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Volume VIII
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Brookline Zoning Board of Appeals Hearing
420 Harvard Street Comprehensive Permit Application
420 Harvard Associates, LLC
November 2, 2016, 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 Jesse Geller, Chairman

4 Lark Palermo

5 Kate Poverman

6 Johanna Schneider

7

8 Town Staff:

9 Alison Steinfeld, Planning Director

10 Maria Morelli, Senior Planner

11

12 Urban Design Peer Reviewer:

13 Cliff J. Boehmer, AIA, President & Principal,

14 Davis Square Architects

15

16 Applicant:

17 Victor Sheen, 420 Harvard Associates, LLC

18 Dartagnan Brown, Principal, EMBARC Studio, LLC

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1 Members of the Public:

2 Mike Jacobs, 41 Coolidge Street

3 Hagen Mauch, 44 Fuller Street

4 Colm McMahon, 45 Coolidge Street

5 Karen, Babcock Street

6 George White, 143 Winchester Street, town meeting

7 member, Precinct 9

8 Mark Rosen, Thorndike Street

9 Judith Vanderkay, 16 Columbia Street, town meeting

10 member, Precinct 9

11 Kailey Bennett, 12 Fuller Street

12 Linda Marinello, 18 Fuller Street

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1 PROCEEDINGS:

2 7:03 p.m.

3 MR. GELLER: Good evening, everyone. This
4 is a continued hearing on 420 Harvard Street. For
5 the record, my name is Jesse Geller. To my
6 immediate left is Johanna Schneider, to
7 Ms. Schneider's left is Kate Poverman, and to my
8 right is Lark Palermo.

9 Tonight's hearing will be dedicated to the
10 following items: We will first have a brief staff
11 update. Then we'll hear a presentation by the
12 applicant on some updates and revised plans. Next
13 we'll call on our design peer reviewer to give his
14 final report. We will then ask members of the
15 public if they want to offer any further testimony.

16 Again, I would let people know that they
17 should focus on the substance of this hearing,
18 matters that are raised in this hearing. We
19 obviously want to hear your testimony, but again, if
20 your testimony is the same as somebody who has
21 preceded you, point at them and tell us you agree
22 with them. If you have new information, by all
23 means, give it to us.

24 Lastly, the board will start its

1 discussion -- or continue its discussion about the
2 project. As we work toward the back nine here, it's
3 time to start discussing our decision, to discuss
4 what we think of changes that have been made, of
5 testimony, and essentially to have a full discussion
6 about the project.

7 Our next hearing is November 22nd. It will
8 be at 7:00 p.m. Same time.

9 Maria.

10 MS. MORELLI: Chairman Geller, I just want
11 to give you a brief update from staff. Our most
12 recent staff meeting with the project team was last
13 week, October 26th, and we followed up on some of
14 the design issues related to garage, parking, and
15 driveway, mainly that apron, what the peer reviewer
16 for traffic had recommended, that the apron where
17 the driveway is be raised to give drivers a sense
18 that they're still on the sidewalk.

19 And the project team is also offering
20 another point of view where if it were depressed,
21 then pedestrians walking on the sidewalk would sense
22 that there is a change. This is something that I
23 know the project team is thinking about, so they'll
24 present what they -- what they're proposing to you.

1 We will also have the advice of the director of
2 engineering and transportation.

3 As you might know, Section 6.04.4 also
4 deals with pedestrian safety in conjunction with
5 driver visibility at driveways. And one thing I
6 wanted to point out about that, the traffic peer
7 reviewer spent some time talking about sight
8 distance for drivers that are approaching the
9 driveway and that -- but also, I wanted to point out
10 that we also, with our regulation, complement that
11 with driver visibility of pedestrians under 6.4.4.

12 The project team is already talking to the
13 building commissioner and the director of
14 engineering and transportation about their analysis
15 related to Subsection F of that bylaw. Just real
16 briefly, if you're a driver, you'd measure from the
17 midpoint of the driveway 5 feet away. From either
18 side of that driveway, you should be able to have a
19 clear view of a pedestrian if you're 6 feet behind
20 the property line. They did have a 5-foot strip
21 between the property line and the start of their
22 driveway, and the building department feels that
23 that is okay. We just want to loop back to the
24 director of engineering. He has been out this week,

1 but we will make sure that he has your comments --
2 you have comments from him in writing for next week.
3 But we feel comfortable with how that is designed.

4 Regarding the abutter's fence, there is a
5 7-foot fence. The project team is already talking
6 to that abutter about what they can provide to
7 improve that situation.

8 There is also one more issue regarding the
9 turning radius and median wall in the driveway, and
10 I think you'll see in the plans there's some
11 resolution about that.

12 Overall, I do want to commend both the
13 developer and the neighbors for working together
14 beyond the ZBA's charge to resolve some of the
15 issues that the neighbors have. And the project
16 team has been talking to abutters on both Coolidge
17 and Fuller Street, and I do want to say it's an
18 extraordinary effort on the part of both parties and
19 it is an example of how the ZBA process can work
20 effectively. So that's all I wanted to say.

21 MR. GELLER: Great. Thank you for that
22 encouraging update.

23 MR. BROWN: Good evening, Mr. Chairman and
24 members of the board. Thank you for having us here.

1 We'll walk through kind of the --

2 MR. GELLER: Who are you?

3 MR. BROWN: Excuse me. Dartagnan Brown,
4 EMBARC Studio architect.

5 So we'll walk through kind of the
6 high-level updates. In the last several weeks,
7 we've had multiple meetings with the neighbors and
8 planning staff to arrive at where we are tonight.
9 We feel -- we even had a meeting at 1:30 this
10 afternoon to flush through more details with the
11 neighbor, so we do feel quite confident that we are
12 getting to a solution that could work.

13 Starting off, what I'll do is just walk you
14 through kind of the high level, to step back, again,
15 of where the building used to be. Originally we
16 were a 6-story, 70-foot building, dropped down to
17 64. Now we're at 58 feet. I'll show you this
18 evening that what we are proposing is taking the
19 fifth story and essentially cutting it in half. In
20 terms of working with the neighbors, understanding
21 the value of sunlight into the adjacent properties.
22 So that's something we'll show you. And also
23 dealing a lot with the entry off of Fuller Street.
24 That's something we've spent quite a bit of time on.

1 So again, the high level dropping in the
2 massing, scaling in all directions, kind of an
3 updated rendering to show the emphasis of the
4 retail, which we showed last time. But, again, to
5 recap, the retail, residential entry, garage entry,
6 the stepped-back building, and here you can notice
7 we started to show half of the fifth floor.

8 In the other direction, looking down to the
9 intersection at Fuller, again, similar instance
10 where we pulled the building down a full story plus
11 a half story on the rear, and the rendering as we
12 have today.

13 And then skipping through this quickly, I
14 think the main focus is around the ground floor. As
15 Maria had mentioned, part of the peer review
16 feedback was how this curb cut is handled. So we've
17 come to a resolution with -- what we feel is the
18 best practice for dealing with that is actually to
19 keep a flush curb along the entire way. So taking
20 the peer reviewer's comments, understanding the
21 concerns of the neighbors about having a flush
22 walkway the whole way, we have agreed to do that.
23 We've adjusted the curbs to allow for proper turning
24 out, working with the traffic consultant.

