature of the
2 plan and the layout for us to get direct access from
3 the parking garage back into the retail space at the
4 ground level, so we would be better served to have
5 that retail be front loaded off of the sidewalk or
6 through the sidewalk.

7 And so the confluence of those factors was
8 the decision to, at this time, locate the loading in
9 that zone.

10 MS. PALERMO: Thank you.

11 MR. THORNTON: And just to follow up, I
12 believe some of the loading for the current
13 restaurant does occur in this area.

14 MS. PALERMO: That's a parking lot, isn't
15 it? They're not on the street.

16 MR. THORNTON: It's a ramp. So they
17 basically pull into the --

18 MS. PALERMO: They pull off of Harvard
19 Street.

20 MR. THORNTON: Yes.

21 MS. PALERMO: And you could, perhaps,
22 design something that would allow for trucks to pull
23 off of Harvard Street under the building if you gave
24 up some area under the building, so just a thought.

1 MR. THORNTON: I think it's something we'll
2 look at.

3 So just real quickly, so these sight
4 distances represent what we measured out there. And
5 the distances we're shooting for headed south on
6 Thorndike Street -- we're looking for 116 feet. That
7 represents what's required for the speed that the
8 vehicles we observed were traveling at, which was
9 about 20 miles an hour. So that's 116 feet. For
10 that particular measurement, we have a total of 410
11 feet that we can see from the vantage points of a
12 vehicle further back on Thorndike Street to the
13 vantage point at the sight driveway.

14 In terms of pedestrians on the sidewalk, if
15 a pedestrian was coming down on the west side of
16 Thorndike Street on the sidewalk, they would be able
17 to see a distance -- they would be able to see a
18 vehicle -- the bumper of a vehicle coming out of the
19 garage at 124 feet. So that's -- I mean, quite
20 honestly, a pedestrian needs about 10 feet to be able
21 to adjust their behavior, but we have sufficient
22 distance and then some.

23 And as far as vehicles coming out of the
24 garage, they can see about 112 feet coming out,

1 looking up Thorndike Street, and then it's about 90
2 feet to this curb line. They can actually see past
3 that and to the other side of the street if need be.
4 But that's just an additional distance that's
5 available.

6 And in terms of, you know, just some
7 general thoughts, you know, moving the driveway -- as
8 we mentioned, moving the driveway to Thorndike Street
9 is an improvement. You have a lot of pedestrians, a
10 lot of bicycles, a lot of buses, a lot of cars moving
11 on Harvard Street and, you know, being able to remove
12 a curb cut and vehicles going in and out of a site is
13 a bonus. That's a plus.

14 You know, in terms of overall trip
15 generation, the apartments are not likely to generate
16 a lot. We're talking about, you know, with the --
17 accounting for transit out there, Danny mentioned the
18 66 bus that's stops at Coolidge Street and then also
19 stops at the T.J. Maxx and the Green Line trains.
20 You know, it's about a 50 percent split for people
21 using transit. So, you know, we would assume four to
22 five peak-hour trips. So when you have -- you're
23 talking about traffic that's pulling into this
24 driveway, you're looking at, you know, two to three

1 cars over the course of an hour, which is not a lot.

2 So then I think, overall, the relocation of
3 the driveway and, you know, the fact that this was
4 and is an existing use -- it's got a restaurant use,
5 it has been generating a fair amount of traffic all
6 along, so I think that this is a much better
7 condition with the access relocated.

8 If you have any questions, I'm happy to
9 answer them.

10 MS. POVERMAN: Not at this point.

11 MR. THORNTON: Thank you.

12 MS. POVERMAN: Thank you.

13 MR. BARTASH: So in terms of presenting the
14 initial approach to the project and the building,
15 that concludes kind of our first pass and thoughts of
16 what this project could be. And so Geoff's going to
17 close out, but we're happy to answer any questions
18 you might have at this time.

19 MS. POVERMAN: I know Chris has a bunch, so
20 I wouldn't go very far. We're not giving up any
21 future opportunities to say anything, but the first
22 question I just want to ask before I jump in is can
23 you give us the setbacks on all four sides that we're
24 talking about? And then I will hand things over.

