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Pages 1-105

Brookline Zoning Board of Appeals Hearing
455 Harvard Street
Comprehensive Permit Application
Harvard Danesh 455, LLC
August 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 Polly Selkoe, Assistant Director for Regulatory

9 Planning

10 Alison Steinfeld, Planning Director

11 Karen Martin, Planner

12

13 Applicant:

14 David Danesh, Harvard Danesh 455, LLC

15 Danny Danesh, Harvard Danesh 455, LLC

16 Geoff Engler, Vice President, SEB, LLC

17 Peter Bartash, Associate Principal, CUBE 3

18 Studio, LLC

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

20 James Fitzgerald, PE, LEED AP, Director of

21 Transportation, Environmental Partners Group

22

23

24

1 Members of the Public:

2 Joyce Jozwicki, Winchester Street, Town Meeting

3 member, Precinct 9

4 Steve Herscovici, 87 Thorndike Street

5 Sloat Shaw, Thorndike Street

6 Mark Rosen

7 Beth Kates, 105 Centre Street

8 Fred Pinches

9 Robert Lepson, Thorndike Street, Town Meeting

10 member, Precinct 9

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1 PROCEEDINGS

2 7:06 p.m.

3 MS. POVERMAN: Okay. The is the sixth ZBA
4 hearing on the comprehensive permit application to
5 build a 40B project at 455 Harvard Street. I am the
6 chair of today's meeting. My name is Kate Poverman.
7 With me is Christopher Hussey and Lark Palermo.
8 Also with us up here are Polly Selkoe, assistant
9 director of planning for the Town of Brookline, and
10 Karen Martin, who is a planner.

11 All right. So what's going to happen
12 tonight is that the applicant's team will present
13 revised plans -- design plans and mitigation
14 measures which I received literally one minute ago.
15 So we will see that, and then we'll have a report on
16 staff meetings by Ms. Selkoe, public comment, and
17 then we'll see what's what after that.

18 If you make a presentation, say anything,
19 please come up to the podium. Remember that we are
20 being filmed as well as recorded by stenographer.
21 Say your name clearly, and everybody speak slowly
22 enough for Kristen to capture.

23 Polly, is there anything you would like to
24 do before we hear from Mr. Bartash?

1 MS. SELKOE: No. I think you've covered it
2 all. I'll save my comments for later.

3 MS. POVERMAN: Great. Thank you.

4 MR. BARTASH: Thank you, Madam Chair.
5 Peter Bartash with CUBE 3 Studio. We are the
6 architect on the project.

7 Tonight we have a very brief presentation.
8 These are the materials that we reviewed at our last
9 meeting with the peer review architect to brief him
10 on the changes that we are proposing to the project.
11 We've made a couple tweaks since that meeting. But
12 ultimately, what we're going to do is look at the
13 changes to the plans, look at the changes to the
14 perspectives, and then look at a few examples of
15 some of the materials that the planning department
16 had asked us to clarify. And then if at any point
17 you have questions, comments, please just interrupt
18 me and we'll take them as they come.

19 So we say additional information. This is
20 just to reorient everyone in case there are
21 questions about where the site is located or if we
22 need to refer back to the general locus plan for
23 this project. But in terms of the changes, this is
24 just a brief summary of what those changes are.

1 We have a consolidated parking arrangement,
2 which was necessary to be able to make some
3 adjustments to the setbacks that we'll be talking
4 about momentarily; we've relocated the bike parking;
5 we've expanded the trash room and adjusted the
6 water/fire room and utility room locations; we've
7 increased the portion of the setback facing the
8 78 Thorndike Street abutter; we have made some
9 adjustments to the window locations facing that
10 abutter; we've also made material adjustments to
11 that facade facing the abutter, specifically at the
12 stair tower; we've made some adjustments to the
13 design at the fourth floor related to that stair
14 tower, which we'll talk about in detail; and we've
15 adjusted some of the service door locations. And
16 all of these changes are in response to direction
17 and feedback we had gotten from the board at our
18 last ZBA hearing and also some of the feedback that
19 was delivered to us from the peer review architect
20 via the board.

21 So with regard to the revised plans, we
22 were asked to really carefully consider what we
23 could feasibly do against the facade facing the
24 78 Thorndike Street abutter. And so the first thing

1 that we did is look at the area immediately
2 surrounding the garage entry, which I'm circling
3 with the cursor at the moment, and to look at the
4 service rooms that we had located up in that same
5 area. We took the service rooms, and we pushed them
6 over to the other side of the project and
7 redistributed them along the back of the garage in
8 order to be able to increase the setback along the
9 edge facing the abutter.

10 So you'll notice that we've taken the
11 setback here, and we've added several -- we've added
12 about 18 inches to the setback for the first 35 to
13 40 feet of the building here coming back off of
14 Thorndike Street until you hit the stair tower.
15 Because of the layout in the building above, we
16 chose not to relocate the stairs or reconfigure the
17 stairs. They need to be a certain distance apart in
18 order to meet building code requirements. And
19 they're pretty limited in terms of areas they could
20 land within the garage in order to still be able to
21 accommodate parking.

22 So we're providing 10 parking spaces within
23 the garage. Seven of them are provided through a
24 semiautomated lift system which we'll look at in a

1 little more detail a little bit later here. We're
2 providing two compact spaces and one accessible/van
3 space.

4 And so you'll notice that we've actually
5 taken all of the lifts, which used to be split on
6 either side of the garage, and we put them in one
7 location in the furthest area of the garage away
8 from the door and openings that are along Thorndike
9 Street with the intent of making sure that all of
10 the operation and noise that's generated by those
11 lifts is as far into the garage as possible and
12 buffered on three sides by utility spaces or walls
13 or the retail space to really try to push it as far
14 as it could into the garage here.

15 You'll also notice that by moving the
16 utility rooms, we've actually managed to leave only
17 three doors facing the 78 Thorndike Street abutter,
18 one of which faces the side of the home, and the
19 other two which face the rear yard in that home.
20 And those doors -- the door to the stairs is an
21 egress-only, emergency door. It's not used for
22 day-to-day access. And the other doors serving the
23 water, fire, and the main tele/data room are only
24 used in the event that those -- that equipment needs

1 to be serviced.

2 We did go ahead and expand the trash room
3 to accommodate an additional bin above and beyond
4 what was recommended by the trash vendor so that we
5 had -- we planned for even additional capacity. And
6 we relocated one of the other utility rooms closer
7 down to the other stair that is in the same place as
8 it was the last set of plans that we saw.

9 I mentioned that we relocated the bike
10 parking. We are now using a wall-hung rack system
11 that's located right at the back edge of the retail
12 here in the hatched area by one of the two compact
13 spaces. And so right now we're planning for between
14 five and six bikes. And as we get into construction
15 and see -- you know, as we get to that point and we
16 see how much space we have, we'll try to expand that
17 as we can, but we're comfortable that we can fit
18 that many bikes there today.

19 So as we look at the upper floor for
20 plans 2 and 3, you'll notice that the setback is now
21 increased on the front side of the building. It's
22 carried straight up the entire face of the building,
23 as we had seen from the floor below. There's a
24 slight bump at the stair, and it steps back a foot,

1 and then we have the actual -- the other corner of
2 the building facing the 78 Thorndike Street abutter.
3 So, again, this plan is consistent with floors 2 and
4 3.

5 And then on the upper floor you see the
6 step-back that we have at these private roof deck
7 areas where, again, that entire shift that we made
8 at the ground floor is carried all the way up the
9 face of the building.

10 The other thing that you'll notice in the
11 plan is that the corridor now extends directly to
12 the outdoor -- the stair that extends out through
13 the building. And that corridor used to stop at the
14 rear wall here, and there was a bit of an open space
15 with some fencing that created a clear path from the
16 stair to the -- from the corridor to the stair. For
17 life safety purposes and for egress purposes, we've
18 chosen just to connect those directly so that it's
19 conditioned and it's all contained within the
20 building envelope. And you'll see that as we look
21 at the perspectives.

22 The roof plan, again -- what's not really
23 easy to see here, but it is evident when we look at
24 the perspectives is that we've incorporated a roof

1 screen around the rooftop mechanical equipment. Not
2 necessarily for visual purposes, because we don't
3 believe that that equipment would ever really be
4 visible from the street below, but mostly for the
5 purpose of redirecting any sort of airborne sound
6 from that equipment upward rather than outward. So
7 we'll see that as well when we look at the
8 perspectives.

9 So looking at the perspectives here, this
10 is the perspective of the intersection of Harvard
11 Street and Thorndike Street, and Thorndike extends
12 up to the right in the image. And you'll notice
13 that we still have the openings -- that are using a
14 metal mesh system that we'll see in a moment -- into
15 the garage itself. You'll see that we've actually
16 incorporated a column at the corner and opened up
17 the wall facing the garage entry to improve the
18 sight lines coming out of the garage looking up
19 Thorndike Street for drivers who are exiting out of
20 Thorndike Street, and we've made some really minor
21 adjustments to some of the trim and some of the
22 detailing in response to more detailed comments from
23 the peer review architect about how we were treating
24 some of those conditions.

1 Here you can again see in the foreground of
2 the image -- we're on Thorndike Street facing back
3 toward Harvard Street. In the foreground of the
4 image you'll see the column that I was mentioning at
5 the corner of the garage entry with the garage entry
6 underneath the building and tucked in at the mouth
7 of the garage itself.

8 And all of the windows in this facade -- we
9 have a straight-on elevation. We talked about this.
10 But we've taken all of the windows in this facade
11 and we've coordinated their positions so that
12 they're not directly aligned with the existing
13 windows at 78 Thorndike Street so that there aren't
14 any direct lines of sight between our units and the
15 home next door.

16 We also did update the materials at the
17 balcony railing on the fourth floor here to be
18 consistent with that mesh material, again, that we
19 have at the screened openings to the garage. And
20 we'll see examples of that in a minute.

21 So here we're just taking a look at an
22 aerial view again. That column I mentioned and some
23 of that revised ground floor condition is visible
24 here in the kind of lower right-hand corner of the

1 image. And then you'll see, you know, the window
2 locations. And I mentioned before the roof screen
3 and also the changes at the stair enclosure. Right
4 now my cursor is circling over that corridor that
5 now extends out to the stair. And you can see at
6 the top of the roofing how it's screening around
7 those rooftop -- the mechanical equipment.

8 This stair was previously shown as a brick
9 material. We looked at how that felt and the way it
10 made the facade appear, and it felt like using a lap
11 siding would be a little bit more residential
12 feeling and a little bit less commercial, so we've
13 made that adjustment to the lap siding along that
14 stair tower. And so we'll come back to that
15 elevation in a second. We just wanted to do a
16 perspective of the building from Harvard Street
17 facing toward the Thorndike Street intersection.

18 So the intersection with Thorndike Street
19 is in the lower right-hand corner of the image where
20 my cursor is circling now, and you can see that the
21 rooftop equipment is not even visible. The
22 screening isn't visible. The only thing we're
23 seeing is that elevator overrun here in the center
24 of the roof.

1 What you'll notice along the ground on this
2 facade are some of the new doors that access the
3 relocated utility rooms and service rooms, the trash
4 room. And, again, all of those doors are facing the
5 parking lot that serves the retail adjacent to the
6 site. And for purposes of clarity, we've omitted
7 some of the existing ground cover that is here on
8 site now. There's actually more green screening in
9 this location than what we're showing. But we
10 wanted to be able to show the use through and to
11 what's happening at that ground level.

12 This is the elevation facing the
13 78 Thorndike Street abutter. And it's a little
14 difficult to read an elevation to you, but there is
15 a column here at the corner at -- that's of brick,
16 and this entire area of brick is actually set back
17 on the other side of the garage doors, so this area
18 is open below. Again, we've reviewed all of these
19 window locations relative to the home next door to
20 make sure that there are no direct lines of sight,
21 and along the ground floor you'll see the three
22 service -- or the two service doors and the one
23 egress door I mentioned earlier that are used very
24 infrequently for the project.

1 And so talking about material examples,
2 there were some questions about the look and feel of
3 this metal mesh system that we were talking about
4 for the garage openings and also for the balcony
5 railing. And so right here, on the left-hand side
6 of the image, you can see that mesh system used for
7 a balcony railing on a project that's also in
8 Brookline as well. In this case, it's all kind of a
9 very seamless metal PressLock system, which is
10 exactly the same type of system we would be
11 proposing for here at 455 Harvard Street. And you
12 can see the metal garage door that has that same
13 sort of screening, the same sort of mesh.

