

**ZONING BOARD OF APPEALS MEETING
455 Harvard Street (corner Thorndike)
May 15, 7 PM Brookline Town Hall**

Dear Town of Brookline Zoning Board of Appeals,

I, and many fellow Brookline residents, are very grateful for all you do to ensure that Brookline retains its unique characteristics that make it one of the best places to live in the United States, and to ensure that the physical environment embodies the values its residents share. We understand that you have been besieged by development proposals, and appreciate the challenges of carefully reviewing each one's merits, risks, and impacts.

As you know, the Danesh developers' plans for the Shana-Punjab restaurant property include:

- a four story property with first floor retail space,
- 17 apartments,
- 12 parking spaces, accessed by an entrance on Thorndike Street,
- elevators,
- mechanical stackers to load one car above another,
- no space on the property for a loading deck,
- no set backs from the sidewalk on Thorndike Street,
- no significant set backs from the sidewalk on Harvard Street (structural columns at intervals along the Harvard Street façade are set at the sidewalk).

(See <http://www.brooklinema.gov/1350/455-Harvard-40B> for details as represented by the developer and architect and other information.)

The project is designed to take advantage of 40B affordable housing regulations.

COMMUNITY CONCERNS AND QUESTIONS

Below are some of the concerns and questions raised by local residents before, after and at the Brookline Town Hall meeting on May 4.

PUBLIC SAFETY:

Pedestrians

1. No setback from the Thorndike Street sidewalk. It is narrow, and encumbered by a telephone pole and a fire hydrant.
2. Proposed entrance to the 12 space parking area is on Thorndike Street and would be at least partially obscured by the proposed buildings walls on either side of it. The developer states that an auditory and visual warning system could be installed. However, children may not know how to respond rapidly to these warnings and warning system would make noise at all hours of the day and night.
3. The proposed design does not take into account the actual context of Thorndike Street in this location.

Motor vehicle and bicycle*Thorndike Street side:*

Proposed parking entrance faces an entrance to the Shimon Service Station, currently used by cars as well as tow trucks and gas delivery trucks. The street is narrow, and traffic is two way.

It is already difficult to enter into the intersection by car from this side of Thorndike Street.

How long will it take for cars to exit and enter the mechanical stacker parking system at AM and PM rush hour? Will cars be lined up on Thorndike Street with motors on awaiting entry? Will the system to be used operate more slowly in cold weather? If developers give assurances that this is not the case, what recourse will there be if it in fact does turn to be the case?

Harvard Street side

No space on the property for a loading deck. Plans call for loading to occur on the public way.

Trucks parked in this location on Harvard Street while loading would further limit visibility for cars pulling out of Thorndike Street onto Harvard Street, and would increase risks for bicyclists.

Has this, as well as impact on Harvard Street traffic flow been studied?

ENVIRONMENTAL IMPACT:***Height:***

Between Lawton Street and Naples Street there are few or no buildings on Harvard Street taller than one story.

Between Naples Street and Stedman Street, there are a few apartment buildings that are 3 or possibly 3.5 stories. None of them have first floor retail space. (There is a real estate office and a nail salon in the ½ story basement space of one of them.)

Between Stedman Street and Babcock Street, there is one 4 story apartment building, but it is set back by at roughly 15 - 20 feet on the Harvard Street side, and has extensive landscaping, with room for several full size, mature trees.

The proposed construction at 455 Harvard Street would be 4 stories tall. At 47 feet it exceeds the zoning height maximum of 40 feet, which the developers say may be allowable given the project's 40B status. The mechanicals (condensers, etc.) on the roof of the building are not included in the 47 feet measurement.

The height is out of proportion in this setting.

The disproportionate height of the proposed structure will affect sun, shade and views, not only for abutters. The length of its wall facing the house directly behind the structure, and the proximity to that house's bay window and porch – a few feet – are also of major concern to many community members.

Setback:

No setback on the Thorndike Street façade. Apartment buildings on the side streets in the neighborhood have significant setbacks from sidewalks, with room for an entry walkway, stairs, and landscaping. With the proposed structure's lack of setback, snow will overflow onto the sidewalk, forcing pedestrians, including children on their way to Devotion school, to walk in the street.

There is also no setback from the Harvard Street sidewalk. Although this may be the case for other Harvard Street buildings, all of those buildings from Lawton Street to Naples Street are a single story.