1 Things to note, which I think we mentioned
2 last time, is we've taken the ADA van space out from
3 the basement, so we now have that here off from the
4 loading zone. So this is a supplemental spot. It's
5 not a parking spot. It's just for van drop-offs, so
6 the passenger would come up on the right side,
7 overlapping with the 12 by 30 loading zone. And
8 that individual could enter through the building and
9 get into the elevator and go up the building.

10 Things to note here that we're calling out
11 is for a heated driveway both on the ingress and
12 egress, so that is on both sides. Because it is in
13 open air, the concern was making sure that the
14 surface is heated so there's no buildup of snow or
15 ice, that in the wintertime somebody may feel
16 inclined to step on the accelerator and make it up
17 the hill. So we have noted that. We'll show you a
18 more detailed section of that.

19 And then what we're working on is just kind
20 of fine tweaking with the neighbors -- the direct
21 neighbors at 44 Fuller -- and how to deal with the
22 egress stair coming out of the basement. We need
23 that for a second means of egress out. What we're
24 trying to do here is preserve a lot of the greenery

1 that's on the back of their home, and talking
2 through that today, we think we'll be able to come
3 up with a solution where we actually slide this down
4 allowing to maintain the green buffer in the back
5 area.

6 Going down to the basement level, what
7 you'll notice here is coming down, part of the
8 concern was just the view of cars that may be
9 turning the corner here. So working through the
10 structure, what we've been able to do is open the
11 last 15 feet of wall so that there is a -- we're
12 calling it a "peek through" -- a sight line through
13 for a car coming down to see if there's any vehicles
14 down here.

15 So because we're at kind of the final end
16 of the ramp, there's a very minimal height between
17 the ramp here and the flat surface of the garage, so
18 we're calling out for a curb here with an opening,
19 which I'll show in the section. But, again, that's
20 allowing the car coming down to see through here.
21 And we're also calling out for a corner here that
22 you see typically in a garage to let you know who's
23 coming around the corner.

24 Working with the traffic consultant -- and

1 I think we had this last time -- we moved this
2 parking spot. We've adjusted the structure so that
3 there is a full wide turning radius to make this
4 corner. We're showing for the 40 bike storage
5 spaces in this here, and mechanical and utilities.

6 Other details we're working out with the
7 neighbors now are just how we go mostly around
8 construction management plans, understanding the
9 sensitivity around landscaping in this area. And
10 those are issues that we're committed to resolving
11 with the neighbors, and going to the landscaping
12 plan that's particularly in this area here, on how
13 they treat that.

14 And so we've offered to work with our
15 landscape architect and the abutters to come up with
16 appropriate screening. It is a potential of
17 actually putting the fence on our side to allow --
18 there is a shared 3-foot easement on either side
19 right now of the property line. Our foundation wall
20 to the garage below is off the corner to the house,
21 so working with the abutters, if we do a planting
22 bed on the property line, there will be about a
23 6-foot-clear space for a substantial rooting of
24 trees so that we can provide this neighbor here

1 adequate screening from our building.

2 Moving up in the plans, we've gone
3 through -- and this will be in our submission --
4 kind of reworked the internal layouts, adjusting
5 from -- before we had a series of 2 one-bedrooms.
6 Now we have a series of 3 and studio. We've gone
7 through and labeled the accessible units, so these
8 are fully compliant for the turning radius that's
9 needed in the accessible units. And we've gone
10 through and worked out all the layouts through the
11 building.

12 Moving up through here, what you'll notice
13 on this floor, to minimize any obstructions in the
14 roof of the fourth and fifth floor is we -- for the
15 fifth floor -- which I'll show you in a second,
16 that's cut in half -- is we're actually going to
17 have two private stair entries off of the fourth
18 floor. So the elevator stops at four, somebody
19 would get out, walk down the hall, enter their unit
20 on the fourth floor and then walk up to the
21 fifth-floor unit. So that way, the elevator just
22 has a minimal overrun here.

23 What we've also committed to is putting all
24 of the mechanical units down on the fourth floor so

1 they're not on the top of the fifth-floor portion,
2 again to mitigate building height.

3 And we've also removed any outdoor decks
4 that we have on this rear for privacy back down to
5 these units, so the only two decks we have now are
6 on the Harvard Street side. So again, these three
7 units are by private entries down on the floor
8 below.

9 Other items we've committed to working
10 through is just engaging an acoustical engineer.
11 Even though this hasn't reached kind of the CD
12 level, just making sure the type of dunnage we've
13 designed for the mechanical equipment -- the
14 mechanical equipment itself will meet or exceed the
15 kind of building code standards for this equipment.
16 This plan is just very clearly just showing that
17 we're not proposing any equipment on top of the
18 fifth floor.

19 So for 49 Coolidge, the existing building,
20 as you know, on the other property, what we're
21 proposing here is preserving a large majority of the
22 outside and inside of the building. Minor tweaks
23 with the work-through in the plan is just being
24 cognizant of the first floor here of kind of the

1 view into our abutter at 45 Coolidge, so we're
2 agreeing to look at how that window configuration
3 is. Maybe it's a higher window so we don't have
4 direct view into their home.

5 But basically, what we are proposing is you
6 come in off the street, you'd enter into kind of a
7 leasing office, vestibule, entry reception lounge.
8 You'd go down into your conference room, some
9 offices and cubicles. And then in the back we're
10 keeping the existing utility room. We've maintained
11 that for the building.

12 On the rear of the building, we're
13 proposing a duplex, two-bedroom unit. You'd come
14 through the front door and enter. There would be a
15 stair up, two bedrooms. And then on the main level,
16 the kitchen and the dining.

17 And then on the front of the home, you'd
18 come up, again, keeping the existing stairs. You'd
19 walk up, a private door, and then go to a
20 three-bedroom duplex unit.

21 So again, a lot of this is keeping with the
22 historic nature of the building here, so we're not
23 proposing any major edits to the outside of the
24 building. We will bring it up to a condo-level

1 project, but there are no additions or alterations
2 to the building.

3 This is just an updated section to show
4 more diagrams on the building, the reduction of the
5 top floor to pull it halfway back, being cognizant
6 of the neighbors on 44 Fuller and 45 Coolidge.

7 So walking through the building here, you
8 can see the elevation along Fuller. We've cut this
9 section of the fifth floor off, and this is where
10 they remain per the previous design.

11 Again, little items that we're working
12 through with the abutters. It's on the facade that
13 faces 44 Fuller, just looking at the final window
14 placement and seeing what we can do to maybe
15 minimize some of these windows so facing the bedroom
16 they don't have direct view to our -- the home next
17 door.

18 So this is a diagram in a large section
19 through the garage. And walking through this, part
20 of taking the ADA van spot out of the basement is
21 we've raised the slab about 14 inches. What that's
22 allowed us to do is instead of having the original
23 10-foot transition at 8 percent, we're now able to
24 do that 8 percent for 20 feet. So that allows a car

1 to be fully on a single slope rather than a double
2 slope so that their sight line out has been improved
3 in terms of departure angle. As mentioned, we'll
4 have the visual sign for the car warning signal.

5 And coming down the ramp into the garage,
6 you'll see what we're calling this "speed-through"
7 is this section of the foundation wall that we've
8 worked through to keep open so that cars coming down
9 have a view into the garage. Noted here in this
10 section also is the heated ramps in both directions
11 for residents.

12 Again, walking through the adjustments
13 here, as you can see, cutting back the fifth floor,
14 updated renderings, and then the view down Fuller as
15 well, cutting back for the fifth floor.