14 At the time that this project was
15 constructed, it was not possible for us to have
16 those powder-coated in a black to match some of the
17 other trim, the features on the project. We had to
18 leave then in an anodized silver metallic look.
19 It's a long story about why, but it's something that
20 we're actively pursuing now, and we're hoping we can
21 actually color them as well so they even disappear
22 visually and further. But what that does is provide
23 a degree of openness for the aspect of the garage
24 that is meant to help serve the natural ventilation

1 of that garage.

2 And, again, there's just one other view you
3 can see on the right-hand side in a little bit more
4 detail of what those doors looks like. Those doors
5 help with the natural --

6 MS. POVERMAN: Peter, is that going to
7 be what the garage door looks like at 455?

8 MR. BARTASH: That's what we're proposing,
9 yes. And what that ends up doing is actually
10 allowing for visual continuity through the door for
11 drivers that are exiting the garage so they have
12 even longer sight distance to the sidewalk in case
13 there's anyone walking by. But, again, it also does
14 improve the amount of openness for air ventilation
15 in and out of the garage itself.

16 So that's the architecture portion of the
17 updates that we've made. The owner and developer
18 did make a trip to the parking lift manufacturer's
19 facility on the west coast and took some videos to
20 talk a little bit more about the sound and about the
21 operations of the lifts. If you'd like, we can look
22 at those now, unless you have questions you want to
23 talk about for architecture.

24 MS. SELKOE: Could I just ask a couple of

1 questions and a comment? I don't think you
2 emphasized that by pulling that wall back towards
3 the 78 Thorndike, that you actually had to reduce
4 the parking. You reduced it from 13 down to 10
5 parking spaces.

6 MR. BARTASH: That's correct.

7 MS. SELKOE: I know you showed it, but you
8 didn't emphasize that.

9 MR. BARTASH: Yes, thank you, Polly.

10 MS. SELKOE: The other thing I would be
11 interested to know is what the height is now of the
12 proposed building, because it may have changed.

13 MR. BARTASH: The height is consistent with
14 the previous --

15 MS. SELKOE: It was 46 feet.

16 MR. BARTASH: Yup. 46 feet, 11 inches in
17 the last --

18 MS. SELKOE: Okay. And then the other
19 thing is it might be interesting for the board to
20 just know what is the setback from the property
21 lines both on Thorndike Street and on the side of
22 the building facing the 78 Thorndike.

23 MR. BARTASH: Sure.

24 MS. SELKOE: You didn't really mention

1 that.

2 MR. BARTASH: I'm going to go back to the
3 ground floor plans so we can talk about that.

4 MS. PALERMO: And can I just add the
5 setbacks all the way around the building. Just give
6 us current plans for what those setbacks are.

7 MR. BARTASH: So the setbacks -- I'm going
8 to start on Harvard Street because that's the
9 easiest and clearest one. We're proposing what's
10 called a "zero lot line condition," so there's a
11 zero setback along Harvard Street, and that's the
12 facade here on the lower left-hand corner of the
13 building.

14 What we've done here along the facade of
15 the building that faces the Starbucks parking lot is
16 we've actually taken the ground floor and we've set
17 that in toward the garage by a foot to increase the
18 width of the pathway along that facade. And so that
19 actual setback and width there is 5 feet, 1 inches
20 here from the property line along the face of the
21 building. But at the ground floor, it actually
22 steps in another floor, so that's 6 feet, 1 inches.
23 Does that make sense or --

24 MS. PALERMO: Yes. I just have a question.

1 My memory from walking the site is that there's a
2 wall between the parking lot and this property.

3 MS. SELKOE: A retaining wall.

4 MS. PALERMO: Right. Where is that?

5 MR. BARTASH: So that big -- this big black
6 line is the retaining wall, and the property line is
7 on the outside face of that wall. So the retaining
8 wall is on the proposed project site.

9 MS. PALERMO: And the retaining wall
10 measures how --

11 MR. BARTASH: It varies. It measures
12 between 14 and 16 inches, depending on where you
13 measure it. And it's something that we're looking
14 into as well, what it might take to revise this part
15 of the project.

16 MR. HUSSEY: That's the thickness of the
17 wall or the height of the wall?

18 MR. BARTASH: That's the thickness of the
19 wall.

20 MS. POVERMAN: So the 6 foot 1 separation
21 is reduced by the 18 inches of retaining wall?

22 MR. BARTASH: That's correct.

23 For the purposes of egress and service
24 along this pathway, it's been reviewed by the trash

1 vendor and it meets all of the requirements in the
2 building code for safe access to that stair in the
3 rear of the property.

4 MS. SELKOE: So it's only like -- the
5 actual path is only like 4 foot 6?

6 MR. BARTASH: That's correct.

7 So you'll see that same setback does turn
8 the corner here facing 78 Thorndike Street. But in
9 this case, the outer wall at the ground floor and
10 upper floor are aligned all the way up the building,
11 so that is at a 6 foot 1 inch setback until we reach
12 the stair where we are at a 5 foot 1 inch setback
13 along the face of the stair to the property line.
14 And, again, the property line is on the further side
15 of the retaining wall, so the retaining wall is
16 within that setback area.

17 And then we jog by an additional 3 feet to
18 get to the wall that separates the garage entry from
19 the landscaped area that sits in between the
20 proposed project and 78 Thorndike Street. So here
21 we're at 8 feet 1 inches along this area. And
22 you'll notice in the very corner here right above
23 where that column is indicated is where we have the
24 proposed site transformer location, which has

1 adequate access from Thorndike Street and it's
2 consistent with other locations that the utility
3 provider has approved on other projects in
4 Brookline.

5 MS. POVERMAN: How does that affect
6 visibility?

7 MR. BARTASH: It does not.

8 MS. PALERMO: It's on the other side of the
9 driveway.

10 The transformer is located -- now, the
11 setback from the property line there you said is
12 8 feet 1 inches?

13 MR. BARTASH: That's correct.

14 MS. PALERMO: And then between -- are you
15 going to have any barrier between the column --
16 running from the column to the wall, or is that just
17 open?

18 MR. BARTASH: So we can't have any
19 permanent barrier there so that the utility provider
20 could access the transformer, but we're allowed to
21 do low planting and landscaping to be able to screen
22 the transformer. One thing that we wouldn't want to
23 do is install any sort of really tall planting in
24 that location that would otherwise impede sight

1 lines up Thorndike Street for drivers exiting the
2 garage onto Thorndike Street.

3 MS. POVERMAN: What's done to dampen the
4 noise of the transformer? I don't know how much
5 that generates.

6 MR. HUSSEY: It doesn't.

7 MS. POVERMAN: It doesn't?

8 MR. HUSSEY: No.

9 MR. BARTASH: In our experience, it doesn't
10 impact the project at all.

11 MS. POVERMAN: Great.

12 MR. BARTASH: And the setbacks along
13 Thorndike Street, you'll notice they taper from the
14 corner that's closest to the neighborhood until you
15 end up at the intersection of Harvard Street and
16 Thorndike Street where they become zero. We haven't
17 changed the setbacks from -- along this face of the
18 building facing Thorndike Street from the last
19 presentation that we had shown you.

20 MS. POVERMAN: But can you go over those
21 again?

22 MR. BARTASH: Yeah, I definitely can.

23 And so in this location we have -- we're
24 showing to about, like, half an inch right now on

1 our dimensions. But for the purposes of providing
2 whole numbers that are consistent, I'll stick with
3 whole numbers here for a second. So we're providing
4 8 feet and 11 inches at the furthest corner here
5 where we're at the very outside corner of the
6 building. And that tapers down to roughly 6 feet
7 and then down to just about 3 feet until 2 and 1
8 foot 6 and eventually zero as you run along the edge
9 of the project.

10 MS. PALERMO: So in terms of the building
11 footprint, it has shrunk by how much?

12 MR. BARTASH: I don't have the exact square
13 footage that it shrunk by. I'd rather look at that
14 number and provide it separately versus misquoting
15 it here.

16 MS. PALERMO: That's fine.

17 MS. POVERMAN: Okay. Why don't we go over
18 some questions.

19 Lark, would you like to ask any additional
20 questions of the current plan as just presented?

21 MS. PALERMO: Well, if you're going to
22 recalculate the whole square footage of the
23 building, it would be helpful for you to also tell
24 us what the resulting FAR is as you've done that.

1 MR. BARTASH: Sure.

2 MS. PALERMO: I think the previous design
3 was about --

4 MS. SELKOE: 2.6.

5 MS. PALERMO: 2.6, okay. And the FAR for
6 this site is 1, as I recall, allowed by zoning.

7 MR. BARTASH: Uh-huh.

8 MS. PALERMO: So it's helpful to understand
9 the difference.

10 MR. BARTASH: Certainly.

11 MS. PALERMO: And, again, just to confirm
12 the height of the building, design has not changed.

13 MR. BARTASH: That's correct.

14 MS. POVERMAN: Chris.

15 MR. HUSSEY: So the parking spaces are 10
16 in total now; is that right?

17 MR. BARTASH: That's correct.

18 MR. HUSSEY: I think you need to go over,
19 at some point, the entire zoning table that you've
20 got in the drawing C1C. I think there was -- there
21 are various inconsistencies in that table as well as
22 the changes that you've made.

23 MS. POVERMAN: Which table exactly are you
24 referring to, Chris?

1 MR. HUSSEY: C1C.

2 MS. POVERMAN: Is that in our waiver?

3 MR. HUSSEY: No. It's in one of the
4 earlier --

5 MS. PALERMO: It's an earlier drawing.

6 MS. SELKOE: And I think also for the
7 waiver list that they gave us, that will have to be
8 modified as well --

9 MR. BARTASH: That's correct.

10 MS. SELKOE: -- for the next meeting.

11 MR. HUSSEY: The other question I have is
12 the red exterior brick. You referred to it as
13 brick. Is it a brick facing, or is it a full brick
14 cavity and concrete block wall behind?

15 MR. BARTASH: It's a brick and cavity
16 construction system. It's not -- it's only -- it
17 would only be concrete or a steel backup for the
18 podium level, and then it would be wood frame above
19 that at the backup to the system. But it is a full
20 brick.

21 MR. HUSSEY: Right, okay. A full 4 inches
22 of brick.

23 And then the structure in back on the upper
24 floors is wood-frame construction?

1 MR. BARTASH: That's correct.

2 MR. HUSSEY: We've had some question about
3 the wood-frame construction. I recall an article
4 that I'm sure you read in the Globe about recent
5 fires. Would you care to comment on that at all?

6 MR. BARTASH: I can comment on what we're
7 proposing in this project as it relates to the codes
8 that govern how these types of projects get built.

9 I am familiar with the article that you're
10 referring to, and I am familiar with the
11 determinations that have come about regarding the
12 projects that were discussed in that article, but I
13 don't know firsthand what the full findings are on
14 those projects, so I don't want to talk about them
15 specifically.

16 But with regard to this project, this
17 building will be fully NFPA 13 compliant. And what
18 that means is it will have the full system that's
19 required by the International Building Code and by
20 the International Fire Code to be able to provide
21 the adequate level of protection that's been
22 determined as being adequate by the governmental
23 agencies that issue those codes.

24 All of our construction UL ratings for our

1 assemblies, they're all spelled out in our
2 construction documents, and we need to meet all of
3 those requirements in order for the project even to
4 get its building permit. All of the separation
5 distances have been calculated and met accordingly
6 with regard to window openings that are near
7 abutting property lines or facing other structures.
8 And so with all of the systems combined, we're
9 comfortable with the level of safety that this
10 building will provide.

11 MR. HUSSEY: So full sprinkling and full
12 alarm system?

13 MR. BARTASH: Yeah.

14 MR. HUSSEY: I think I'll make a note that
15 one of those projects that were in the Globe was, in
16 fact, under construction.

17 MS. SELKOE: Right. That was the issue,
18 that those systems were not in this place yet. They
19 were being constructed.

20 MR. DAVID DANESH: What if it was arson?

21 MS. POVERMAN: That's irrelevant.

22 But I believe the other one was a luxury
23 building. I don't know if that's the one that -- I
24 know one of the buildings at least had full

1 sprinklers and all of the safety bells and whistles.
2 I know that there is, subsequent to those events,
3 reconsideration of the standards in Massachusetts
4 for the fire code because that system of building,
5 the -- what's called podium with wood on top has
6 been problematic.

7 My question to you is -- and maybe
8 Mr. Engler knows this -- is whether or not you are
9 aware of any changes or pending changes in the fire
10 code that could affect -- that if enacted at the
11 time this were being built, would affect it.