1 MR. WILLIAMS: So the existing setbacks --
2 the front yard building setback in this -- in the
3 Coolidge Corner Design Overlay District is 10 feet.
4 We have .2. The side yard setback --

5 MS. POVERMAN: Wait. Show me which side
6 you're talking about.

7 MR. WILLIAMS: It would be on the Harvard
8 Street side.

9 MS. POVERMAN: .2?

10 MR. WILLIAMS: It's conforming to the rest
11 of the street.

12 MS. PALERMO: But you're saying zoning
13 requires 10?

14 MR. WILLIAMS: That's correct.

15 The side yard building setback -- and
16 again, there's a calculation that's required for
17 these. The calculation points out that there's an
18 18-foot side-yard setback required. We are proposing
19 4.7, which includes the building overhang, 5.1 to the
20 building face.

21 The rear-yard setback, again, there are
22 calculations required. 30 is required. We're
23 proposing 5.7 to the building face.

24 MS. POVERMAN: That's the one that is

1 closest to the neighbor?

2 MR. WILLIAMS: That's correct.

3 MS. POVERMAN: What's the distance between
4 the building and the actual house?

5 MR. WILLIAMS: We have to come back with
6 that information.

7 MS. POVERMAN: You don't know that?

8 MR. BARTASH: 10 feet.

9 MS. POVERMAN: Thank you.

10 Mr. Hussey, do you have any questions at
11 this time?

12 MR. HUSSEY: Are you done, Peter, with your
13 presentation?

14 MR. BARTASH: Yes.

15 MR. HUSSEY: I'm sorry to be difficult, but
16 I have some confusion with the parking -- the number
17 of parking spaces. On the Allen & Major table, it
18 says six standard, nine stackers, and one accessible
19 for a total of sixteen.

20 MR. BARTASH: So the proposal that we
21 submitted -- I can speak to that point fairly
22 succinctly. So the proposal that we submitted was
23 based on one type of semiautomated parking system
24 that would have yielded 12 spaces within the design

1 of the project.

2 That proposal was submitted at a period of
3 time where we had less information than we do today
4 about the numbers and types of systems that are
5 available. And so the plan presented by Allen &
6 Major was based on a different type of semiautomated
7 system that would increase our ability to yield
8 parking on-site at the time the application was
9 submitted. And based on our current plans that you
10 have today, it is 12 spaces, but we are looking at
11 ways to increase the parking. So their plan is
12 slightly ahead of where we are right now on the
13 architecture side of it.

14 MS. POVERMAN: We would like information
15 about the system you are contemplating.

16 MR. BARTASH: Absolutely.

17 MS. SELKOE: This is one of the reasons
18 that one of the things I didn't do tonight is say
19 that the application was complete because of these
20 discrepancies. And I think the applicant really
21 needs to give us, you know, a current plan with the
22 right -- the number of parking spaces they're
23 proposing.

24 MS. POVERMAN: Yeah. Before we close out

1 tonight, if we could just go through what's
2 outstanding and keep track of all the things we need
3 to get from the applicant, that would be great.

4 MR. HUSSEY: And there was also mention of
5 the possibility of renting off site six parking
6 spaces. Is that still in play? A long-term lease of
7 some sort?

8 MR. DAVID DANESH: I want to talk about the
9 parking on the site in two ways: The gas station
10 across the street is a Sunoco. He used to rent his
11 parking spots to a lot of people living in the area.
12 However, he's told me personally, over the past few
13 years, because of the increase of Uber and Lyft and
14 bikes and public transportation, that he has plenty
15 of parking spaces and he's more than happy for us to
16 do a long-term lease with him where we would rent six
17 spots from him. He'd be thrilled. And he even
18 offered to give me some sort of a discount per month
19 for my residents.

20 Also, you know, we are also the property
21 owners at 500 Harvard Street, the old Rubin's site,
22 and we've -- right now it's sitting empty because we
23 were leasing it to The Butcherie because their
24 kitchen burned down and they needed our help, so we

1 let them use it. But since then, since they've moved
2 out, we've tried to find people who are looking for
3 parking in the area, and we've asked brokers and
4 neighbors and stuff like that if they were interested
5 to rent the parking garage that's vacant right now.
6 We only got one or two inquiries to rent the parking.

7 The parking on this side of Harvard is not
8 the same kind of demand as it is on the other side of
9 Harvard Street closer to Coolidge Corner. Not even
10 close. And I tell you that because on Marion Street,
11 the building we have closer to that side of Harvard,
12 it's -- the demand is almost five times as much for
13 the parking.