16 In terms of materiality -- or materials for
17 the buildings -- again, the goal -- and we haven't
18 finalized materials other than that we know it's not
19 going to be a traditional clapboard siding. What
20 we're proposing is a large-format metal panel for
21 the bays and then looking at a stone veneer-like
22 product, or if we can do a stone veneer for the
23 facade -- the main building of the facade.

24 What we understand from the neighbors, and

1 what we'd like to -- you know, hope we do as well,
2 is come up with a scale that's more in keeping with
3 the Brookline architecture, so we're not proposing
4 massive slabs and stone. We are looking already at
5 kind of the size and articulation of these panels
6 that are more in keeping with the residential
7 building.

8 And then kind of on the ground floor
9 retail, the kind of detail of the awnings, blade
10 signage, lighting that we would like to see along
11 the retail section of the building.

12 Other things we've talked about, even as of
13 today, is the actual color material is something
14 we'd like -- we're going to continue to study
15 further. The images here may provoke kind of a dark
16 bay. We're not saying that this is it. What we are
17 trying to do, though, is set up a hierarchy between
18 the ground floor retail, the bays, and the building
19 volume. So we'd like to have that differentiated.
20 So the idea is that the retail reads as a darker
21 heavier presence. We may go to a mid, light gray on
22 the bays and even lighter tone on the main building
23 volume.

24 Updated metrics just to show how we pulled

1 the building back, how we're committing to all of
2 the mechanical equipment, taking off the fifth,
3 keeping it on the fourth.

4 And then we've gone through and just done a
5 series of kind of overlays of the building into the
6 context just to show how that would fit in. Again,
7 we'll work through kind of how all of the poles and
8 overhead wires are managed. We started talking
9 about that as well today.

10 Looking on the rear, this first shot is
11 just showing our computer model to line up the
12 perspective and then removing that model to show
13 really the extent of the building here that would be
14 seen further up Coolidge Street.

15 Then moving towards the intersection of
16 Harvard, again a computer model just showing the
17 mass of the building. Here's 49 Coolidge, and then
18 what we would see kind of above The Butcherie and
19 the little section between the two buildings.

20 We've gone through and updated the
21 building -- the shadow studies to reflect cutting
22 back half of the fifth floor. And as we can note
23 here, just kind of walking through, the blue is
24 showing the additional shadow caused by the

1 building. The gray is all existing.

2 I'll walk you through these again. So you
3 can note here in the wintertime at 9:00 a.m. the
4 majority is coming on our property. We are working
5 with the abutter, and I've sent them drafts on
6 earlier times. Even though that's outside the
7 standard window, we're providing that so that we can
8 work through any concerns of the abutters.

9 And things that has helped us do is --
10 working with them -- the way that we maybe position
11 the cut portion of the fifth floor. We may tweak
12 the angle of that wall so instead of paralleling --
13 I may just quickly jump back -- instead of
14 paralleling Harvard, we may actually pivot it and
15 parallel the property line here at Fuller because
16 the sun's setting this way. By just rotating it a
17 couple degrees, we'll allow more light to come to
18 the abutter.

19 MS. POVERMAN: I'm sorry. I spaced out for
20 a minute. Could you go back to right before you
21 were saying you may pivot it?

22 MR. BROWN: So this wall right here along
23 the fifth floor where we cut this section out, we
24 had naturally just lined it up with kind of the

1 parallel to Harvard. Working with those additional
2 shadow studies, I think what's come out of it nicely
3 is understanding the concerns of light back here.
4 So we're looking at about this point, rotating the
5 facade so it aligns parallel to the property between
6 us and 44 Fuller because that will open up this
7 corner. Even though it's a couple feet, it will
8 improve the light coming back to the neighbors.

9 MS. POVERMAN: Got it.

10 MR. BROWN: I believe that is it. Thank
11 you.

12 MR. GELLER: Questions?

13 MS. POVERMAN: I have just a couple of very
14 minor ones. Can you tell me what the status is of
15 the conversations with the neighbor on 44 Fuller, or
16 maybe they want to say, in terms of the space
17 between the buildings?

18 MR. BROWN: Yeah. So we had a conversation
19 with them in particular today, and I think -- they
20 may speak later, but I think what we worked on is
21 trying to understand that space and how -- it
22 sounded like the -- where the location of the egress
23 stairs are from the basement, if we slide that more
24 toward the front of the property, that kind of

1 mitigates the concerns around the rear and a lot of
2 the plantings. And then the -- even with our
3 building pulled back, we're still going to work with
4 them on understanding the layout of the windows
5 along that wall to mitigate cross views between
6 their building and our building.

7 MS. POVERMAN: Is there still a concern
8 about the space between the building and their
9 building in terms of their ability to get ladders up
10 on the roof and things like that? I know that had
11 been a concern.

12 MR. BROWN: So I think what we're showing
13 in our plans -- and you guys can correct me if I'm
14 wrong -- but we're -- we mentioned here we do have a
15 5-foot buffer. That is more of a walking pathway,
16 so it's not going to be heavily planted, so they
17 could certainly use that to get access to -- if they
18 need, to the side of their building.

19 MS. POVERMAN: And the other thing is --
20 and it's really, really important. I noticed when
21 you're talking about the colors and everything
22 there's a little coffee -- cafe sign.

23 MR. BROWN: Oh, that's just a sample of a
24 type of a blade sign. We're not proposing a coffee

1 shop.

2 MS. POVERMAN: Okay. That's all. Those
3 are all my questions.

4 MR. GELLER: Has the unit count changed?

5 MR. BROWN: So we are down to 25 units. I
6 think we had that at our last meeting. We hadn't
7 formally submitted it.

8 MR. GELLER: Right. What I want to know is
9 have the unit counts -- just so you know so you can
10 answer -- has the unit count changed, and how has
11 the breakdown in the size of the -- number of
12 bedrooms in those units changed?

13 MR. SHEEN: Victor Sheen, manager of the
14 development.

15 The unit count has slightly been adjusted
16 from -- I believe previously we were looking at 24
17 units. Right now we're looking at 25 units and
18 making some adjustments to allow for some of the
19 three bedrooms to be included. So now we have 3
20 studios and a number of three-bedrooms on the 420
21 parcel, and we have 1 three-bedroom on the Coolidge
22 parcel.

23 MR. GELLER: And that is as compared to
24 what? Where were you before? Do you have a

1 comparative?

2 MR. SHEEN: So the current unit mix is 3
3 studios, 6 one-bedrooms, 11 two-bedrooms, and 5
4 three-bedrooms.

5 MR. GELLER: And what was it before?

6 MR. SHEEN: I think before we had -- we
7 didn't have any studios.

8 MR. BROWN: And we had less three-bedrooms.

9 MR. SHEEN: Fewer three-bedrooms.

10 MR. GELLER: Fewer three-beds and -- what
11 was the number of three-bedrooms before?

12 MR. BROWN: I think we had three before.
13 We had three before. So we're now at five, and I
14 think that came about working with the abutter who
15 gave us some good input. We took a combination of
16 the two and ones and changed them to three and
17 studios so we could up our three-bedroom count and
18 provide some studios.

19 MR. GELLER: Okay.

20 MS. POVERMAN: I actually have one final
21 question. If you -- considering the parking, had
22 anyone ever discussed -- my understanding is the
23 parking by the 49 Coolidge house is going to be used
24 tandem for the RE/MAX people.