12 MR. ENGLER: For the record, Geoff Engler
13 for SEB.

14 No, we are not aware of any changes to the
15 building code. The change you're talking about is
16 so dramatic and so profound it would set
17 construction back in Massachusetts to the Stone
18 Ages.

19 Moreover, we will adhere to all state fire
20 protection codes the same way any market-rate
21 housing does in Brookline. We're not looking for
22 any additional leniency. We will do all that. But
23 to suggest -- if you have any concept of how
24 expensive this building would be to do in steel as

1 compared to wood frame -- we would be asking for 50
2 units, at least, to offset that additional cost.
3 It's so much more expensive.

4 So, A, to answer your question, no, we're
5 not aware of any pending building code changes; B, I
6 don't expect any changes that are significant to
7 happen any time in the near or distant future.

8 MS. POVERMAN: Thank you.

9 Do you have any more questions, Chris?

10 MR. HUSSEY: Nope.

11 MS. POVERMAN: Okay. I have a couple of
12 issues that I'd like to address. One is that
13 something that has been continuously discussed in
14 all of these meetings is some way to make the
15 building more residential, especially on the
16 Thorndike side, and make it fit in better with the
17 houses there. I don't see any of those changes
18 here. Maybe I missed something.

19 MR. BARTASH: Well, the entire elevation
20 faces 78 Thorndike Street, which I'm going to go to
21 right now -- we made a very intentional and
22 conscious decision to terminate the brick at the
23 corner and to transition to a combination of lap
24 siding and also a fiber cement shingle that

1 resembles, like, a wood shape you would see on a
2 residential home.

3 And those decisions and those material
4 transitions are intentional so that when you're
5 inside an abutting home or you're coming down the
6 street and you see this facade of the building that
7 faces the neighborhood, it has something that's --
8 the materials and appearance is more familiar to the
9 neighborhood than commercial like you would
10 otherwise see. And this is something that we
11 presented at the last hearing. And, again, we had
12 made some other revisions to the material at the
13 tower right here, again, to feel more residential
14 and less commercial.

15 MS. POVERMAN: The conversations we had did
16 have to do with the Thorndike facing itself. I do
17 appreciate what you're saying about the back.

18 Now, Mr. Engler --

19 MR. ENGLER: Respectfully, we met at your
20 request with the town's peer review consultant,
21 who's a professional architect with many, many years
22 of experience. And I don't want to steal the
23 planning staff's thunder, but they were at that
24 meeting. I also don't represent speaking for

1 Mr. Boehmer, but the takeaway from anybody who was
2 at that meeting was that he was very happy with this
3 design and had no additional changes and thought we
4 had met what they had asked for. So, I mean, the
5 design is the design at this point in time.

6 MS. POVERMAN: I reviewed all of the
7 transcripts in the case, so I do know that
8 consistently something that was requested was to
9 soften the effect of that building on Thorndike
10 Street. I know Chris discussed it. I discussed it
11 when we talked about bays, which may be totally
12 impractical. But I would feel -- I think it's still
13 too institutional. And Mr. Boehmer is not here.

14 MR. HUSSEY: I disagree with you, Kate.
15 Most of the multifamily buildings in Brookline,
16 especially the ones that are older, are all -- and
17 multistory -- are all brick. And they're brick on
18 all sides, as a matter of fact. So I'm a little
19 dubious about the Thorndike Street residential side
20 being -- looking like a shingle.

21 MS. POVERMAN: No. I wasn't saying -- I
22 like the brick.

23 MR. HUSSEY: Yeah. My tendency would be to
24 continue the brick around that side. Make all four

1 sides or three sides, depending on how many sides
2 you have on this building -- make them all brick
3 rather than having that sort of bow siding on the
4 one elevation that faces the neighborhood.

5 MS. POVERMAN: In previous iterations, was
6 there brick on the back? I don't remember.

7 MR. BARTASH: In a very early version of
8 this building, we had considered brick on the back,
9 but we realized relatively quickly that the scale of
10 that wall was going to be difficult to control if it
11 were to be all brick, especially facing the
12 neighbor. And when we started to make changes to
13 the setbacks with the bump into the stair and kind
14 of some of those changes, we realized we could
15 change the materials along that wall in a way that
16 felt a little bit more residential and less
17 commercial.

18 With regard to the detailing on this actual
19 facade and in relation to some of the questions, I
20 do remember at the last hearing that we had a
21 conversation about bays or other ways to possibly
22 make this look and feel different than what it is
23 here.

24 In a building of this scale and size, from

1 a design standpoint, there's kind of a -- it's not
2 spelled out in any rule book. It's not kind of
3 anything that's written down somewhere and that they
4 teach you in architecture school, but there's a
5 limit to the amount of complexity you want to
6 introduce visually for a building that has a kind of
7 simple and clean aesthetic.

8 So we've made a specific choice of the
9 material at the retail base because it's related to
10 the program. We've chosen brick because it feels
11 contextual. It feels consistent with other
12 multifamily buildings in Brookline. And we've set
13 back the upper floor and changed the material at the
14 upper floor to create some more vertical
15 articulation and visual interest along this facade.

16 As far as the actual detail on that next
17 level, the details that layer on top of this, we've
18 introduced a ribbed corbeling at the ground floor of
19 the building that relates to pedestrian activity
20 along the sidewalk and kind of creates a base for
21 the building; we've introduced a soldier course that
22 separates that corbeling from the brick at the
23 second and third floors; and we've adjusted the
24 position of the cornice line. The heavy cornice

1 would be at the top of the brick, again, to lower
2 that perceived visual height of the building as
3 you're walking along and you're looking at it from
4 the surrounding neighborhood.

5 And the decision that we made several
6 meetings ago to take the last third of the elevation
7 and to create that angle and to set that back to
8 increase the setback along Thorndike Street does
9 also change the perception of the mass as you're
10 moving along Thorndike Street as well and starts to
11 open up as you get to the residential neighborhood.
12 So we've made changes and manipulated this
13 evaluation in a way that responds to the intent of
14 those comments, but we've intended to do that in a
15 way that also doesn't sacrifice the design intent
16 that we're setting out with here.

17 MR. HUSSEY: What about the material at the
18 facade here? This material. What is that?

19 MR. BARTASH: We're still studying options
20 right now. There are a couple new systems that have
21 just come onto the market that we're investigating,
22 and they're more of a veneered type of system that's
23 hung on clips that sits against the base. But we
24 don't, at this point, know exactly what that

1 material is going to be.

2 MR. HUSSEY: Have you looked at precast
3 material? Masonry -- precast masonry?

4 MR. BARTASH: We haven't yet, but it's
5 something that we'll consider.

6 MR. HUSSEY: I would think that would be
7 the most appropriate thing, myself.

8 MS. PALERMO: I was just going to add, I
9 had a similar reaction to the rear of the building.
10 In your previous design, you noted you had provided
11 for brick for the stair, and I think that provided
12 a -- sort of a visual break in that long wall. I
13 don't know how to solve the problem, but I also have
14 a reaction that now it's sort of monolithic, and so
15 I just ask you --

16 MS. SELKOE: Are you saying part of that
17 rear wall could -- wall facing Thorndike could be
18 brick? Part of it could be brick?

19 MS. PALERMO: The wall facing the home.

20 MS. SELKOE: Could be partly brick?

21 MS. PALERMO: Yeah, yeah.

22 MR. BARTASH: You're referring to this area
23 right here.

24 MS. PALERMO: Exactly. Your new design I

1 find, you know, as I said monolithic.

2 MS. POVERMAN: We all agree on that.

3 MS. PALERMO: So the previous design, as I
4 said, I believe you had brick for the stair.

5 MR. BARTASH: We did investigate trying to
6 use color as a way to maintain some of that visual
7 separation as well. We kind of -- we landed on a
8 color that was more of a tone on tone against the
9 lap siding behind it so that we weren't introducing
10 too many new elements to the facade and so that we
11 also weren't trying to mimic or mirror the color of
12 the brick itself.

13 But I think whether it is brick or a color
14 difference here, there are opportunities, even for
15 detailing as well, to create more of a visual break
16 to the stair, adding some corner boards and changing
17 the color at this location in a way that breaks down
18 the scale even a little bit more greater than it is
19 right here.

20 MS. PALERMO: Well, and also what I'm
21 noticing is you lose the benefit of having the
22 visual impact of the height reduced when you lose
23 that distinction between the lower floors and that
24 upper floor that you get around the rest of the

1 building. And that's kind of nice and I think
2 important. I mean, that has a major impact, and you
3 kind of lose it from that angle when you don't have
4 the distinction between the lower floors and that
5 upper floor. So food for thought.

6 MR. BARTASH: Thank you.

7 MR. HUSSEY: Could you go to the floor plan
8 on the first floor again? I have one more -- there
9 was a suggestion at one point that perhaps the
10 entrance for the commercial space be pulled back
11 just a bit so that you have free-standing columns
12 here which would increase the sight lines coming
13 down Thorndike Street into Harvard. Did you have
14 any thoughts about that?

15 MR. BARTASH: Yeah. So actually, Scott,
16 our traffic engineer, is going to talk about the
17 discussions that occurred around that intersection,
18 about the proposed changes at that intersection that
19 would address that issue without changing the
20 footprint of the building as it's proposed here.

21 MS. POVERMAN: Well, I think that was not
22 the only reason for changing the building. I think
23 that Mr. Hussey may have had other reasons in mind,
24 maybe breaking things up a bit when adding those

1 columns there and moving the building back.

2 MR. HUSSEY: Say that again?

3 MS. POVERMAN: You didn't want it just for
4 sight lines, as I recall. You thought it would look
5 better as well.

6 MR. HUSSEY: No. Not necessarily.

7 MS. POVERMAN: Oh, well. I did, but that's
8 thrown out now. Okay.

9 MR. HUSSEY: Sorry about that. We should
10 check our notes together before the --

11 MS. POVERMAN: That's illegal.

12 All right. One of the things I really do
13 have a problem with now that we know what it's going
14 to look like is the mesh that's going to be in the
15 windows and in the garage door. I have seen it at
16 Marion Street, and it looks -- I think it's very
17 jarring to look through and just see all those cars
18 parked there. You look right into a garage. You
19 have a lovely -- on one side, you have a lovely
20 foyer meeting people, very modern, and then on the
21 other side you just have all this metal and
22 certainly nonresidential stuff. So -- I see it's
23 also in the windows, which means that people walking
24 by are going to look to their left and say, oh,

1 cars. So it's effectively a parking lot on the
2 first floor rather than part of the building.

3 So I'm hoping that the mesh can be --
4 first, what can be -- what are the other options for
5 the door? Because I really think that it's
6 problematic. And maybe we could go back to your
7 slide of Marion Street. And is there anything
8 possible for the windows?

9 MR. HUSSEY: If you do make that garage
10 door a solid material, then you'll have to put in
11 more ventilation and openings on the other side
12 or --

13 MR. BARTASH: Or larger equipment.

14 MS. POVERMAN: Well, yes, but it's -- I
15 mean, I'm sorry. It's hideous. It is. And I think
16 none of the other projects that we've had in
17 Brookline have suggested those mesh doors, and I
18 think that --

19 MS. SELKOE: Actually, there are several
20 other projects in Brookline that do have mesh doors
21 and also grills on windows on the ground-floor
22 level.

23 One of the things I would comment on is in
24 Europe, in particular, I've seen a lot of more

1 decorative-looking grills, and that might be
2 something you might explore. And I certainly think
3 in black it makes a big difference.

4 MR. BARTASH: Sort of feels finished,
5 effectively.

6 MS. SELKOE: Well, it feels finished and it
7 disappears more and it looks more formal. It
8 doesn't look as industrial.

9 MS. POVERMAN: For the windows, I agree
10 that could be a fix, but I just don't see it here.
11 I think the building is enough of an assault on
12 Thorndike Street without that. And while I'm very
13 pleased with a lot of the changes that have been
14 made, I think that that would not be that difficult
15 to change and would change the aesthetic for
16 neighbors instead of just always looking into the
17 garage.

18 MS. SELKOE: So you'd rather have them have
19 an exhaust system?

20 MS. POVERMAN: Well, what is done on other
21 buildings? Through the roof? Where would it
22 exhaust?

23 MR. HUSSEY: It would exhaust through the
24 side wall of the garage. It's going to be noisy.

1 MR. ENGLER: Can I interject for one
2 second? I understand you don't like the door.
3 Maybe -- I don't think we're going to -- you're on
4 record as saying you don't like how it looks, and we
5 understand that. I don't think we're going to come
6 up with a solution tonight. Perhaps in the
7 condition we come back with three or four different
8 options that we present to the planning department
9 or whomever, and, you know, we come to an agreement
10 on a door prior to getting the building permit.