14 MS. POVERMAN: Thank you.

15 MR. HUSSEY: I'd like to see, at some
16 point, the discussion of the sight lines in
17 conjunction with the Line of Sight Plan, C5, of
18 Allen & Major Associates. That's more graphic. And
19 really, these larger numbers that you've given, I'm
20 not quite sure how they really relate. But there's a
21 plan here, C5 by Allen & Major, that shows sight
22 lines for cars, anyway. It doesn't show the
23 pedestrians. In particular, I don't quite see how
24 the pedestrian sight line gets to be so much looking

1 north.

2 MR. BARTASH: We can elaborate on that in
3 more detail.

4 MS. SELKOE: Yeah. I mean, we're going to
5 probably have a whole, you know, meeting just on
6 traffic details.

7 MR. HUSSEY: And the other thing you've --
8 there's a question about open space. Did you look at
9 the possibility of having some open space on the
10 roof? You've got those two terraces, but they're
11 dedicated to those units, if I understood.

12 MR. BARTASH: That's correct. They are
13 dedicated to those units. We can look at the
14 possibility of opening them for access to the other
15 residents in the building because we would be able to
16 create the connection to those spaces. But what we
17 were concerned about is creating that outdoor
18 gathering space right up against the edge facing
19 Thorndike Street. We've heard negative feedback
20 about that approach in the past, so we chose to
21 restrict those uses to only the two units that abut
22 those spaces.

23 MR. HUSSEY: What about the roof, though,
24 the main roof?

1 MR. BARTASH: In order to get access to the
2 main roof, we wouldn't be able to accommodate an
3 additional stair in the plan. And the added height
4 for the cores to get up and access that roof would be
5 not only prohibitive for the project, but also we
6 feel like it would -- we felt like it might undermine
7 some of the other attempts we're making to reduce the
8 visual height and scale of the building.

9 MR. HUSSEY: All right. And there's a
10 question about the -- previously there was a gas
11 station, and MassDevelopment had a question about
12 environmental. Is there a problem with that that
13 needs to be addressed at some point?

14 MR. ENGLER: There was a full 21E Phase I
15 and II that was submitted for the record. I mean, if
16 you look at it rationally, there's been food service
17 there for the last 10 years. They would not have
18 been able to have that use if they didn't have a
19 clean bill of health from the DEP. That's all been
20 submitted for the record. There was never any
21 contamination, but it had to go through the process
22 of a gas station. But it's all on file, and it's
23 clean.

24 MS. POVERMAN: That being said, these are

1 also different parts of the property that are being
2 used now. It's a good point, but --

3 MR. ENGLER: No. But the evaluation is
4 done on the property. It's not done on a small
5 section.

6 MS. POVERMAN: Where exactly in the book we
7 have is it?

8 MR. ENGLER: It's not in the comprehensive
9 permit application, but we were asked for it by the
10 board of selectmen and it was submitted. It's about
11 250 pages. 249 of it is language that, myself
12 included, don't -- it's very technical. If you go to
13 the DEP website, it's there as well.

14 MS. PALERMO: When was it done?

15 MR. ENGLER: It was done in '04 at the time
16 of transfer.

17 MS. PALERMO: 2004. And what was the
18 company?

19 MR. DAVID DANESH: FSL. You have all
20 the -- we submitted all the information, a paper copy
21 and a disk to the town, I believe, and the letter
22 from the engineer from FSL who did the study.

23 MS. PALERMO: And they did Phase I and
24 Phase II?

1 MR. DAVID DANESH: Yes. You have
2 everything.

3 MS. PALERMO: Okay.

4 MR. HUSSEY: That's really all I have at
5 the moment. So I guess the question is: What peer
6 reviewers do we want to have?

7 MS. POVERMAN: Wait, Lark?

8 MR. HUSSEY: Oh, sorry.

9 MS. PALERMO: I'll probably have more
10 later, but I will have questions about whether they
11 considered doing a variety of things in their
12 analysis of the site and the design.

13 MS. SELKOE: Well, what I was going to say
14 is that the planning department staff is very happy
15 to assist you in any way we can. We'll help
16 coordinate this process; we will arrange for
17 technical analysis by both the municipal staff and
18 peer reviewers, if you ask for those; we're going to
19 ensure transparency of the process by putting --
20 posting stuff on our town website; we'll respond to
21 the board. If you have any additional information
22 that you want, we'll help you get that.

23 The planning department also has arranged
24 through the state to have a 40B expert available to

1 provide additional guidance if you feel that that's
2 needed.

