

November 27, 2018

Zoning Board of Appeals
Town of Brookline
333 Washington Street
Brookline, MA 02445

Dear Members of the Zoning Board of Appeals:

RE: Meetings between Town Meeting Members, Pcts. 2 and 8, and Developer, Sam Slater
Chapter 40B Project: Babcock Place, 134- 138 Babcock Street

TMM Meetings with Developer. Town Meeting Members from Pcts. 2 and 8, at 18 -20 members strong, have twice met with developer Samuel Slater during the pendency of this Ch. 40B application, once in early June, 2017 to consider the project's original site plans, and again, in late October, 2017 to discuss the revised plans submitted in Sept. 2017.¹ The purpose of the meetings was two-fold: (i) to express, among other things, our collective and overall serious concern about the excessive size, height, and density of the project, along with more specific concerns about the visual attributes of the building (setbacks, architectural design, and tree protection) and, for some of us, a parking ratio that fails to support the outsized number of units in the building, and (ii) to have an open discussion with Sam about our concerns, hear his thinking about the project, and get his responses. It is fair to say that in both instances, the meeting goals were met.

TMMs' Concerns re: Project's Excessive Size. Board's Authority to Regulate. To be clear, while TMMs and abutters share concerns regarding many aspects of the project, including those covered in this letter, given TMMs' representation of broader neighborhood constituencies, the concerns of TMMs are distinct from abutters'. Our concerns, for example, reflect our respective constituents' interests in seeing a project that fits within the scale, design, and gracious character of the street, the small, tree-lined park directly across Babcock, and the housing and traffic patterns along Babcock and in the Coolidge Corner area generally. These concerns, arising from the project's excesses, directly translate into zoning matters that the Board may regulate, even under Chapter 40B. Building height, setbacks, and FAR, for example, are project attributes that Chapter 40B authorizes permitting authorities to regulate, along with regulation "to protect the natural environment, to promote better site and building design in relation to the surroundings and municipal and regional planning, [and] to preserve Open Spaces." Also, because the Town is simultaneously considering this project and various traffic calming proposals for Babcock Street, any reduction of the project imposed by the Board in issuing a comprehensive permit also fits squarely within the Board's authority to regulate on the basis of "safety... of the residents of the municipality."² (For citations to Board's authority, see, e.g., MGL 40B, §21; *Amesbury ZBA v. Housing Appeals Committee*, 457 Mass. 748, 755-56 (2010); and 760 CMR 56.02, Definition of "Local Concern").

¹ At the October, 2017 meeting, two TMMs from Pct. 9 also attended.

² TMMs have expressed the importance of the Board's consideration of this project within the context of current traffic calming and parking proposals for Babcock Street.

November 15-17 Plan Revisions. While both meetings reflected a lively give-and-take that included in each instance clear indications from Sam that the project would be reduced in size, including reduced as to the number of units, the latest plan revisions, unfortunately, do not bear this out. Hence, while TMMs reacted favorably to the wholesale architectural redesign of the building's exterior as reflected in the Sept. plan revisions, TMMs' chief concerns following submission of the Nov. plan revisions continue to be:

1. 5-Story Building Height is Too High. Notwithstanding sentiment evident among some Board members at the October 2nd hearing that the current 5-story height of the main section of the building would not be an issue, TMMs from Pcts. 2 and 8, uniformly expressed the opposite view. We pointedly have asked the developer to remove it from the project to help with the following:

a. Visually, the 5th floor causes the building to be overly disproportional and imposing as compared with neighboring structures, particularly with respect to the developer's own stately courtyard building very closely proximate to the left. Removal of the 5th floor would create a much more pleasing visual building height-scape along this part of Babcock Street that would better align with the scale of other neighborhood buildings. It would provide an attractive viewshed from Freeman Street toward the property across the park and allow for a reduction in shadows cast on homes, sidewalks and the park. In short, removing the 5th floor would go a long way toward preserving the visual character of the neighborhood.

b. Removal of the 5th floor's square footage would help minimize the project's density because the FAR would be reduced from 2.2 to 1.8, with 1.8 being a FAR value in line with that of the adjacent courtyard building and generally comparing more appropriately with other FAR values in the neighborhood, which under current zoning are 1.5 for multi-family properties and 1.0 for two-family structures.

c. While some TMMs who support fewer cars in the area did not have an issue with the project's parking plans, all TMMs were supportive of the removal of the 5th floor's 7 units to effect a project with 43 units instead of 50, because the result would be a likely reduction of cars requiring project parking spaces and less traffic on Babcock and surrounding streets (dovetailing with the Town's current traffic calming considerations). Insufficient parking at the project is exacerbated by the property's current accommodation of parking for the adjacent courtyard building. Those spaces will be displaced once construction of the project is underway, resulting in more even cars requiring parking in our neighborhood, already clogged with parked cars due to our proximity of Coolidge Corner.

In short, the 5th floor's removal would solve many, if not most of our concerns regarding the project.

2. Setbacks, Tree Preservation, Environmental Health. The November revised plans are not clear as to whether the front setback has been adjusted to coincide with that of the adjacent courtyard building. This is an issue repeatedly raised by the Town's peer reviewer and members

of the Board. To satisfy concerns regarding the project's placement within the attractive streetscape in this area, TMMs wholeheartedly expressed support of a front setback consistent with the adjacent courtyard building. To the extent that the project's front setback, in fact, has been adjusted in this regard (so that even protruding bay windows would be within it), we TMMs would be pleased.

The rear setback, however, remains an important matter to be addressed. We have raised this as an issue and Sam has told us that accommodating a greater rear setback than that proposed poses a challenge, particularly with respect to an existing 160-year old tree, the preservation of which TMMs consider critical in promoting the natural (and historic) environment of the property. TMMs expressed an interest in tree preservation generally and in seeing the project's inclusion of attributes that would promote the environmental and climate health of the neighborhood and Brookline generally. Notwithstanding the challenges, we'd like the developer to use best efforts to produce a solution that would accommodate greater tree preservation, thereby promoting the natural environment of the area.

In April, 2015, the Boston Globe cited Babcock Street as one of the most desirable streets in Greater Boston. This might explain the overwhelming number of letters from neighbors, TMMs from across Brookline, and other Brookline residents who have weighed in on the project, and the clear support of over 200 people (including 70% of Pcts. 2 and 8 TMMs) of a petition featuring plans for a much reduced project.³

Notwithstanding that the November revised plans fall short of addressing our concerns, the Board nonetheless has the opportunity and authority to approve a Ch. 40B project that would result in a further reduced project along the lines expressed in this letter. Our belief, and we hope yours too, is that the various participating stakeholders in the project -- the developer, abutters, the neighborhood, and the Town --- could all agree to such a project and move forward with the development.

Sincerely,
Susie Roberts

Susan M. Roberts, TMM Pct. 2
69 Green Street
Brookline

cc: Maria Morelli, Department of Planning and Community Development
Samuel Slater
TMMs in Precinct 2 and 8

³ To save the rear and right- side setbacks, the petition's plan contemplates the project's consisting of a new building with approximately 36 units, plus retention of the rear multiple family structure as a separate building that could be renovated with additional units, possibly yielding a total project that includes approximately 40+ units.