11 I mean, honestly, 40B is for a
12 schematic-level detail. We're not talking about
13 garage doors and things of that nature. I'm not
14 trying to diminish it. I understand it's important.
15 But it's not customarily part of the comprehensive
16 permit.

17 So we understand it's important, and we're
18 telling you that we'll provide additional options if
19 you want to write as much into the permit. But
20 we're not changing the whole mechanical system in
21 the garage for an aesthetic reason of the door.
22 We're just not doing that.

23 MS. POVERMAN: Well, as I recall, even in
24 your last meeting, you were saying there were

1 various types of doors that could be put in because
2 it was someone that the neighbors asked. So I don't
3 know what those options are. You do know what those
4 options are, and maybe we could go over them now or
5 later.

6 MR. ENGLER: Well, we don't have them now.
7 We proposed a door. You don't like it. It's clear.
8 So we'll try to come up with a couple different
9 options that -- but what I'm saying is I don't think
10 the garage door is a linchpin to the board's vote.

11 So I'm saying -- I'm not trying to kick the
12 can down the road, but I am a little bit in saying
13 give us a little time. Mr. Hussey had a couple
14 thoughts on some other -- these are some of the
15 details on a building that are important, but
16 typically it's decided upon and there's all sorts of
17 different implications.

18 What I'm telling you is we understand you
19 don't like it. Peter has access to lots of
20 different ideas and designs. We can figure out an
21 appropriate way to share with you a whole bunch and
22 come up with a design that will be more satisfactory
23 to the town.

24 MS. POVERMAN: I would appreciate that.

1 Okay. So this is just playing mechanics.
2 The 18-foot setback facing the neighbor,
3 78 Thorndike Street -- 18-inch -- the increased
4 setback -- how far does that actually go in relation
5 to the person's house?

6 MR. BARTASH: So let me see if I can find
7 that.

8 MS. SELKOE: I think the house is 5 feet
9 from the property line.

10 MS. POVERMAN: That's not what I mean.

11 MR. BARTASH: You're talking about the
12 length of that setback?

13 MS. POVERMAN: Right. So does it affect
14 the porch? Does it affect, you know -- what does it
15 really improve?

16 MR. BARTASH: So what ends up -- I'm going
17 to show you two different views to try to capture
18 the spirit of it, but I don't know that they'll
19 directly answer your question in a way that would be
20 satisfactory.

21 But starting with this view, you'll notice
22 that really the front corner of the building here on
23 Thorndike Street is roughly in the same plane or
24 line as the front porch for 78 Thorndike Street. So

1 I'm going to go to the plan now to be able to
2 describe a little more closely what that means.

3 So, again, that corner -- what's being
4 obscured by this tree in front of 78 Thorndike
5 Street is the porch bump-out at the ground floor.
6 And below the cursor here is the corner of our
7 building, so they're just about in the same plane.
8 That setback extends all the way back past the
9 bump-out at the ground floor on 78 Thorndike Street
10 and past the midpoint of really the roof of that
11 facade facing our project until it hits the stair
12 here. So the rear -- the rear third to half of the
13 home at 78 Thorndike Street is past the extent of
14 that increased setback that we discussed, but it's
15 mostly in this front corner here that you see --
16 really the first half of the building you see that
17 sort of relationship that we developed.

18 MS. POVERMAN: Now, moving it in 18 inches,
19 why does that require getting rid of three parking
20 spaces? Just do the arrangement for me.

21 MR. BARTASH: Sure. So, I mean,
22 effectively what ends up happening is that we had
23 all of our utility rooms here. And one of the
24 changes that I didn't discuss, actually, that I

1 should have mentioned is that we did widen the
2 garage door as well in response to the peer
3 reviewer's comments. It's now 20 feet.

4 So by relocating the utility rooms and by
5 widening the garage door, it starts to have a ripple
6 effect for a footprint as tight and as small as
7 this. When we look at the maneuvering within the
8 garage and we look at the layout and use of these
9 spaces, the lift spaces versus the other standard
10 parking spaces, we realize that it would be more
11 appropriate to combine those spaces into one
12 location. And we also needed to recover some square
13 footage to be able to locate some of these other
14 trash rooms and to kind of figure out how this piece
15 would come together here. And in shuffling these
16 pieces around, we ended up losing those three
17 parking spaces that were really all driven by
18 changes that resulted from increasing the setback
19 right here and widening this door. So it kind of
20 has that ripple effect through the plan.

21 MS. POVERMAN: How wide is the curb cut now
22 at the driveway?

23 MR. BARTASH: That'll be discussed as part
24 of the traffic --

1 MS. POVERMAN: Okay. Is there any way to
2 fit in space for more than five or six bikes?

3 MR. BARTASH: So the anecdotal response to
4 that question is that many of the residents in a
5 project such as this in a location such as this who
6 don't have a car but have a bike own bikes that
7 are -- they've spent 2- or \$3,000 on and they're not
8 going to want to lock them up in the garage. They
9 take them up to their units. Now, we've heard that
10 from property managers at most, if not all, of our
11 projects that are in urban locations.

12 So right now, as it stands, the five to six
13 bikes in that location is about as much as we think
14 we can fit within with garage itself, and we're
15 expecting that a lot of residents that have bikes
16 will want to actually keep them in their units
17 themselves.

18 MS. POVERMAN: Okay. All right. That's
19 all I have for now. Thanks.

20 MR. BARTASH: Sure. So before turning it
21 over to traffic, I just want to show you briefly
22 some of the videos that were taken of the lift
23 system. I know that's a question that's been asked
24 multiple times of us here.

1 So the first video we're going to look at
2 is of a vehicle pulling into a garage and then
3 actually backing onto the lift system. And as we
4 discussed previously, if you have a stack of six
5 effective spaces, there's always one space that's
6 open so that the lift can shuffle cars around and
7 you can access them.

8 MR. DAVID DANESH: It's a Lexus, full-sized
9 sedan. And they actually take SUVs as well. You
10 can fit an SUV in there as well.

11 We actually went to San Francisco to the
12 headquarters of the company and we actually
13 personally took these videos ourselves. We also
14 have a website that we can give you. Also, they
15 have -- now have a representative that works in
16 Boston. If you have any questions, he's more than
17 happy to come and meet and speak with you.

18 MS. JOZWICKI: Does that actually have
19 sound?

20 We have -- the next video, you actually see
21 the measurement of the sound waves in decimals.

22 MS. POVERMAN: And that was Mr. Danny
23 Danesh (sic) and Ms. Kates talking. No. Not
24 Ms. Kates.

1 MS. JOZWICKI: Jozwicki.

2 MR. BARTASH: So here is an individual
3 retrieving their car from the system. And you'll
4 note in the lower right-hand corner you'll see --
5 there is a tray that's available to the -- for a car
6 itself. There would be -- one of these spaces would
7 not be occupied by a vehicle at all times to allow
8 the system to move the cars.

9 It's up. He gets in the car.

10 UNIDENTIFIED AUDIENCE MEMBER: Why didn't
11 we hear the door close?

12 MR. BARTASH: We did hear the door close.

13 UNIDENTIFIED AUDIENCE MEMBER: No, we
14 didn't hear it back here.

15 MS. POVERMAN: You said you had some noise
16 measures. We can do that in a little bit.

17 MR. HUSSEY: Those three spaces below the
18 lift, those are -- one of those is not occupied?

19 MR. BARTASH: That's correct, yeah. So in
20 a stack of six, you could have five vehicles.

21 MR. HUSSEY: Okay, thanks.

22 MR. BARTASH: So in our case, we have a
23 bank of four spaces that are doubled, so we have
24 seven lift spaces because one of those is not --

1 MR. HUSSEY: Gotcha.

2 MR. BARTASH: So what you're looking at
3 here is a sound measurement that's being taken as
4 the system is in operation from, let's see, about --
5 between 8 and 10 feet away from the system itself.

6 MS. POVERMAN: What does that translate
7 into something we might know?

8 MR. BARTASH: Right now my speaking voice,
9 it probably varies from 75 and 80 decibels in this
10 room here. If we were sitting around a conference
11 table and people were speaking just normally to each
12 other, that hovers right around 70 decibels, as an
13 example.

14 MR. DAVID DANESH: Hi. My name is David
15 Danesh. I'm with the development team. When we
16 went to this company in San Francisco, we went to
17 several projects. One project in particular had a
18 fan on in the garage, and the fan was louder than
19 the actual parking structure, so we had to actually
20 go to a different site because -- for the decibel
21 test because we couldn't do it at that one because
22 the fan was much louder than the actual parking
23 system that was operating.

24 MS. SELKOE: Was the fan an exhaust fan?

1 MR. DAVID DANESH: It was an exhaust fan.

2 It was an exhaust fan, yes.

3 So exhaust fans, as Polly mentioned, most
4 people know, are much louder than any of these
5 systems.

6 Also, one thing that I'd like to mention is
7 the .3 decibels that we saw in the video, these
8 parking structures are going to be on the far side
9 of the property that has -- next to the -- the back
10 of the parking system will be touching the garage
11 doors, which will be -- have two walls that will be
12 facing the parking lot of Starbucks and very far
13 away from the garage openings on the other side. So
14 you won't even be able to hear it if you walk by,
15 probably. Thank you.

16 MS. POVERMAN: Chris, do you have anything?

17 MR. HUSSEY: No.

18 MS. POVERMAN: Lark?

19 MS. PALERMO: No.

20 MR. THORNTON: Good evening. For the
21 record Scott Thornton with Vanasse & Associates, the
22 traffic consultants for the project.

23 When we were here last in July, we had a
24 plan for improvements at the intersection of

1 Thorndike Street and Harvard Street that consisted
2 generally of bump-outs or curb extensions on the
3 Thorndike Street or on the site side of Harvard
4 Street, so just on this corner directly adjacent to
5 the project and then the corresponding corner, as
6 that's -- that's a common practice when you're
7 constructing curb extensions, is to do it in pairs.

8 We had also looked at removing one
9 on-street parking space located in that area where
10 it's scored out, and we had -- at the time, we had
11 proposed one or possibly two metered spaces in this
12 area in conjunction with the loading zone between
13 the hours of 7:00 a.m. and 10:00 a.m., and we -- the
14 ZBA had requested that we get to the transportation
15 board and get their input on these changes, and we
16 did that on July 20th.

17 And in general, the transportation board
18 was in favor of -- or in support of the project and
19 the proposed changes. They were definitely in favor
20 of adding the two spaces in the area of the
21 loading -- of the present curb cut, which would be,
22 again, converted to a loading zone. They were in
23 favor of the loading zone change. They were in
24 favor of removing the parking space on this side of

1 Harvard Street. So all the changes in this area
2 they were in favor of.

3 They had some other changes or some other
4 recommendations, things like a transportation
5 monitor board or things like posting transit
6 schedules, which we had agreed to do. And their
7 preference was for a transportation monitor board,
8 which, again, we don't think that that's necessary
9 for this project because you get a lot better
10 information right on your smartphone these days.
11 And then, in addition, if you're at the site and
12 you're waiting for information on the Green Line, by
13 the time you get the notification of when the train
14 is there, it's too late for you to get there. So
15 things like the T tracker app for your smart phone
16 are much more appropriate.

17 They also made some recommendations about
18 the driveway, or the sidewalk across the driveway,
19 that it should be at a level consistent with the
20 sidewalk so that if you're coming down on the
21 sidewalk walking along Thorndike Street, you don't
22 have to ramp down crossing the driveway. You just
23 maintain a constant elevation across that driveway.
24 And that's -- that is part of the proposal for the

1 project.

2 The main item that we had some disagreement
3 on was the curb extensions themselves. Initially,
4 we had proposed a design that was really consistent
5 with the peer consultant's recommendations, which
6 called for curb extensions on one side of Harvard
7 Street and the location -- or the presence of apex
8 wheelchair ramps which allow the crosswalk to be
9 pushed further into the intersection. And when you
10 move the crosswalk further into the intersection,
11 you're able to move the stop bar further into the
12 intersection as well, so that improves the sight
13 distance for vehicles that are parked at that stop
14 bar.

15 Now, that's not saying that people -- I
16 think we had this discussion before where people
17 aren't necessarily going to stop at the stop bar and
18 execute their turn from that position. They're most
19 likely going to stop at the stop bar, proceed out
20 into the intersection until they get to a point
21 where there's no obstruction, they're not
22 obstructing travel flow, and then they can wait for
23 a gap and exit out.