3 So the public should feel free to contact
4 the planning department if you have any questions.
5 If you want to submit written comments, you can
6 forward them to either Karen or myself and we will
7 see that the zoning board of appeals gets them.

8 I think tonight it would be good if the
9 board gives us some direction. And we think that the
10 following actions might be good to take:

11 First, you need to determine whether or not
12 an urban design, traffic, parking and environmental
13 peer reviewers would be helpful in your evaluation of
14 the project. And if you do, then we will ask you to
15 authorize the planning department to engage those
16 peer reviewers. Please note that the engineering
17 staff will review the stormwater issues in-house.

18 We also -- I did discuss with the
19 applicant's representative paying for the cost of the
20 stenographer, which is what we've done with all the
21 40B cases, and I'd like you to just confirm that they
22 are willing to do that tonight.

23 I'd like to schedule a site visit for the
24 ZBA and ask that the applicant, before that site

1 visit, have the footprint of the proposed building
2 staked out and, you know, any trees that are going to
3 be removed, if there are any -- because I know it's
4 pretty much build on-site -- identified.

5 And then we would ask you to continue this
6 hearing to April 5th at 7:00 p.m. for comments from
7 departments and boards and to hear public testimony.

8 So to go back to the beginning, I think you
9 need to discuss whether -- what peer reviewers you
10 need. The reason I mention an environmental peer
11 reviewer is that 1180 Boylston Street was also a 40B
12 project and a prior gas station, and we did ask the
13 environmental peer reviewer to review the technical
14 materials that Mr. Engler was saying is, you know,
15 hard for a layperson to understand. But that's up to
16 you to decide whether you think that's necessary.

17 Certainly, the planning department staff
18 would urge you to ask for an urban design peer
19 reviewer. And I do think, also, that there's traffic
20 and parking and loading issues that should be looked
21 at and evaluated.

22 So perhaps I'll stop there and let you
23 discuss that.

24 MS. POVERMAN: Well, my personal view is

1 that, yes, of course we need an urban design
2 reviewer, and I understand Mr. Boehmer is the one
3 who's been being used.

4 MS. PALERMO: I completely agree. And
5 we've worked with him before. He's very capable.

6 MS. SELKOE: Is that something that you're
7 willing to do?

8 MR. ENGLER: Of course. I mean, we would
9 expect nothing less.

10 MS. POVERMAN: And as for the traffic, I
11 think it's more limited than some other projects we
12 have, which are much larger. And I, frankly, do not
13 think a full traffic report of --

14 MS. SELKOE: No. Actually, we weren't
15 suggesting a full traffic report. What we suggest is
16 that we go to Peter Ditto, who's the director of
17 transportation and engineering, and ask him what
18 additional information he thinks is needed. For
19 instance, you know, what exactly the sight lines are
20 turning onto Harvard Street. And what about the
21 loading zone? Where should it be? That kind of
22 thing.

23 MS. POVERMAN: And also, yeah, the parking
24 garage. I don't doubt anything that's been said, but

1 it's always good to have a second opinion on that.

2 MS. PALERMO: I think environmental --

3 MS. POVERMAN: That would be great.

4 MS. PALERMO: -- peer review would be very
5 helpful. 2004 was 13 years ago, and things have --
6 the site is not going to be any different. This
7 person will review the report that you got in 2004
8 and give us an opinion as to its adequacy for its
9 purpose. So I think that would be helpful.

10 MS. POVERMAN: So is there any problem with
11 funding those experts?

12 MS. SELKOE: Of course, what we do is we
13 get estimates from them, and then we pass it by you
14 to see that you agree. Is that okay?

15 We need to hear it for the record.

16 MR. ENGLER: For the record, I mean, we
17 would respectfully ask that the DEP close-out process
18 is the standard and regimented. So to the extent
19 that the scope is "read this report and tell us the
20 site is clean," we're okay with that. When I hear an
21 environmental analysis, I mean, I'm not -- I don't
22 think that's what you're representing this to be.

23 MS. PALERMO: We're not asking -- at this
24 point, that's not the request. The request is to

1 have a peer reviewer function as a reviewer of the
2 work that has already been done by the environmental
3 engineer that you obtained in 2004 and to review the
4 process with DEP to be sure that it has been done
5 properly, not to tell us whether the site is clean or
6 not. That's a totally different question.