Noise:

Noise may be caused by

- a) warning systems that may be operated at hours of day and night for the parking entrance (as mentioned above)
- b) mechanical stackers that may be operated at all hours of day and night for parking cars one above the other
- c) building's proposed elevators
- d) mechanicals (condensers, etc.) on top of the building's 47 foot high roof.
- e) the unspecified retail activity on the first floor

- 1) What kind of warning system for the parking entrance to alert pedestrians to an exiting vehicle would be "subtle" enough to accomplish that without being a noise nuisance for neighboring residents? How many decibels, audible at what distance, etc.?
- 2) Are elevators legal in such settings and in this neighborhood? If so, what independent and objective information will be provided about their noise impact?
- 3) Are mechanical parking legal in such settings and in this neighborhood? If so, what independent and objective information will be provided about their noise impact? If developers propose a particular stacker system that theoretically addresses noise concerns, what measures can be taken to monitor what system is actually installed, how much noise it actually generates? What measures can be taken if the reality turns out to be different than what the developers eventually promise?
- 4) What kinds of retail operations could legally occupy the first floor space? What restrictions if any would there be on their hours of operation and the nature of their activity?

Utility Infrastructure

Community members would like to know what information is or will be available on the effects of the proposed building on electrical, natural gas, water, and sewage

systems. Concerns have been raised about how the costs of such impacts are handled for 40B projects.

Possible Toxic Wastes on Site

1) The site was formerly occupied by a gas station. Although leaking gas tanks were removed, some longtime neighborhood residents are concerned that the underground base of a hydraulic pump containing toxic fluids may not have been removed. They are also concerned that official forms completed to certify the site's safety for subsequent restaurant may not be fully accurate and reliable.

2) The adjacent property, currently occupied by a parking lot, Starbucks, Cristo's Dry Cleaning, and other businesses, is believed to have been occupied by a printing press plant prior to the construction of the building of the current structure, which occurred in the late 1980s or early 1990s. At the time, toxic wastes such as solvents and heavy metals (which may take centuries to degrade) were thought to have contaminated the site. There is no reason to believe that underground seepage of the contaminants would have stopped at the property lines. Although the printing press site may have been decontaminated by excavating the soil there, decontamination of the soil under 455 Harvard Street would not have been undertaken as it was not under construction at that time. Later, when the first restaurant was built in place of the gas station, the focus was on the gas station's underground gas tanks that had leaked. Neighbors would like to know if there is any reliable documentation of decontamination of any toxic wastes from the adjacent printing press plant that may have infiltrated the ground under 455 Harvard Street.

IN CONCLUSION (for now...):

The proposed project is inappropriate for the 455 Harvard Street location, due to its disproportionate height and footprint. The lot is too small to accommodate 17 apartments, 12 parking spaces, and extensive first floor retail space. The plan leaves no room for a loading dock, specifies inadequate or non-existent setbacks and an unacceptable car parking system, and creates potentially hazardous conditions for pedestrians, motorists and bicyclists.

Many community members concurred that a more proportionate project, with adequate setbacks and no more than two stories, could be made to work for the 455 Harvard Street location.

If the retail space and some or all of the parking spaces were eliminated, the same number of affordable housing units could be built – on two stories. A two-story structure would already be a 100% increase as compared with the other buildings on Harvard Street between Lawton and Naples Streets, which are all one story. Parking requirements are undergoing rapid evolution in many localities, given the shift away from car ownership toward ride-hailing services such as Uber and Lyft, and growing public transportation use. (See [Aparkalypse now: The perilous politics of parking](#) | [The Economist](#) Apr 6, 2017.)

The neighborhood has a longstanding commitment to affordable housing. Given the minimum 20% requirement for affordable housing units, the number of total units could be reduced from 17 to 15 while only 0.4 affordable units would be removed from the required minimum, or from 17 to 12 with only one affordable unit being subtracted.

The property does abut an existing parking lot and if a two story residential structure with a smaller footprint were built along that property line, it would not adversely affect that parking lot, and would allow for a setback on Thorndike Street consistent with that block's context, and with public safety needs.

The concrete realities of this neighborhood understandably are not accounted for in real estate investment planning, urban and architectural design theory and standards, or regulations and laws that are always by necessity crafted at some distance from the localities that must be actively involved in their interpretation and application. It is the job of community members to supply key perspectives and information that are not otherwise represented and fully accounted for, to determine what specific kinds of information they need beyond what is being supplied by the developer, and to follow through on obtaining this information.

We do hope that you will be able to make good use of our concerns, questions and information and those that we have gathered from neighborhood residents and provided here.

Thank you for all you do to make Brookline one of the best places to live, work, and raise children in America.

Sincerely,
Sylvaine Egron Sparrow
Joshua Sparrow, MD
Neighborhood residents