1 MR. SHEEN: Yes.

2 MS. POVERMAN: Was there ever any
3 discussion about allowing any residents to use it at
4 night, freeing up one or two spaces, or providing
5 one or two spaces?

6 MR. SHEEN: That's was our intention
7 previously, that at night there would be some sort
8 of shared parking, but we went through that exercise
9 before and it was decided that shared parking was
10 discouraged. We will -- we can continue to look at
11 that possibility for those four spaces, but I think
12 within the garage itself there won't be any shared
13 parking.

14 MR. BROWN: Between the commercial use and
15 the residential use.

16 MS. POVERMAN: Right. I'm just expressing
17 the view that given the preference of having no
18 parking at all, somebody who works all day may
19 prefer to be able to come home at night and pull in
20 at 5:00.

21 MR. BROWN: I think, Kate, your question
22 is, I think, different than what we just mentioned
23 because we were talking about -- before, there had
24 to be an interaction between residential and

1 commercial. But now we can look at the option of in
2 the evening when commercial vacates, that we can add
3 supplemental overnight residential.

4 MS. POVERMAN: Yeah.

5 MR. GELLER: Right. I think part of the
6 discussion that we had, and what makes it a little
7 more complicated, is when we started talking about
8 what do you do about -- for folks on the weekend
9 when you have conflicting uses. So we did have the
10 discussion, and while I'm sure you can continue to
11 analyze needs and uses, that is an issue.

12 MS. POVERMAN: True.

13 MR. GELLER: Okay. Thank you.

14 MR. BROWN: Thank you.

15 MR. GELLER: Mr. Sheen, are you formally
16 submitting this proposal? The revised --

17 MR. SHEEN: Yes. So we submitted this as a
18 draft to the staff and the architectural reviewer on
19 Friday, and so we are formally submitting the draft
20 as a formal replacement.

21 MR. GELLER: Thank you.

22 So I want to call on Cliff Boehmer who has
23 been assisting us. He's our design peer reviewer,
24 and he's going to present to us his final report.

1 MR. BOEHMER: Hi. Cliff Boehmer.

2 Just to put some context on this, remember
3 that the review that I submitted and that you
4 probably have in front of you bridges all the way
5 back to the original submission, so it doesn't
6 reflect the original -- the original comments, of
7 course, don't reflect the four working sessions that
8 we did have since the original submission, nor was I
9 party to the meetings with neighbors, which clearly
10 have had a big impact on the project.

11 So you don't get confused about what's in
12 front of you, my original review is on drawings that
13 were quite a while ago. You saw an intermediate
14 presentation of the drawings in the middle of
15 September, I think it was, so I just want to be
16 clear about that. What I am -- these comments are
17 based on the set of drawings that I did just see
18 last Friday.

19 And I will also comment -- there were a few
20 new things tonight because of the neighbor meeting,
21 and I just want to be clear that I have a few
22 comments that may not align with what is preferable
23 to the neighbors, and I just want to be clear that I
24 don't want to get in the middle of that. I think

1 it's very positive, the kinds of conversations
2 they're having with the neighbors. So I do have a
3 couple of comments that maybe are things you've
4 talked about with your neighbors, but on some of the
5 small tweaking details, I would certainly defer to
6 the kinds of discussions that they're having with
7 the neighbors and the changes that they're agreeing
8 to in general. But I certainly would like to talk
9 about any questions you have about any of those.

10 So anyway, since that original report that
11 I did write, there have been somewhere between 12
12 and 15 new submissions of drawings, emails, reports.
13 That's all listed. I won't go through all of that.

14 As far as -- so I'm going to jump right in
15 to some of the newer comments. One of the -- right
16 up to No. 3 in my original report about site
17 context. One point I do -- and the context along
18 Harvard Street, in particular.

19 But I do want to reiterate that probably
20 one of the most interesting things that I learned
21 from studying the entire length of Harvard Street
22 and then, of course, the intersecting streets, is
23 there really aren't any buildings like this. So I
24 think when you review this, this scale of mixed-use

1 building along Harvard Street is -- this is a very
2 new kind of thing. It sounds kind of surprising,
3 but if you do triangulate the entire length, I think
4 you'll find that to be the case, which is why I
5 think it is such an important structure, because it
6 really is setting an example for future development
7 in similar kinds of context.

8 Again, I just want to reiterate that we
9 did have four working sessions. My original report
10 had a lot of very critical comments about context --
11 primarily about context and fitting into the
12 neighborhood development pattern, and most of what
13 we talked about was related to that. Again, trying
14 to come up with a housing -- or a mixed-use type
15 that worked well and complemented the context.

16 So a few comments. I would like to jump
17 in. We just talked about the unit mix. That is in
18 my report, the new unit mix, 23 parking spaces,
19 there's trash, recycling, bicycle storage. These
20 are all on the drawings, important elements down at
21 the basement level.

22 It was a very good move putting that
23 van-accessible space at the grade. That did allow
24 them to decrease the slope of that ramp. That was a

1 nice thing to do. The van-accessible ramp doesn't
2 really add excessive first-floor height,
3 particularly within the first floor's commercial use
4 anyway, but typically had a little higher ceiling
5 height anyway, so that worked very well.

6 I will mention -- I'll read this entire
7 part just to make sure that when you do look at the
8 plans -- speaking about the open space on the site,
9 there does remain, as in the previous plans, an
10 open-air landscaped courtyard between the two
11 structures. There are planted areas as well as some
12 paved passive recreation areas indicated on the
13 landscape plans. The site area between the up ramp
14 and the neighboring property on Fuller Street is
15 5 feet at this point which may include a concrete
16 walk and a narrow planting strip that runs along the
17 existing fence on the Fuller Street neighbor.

18 And this is one point -- Victor just
19 mentioned that he was submitting -- there are a
20 couple pretty minor inconsistencies in the drawings
21 that may be best with -- just to clarify so the
22 drawings are in alliance with each other. That
23 little strip is depicted in different ways on two of
24 the drawings. At least as of Friday it was. They

1 may have changed it already.

2 The open patio space, that was news
3 tonight. What I said in my report is the open patio
4 space includes a stair down to the parking level.
5 There's a space on the west side of the existing
6 Coolidge Street building that could provide a
7 pedestrian connection between Coolidge and Fuller.
8 I think you know about that. It's a narrow space
9 that goes right out to Fuller Street. Although
10 there is a gate, I'm not aware of what the status is
11 of discussion with the neighbors about whether that
12 will be open for pedestrian access out to Fuller
13 Street.

14 And also note, I think that's an
15 interesting point about moving that stairway to
16 preserve that landscaped area. Makes a lot of
17 sense, actually.

18 We already talked about the van-accessible
19 space.

20 I think one of the biggest changes in this
21 has been -- kind of the evolution of the design --
22 has been the extent of open space along Fuller
23 Street. That has been significantly reduced, which
24 really helps. It ties the building down now.

1 Before it had been a propped-up look. There was a
2 more complicated traffic pattern for surface
3 parking, and that has improved quite a bit.