7 MR. ENGLER: Okay. My client is
8 comfortable with that.

9 And the architecture, obviously.

10 As I understand it, Mr. Ditto is going to
11 review the pedestrian considerations, loading and
12 whatnot.

13 MS. SELKOE: What I was saying is I think
14 we need a peer reviewer, but Mr. Ditto would discuss
15 what scope is needed, and we would run that by you.
16 And I agree it would be a limited scope.

17 MR. ENGLER: And we understand, and I know
18 my client has had it because, believe me -- and I
19 don't even know -- with all due respect to the board,
20 we've heard on all the projects different messaging
21 around parking: You have too much parking; you don't
22 have enough parking; we like stackers; we don't like
23 stackers.

24 So I know -- I advised my clients. I know

1 they have all the information. We have robust
2 material relative to the parking and the system and
3 whatnot, which we will provide to the board because
4 we know that's been an area of sensitivity over the
5 last, you know, several proposals on: How does the
6 parking work? How does it operate? Does it make
7 noise? Etc., etc. So we anticipate and look forward
8 to having that discussion at future hearings as well.

9 MS. SELKOE: And we just need to confirm
10 about the stenographer, that you're willing to --

11 MR. ENGLER: Yes, we're willing to --

12 MS. SELKOE: And that's good because she's
13 here tonight.

14 MR. ENGLER: She can write that into the
15 record.

16 MS. SELKOE: That you will pay?

17 MR. ENGLER: Yes.

18 MS. SELKOE: Okay. I'd like to schedule a
19 site visit for you.

20 MS. POVERMAN: Yeah, let's get that
21 scheduled, and then I have one other issue I'd like
22 to address, and make sure Mr. Hussey doesn't have any
23 more questions.

24 MS. SELKOE: Okay. I was going to suggest

1 April 11th or 12th during the day, whatever is a
2 convenient time for you.

3 MR. DAVID DANESH: Unfortunately, we're not
4 going to be because it's Passover, it's the holiday.

5 MS. SELKOE: You're going away for the
6 whole week?

7 MR. DAVID DANESH: Yes. So it would have
8 to be after Passover.

9 MS. SELKOE: Okay.

10 MR. DAVID DANESH: Unless you want to do
11 the same day as the -- April 5th -- as the meeting.

12 MS. POVERMAN: Do it that morning?

13 MR. DAVID DANESH: Oh, we have to stake it
14 out.

15 MS. SELKOE: That's next week, but we can
16 do that if you'd like.

17 MR. DAVID DANESH: I think maybe we should
18 do it after Passover.

19 MS. STEINFELD: Yeah. We can't do it the
20 11th or 12th.

21 MR. DAVID DANESH: I think we should just
22 do it after Passover.

23 MS. SELKOE: So let's look at the 18th or
24 19th.

1 MS. POVERMAN: The 19th.

2 MS. SELKOE: Okay. What's a good time for
3 you?

4 MS. POVERMAN: 8:30.

5 MS. SELKOE: Is that good, Chris?

6 MR. HUSSEY: Sure.

7 MS. SELKOE: Lark?

8 MS. PALERMO: Yeah, that will work.

9 MS. SELKOE: The 19th. It's a Wednesday.

10 MS. PALERMO: The 19th at 8:30; is that
11 right?

12 MS. SELKOE: Yes, that's correct. The 19th
13 at 8:30 a.m.

14 Now, the public is invited to come if
15 they'd like to, but this is not an opportunity for
16 the public to engage in dialogue. This is a -- with
17 either the applicant or with the board. It's really
18 just for the board to look at the site, to understand
19 the context, and to ask any questions.

20 MR. DAVID DANESH: Polly, can I ask you for
21 a favor? Can we have it a little bit later in the
22 day than 8:30, because Peter is going to be coming
23 from --

24 MR. BARTASH: No. 8:30 is good; 8:30 is

1 great.

2 MS. SELKOE: Just keep in mind, everybody,
3 there's a lot of traffic at that hour.

4 MS. PALERMO: 8:30 is good.

5 MS. SELKOE: Okay. Let's see what else was
6 on our list. And then, if you have any other
7 questions, that's fine, but otherwise --

8 MS. POVERMAN: Actually, I do.

9 MS. SELKOE: Okay.

10 MS. POVERMAN: I noticed on the MassHousing
11 report that there's an issue with the lease. There's
12 some litigation relating to that, so if you could go
13 into that a little bit --

14 MR. DAVID DANESH: Do you want me to talk
15 about that?

16 MS. POVERMAN: Yes, please.

17 MR. DAVID DANESH: So the current tenant,
18 Shan-A-Punjab, he has been a tenant for three years.
19 He subletted it. He's actually on, like, violation of
20 like nine different types of clauses in the lease,
21 and my dad's been very gracious enough to let him
22 stay and has been very kind to him. I think he owes
23 the Town of Brookline almost \$20,000 in back taxes;
24 right? So I don't think he is -- he's in default.