24 But one of the things that the board

1 requested was a separation of the wheelchair ramps,
2 so instead of having one ramp on each corner, there
3 would be two. One ramp would serve both of these
4 crosswalks, the Harvard Street and the Thorndike
5 Street crosswalk. And as it is shown on this
6 graphic, this revised option has separate wheelchair
7 ramps. And the benefit to that is it aligns the
8 crosswalk a little better with the sidewalk along
9 Harvard Street. Now, you're not going to get the
10 same type of alignment on Thorndike Street, but the
11 majority of the pedestrians are moving on the
12 Harvard Street corridor. So that's one item.

13 And the other item is the board requested a
14 review -- or requested the installation of the curb
15 extensions on the corresponding corners on the other
16 side of Harvard Street and -- you know, with the
17 idea being that this allows -- it shortens the
18 pedestrian crossing distance a little more than just
19 the one set of curb extensions would do.

20 And, you know, with all these improvements
21 with the curb extensions, you're not impinging on
22 the travel way at all. You're not really
23 constricting the flow of traffic. You're making use
24 of dead space that's currently there that can't be

1 used, so you can't -- for instance, in this area
2 there's not parking once you get -- there's one
3 space in this area, but you can't park up to the
4 corner of the intersection. Same on this side. You
5 can't park up to the corner of the intersection. So
6 these are not -- these curb extensions are not
7 removing any parking from use. They are not -- as
8 you can see, they're not extending out into either
9 the bike lane or the travel lane, so they're not
10 restricting travel on the main line on Harvard
11 Street.

12 The previous -- we prepared this exhibit
13 really as a schematic to the -- and provided it to
14 the transportation department for them to weigh in
15 on the design, so we haven't had a chance to really
16 design that. And really at this level it's not --
17 you know, it's not appropriate to do a design.

18 But the previous plan that I showed that
19 only had extensions on one side showed that buses --
20 you know, a large truck would be able to make the
21 turn from Thorndike Street -- a right turn from
22 Thorndike Street onto Harvard Street without
23 encroaching into the other travel direction on
24 Harvard Street, and similar with the truck coming

1 from Harvard Street up into Thorndike Street. So we
2 would assume that this -- these designs would be
3 able to accommodate the trucks as well.

4 I think as far as responsibility for this
5 goes, you know, the applicant has indicated that
6 they're in favor of making the construction or
7 designing the extensions on this side of Harvard
8 Street, and it's an amenity, really, for them to do
9 these extensions. It kind of increases their
10 sidewalk presence and improves the sight distance
11 coming out of Thorndike Street.

12 So to then do the opposite side or the
13 corresponding side of Harvard Street I think is --
14 you know, it's not appropriate for this project
15 given it's not a 50-unit development. It's 17
16 units. This is already more traffic mitigation than
17 was provided for the 420 Harvard Street project and
18 some of the other projects. And, you know, I think
19 it's -- so we provided this to the traffic
20 department, so I'm not sure --

21 MS. POVERMAN: Now, in terms of what you
22 are potentially willing to adopt the cost of, does
23 it include the one by the gas station across from
24 Thorndike Street that was --

1 MR. THORNTON: Yes. So it's basically on
2 the site side of -- on Harvard Street.

3 MR. ENGLER: If I could -- sorry, for the
4 record Geoff Engler -- just make one point I think
5 is important. The board asked us to meet with the
6 transportation board, which I wouldn't say we did
7 reluctantly, but we said, hey, wait a sec. You
8 know, you have a peer review consultant. What if we
9 get feedback that's different from what your own
10 peer reviewer did? And to an extent, that happened
11 a little bit. I would say they were in agreement on
12 most of the stuff, but there was some difference.

13 So we took the initiative to get the
14 transportation board, the peer review consultant,
15 and our traffic engineer all in the same room --
16 what was it about two weeks ago -- two weeks ago to
17 talk through everything and say what is everybody
18 comfortable with. And this plan reflects -- now, I
19 know your traffic peer reviewer will speak, but it
20 basically reflects the consensus of the group, so I
21 think that's important to note.

22 MS. POVERMAN: So is it correct that this
23 exact design was not reviewed by the transportation
24 board, but part of the changes on it are in reaction

1 to its comments?

2 MR. ENGLER: Correct.

3 MR. THORNTON: So I think in terms of
4 what's fair and appropriate for the project, you
5 know, the applicant is willing to do one side of the
6 intersection. It's just a question of really what
7 the board's preference might be.

8 MS. PALERMO: And just for clarification
9 purposes, did the transportation board make a
10 recommendation regarding whether the applicant
11 should be doing construction on all four corners?

12 MR. THORNTON: I think their -- I don't
13 have the exact letter in front of me, but I think
14 their recommendation was that the ZBA request the
15 applicant look at the redesign of the intersection
16 for -- to include the curb extensions on the other
17 side.

18 MS. POVERMAN: Polly, is there something
19 you want to add at this point, or should we have
20 Mr. Fitzgerald up?

21 MS. SELKOE: No. I don't know -- I think
22 Mr. Fitzgerald was really here to answer any
23 questions that you have. Am I correct?

24 So I would just make the comment that we

1 did have a meeting of all the different parties, and
2 it was very good that they all finally agreed on a
3 plan.

4 I think what's not agreed to, which still
5 needs to be worked out, is who pays for what? My
6 last conversation with Peter Ditto was it's his
7 preference that he pay for the entire design of all
8 four bump-outs, and then they also put in the --
9 paint the crosswalks and put in the signage, pay for
10 all that, and that the applicant then pay for the
11 construction of the four bump-outs themselves.

12 However, I think this is still in
13 negotiations, and this is something that would be
14 covered by a condition that you would impose
15 about -- you would specify exactly who would pay for
16 what.

17 And I think we should give them some time
18 to continue to work with Peter Ditto on what's the
19 best outcome in terms of payment. I think everybody
20 agrees that this is the project that would be
21 designed -- or the traffic mitigation that will be
22 designed and will be implemented in order to make
23 sure that there's good traffic visibility and the
24 mitigation measures are appropriate.

1 MS. POVERMAN: Polly, (sic) do you have
2 something to say?

3 No? You acted like you were about to say
4 something.

5 I have some questions about what is
6 contemplated and not contemplated in adoption from
7 the transportation board's recommendations, many of
8 which you've addressed.

9 So the financial responsibility is to be
10 worked out. I think the issue with the loading dock
11 having normal metered parking during nonloading
12 hours has been worked out. I'm not going to deal
13 with the snow removal and things like that.

14 So one of the comments was this: The ZBA
15 requests a redesign -- that we -- they're asking
16 that we do this -- that we request a redesign of the
17 location of the crosswalk on Thorndike Street to the
18 original location because it will better help
19 pedestrian path.

20 I don't know what that means in this
21 context. What is the original location? Does
22 anyone --

23 MR. FITZGERALD: Jim Fitzgerald from
24 Environmental Partners, the traffic peer reviewer.

1 We brought up the topic of curb extensions
2 or bump-outs at the intersection here with the
3 intent of -- for several intents. First, to improve
4 visibility from the side street so vehicles aren't
5 protruding into the intersection further while
6 stopped in the middle of a crosswalk; also to
7 improve pedestrian accommodations, shortening the
8 crossing distances, just making it much more
9 pleasant for pedestrians.

10 Having to do with the wheelchair ramp
11 placement that was discussed earlier, we had
12 reviewed -- we had seen earlier concepts of this
13 plan with the intent of trying to push the crosswalk
14 and the stop bar a little closer to the
15 intersection. Whether or not there were would be
16 one apex ramp on the corner or two would be
17 something that would be designed out. The town's
18 preference is to have two. That's certainly fine.
19 So our intent was to try to provide the vehicles
20 coming up from Thorndike Street approaching Harvard
21 with a place that they can stop a little closer and
22 see oncoming traffic without stopping in the middle
23 of the crosswalk. One of the benefits of our
24 meeting that we had a week or two ago with the whole

1 group was to hear the town's preferences for the
2 crosswalk location and try to come up with a
3 compromise.

4 The plans that are shown from the schematic
5 standpoint does appear to be reasonable. There are
6 certainly, you know, some concept things that have
7 to be designed out: small things like consistent
8 ramp widths and, you know, the design of the ramps,
9 all these things get worked out with -- engineered
10 out.

11 As far as the existing stop bar location,
12 what that -- I believe the new location that's shown
13 in this plan is slightly closer to the intersection
14 than existing. And it just comes down to a balance
15 between all the needs: trying to maintain a
16 continuous path of travel for pedestrians walking
17 along that eastern side of Harvard without having to
18 walk too far out of their way to get to the
19 crosswalk, all the while keeping in mind that there
20 are vehicles approaching from Thorndike that will
21 stop where they have to in order to see oncoming
22 traffic.

23 So in a perfect world, the placement would
24 be dependent on that compromise between having a

1 good place for that stop bar, which falls just
2 outside of the crosswalk, all the while not
3 inconveniencing the pedestrians. And so all of that
4 would come into play during the design process as
5 far as what that exact balance would be, as well as
6 all the ADA requirements on the wheelchair ramps all
7 have to be designed out.

8 MS. POVERMAN: Okay, thank you.

9 There was one comment being made to the
10 apex handicap location, that those ramps be removed
11 and that ADA-compliant wheelchair ramps be
12 substituted. So can you comment on that?

13 MR. FITZGERALD: Yeah. So the apex ramps
14 were the single ramps that were originally shown on
15 the plan. There are some conditions and instances
16 where they are considered accessible. Again, it
17 comes down to a balancing act in trying to figure
18 out what the best placement is for the ramps and the
19 crosswalks. All these things come about during the
20 engineering and design phase of the project, I'm
21 sure.

22 So with regard to the two ramps on the
23 corner, they're certainly feasible to fit on each of
24 these corners. The details of them would need to be

1 worked out, again, to comply to ADA, but there are
2 variations. There isn't necessarily a clean-cut
3 right or wrong way of doing it. You must meet ADA
4 requirements, but there are some variations in what
5 it could end up being, and that would be all
6 dependent on the town designing or reviewing the
7 design.

8 MS. POVERMAN: Thank you.

9 Chris, do you have any questions right now?

10 MR. HUSSEY: No, I don't.

11 MS. POVERMAN: Lark?

12 MS. PALERMO: No.

13 MS. POVERMAN: But I do want to say that I
14 agree with your recommendations, and I assume you
15 have no problem with -- developer -- that the
16 driveway entrances not be depressed and should be
17 even with the rest of the sidewalk.

18 MR. THORNTON: Right. That's what I was
19 talking about before with the --

20 MS. POVERMAN: Yeah, exactly.

21 Yeah, I'd have to say I'd agree with you
22 about the real-time transit monitor. Seems a little
23 excessive.

24 MS. SELKOE: I wanted to also comment on

1 the fact that we did have -- actually, prior to the
2 transportation meeting, we had a meeting with Cliff
3 Boehmer, who is our design peer reviewer, and the
4 development team and Peter Bartash, the architect.
5 And they showed the revisions that they had made to
6 the building, which is what you've seen tonight.
7 And Cliff was very pleased with the design changes.
8 He felt the building was much improved and that
9 they've probably gone just about as far as they
10 could go with the setbacks. So that was the gist of
11 what he had to say.

12 And I was going to say that you probably
13 want to hear some public comment tonight.

14 MS. POVERMAN: Yeah. Just a minute. Were
15 you going to read Mr. Ditto's memo?

16 MS. SELKOE: Well, it just summarizes
17 what's been said, that he had determined that the
18 design for the bump-outs is acceptable and that he
19 recommends that it be constructed. And he said that
20 his department would offer to do design services for
21 the curb extensions in the intersection as well as
22 install pavement markings and signs.

23 MS. POVERMAN: So it sounds like, under
24 that, that he's willing to accept the responsibility

1 for payment of installing pavement markings and
2 signs.

3 MS. SELKOE: Yes.

4 MS. POVERMAN: That's how I read that.

5 MS. SELKOE: And would pay for designing
6 it. But, again, as I mentioned, I think this is
7 still something that's being negotiated. And we
8 meet again on September 18th, and by that time we
9 could have worked it out and incorporated it into a
10 condition -- a proposed condition.

11 MS. POVERMAN: Okay. Before we get to the
12 public, I would like to take a five-minute break, so
13 we are temporarily adjourned for five minutes.

14 (Recess taken from 8:23 p.m. to 8:28 p.m.)