4 So I'll jump in with my more general
5 comments, my comments on sort of the way it's
6 looking at this point. The building design has
7 changed radically since the original submission,
8 most significantly since -- you know, especially go
9 back all the way to December. The unit count from
10 then has actually dropped from 36 down to 25. 1.5
11 stories have been completely eliminated from the
12 building. The building height has dropped, I'm
13 showing, from 64 feet to about 57 feet. Parking
14 spaces are reduced to 28 from 40. There are no more
15 automated spaces included. Cladding materials are
16 now specified and an appropriate level for this
17 level of design, including the cedar siding entry on
18 Coolidge for the residential entry. And we heard
19 about metal panel and fiber cement as well as stone
20 veneer, which are all very nice, long-lasting
21 materials.

22 The facade fenestration, I did make a
23 comment -- the residential floors two through four,
24 they do retain a simple window patterning, but it

1 certainly does appear residential. The nature of
2 the upper floors is clearly residential. The
3 penthouse level changes, which you can only kind of
4 barely see here, but there's a more regular pattern
5 in the penthouse level. It does create a nice
6 visual break from the main facade.

7 I think as important as anything is the
8 facade articulation that has changed pretty
9 radically. The facade is now articulated at all
10 levels, including bays at the typical residential
11 floors, a framed residential entry off of Fuller
12 Street, and significant horizontal banding and
13 awnings at the commercial level.

14 The individual commercial entires are
15 pretty understated at this point, both in the
16 elevations and the renderings. I'm imagining that
17 that may be waiting for specific information about
18 the tenancy of that, will happen. Right now the
19 plans do show what I guess I would consider the
20 option of having a tenant entry off of Fuller and
21 off of Harvard Street and maybe -- the proponent may
22 know more about that at this point, but that's what
23 I know.

24 Again, I already mentioned the diminution

1 of the length of that open facade and the overhang
2 along Fuller Street, which I think has really helped
3 the pedestrian experience.

4 And I think the biggest change as far as
5 the impact that we've talked about is that change in
6 shape of the penthouse level which has been pulled
7 really significantly away from the neighbor on
8 Fuller Street, which actually isn't a shadow issue,
9 as you saw in the shadow studies. It's more about
10 visual access to the open sky, which is important,
11 and that has been addressed.

12 In fact, the numbers, I have them right
13 here. The penthouse attic level is now set back
14 10 foot 3 from Fuller Street, 17 foot 2 and a half
15 from Harvard Street, 10 foot 2 from the Harvard
16 Street neighbor, and between 69 and 73 feet from the
17 Fuller Street neighbors. So that's a big change.

18 There is a private deck -- or two private
19 decks indicated on the Harvard Street side at the --
20 available at the attic level that appear to be set
21 back about 4 feet. I'm not sure the railings are
22 indicated in the drawings or not. That is meant to
23 be a habitable --

24 MR. BROWN: It's just a deck.

1 MR. BOEHMER: Okay. So it's something of
2 an advancement in the design.

3 Jumping to a couple other points that
4 haven't been discussed yet, you did ask about the
5 adjacency to the Fuller Street building. The
6 current design -- you may remember there were
7 iterations of the design that had an angled rear,
8 and going way back, it was just a straight building
9 line at the Fuller Street neighbor's line. Then
10 there was an iteration where it was angled to create
11 a view corridor. Now it's a uniform distance set
12 back from the neighboring house on Fuller Street,
13 which is, I think, probably something that they
14 talked a lot about with the neighbors.

15 A few more comments about the -- kind of
16 going way back again on Fuller Street. There, at
17 one point, was a 44-foot-wide curb cut along Fuller
18 Street, and the issues along there have largely been
19 resolved in the current design.

20 The traffic concerns -- the primary traffic
21 that must be monitored now is limited to up and down
22 from the ramps going down to the parking level,
23 along with limited use of that van-accessible space
24 and loading area.

1 The shadow impact because of that is
2 lessened by the increased setback. In the previous
3 report, I talked about shadow impact on Fuller
4 Street in the afternoon. That is lessened by the
5 increased setback at the attic level. The volume of
6 the building that's supported by the columns is
7 pretty radically diminished from before, combined
8 with more footprint that actually engages the grade
9 has adequately really grounded the building along
10 that street at this point.

11 Then it sounds like there may be
12 resolution -- my report written a day or two ago
13 noted that there was a remaining question about
14 whether to make that sidewalk flush along Fuller
15 Street and the access to the parking garage. It
16 sounds like you've resolved to have it flush as
17 opposed to ramped down. And it's noted previously,
18 there are reasons to go either way, but that appears
19 to be the decision, which is fine from our
20 perspective.

21 I did make a comment on the west elevation,
22 wondering or trying to confirm whether the degree of
23 openness in that facade met building code, and the
24 architect has confirmed that it does, that the

1 degree that you can have openness on a facade that
2 abuts another property line is governed by the
3 building code, and it does meet the code, which is
4 good.

5 We've talked enough, I think, about the
6 garage. I think the -- again, the raising up of
7 that floor made a big difference so cars don't have
8 to speed up the ramp. I think you maybe didn't
9 mention, there's also a speed bump now indicated on
10 the ramp coming up, and the pedestrian warning
11 lights are also there.

12 Jumping ahead, the materials, we've talked
13 about. Energy efficiency, I have no new comments at
14 this point. There's isn't a lot of information that
15 was provided relative to that.

16 The exterior lighting, there are some
17 fixtures indicated in that new set. It's a 30-page
18 set of drawings. There are some images of some
19 fixtures. We don't know where they are or intensity
20 of them, no specific details, but you see where
21 they're going from a design perspective at least.

22 The current landscape plan shows much more
23 detail than where we were, including ground
24 finishes, proposed plantings, furnishings, and it

1 sounds like that is still evolving based on that
2 stairway -- egress stair down to the garage may be
3 moving.

4 So jumping ahead to my kind of catch-all
5 category of the other design-related considerations,
6 some of these are still there, some of them have
7 been addressed. As was mentioned, the current floor
8 plans now do show full unit layouts. I take no
9 issues with the proposed layouts of the units.

10 One thing that isn't clear because there --
11 a typical plan that's a normal plan would reflect
12 two floors that stack, and one of those plans shows
13 two accessible units. I don't know if that means
14 there are going to be four accessible units or
15 whether there will just be two accessible units.
16 Actually, the Architectural Access Board only
17 requires one, so even doing the two units is in
18 excess of the code.

19 The trash room, there is generous trash and
20 recycling space shown at the parking level. It does
21 have elevator access. I don't believe there has
22 been a narrative describing about pickup and whether
23 cans are out on the street or -- has that been
24 provided?

1 MS. MORELLI: That's for the text hearing,
2 November 22nd. The applicant is working on that.

3 MR. BOEHMER: Okay. But there is space
4 within the building, but there's another level that
5 needs to be discussed.

6 The current plans do show -- the roof plans
7 and the building elevations now do depict screening
8 of the mechanical equipment. And I do note, and it
9 was noted tonight, that conformance with local noise
10 ordinances will have to be demonstrated during the
11 permitting process at the very least. Brookline
12 does have levels that you have to measure at the
13 property line, sound levels, and they'll have to
14 demonstrate that their equipment is meeting those
15 requirements.

16 I made a comment that -- again, this is one
17 of the comments that I don't want to get between the
18 neighbors and the proponent. It's a small comment
19 about providing stairway access to the roof. Right
20 now there's a hatch in the stairwell. Every time I
21 do that in my buildings, the management company
22 hates me because you've got a lot of equipment up
23 there. I just put that out there, that it would
24 create not much impact at all to create that stair

1 access to the roof instead of a roof hatch.