1 Also, we're trying to work out -- to help
2 him with some stuff. And he's actually agreed on
3 multiple occasions to move to a further location down
4 the street that we found for him that he feels more
5 comfortable with and really would thrive much better
6 because it has a bigger kitchen, like I've mentioned
7 earlier, and more storage. And so he's more than
8 happy to leave, and I don't think he's interested in
9 staying there, and I don't think -- I'm sorry. His
10 lease expires regardless, so...

11 MS. POVERMAN: Okay.

12 MR. DAVID DANESH: So it's not really an
13 issue.

14 MS. POVERMAN: Thank you very much.

15 So what is outstanding that we need from
16 the applicant?

17 MS. SELKOE: Well, we'll need them to give
18 us a current plan that shows the correct number of
19 parking spaces per the correct number of units.

20 Then I believe that the different -- next
21 time that we meet, next week, some of the boards may
22 actually be recommending certain additional
23 information, so I think we should wait until then. I
24 think, like, sections --

1 MS. POVERMAN: But are there, like, you
2 know, 3-D plans or additional documentation that is
3 usually obtained during the course of a 40B --

4 MS. SELKOE: Absolutely. And we will
5 outline that. It was also outlined in the
6 selectmen's letter to the agency. We had a whole
7 list of things that we thought would be helpful for
8 this board, and so we'll get that list to them.

9 MS. POVERMAN: Yeah. If you could make
10 sure we have that at the next meeting. We should go
11 through it and just -- so that --

12 MS. SELKOE: All right.

13 MS. POVERMAN: -- we don't lose track of
14 it, that would be really helpful.

15 MR. HUSSEY: Will this be enough time for
16 the planning board to put together something?

17 MS. SELKOE: I think so. If it isn't, we
18 will take more time. But that's why we're here
19 tonight, and we're actually going to adjourn and
20 continue the planning board meeting, for those who
21 are interested, in order to discuss what the
22 recommendation would be.

23 MS. POVERMAN: Well, I'd like to see if
24 there's anything else to say.

1 MS. SELKOE: Well, you need to continue the
2 public hearing until April 5th at 7:00 p.m.

3 MS. POVERMAN: Okay. Let me check my
4 notes, see if there's anything --

5 MS. PALERMO: Before she does that, I may
6 have missed it, but did we talk about having a 40B
7 expert?

8 MS. SELKOE: You did not say that you felt
9 that that was necessary.

10 MS. PALERMO: Is that a decision we need to
11 make tonight?

12 MS. SELKOE: No. I don't think so. You
13 could make it at a later date if a question comes up.

14 MS. PALERMO: Okay. If I don't have to
15 make it tonight, then --

16 MS. POVERMAN: I'd like to comment on it,
17 because I think we've found Judi Barrett helpful in
18 the past, and I don't want to foreclose our ability
19 to say -- is she our 40B expert in general or --

20 MS. STEINFELD: Yes. As a matter of fact,
21 we've made arrangements with the state that she is
22 the consultant in general for the town, not to any
23 specific project. So any time you have any question,
24 we can certainly invite Judi or I can relay the

1 questions to her. But she's available to the ZBA on
2 any project pending.

3 MS. POVERMAN: Yeah. So as a general
4 matter, I want to say if neither -- if you don't have
5 any objection, there's no reason to not say now that
6 we would like the assistance, when appropriate, of a
7 40B expert, in this case Judi Barrett.

8 MS. STEINFELD: Absolutely. You have her.

9 MS. POVERMAN: Thank you.

10 Do either of my colleagues have anything
11 else to say?

12 Ms. Selkoe, anything else?

13 MS. SELKOE: No.

14 MS. POVERMAN: Okay. Then we'll adjourn
15 this hearing until April 5th at 7:00. Thank you very
16 much.

17 (Proceedings adjourned at 8:49 p.m.)

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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  signed this _____ day of April, 2017.

14 _____

15 Kristen Krakofsky, Notary Public

16 My commission expires November 3, 2017.

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