15 MS. POVERMAN: We are reconvening this
16 hearing. It is 8:23. If everyone in the audience
17 is ready, we will start.

18 And now we would like to invite members of
19 the public to come up and give comment on the issues
20 that are under discussion today, specifically the
21 redesign of the building and the traffic-calming
22 methods that have been suggested. If you decide you
23 want to say something, please come up to the podium,
24 give your name, and spell it if the court reporter

1 would like, and your address and your comments.

2 Would anyone like to speak?

3 MS. SELKOE: It would probably be good for
4 people to line up. It will save some time.

5 MS. JOZWICKI: Joyce Jozwicki, town meeting
6 member from Precinct 9, and I live up the street on
7 Winchester Street.

8 I really appreciate all the accommodations
9 you've made about the setbacks and changing the
10 facade of it, so take that as a real positive
11 because the side of the house facing the abutter is
12 really ugly. I mean can't we have something -- I
13 don't know. I'm not a builder. I'm just a looker.
14 I mean, I moved into a really beautiful
15 neighborhood, and that's really ugly.

16 The other thing is that I know you're
17 saying it's 30 decibels. I know you're saying that
18 car thing is way in the front. But when you're
19 lying in bed at night in the middle of the night and
20 that thing goes on and then goes off -- I mean, my
21 neighbor has the quietest air conditioning
22 compressor I've ever heard, but when it goes on and
23 off all night, I can hear it. So I'm not satisfied
24 with the audio of the video you played and telling

1 me it's way in the front and everything.

2 Those are my two basic concerns, really.
3 The side abutting 78 Thorndike Street is very
4 unpleasant.

5 MR. HUSSEY: Joyce, can I ask you a
6 question? Your neighbor's compressor, is that on
7 the roof or is it on the ground?

8 MS. JOZWICKI: It's on the ground, and it's
9 14 feet from my house.

10 MR. HUSSEY: Well, I can believe that. But
11 when you're on the roof like this -- sound is a
12 line-of-sight thing, so I really think --

13 MS. JOZWICKI: Right. This one's on the
14 floor, but so is that. And don't forget you're in a
15 building, so you've got echoes.

16 UNIDENTIFIED: I think there's a
17 miscommunication. I think Joyce is talking about
18 the automobile --

19 MS. JOZWICKI: I'm talking --

20 UNIDENTIFIED: Not the air conditioning.

21 MS. JOZWICKI: Right. It's enclosed, the
22 echoes all around the building.

23 MR. HERSCOVICI: Hi. I'm Steve Herscovici.
24 I live at 87 Thorndike Street.

1 I have two -- I have a question also about
2 the garage. Not so much the stacker, but the door
3 itself when it goes up and down. Do you know what
4 the decibel level of that is, since it's right on
5 the street at the ground level?

6 MR. BARTASH: Peter Bartash from CUBE 3.

7 We have not specified a door at this time,
8 so I don't have a specific decibel level, and it
9 sounds like that's something we'll be reviewing.
10 But we'll review all of that with the planning board
11 as we go through --

12 (Inaudible discussion.)

13 MS. POVERMAN: Excuse me. If you're not
14 talking to be heard by the microphone, please don't
15 speak. If you do want to say something, that's
16 fine.

17 MR. HERSCOVICI: Thank you. I appreciate
18 that. As somebody who lives right across the street
19 from the -- basically from where the garage door
20 will be, I think it's important, especially in the
21 summertime.

22 MR. ENGLER: Maybe we could arrange a field
23 trip to Marion Street for this gentleman to -- the
24 reason being, the garage door is very quiet there.

1 Now, the garage door here may end up being a
2 different style, but mechanically it should function
3 the same. And I'm sure my client would be happy to
4 have you come over and take a look at that. But it
5 is pretty quiet.

6 MR. DAVID DANESH: Also people living
7 upstairs, our tenants, if it was loud, they wouldn't
8 be able to sleep. They would be uncomfortable. So,
9 you know, we do not want to have a loud garage
10 opener for our tenants and for our neighbors.

11 MR. HERSCOVICI: I appreciate that. I
12 would still like to know --

13 MR. DAVID DANESH: More than happy to show
14 you.

15 MR. HERSCOVICI: Thank you.

16 The other question I have is with the
17 traffic, and that is as a bicyclist, I am concerned
18 about the bump-outs. Because, you know, in my
19 experience, in my observation, what that tends to do
20 is -- more of a question for the traffic
21 consultant -- is you pushed out the stop line, which
22 means that -- you know, nobody ever stops at the
23 stop line after they pass the driver's test, so they
24 may be at the crosswalks or even further given the

1 angles of the street. And, you know, as a bicyclist
2 coming down, there's not a lot of room between the
3 crosswalk and the bike lane. So I, you know, wonder
4 to what extent that was taken into account.

5 And maybe to mitigate that, was there any
6 discussion about removing the parking spot that I
7 guess is southwest of Thorndike Street, the one
8 that's right out in front of Harvard Street next to
9 the gas station parking lot?

10 Because, you know, sometimes if there's a
11 truck or an SUV or a van or a dumpster, it makes it
12 all that much harder to see. And then cars pull out
13 that much further to try to see whether they can --
14 they can go. And it just makes it more dangerous
15 for everybody. So I don't know if there was a
16 discussion about that, but just curious about that.

17 MS. POVERMAN: Mr. Thornton, could you
18 address the bike lane issue.

19 MR. THORNTON: Scott Thornton with
20 Vanasse & Associates.

21 We did look at the dimensions of the
22 physical layout of the extension where it comes up
23 close to the bike lane. One of the -- this design
24 doesn't show it, but one thing that could be done is

1 that extension could be pulled back a little bit, so
2 there's a little bit of extra space for the
3 bicyclist.

4 One thing we heard from the transportation
5 board is they were looking for more parking on
6 Harvard Street, so I don't know if that -- there
7 wasn't any discussion about removing the parking
8 space in front of the garage.

9 And then, in terms of the sight distances,
10 you know, I think that it's -- this is going to
11 improve -- the curb extensions do improve the sight
12 distance for the pedestrians and for the vehicles
13 coming out. And I think what the extension does to
14 kind of give the impression of a narrow roadway --
15 because it's a narrow roadway there -- it calms
16 traffic, reduces the vehicle speeds. So that
17 should -- you know, if you -- if traffic is moving
18 slower, it's easier for a motorist to react to
19 bicyclists that are biking through there. So I
20 think all those things together are going to really
21 improve the safety.

22 MS. POVERMAN: Mr. Thornton, does the -- do
23 the bump-outs actually impinge on the bike lane?

24 MR. THORNTON: No.

1 MS. POVERMAN: I understand it's nice to
2 have a little more room for the bicyclist rather
3 than being squeezed in.

4 MR. THORNTON: Right. And it's kind of
5 a -- you know, as Mr. Fitzgerald mentioned, it's
6 kind of a balancing act because you want to
7 provide -- you want to have protection for the curb
8 extensions. You want to protect that parking lane
9 that's there and keep people further out and keep
10 them off of the bike lane as well. So you want to
11 try to use up as much of the parking lane as you can
12 with the extension, and you may also want to pull it
13 in a little bit to give the bicyclists a little more
14 space.

15 MS. POVERMAN: Okay. Thank you.

16 Did you have something else?

17 MR. HERSCOVICI: I just want to follow up
18 with a question. I was talking about cars coming
19 from Thorndike onto Harvard, pulling out into the
20 crosswalk, and maybe into the bike lane, not so much
21 cars on Harvard Street impinging the bicyclists.
22 That was more the issue that I was wondering if you
23 could address.

24 MR. THORNTON: Sure. So, really, in terms

1 of vehicles coming out of Thorndike Street and being
2 able to see the bicyclists on Harvard Street, I
3 think that the -- with the curb extensions there,
4 that is improved -- that sight line is improved. So
5 the sight line for the motorist coming out of
6 Thorndike Street, they've got a better sight
7 triangle to be able see further down Harvard Street
8 with the extension.

9 MR. HERSCOVICI: Okay. Thank you.

10 MS. SHAW: Hi. I'm Sloat Shaw. I'm on
11 Thorndike Street.

12 When we had the meeting with the
13 neighborhood and the developers, there was a really
14 wonderful suggestion made to put columns so that
15 people could see around the building, because the
16 building is too monolithic and you can't see going
17 out. And as somebody who drives out on Thorndike
18 all the time, it's really difficult to see out
19 there. And now you won't have that parking avenue
20 that there is right now. You'll have this huge
21 building.

22 So the suggestion was made by Fred, and it
23 was a fantastic suggestion, and he said put columns
24 up so that you can see through the columns. And

1 looking at this building, it seems absolutely
2 difficult to see around that building. And pushing
3 out the sight lines so that the cars extend out into
4 the street makes a lot of problems for bikers --
5 that's a really good point about bike riders -- and
6 for pedestrians. And there's a huge number of
7 children who are walking there.

8 And this seems like a real problem
9 trafficwise. And I've been watching the traffic a
10 lot, thinking of how this is going to be blocked.
11 And this solution is one that seems like one of
12 those little models that you make that architects
13 put on a piece of paper and build up a 3D model and
14 it looks okay. Then you leave and we're stuck with
15 a really bad traffic problem looking out. So that
16 was my problem with the way -- this doesn't seem
17 remediated, and I thought that the column idea was
18 brilliant. Put those columns up, you can see right
19 through. And that also lessens the scale of the
20 building being so massive, because it's massive for
21 that site.

22 And then the second thing was when I was
23 listening to the lift, there's a very high-pitch
24 noise that was really loud, and high-pitch noises

1 are really obnoxious. And I was wondering if there
2 could be some soundproofing within the garage, and
3 that that would make that sound -- that would be
4 probably soundproofing for the building, for the
5 tenants, but it would be wonderful to have
6 soundproofing for the street.

7 MS. POVERMAN: I noticed that too, and I
8 wasn't sure the extent to which the high-pitched
9 sounds was actually related to the lift.

10 Could either of the Danesh people who were
11 there tell us -- get up to the podium, please -- if
12 you hear the high-pitched sound as well in the first
13 video?

14 MR. DAVID DANESH: I really don't know what
15 you're referring to. We had the scale right there.
16 It was .3. We went to three different sites. It
17 was all .3.

18 MS. SHAW: If you play it again, you'll
19 hear it. There's a loud, high --

20 MR. DAVID DANESH: And the final thing is
21 that, you know, if you -- if the board wants to
22 speak to the gentleman who works for the company,
23 I'm more than happy -- he lives in Boston now. He
24 moved here because there are so many of these lifts

1 throughout Boston that he moved from San Francisco
2 to Boston just to do this. So if this is a problem
3 that the sound -- they wouldn't be so busy doing
4 them.

5 MS. POVERMAN: I think it's something that
6 we can --

7 (Multiple parties speaking.)

8 MS. POVERMAN: Okay. Can people talk one
9 at a time.

10 MS. SHAW: So anyway, those were the
11 concerns.

12 MS. POVERMAN: Thank you very much.

13 Mr. Rosen?

14 MR. ROSEN: Hi. I got in the express lane.
15 I was actually behind Fred, but then they all let me
16 go ahead. I don't know why.

17 Hi, everybody. I want to say to the
18 developers thanks for making some concessions on the
19 design and the setbacks. I think that's helpful.
20 It shows that things are moving in a positive
21 direction.

22 However -- with a capital H, however -- the
23 design still is not working for the neighborhood.
24 It's too monolithic. I really appreciate the

1 comments from the board tonight because I thought
2 they were very -- right on target.

3 I do have a comment about the bump-outs
4 that I remember in a previous session. One of the
5 traffic people mentioned that that would cause
6 ponding in the street because of water drainage down
7 Harvard. That's a downhill area, and the bump-outs
8 would cause ponding, which is not going to help
9 anybody cross the street. You know, that's
10 something to consider.

11 The other point I wanted to consider was
12 about the video about the mechanical car lift.
13 There's a very high-pitched sound. And I work as a
14 professional sound engineer, and I've done
15 professional sound measurements. You don't use a
16 smartphone. Those apps have been reviewed on the
17 web, and they're problematic. They're inaccurate.
18 Go out and spend a couple hundred bucks and you buy
19 a professional sound pressure level meter and then
20 you really get an idea of what the sound is like.

21 But those high-pitched sounds, they are
22 generally more difficult to register on sound
23 pressure level meters, and it depends on how you're
24 actually measuring the sound.