2 My report does note that we'll want to see
3 that construction management plan. It's a tight
4 site. Both the sites are tight, in fact, so
5 understanding how that will impact the neighborhood
6 during construction is really important.

7 The power company, that was also mentioned
8 tonight. There's kind of a tangle of lines
9 including a feed to the neighbors that cuts
10 diagonally across the site that will have to be
11 relocated.

12 Another point is we don't know the
13 transformer location. I don't believe that's
14 indicated on any of the plans. That's an important
15 point that we'd like to see shown.

16 On-site amenities: Now there is shown on
17 the first-floor plan 950 square feet of amenities.
18 It hasn't been designated in that plan what those
19 amenities are, but there is space now for resident
20 use.

21 I thought -- again, getting back to that
22 van-accessible space, I think that approach is code
23 compliant. It's a slightly unusual approach, but I
24 do believe it does meet all applicable codes.

1 Stormwater, is that going to be reviewed in
2 the future?

3 MS. MORELLI: Yes.

4 MR. BOEHMER: Okay. So that was my only
5 point.

6 The category that previously was concerning
7 was the techniques to mitigate the visual impact,
8 and I think the -- my biggest issue really was that
9 development pattern point. And at this point, I
10 would say that the issues with conformance with
11 existing development patterns have been resolved.
12 As noted above, the current proposal is a structure
13 that is a good prototype for mixed-use development
14 on Harvard Street.

15 We talked about setback already, all those
16 various setbacks that have changed.

17 I did -- this report ends with kind of
18 catch-all questions and issues that I think should
19 be considered for conditions or further development
20 and amendment of -- amending of the plans.

21 I think preservation or replacement in kind
22 of an existing mature street tree on Harvard Street
23 is very important. And when you -- there is a
24 little inflexion in Harvard Street at that point,

1 and that tree is really right there and it would be
2 terrible to see that honed down to a few sticks
3 left. So I think that's an important part. It's a
4 nice mature tree.

5 A review of the commercial signage and
6 lighting in the signage and lighting of the building
7 in general -- in the context, again, this team is
8 working to develop a prototype, so I think, you
9 know, in conformance with and maybe beyond some of
10 the existing town restrictions on lighting I think
11 should be looked at.

12 My understanding is there is a transition
13 in elevation between this site and the Fuller Street
14 neighbor, and there's some pretty significant
15 plantings, even on the front half of the site, and I
16 don't think the drawings show that. So a site
17 section depicting how to deal with that change in
18 elevation is important.

19 The curb cut issue sounds like it is
20 resolved. Again, I'll mention again, whether -- and
21 this may be an issue that has been discussed with
22 the neighbors, whether pedestrian circulation out to
23 Coolidge Street is something that should be
24 incorporated into the plans that we don't really

1 know about at this point.

2 Transformer location I mentioned already
3 and service feeds to those -- restoring service
4 feeds to the neighboring structures.

5 I mentioned moving that exterior stair
6 access down to the garage. It sounds like that has
7 been discussed.

8 A detail relating to Victor's submission of
9 these drawings is just making sure that the drawings
10 are coordinated across the set that is submitted.

11 And then one small comment on the design
12 for the smaller building on Coolidge Street, that if
13 it does contain a rental office or common space,
14 that most likely has to be made accessible, so I
15 would look into that. It could require a lift on
16 the front, but if you really want to flush out all
17 the design-related issues, I think that should be
18 looked at.

19 MR. GELLER: Thank you.

20 Questions?

21 MS. POVERMAN: I have a few. Not a huge
22 amount.

23 You just referred to the team working to
24 develop a prototype. What did you mean by that?

1 MR. BOEHMER: Well, to my surprise,
2 frankly, when I started studying this project, I
3 really did inventory most of the -- I did inventory
4 the entire length along Harvard Street and Harvard
5 Avenue, in fact. And this building type doesn't
6 really exist. What you see are full apartment
7 buildings that come up within -- some very close,
8 some set back from the street. You see a few really
9 anomaly buildings that are commercial -- fully
10 commercial buildings. But this --

11 MR. GELLER: You mean mixed-use.

12 MR. BOEHMER: The mixed-use building is
13 very unusual. The irony being that what is there
14 now actually is that. It looks quite different, but
15 it was a -- it's a de facto mixed-use. As you know,
16 it was a large home that then had a one-story piece
17 added onto it, and that's sort of what you have now
18 but in an updated, more relevant, buildable,
19 contemporary version. So that's what I mean.

20 MS. POVERMAN: So what did you mean when
21 you said the team is trying to create a prototype?
22 I don't really understand you there.

23 MR. BOEHMER: Well, you won't see other
24 buildings right now like this. There's a lot of

1 reasons to want to build buildings like this. You
2 know, consistently, with one-story, low-rise, mainly
3 retail stretches of road, there's a lot of reasons
4 to do exactly this type, keep the street activity --
5 keep the street alive through large, open first
6 floors with commercial uses that operate more hours
7 of the day, and at the same time creating density in
8 neighborhoods like this one that has tremendous
9 access to public transportation. So the drive to
10 densify neighborhoods that have infrastructures at
11 this level is there.

12 MS. POVERMAN: So in your original letter,
13 which, as you said, was multiple iterations ago, you
14 said that the scale, massing, and setbacks of this
15 building create a typology which is wholly outside
16 the existing fabric of Harvard Street and that the
17 impact of the streetscape will be significant.

18 MR. BOEHMER: Yes.

19 MS. POVERMAN: And that if the -- it's
20 significantly outside existing development patterns.

21 Now, the examples given, that it was the
22 tallest building on Harvard Street, you indicated
23 the unbroken length of Harvard Street, the lack of
24 front and side setbacks, and you made the comment

1 that the current proposal of the structure, that
2 it's a good prototype for mixed-use development in
3 the future. But is that a relevant standard in
4 assessing a 40B development under the 40B
5 development design guidelines?

6 MR. BOEHMER: I think at this point the
7 issues I had as far as conformance with existing
8 development patterns have been addressed, and
9 largely through the very big change in scale of the
10 project and enhancement of that, you know, respect,
11 and actually, with enhancement of the existing
12 strong first-floor retail and commercial use.

13 MS. POVERMAN: But again, current -- you
14 state it a couple of times -- current design is a
15 very good precedent for future mixed-used buildings.
16 Is that a standard that is to be used in assessing a
17 40B development design?

18 MR. GELLER: I'm going to interrupt.

19 MS. POVERMAN: No. Excuse me. I think
20 this is relevant, and I really want to get an
21 answer.

22 MR. GELLER: He's not a 40B consultant.

23 MS. POVERMAN: He is -- I'm sorry. He is a
24 40B consultant. He's a design consultant, and the

1 standards that were used in assessing this were the
2 40B design elements. I think this is important,
3 Jesse, because we were asked to determine, based on
4 his peer review, whether or not this was an
5 appropriate development as part of the neighborhood
6 for 40B. That is exactly what he was charged
7 with doing.

8 MS. SCHNEIDER: I don't think that's what
9 he was charged with doing. I think he was charged
10 with -- to advise us on the design of the building,
11 not the use of the building and not future
12 development.

13 MS. POVERMAN: Okay. Excuse me. So in the
14 reference materials, Local 40B Review and Decision
15 Guidelines, published by MHP and Mass. Housing, the
16 approach to Chapter 40B design review --

17 MS. SCHNEIDER: But I think the scope for
18 what -- and planning staff, please correct me if I'm
19 wrong. I think the scope of what he was retained to
20 do was to provide design review. Not a 40B review,
21 but an architectural and planning design review,
22 which has nothing to do with 40B. He could be doing
23 this on a 40A project, and I think the scope would
24 be exactly the same.

1 MS. POVERMAN: I disagree with that.

2 MS. SCHNEIDER: Well, can we ask the
3 planning staff to explain a little.

4 I don't mean to put you on the spot, but
5 can you explain what the purpose of this design peer
6 review was?

7 MS. MORELLI: So when we consult with
8 professionals like traffic, stormwater, and design,
9 they have the scope to look at this project and see
10 how it can be better integrated in the neighborhood.

11 Mr. Boehmer, in his initial report to you,
12 outlined specific issues that he had with this
13 design that needed to be addressed. His follow-up
14 reports are -- he's using as a measure his baseline
15 comments. He's looking at the recent changes to see
16 how they stack up to those initial comments.

17 So I'm not sure why the question is coming
18 up now. I mean you didn't have an issue when
19 Mr. Boehmer had his initial report. This wasn't an
20 issue about what his scope was.

21 MS. POVERMAN: I'm not saying what his
22 scope was. And, actually, I don't disagree with his
23 comments in terms of the changes that have been made
24 in the project. I do agree with them. I think they

1 make this project fit in much better with the
2 neighborhood.

3 What I don't fully -- I think the statement
4 that it will provide a model -- and let me finish
5 what I'm saying -- the statement that it will
6 provide a model for future development in the area
7 goes far beyond what he was asked to do and does not
8 belong in a 40B review. Part of the reason being is
9 that we are going to be seeing many more 40Bs in
10 this area, as well as 40As, so I don't think it's
11 something that should be in the record.

12 MS. MORELLI: I understand, Ms. Poverman,
13 that you are being sensitive, and certainly we are
14 aware that there are other 40Bs in the pipeline, two
15 more from Harvard Street and both mixed-use. And I
16 think what Mr. Boehmer is trying to mention is that
17 we do have a project that is a mixed-use and is a
18 new building typology, so there isn't a precedence.
19 That doesn't mean that it doesn't belong there.

20 So to just take apart some of his comments,
21 there are two neighborhoods that have to be
22 reconciled. One is a very coherent two-family
23 neighborhood. Another is a very strong streetscape
24 along Harvard. And so what Mr. Boehmer is pointing

1 out is that this project does seem to reconcile
2 those two neighborhoods.

3 I do recall past ZBA charges. In fact,
4 Mr. Geller made this point that there are two
5 distinct neighborhoods which had issues that needed
6 to be reconciled. So that's really what I hear
7 Mr. Boehmer alluding to. So I'm not sure if that
8 helps, if you --

9 MS. POVERMAN: I made my point.

10 MS. MORELLI: Okay.

11 MS. POVERMAN: That's all.

12 MR. GELLER: Let me just say that I do
13 agree with the end of what Kate had to say. I
14 didn't agree with how you asked it, but I agree with
15 the end. We're not setting the paradigm for
16 mixed-use structures or height. We're looking at
17 this building, this application. That's it. Okay?
18 So I agree with you on that component.

19 MS. PALERMO: Mr. Boehmer, thank you again
20 for a very thoughtful, comprehensive, and insightful
21 report to which you have added more insightful and
22 thoughtful comments, and I very much appreciate it.

23 I just have a couple of very specific
24 questions that are about the design, and it might --

1 I'm assuming you are the appropriate person to ask.
2 One really simple one came up in a comment you were
3 making about the first floor, and I don't have the
4 plans in front of me. What are the ceiling heights?
5 Do you know? Maybe Dartagnan is in a better
6 position to tell me that.

7 MR. BROWN: So we have 14 foot from grade
8 to the floor of the second floor, so we have about a
9 12 foot 6 ceiling height.

10 MS. PALERMO: On the first floor?

11 MR. BROWN: Correct.

12 MS. PALERMO: And how about the other
13 floors?

14 MR. BROWN: All the other residential
15 floors have 9-foot ceilings.

16 MS. PALERMO: Okay. Thank you.

17 And you mentioned in your recommendations
18 for further consideration the question of whether
19 pedestrian circulation between Fuller and Coolidge
20 Street should be allowed, and I wonder, does that
21 mean through the property?

22 MR. BOEHMER: Yeah. It goes way back. It
23 may have been our very first working session. I
24 remember some discussion about concern about

1 pedestrian traffic on that south side of the
2 Coolidge Street -- that existing building on
3 Coolidge Street. I just don't know how that got
4 resolved through meetings with the neighbors.

5 MS. PALERMO: Whether there would be
6 pedestrian access between -- whether it would be
7 allowed --

8 MR. BOEHMER: Yes.

9 MS. PALERMO: -- or prohibited?

10 MR. BROWN: Right.

11 MS. PALERMO: Has that been discussed?

12 MR. BROWN: So we have discussed with the
13 abutters to not allow it on their side. We do have
14 the four tandem spots with a gate, so should they
15 need to get through, there is ability. But we are
16 not proposing it as a walk thoroughfare through the
17 property.

18 MS. PALERMO: I ask only because I, in a
19 prior life, was responsible for the design involving
20 a park and was fascinated to learn that one of the
21 things that makes areas like that open space safer
22 is pedestrians. That's probably the best thing you
23 can do to keep an area safe, is to have people
24 walking through it. So I just make that observation

1 as something I learned and found very interesting
2 and realized it was quite logical.

3 So if it's something the neighbors don't
4 endorse, then I -- you know, we'll certainly give
5 that consideration in what we might suggest, but I
6 just thought I'd make that point.

7 MR. BOEHMER: That was my conclusion as
8 well, that it probably -- that the immediate
9 abutters' concern -- their concern or lack of
10 concern is probably the best measure.

11 MS. PALERMO: Absolutely. They're the ones
12 that live there.

13 And the other question which sort of came
14 up is the deck on the -- off of the penthouse unit.
15 How large are they? How many square feet?
16 Approximately, what are the dimensions?

17 MR. BROWN: They're about 9 feet deep by
18 the width of the unit, so it's about 25 -- one is
19 about 25, one's about 20.

20 MR. BOEHMER: And there are two decks --
21 private decks for two of the units that have their
22 bedrooms up on the upper level. So there they are.

23 MS. PALERMO: So there would be -- it looks
24 like there would be a plan to have a wall separating

1 the two decks?

2 MR. BROWN: It could be like a
3 landscaped -- little plantings, a planter, or part
4 of the railing turn to provide kind of a privacy
5 between the two.

6 MS. PALERMO: And there would be a railing
7 running along the --

8 MR. BROWN: There's a railing here, here,
9 here, and one to the right.

10 MS. PALERMO: And you haven't yet designed
11 what kind of a railing that's going to be,
12 whether -- how it would be visible?

13 MR. BROWN: Right. We actually, I believe,
14 have a model. Do you want me to --

15 MR. GELLER: Sure.

16 MR. BROWN: You can see it very briefly
17 here, but it is shown right here, here, here, and
18 here.

19 MS. PALERMO: Okay. That's helpful. Thank
20 you.

21 Just one more question and, again, this is
22 for the future in terms of what we should be looking
23 at. I'm assuming Mr. Boehmer will still have some
24 involvement with this -- is that correct -- in some

1 fashion?