1 The problem with these smart phone apps is
2 the quality of the mics and also the user. If
3 they're not actually directing the microphones at
4 the sound source or that the mics are facing you and
5 you've got a video, you know, in the selfie mode
6 where the camera is using the other camera, your
7 phone, and it's taking a picture of the lift, well,
8 the mics are actually facing you, so it's going to
9 give an inaccurate reading. That's all I'm saying.

10 You know, it would be helpful to have
11 somebody come up with a -- its called an A-N-S-I
12 rating where they would just, you know, have a
13 benchmark rating. And it's a standard in the
14 industry. I don't know why it's so difficult to
15 come up with. We've discussed other lift systems in
16 other meetings, and those statistics are
17 forthcoming. Those specifications are right out
18 there. And, as I said, in a previous system the
19 sound level was a hundred decibels, and they said
20 that was the best in the world, so I'd be very
21 interested to hear what this company says.

22 The other thing was that the speaking
23 voice -- and you can check on all the sound pressure
24 level charts -- the loudest speaking voice is 65 DB.

1 When you go up that scale -- it's a logarithmic
2 scale, so it means that things get exponential. And
3 so that if you go to 75 DB -- somebody said, I think
4 my voice could even be 75 DB tonight. Well, that's
5 not likely because 75 DB is the sound of a
6 restaurant full of people having happy, animated
7 conversations, the dishes clinking in the
8 background. And that's quite a lot of sound. And
9 sound damage does occur at 85 DB, so it would be
10 helpful to have that.

11 And I agree with your comments about the
12 traffic and the bicycles. And, again, I really
13 thank the board for its insightful critique tonight.
14 Thank you.

15 MS. POVERMAN: Actually, Mr. Bartash, could
16 you play that first video again just so we can see
17 if it's noise --

18 MR. ROSEN: I also wanted to say that I've
19 seen these videos on the web from this company, and
20 the sound level on this particular video is
21 defeated. In other words, it seems to be reduced
22 slightly. I couldn't hear normal sounds like the
23 sound of shoes walking on the pavement or the car
24 door closing perceptively, so it made me think that

1 perhaps the sound level was defeated by a certain
2 level of decibels, maybe 20 DB, for the playback.
3 Just an observation. Thank you.

4 MR. BARTASH: So there are multiple points
5 in there that are worth addressing in response to
6 that comment.

7 The first being that the sound level that
8 everyone in this room is hearing is coming from this
9 laptop, and it's not meant to be a true life,
10 accurate representation of what it's like to be
11 standing there next to it. These are just
12 representative videos to say this is how we think
13 it's working and how it works.

14 As far as the measurements and ratings that
15 were taken by the developer, they're not purported
16 to be performed with any sort of equipment that's
17 registered with ANSI or in conformance with the
18 standards that would be required for that sort of a
19 test. We did request that information from the
20 manufacturer. The manufacturer is in the process of
21 completing those tests with ANSI as the registering
22 organization and does not currently have that test
23 result available, so we have not been able to obtain
24 it, and that's why we have not provided it.

1 MS. POVERMAN: When do they expect it to be
2 done?

3 MR. BARTASH: They didn't give us a date or
4 a target date, and we've asked them repeatedly.

5 MS. POVERMAN: You guys can't be the first
6 people who asked for it, though.

7 MR. BARTASH: Which is why they decided
8 they're going to make -- why they decided to start
9 doing this test as it is.

10 That being said, and with regard to the
11 video itself, there was a question about seeing the
12 video again. I can play that video again. I don't
13 know -- if the board wants to see -- what exactly
14 that would be addressing with regard --

15 MS. POVERMAN: I just want to know what
16 kind of sounds there are. It's possible that
17 sound --

18 MR. ENGLER: Could I ask one quick
19 question? And maybe Polly would know. Kate, you
20 might know. I'm curious as to why this is getting
21 so much attention on this application. How many
22 40Bs have been permitted in the town in the last two
23 years that have a lift system?

24 MS. POVERMAN: Geoff, you know that's a

1 loser.

2 MR. ENGLER: Why?

3 MS. POVERMAN: Because something which goes
4 in another 40B hearing does not necessarily go here.

5 MR. ENGLER: I agree with that. But
6 there's a very similar, if not more dense, closer to
7 more residential abutters, and they were all approved
8 without even close to the level of detail my
9 client --

10 MS. POVERMAN: You have the panel you
11 brought, and that's us. So we're the ones you've got
12 to satisfy. I hear what you're saying.

13 MR. ENGLER: Kate, you've been on many of
14 those boards.

15 MS. POVERMAN: Yes. But what I would say
16 is it's possible we could deal with it as a condition
17 in the future. It's being explored. I think it's a
18 valid concern.

19 MR. DANNY DANESH: Danny Danesh, I'm with
20 the development team.

21 As my brother said, there's employees who
22 work for CityLift system in Boston, and we can have
23 him show you better. We can have him come in if
24 you'd like because it seems like there's a lot of

1 questions. This video that we took -- you know, I
2 used my iPhone. It's not a professional video, so if
3 there's a little squeaking sound -- there are people
4 in the background too, so don't take it, you know,
5 to -- it's just -- it's more of how does the system
6 work.

7 MS. POVERMAN: I think that would be
8 extremely helpful. And to Mr. Engler's point, I
9 think it would answer a lot of questions going
10 forward for 40Bs. So if that is possible, could we
11 have him appear at the September 18th hearing?

12 MR. DANNY DANESH: We'll do our best to get
13 him here.

14 MS. POVERMAN: That would be fantastic.
15 Peter, do you have anything else to add to
16 that?

17 MR. BARTASH: I don't.

18 MS. POVERMAN: Ms. Kates, is that about a
19 particular issue --

20 MS. KATES: It's about the parking thing.

21 MS. POVERMAN: Well, you can get back to
22 it.

23 MS. KATES: Beth Kates from 105 Centre
24 Street.

1 I guess what I didn't see on this film is
2 what happens -- this unit has to move laterally too;
3 right? It's like a circle?

4 MR. DAVID DANESH: No.

5 MS. KATES: So it just moves up and down?

6 MR. DAVID DANESH: Left and right, not in a
7 circle.

8 MS. KATES: Okay. So if you have -- you
9 showed one car moving. So what happens when it's got
10 five cars in it? And does it make more noise because
11 you've got all that extra weight? And, like, how
12 does that affect the whole system?

13 MR. DANNY DANESH: So we're going to have
14 the representative come to the next meeting and
15 explain to you and everyone all the questions.

16 MS. POVERMAN: That would be fantastic.

17 MR. DANNY DANESH: So I think we should
18 just move on from this for tonight.

19 MS. POVERMAN: Okay. Why don't we move on.
20 Mr. Pinches.

21 MR. PINCHES: Hi. Fred Pinches, F-R-E-D,
22 P-I-N-C-H-E-S.

23 Since we've kind of gotten away from the
24 parking catastrophe, I'd like to basically go back to

1 the corner column design here, which might mitigate
2 the catastrophe that we have on the corner. The
3 architect referred to it, and I don't know how
4 seriously they looked at it. But, again, I think for
5 reasons that have already been mentioned here, sight
6 lines and everything else down there, it might be a
7 good idea for safety as well as for the aesthetics of
8 the building.

9 I'm not an architect, but this building at
10 the corner here, even though it has a slight small
11 curve there, it's basically -- I refer to it as "MCI
12 Thorndike." This looks like a penitentiary on both
13 sides.

14 Looking at the corner there where you have
15 the entrance to the retail space and the windows
16 above it, it almost looks like the bow of a cruise
17 ship. So another analogy that we can, you know,
18 maybe think about.

19 If they did have the corner and the column
20 design, that would -- particularly if it was rounded
21 off a little bit, you would have basically two
22 different curves on the building. You would have the
23 short curve on the upper floors, which we've got now,
24 which, again, as I said, almost looks like the bow of

1 a cruise ship with the windows at the front, and
2 maybe a longer curve on the corner columns that will
3 give you the sight lines as well as give you a
4 different curb, which would kind of break up the
5 front facade of the building instead of having the --
6 it is smooth a little bit, but, I mean, you've still
7 got a pretty big angle there. And this would give
8 you two different curves, which would break it up
9 horizontally since you already have two different
10 perimeters. The first three floors have got the
11 property line perimeter, and the top floor over there
12 you have a smaller perimeter too, so you're already
13 working with multiple dimensions or views or whatever
14 you want to call it.

15 So, again, I think architecturally, you
16 know, a longer curve around the corner in contrast to
17 the shorter curb on the upper floors, you know, might
18 make it look better, break it up a little more so it
19 doesn't look like, you know, again, MCI Thorndike.

20 Also, the traffic consultant -- I think
21 that their data was collected based on rush hour
22 traffic on Harvard Street, which, if anybody knows --
23 and I'm sure the neighbors can probably, you know,
24 elaborate along with me -- it often slows down. So I

1 think that their data based on the 85 percentile may
2 be less than what it usually is most of the day.

3 And, of course, higher average speeds for
4 the 85 percentile would require longer sight lines,
5 which gets back to the possibility of improving the
6 design of the building with the column corner design
7 and a smooth corner.

8 Also, rounding the -- basically, taking the
9 corner off the building, at least on the first floor,
10 which would be basically where you would have your
11 sidewalk and pedestrians and the whole streetscape
12 idea -- if you look at Harvard Street, which they
13 have referred to many times as the existing
14 buildings -- down at Green Street the Otto Pizza --
15 you know, basically the corner of that building is,
16 like, sliced off. I mean, it wasn't sliced off. It
17 was just designed that way. And Otto Pizza has a
18 very nice entrance there. And right across the
19 street, Peet's Coffee Shop, they also have a
20 slice-off design, so to speak, where it is not
21 basically the angle of the design.

22 So, again, I think, you know, consistency,
23 precedent, whatever you want to call it -- you know,
24 I think this might be appropriate, as I said, as well

1 as, you know, a better architectural design and
2 increasing the safety.

3 Also, on the question of traffic speeds, I
4 don't know if any of the consultants or the peer
5 review or their consultants have done any traffic
6 data on Thorndike Street itself. Thorndike Street --
7 the parking on the side of the building with the
8 proposed building here is no parking, so basically
9 traffic moves much faster going towards Harvard
10 Street than away from Harvard Street. Because it is
11 a smaller residential street, cars going up Harvard
12 Street, away from Harvard, often have to kind of
13 zigzag in among parked cars, slow down, get out of
14 the way for the traffic that is coming through, which
15 does move very quickly.

16 Thorndike Street is practically a test
17 route for Herb Chambers, Honda, Porsche, Mini,
18 whatever else they've got down there that moves. And
19 anyone that goes down to Herb Chambers, one of the
20 things that they probably want to look at is how fast
21 can the car go, particularly when you've got a BMW or
22 a Porsche and you're paying all that money. So we've
23 got cars blowing up Thorndike Street up the hill
24 between Gibbs and Clarence Street, you know, where

1 our family home is.

2 And you wouldn't believe the volume of
3 traffic, particularly in rush hour coming through
4 where the garage activity for this building may also
5 be increased. So now you've got a conflict there on
6 speed, volume, everything else.

7 So, again, it might be -- if they don't
8 already have the data, to do some speed data as well
9 as volume data on that, because they have referred to
10 the number of trip generation and all that.

11 But that's only for the building. Let's
12 talk about the volume and the trip generation on the
13 street itself with all the assorted activity,
14 including the test route for Herb Chambers -- not to
15 give them free advertising, because they get enough
16 free advertising with their car laying around all the
17 time in the neighborhood.

18 So, again, the question of the data -- I
19 think we need more data on that because of the safety
20 questions.

21 Also, an incidental question on sight line.
22 They mentioned the transformer. These transformers
23 are usually about 6 feet high. And when somebody is
24 sitting in their car pulling out of the garage, they

1 are below -- probably less than 6 feet. Most cars,
2 the roof is like 6 feet. And when you're sitting in
3 the car, you're going to be less than 6 feet. So,
4 again, this transformer down there might obstruct the
5 view. And in this situation here, again, with the
6 volume and speed and traffic on Thorndike Street, any
7 obstruction of the view at all down there could
8 seriously increase the danger on the street.

9 So that would be my two main comments.
10 Again, if they could seriously look at the corner
11 design, which architecturally I think would be better
12 aesthetically; safety; sight lines; the real data on
13 Harvard Street, not just rush hour, which, again, I
14 don't think is representative for most of the day; as
15 well as data on Thorndike Street, which, again,
16 looking at it quickly, nice, quiet, residential
17 street. It's a lot more than that with a lot more
18 activity -- complicated activity that might be
19 obvious there. So that would be my comments for the
20 evening, and thank you.

21 MS. POVERMAN: Thank you very much.

22 MR. LEPSON: Good evening. My name is
23 Robert Lepson, Thorndike Street resident, town
24 meeting member, Precinct 9, also a member of the

1 Diversity Inclusion Community Relations Commission as
2 well as the Fair Housing Committee.

3 I've been asked by some residents and
4 former residents of 45 Marion Street to read a letter
5 and some -- several bullet points speaking about sort
6 of the management that they've experienced at
7 45 Marion Street.

8 MS. POVERMAN: Unless this is directly
9 related to design or traffic, those comments are not
10 appropriate at this time. Any comments, I have to
11 say, against or about the management really is not
12 relevant to this particular hearing. If you want to
13 submit that letter in writing, that would be fine,
14 but I caution you as you continue to limit your
15 remarks to exactly what is relevant here.

16 MR. LEPSON: I understand what you're
17 saying, and I would be happy to submit what we have
18 in writing here. But I respectfully disagree, that
19 this is completely germane to the conversation. Not
20 specifically to the traffic or the design of the
21 building, but the overall scope of the project and
22 the potential on the neighborhood.

23 MS. POVERMAN: Okay. What I am not going
24 to allow is anything negative being said about the

1 developer's management style. Regardless -- or, you
2 know, I just don't think it's relevant here. I may
3 be anticipating what you're saying incorrectly, but
4 the actual management style is not relevant here.

5 MR. LEPSON: It's management style as well
6 as specific circumstances, but I understand what
7 you're saying and I'm happy to submit this in writing
8 to the board as well as to the board of selectmen and
9 others who would be involved in all of this. Thank
10 you.

11 MS. POVERMAN: Thank you, Mr. Lepson.

12 Anybody else?

13 (No audible response.)

14 MS. POVERMAN: All right. Ms. Palermo, is
15 there something you would like to ask at this point?
16 We can have a general discussion among ourselves and
17 then decide what comes next.

18 MS. PALERMO: I don't have any questions.

19 MS. POVERMAN: Mr. Hussey?

20 MR. HUSSEY: No questions.

21 I guess we should discuss what we're going
22 to suggest about the north elevation.

23 MS. POVERMAN: The north elevation or
24 the --

1 MR. HUSSEY: Well, the elevation next to
2 the house.

3 MS. POVERMAN: Yeah, I think that's --
4 that's hard to tell. Well, regardless, the one
5 facing the house.

6 I mean, I wish we could go with the
7 columns. I thought it was a great idea too. But
8 apparently we are not given sufficient agreement by
9 the developer, who, if they have something to say,
10 can go up to the podium.

11 MR. ENGLER: Sorry.

12 MS. POVERMAN: My biggest issues right now
13 are the design of the side facing the neighbor on
14 Thorndike Street and the door -- the door to the
15 garage. So I think the more immediate matter is the
16 side facing Thorndike.

17 MS. PALERMO: I think I can also add
18 something about the garage door. And the developer
19 is making a valid point that if we require anything
20 other than a door that allows the air to move in and
21 out of the garage, it's going to require substantial
22 redesign of the garage and -- for mechanical
23 equipment.

24 MS. POVERMAN: That being said --

1 MS. PALERMO: And so for aesthetic reasons,
2 there could be adjustments to what they have designed
3 that would look more attractive, but I personally
4 think it's a little extreme at this point to ask them
5 to put in solid doors and windows and mechanical
6 systems that would service the garage now. That's my
7 opinion.

8 MR. HUSSEY: Absolutely, I agree. The
9 mechanical system would be really, really noisy.

10 MS. POVERMAN: Yeah. I don't know enough
11 to know if that's necessary.

12 MR. HUSSEY: They're really --

13 MS. POVERMAN: Yeah. No, no, whether or
14 not they'd be necessary. I know there's another
15 project going where they also have -- well, we won't
16 get there because --

17 MR. HUSSEY: The code says if you don't
18 have a certain amount of openings in the walls of the
19 garage, you're required to mechanically ventilate.
20 That's --

21 MS. PALERMO: Otherwise it's unhealthy for
22 people to park their cars there.

23 MS. POVERMAN: Well, I can understand that.
24 But is there somebody who can directly address what

1 the health aspects are?

2 MS. PALERMO: No. I think in this case you
3 need to accept the professional opinion of the
4 architect real estate lawyers that you are going into
5 a territory where you're asking for a substantial
6 revision of the design of the garage to address the
7 ventilation because you don't like the door.

8 MS. POVERMAN: Okay. Thank you, Lark.

9 Mr. Engler?

10 MR. ENGLER: For the next hearing, we'll
11 bring five, six different designs that won't
12 necessitate the significant mechanical changes but
13 maybe will give us more guidance through you as to,
14 yes, we like this style a lot more than that.

15 MS. POVERMAN: That would be fantastic. I
16 would really appreciate that.

17 So on to the side, what are your comments,
18 Chris, about --

19 MS. PALERMO: Chris, if it's helpful, this
20 is what they had submitted originally, which is
21 somewhat better than what --

22 MR. HUSSEY: My tendency would be to go
23 with brick on the returns and use this material where
24 the stair is.

1 MS. POVERMAN: So Peter Bartash, you said
2 something earlier about the brick not being possible
3 all the way up on the back. What was it? You made a
4 comment about that.

5 MR. BARTASH: I made a comment about -- my
6 comment related to the brick and its presence on the
7 facade facing 78 Thorndike Street as -- it is not a
8 question of technical feasibility. It was more a
9 design and aesthetic consideration we had made
10 feeling that having brick on that location would be
11 more monolithic. It's something we had a little bit
12 more control of, whether it's by color or by texture.
13 And thereby using lap siding or the shingle style
14 siding would create more texture on that facade.

15 MS. PALERMO: What about Chris's suggestion
16 that you reverse what you did with this design?

17 That's what I think your suggestion is,
18 Chris, that they put brick where they had the lap
19 siding and the lap siding where you had the brick on
20 your previous design. Would that be something -- in
21 my view, the benefit would be, as I said previously,
22 you would get the advantage of making the height less
23 significant visually if you had more brick there.
24 Would that --

1 MR. BARTASH: I think the functional
2 response to the suggestion that having the material
3 on the first three floors being different than the
4 upper floor, changing the perception of height of
5 that facade specifically -- one thing to keep in mind
6 is that an elevation -- you're looking at the third
7 and the fourth floor kind of almost in a flat
8 perspective, whereas in reality that floor is stepped
9 back, so you won't see them in the same plane. So I
10 don't know that the material or color similarity
11 drives the perception of height on that facade.

12 But with regard to the application of brick
13 on that facade, because of the potential impacts on
14 some other aspects of the project, by putting brick
15 in that location -- it's something that I'd be happy
16 to review with the development team and we'll take
17 into consideration as we look at the project over the
18 next couple weeks.

19 MS. PALERMO: That would be helpful. I
20 realize it's a more expensive material than
21 cementitious siding. And I don't know that it would
22 have any impact on the structural -- I'm looking at
23 Chris with this question mark. Yeah, I don't think
24 it would have any impact on that, so it seems to me

1 it's really a -- more a cost issue.

2 MR. HUSSEY: No. It's strictly an
3 aesthetic issue.

4 MS. PALERMO: Well, it is a little more
5 expensive. I'm not saying that that's not why we
6 shouldn't ask you to do it, but I think that might
7 improve it.

8 MR. ENGLER: We'll come back with a couple
9 of --

10 MS. POVERMAN: That would be great.

11 As people know, we are nearing the end of
12 the evening as well as the end of this hearing
13 process. So what I would like to happen for the
14 next -- September 18th hearing is to do just exactly
15 as Mr. Engler has suggested for the last two issues.
16 One is to see what sort of mix up or change you can
17 make to the side of the building facing the Thorndike
18 neighbor, and see what can be done about the doors.
19 Right now I see those as the outstanding issues.

20 MS. SELKOE: Well, also we were going to,
21 if possible, hear from the lift representative.

22 MS. POVERMAN: Oh, yes, thank you.

23 MS. SELKOE: I was just going to say, so
24 those three issues could be discussed next time and

1 hopefully resolved. And then also, I would like to
2 have a draft of possible conditions for the board to
3 consider.

4 Just as a reminder, if you close the
5 hearing, you still have 40 days in which to make a
6 decision and submit a decision after the close of the
7 hearing. So if we meet on September 18th, if we can
8 discuss conditions -- I don't know if we can do it in
9 one evening. Hopefully we could. And if these other
10 issues are resolved, the hearing could be closed.
11 And then there would be other meetings that you would
12 have in public to discuss what conditions you want
13 and what the decision should say.

14 MS. POVERMAN: My understanding of the
15 difference is that -- and I accept totally what
16 you're saying -- no one from the public would be able
17 to make comments after the hearing is closed; is that
18 correct?

19 MS. SELKOE: That's correct.

20 MR. HUSSEY: I'd like to have -- aside from
21 the developer having a list of the conditions --
22 (inaudible.)

23 (Clarification requested by the court
24 reporter.)

1 MR. HUSSEY: I'm talking about having both
2 the developer and the planning department draw up a
3 list of conditions.

4 MR. ENGLER: As is customary, what we'll do
5 prior to the next hearing is we'll update the waiver
6 list as we understand it to be based on the design,
7 we'll submit a plan set of record to the town, which
8 will be engineering, architect, the plan before you,
9 all the latest and greatest so the town has one plan
10 set, appropriately dated, and we'll submit that all
11 to the benefit of the planning department so they
12 have -- and then they'll obviously vet the waivers
13 and incorporate the decision.

14 And then to Polly's point, technically,
15 from the day of the close of the decision, you have
16 another 40 days to vote and to have that decision
17 done. We would hope it doesn't take that long, but
18 legally that's within your right. And I think that's
19 the only points I wanted to make.

20 MS. POVERMAN: As Jesse Geller has asked in
21 the past, please do not throw into your waivers
22 anything else that might be relevant to 40B.

23 MR. ENGLER: And the other thing this -- I
24 know what I was coming up to say now -- not only can

1 the public not speak, but we're not allowed to submit
2 any new information once the public hearing is
3 completed. So if you said, well, you know, do this,
4 that, or the other, we can't do that either. So it's
5 not only the public that's not allowed to
6 participate. We're not allowed to participate with
7 new information.

8 MS. POVERMAN: Thank you.

9 MS. PALERMO: I just want to add,
10 Mr. Engler, for your list of things that I would
11 expect at the next hearing, is something that Chris
12 raised earlier, and that is with your revised
13 drawings -- it's on sheet C1C, the zoning analysis --
14 as we've discuss previously, the zoning analysis
15 doesn't fit what you're doing now, and I'd like to
16 see what the current FAR will be with the new
17 building, etc., etc.

18 MS. SELKOE: And that would be a part of
19 the waiver list too, but it's nice that we have a
20 separate zoning analysis sheet.

21 MS. PALERMO: And I would ask to please
22 submit it a week before the hearing so that I have a
23 chance to review it with my handy dandy zoning code.

24 MR. ENGLER: Will do.

1 MS. PALERMO: So I get the basics.

2 MS. SELKOE: And that's not that far away.

3 The last thing is, I don't know whether you
4 anticipated this in the plan set that you submit, we
5 do need real elevations to show the height of the
6 building. What you've shown tonight were renderings,
7 not elevations.

8 MS. POVERMAN: That would be a good thing
9 to have on the 18th as well.

10 MR. HUSSEY: When is the next meeting?

11 MS. POVERMAN: September 18th.

12 MS. PALERMO: Yeah. I would have ask that
13 we have it a week before, if possible. I would like
14 to see as much as possible a week before, which would
15 be September 11th.

16 MS. POVERMAN: At least a few days. Not
17 the day of.

18 MR. ENGLER: Yeah.

19 MS. PALERMO: You can take more time on
20 your various designs, but facade --

21 MR. ENGLER: Those won't be --

22 MS. PALERMO: It's the plans that I want,
23 yeah. That's what I'm saying. I'd like to see --
24 because we've had a lot of discussion about some

1 minor changes and more significant changes.

2 MR. ENGLER: We'll do it.

3 MS. POVERMAN: Anything else outstanding,
4 Polly?

5 MS. SELKOE: I think that's it. And you
6 need to announce that the hearing will be continued
7 to --

8 MS. POVERMAN: Yes. So we are now
9 adjourning this hearing until September 18th at 7:00.
10 Thank you very much.

11 (Proceedings adjourned at 9:13 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 Dated this 12th day of September, 2017.

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20 Kristen Krakofsky, Notary Public

21 My commission expires November 3, 2017.

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