2 No, he's done. Okay. Well, then, that's
3 too bad because he's been very helpful. He did
4 touch upon energy efficiency, and so I guess we're
5 on our own with that. But I will say that's
6 something that I also believe is extremely
7 important, and it will manifest itself in things
8 like the types of windows that are selected,
9 insulation, you know, HVAC, what you end up
10 spec'ing. And so, you know, in this day and age, I
11 happen to believe in global warming.

12 MR. BOEHMER: My report does note that
13 Brookline does subscribe to the Energy Stretch Code.
14 And I'm not exactly sure what your construction
15 schedule may be, but we may be into a new building
16 code that has even higher standards that probably
17 will even require energy modeling.

18 MS. PALERMO: Are we expecting a new
19 edition of the building code?

20 MR. BOEHMER: Yeah, we are.

21 MS. PALERMO: How quickly? Do we know?

22 MR. BOEHMER: I know what they say.

23 MR. BROWN: They say January.

24 MR. BOEHMER: Yeah, they say January.

1 MS. PALERMO: Okay. So you would be
2 building under the new code.

3 MR. BROWN: Yeah. And we will go to a
4 minimum LEED certifiable, so we'll go through the
5 entire checklist to get to that threshold.

6 MS. PALERMO: So you'd be looking for the
7 minimum LEED certification?

8 MR. BROWN: Yeah. You can do a LEED
9 certifiable where you meet all of the points without
10 actually registering.

11 MS. PALERMO: I know that, and that's
12 perfectly acceptable to me. No reason to spend
13 extra money for a piece of paper.

14 MR. BOEHMER: The benefits you would see
15 from that -- because the energy efficiency piece is
16 well covered in the building code, but the LEED
17 certifiable -- depending upon which points you try
18 to get, there are certain threshold standards, for
19 example individual ventilation for each unit. So
20 there are other interior air quality points that go
21 beyond the building code, so that is an extra step
22 up as well.

23 MS. PALERMO: Thank you very much.

24 MR. GELLER: Johanna?

1 MS. SCHNEIDER: No questions.

2 MR. GELLER: I don't have any questions,
3 but I just want to thank you. I think that you've
4 been particularly helpful. As I said in the last
5 hearing, last week, I think that your testimony and
6 your submitted materials have really assisted the
7 board in focusing on issues, and, frankly, I think
8 it has assisted the applicant in its ability to
9 speak with the neighbors and to work with the town
10 and work through some issues. Clearly -- shall I
11 say it -- you were not a fan at the outset, and I
12 think that they've -- clearly, from your more recent
13 report, they have addressed concerns that you had
14 raised, so I am certainly appreciative of those
15 responses and your updated report.

16 MR. BOEHMER: Thank you.

17 MR. GELLER: Okay. We're now going to
18 offer the public an opportunity to provide its
19 testimony. Again, when you start, start -- we know
20 who you are by now, but let's pretend we don't.
21 Start by giving us your name, speak loudly and
22 clearly, speak to the topics presented in this
23 hearing, listen to what your predecessors say.

24 MR. JACOBS: Good evening. My name is Mike

1 Jacobs. I live at 41 Coolidge Street, one of the
2 group who has been meeting actively with the
3 developer over the last, I guess, four months,
4 although it does seem a little bit longer than that
5 at this point in time.

6 When we started on this project, I think we
7 were all pretty appalled and we formed a
8 neighborhood group and we hired an attorney and we
9 were meeting regularly to try -- with the goal of
10 trying to make this project reasonable. And always
11 the tough thing is defining what does "reasonable"
12 mean amongst all of us, among all of our neighbors.

13 And over the -- you know, over the length
14 of these four months, we've seen a lot of changes,
15 and I think to the better. The mechanical garage is
16 gone, both of the balconies facing Fuller and
17 Coolidge are gone, the sixth floor is gone, half of
18 the fifth floor is gone, we've gone from 36 to 25
19 units.

20 However, I think if you still brought this
21 to a vote, I think many in the audience would say
22 we'd like the entire fifth floor gone as well. And
23 I think for many of us, sure, we'd love the entire
24 fifth floor gone as well. But if you ask me, as

1 someone who does a lot of 40B work -- I've probably
2 been involved in over 100 40Bs -- is this a
3 reasonable compromise? I have to tell you I believe
4 it is a reasonable compromise. I think the
5 developer has gone out of his way to try and
6 accommodate us, and I do support this basic concept
7 that has been put forth.

8 I think there are a lot of details that
9 still need to be worked out. We had a -- as was
10 mentioned, we had a meeting today. You know, as --
11 since these are schematic plans, there are details
12 that have to be worked out. I'll just give you one
13 example, and I know we have our sound engineer here
14 in the audience. Things like the HVAC on the roof,
15 for example. As schematic plans, one of the things
16 Mr. Sheen volunteered, which I think is critical,
17 that if you have a peer review sound engineer to
18 ensure -- because this has been a big concern of the
19 neighbors -- that the sound does not travel, that
20 you put that as a condition. Those types of things
21 I think, you know, show a willingness to work with
22 the neighborhood and address concerns like that.

23 So while I endorse the concept of the
24 partial fifth floor, I just want to hope that the

1 board continues to focus on some of the important
2 details that still have to be worked out. Thanks
3 very much.

4 MR. GELLER: Thank you.

5 MR. MAUCH: My name is Hagen Mauch,
6 44 Fuller Street.

7 The subject of easement has been raised
8 previously, and I would respectfully submit to the
9 board that -- describe how it becomes a condition if
10 and when the building permit is issued so I don't
11 have -- two years from now, have to go to court to
12 have the right to take care of my house.

13 MS. MORELLI: I'm aware of Mr. Mauch's
14 comment and I believe -- I have spoken to Mr. Sheen
15 about his specific concern that he have access on
16 the property at 420 Harvard to repair his house.
17 And so I understand, according to Mr. Sheen, that he
18 is willing to give an easement. I believe that it
19 is an easement. My understanding is it's a
20 matter -- it's a civil matter between two private
21 parties and you wouldn't necessarily condition that
22 because the town does not enforce easements. But
23 easements would get recorded with deed.

24 MR. GELLER: But let me just urge both

1 parties to continue that discussion to its natural
2 conclusion.

3 MR. MAUCH: Fair enough.

4 And there was a second thing I have. I
5 recall in one of the meetings the subject of
6 children's space to play has been brought up,
7 particularly since the school playground has been
8 closed. What are the new families, when they move
9 in, going to do with their kids if they want to
10 play? Is there anything provided in the common area
11 for children to play on? Just a general comment.

12 MR. GELLER: I don't have the answer. It's
13 not a question for me to answer. I think the
14 applicant can answer it.

15 I would simply say that the people who live
16 in this building, should this building be permitted,
17 will be residents of the Town of Brookline. And
18 just like other residents of the Town of Brookline,
19 they will be entitled to use our ample parks. So we
20 certainly are not saying, people who live in this
21 building, you cannot use the parks from the Town of
22 Brookline.

23 Whether or not they are providing
24 amenities -- which it appears that they are

1 providing from the revised plans that they
2 submitted -- and how they designate those amenities,
3 we can certainly ask them, but I'm not sure they
4 need to know at this point in time.

5 MR. MAUCH: And lastly, as a direct
6 neighbor, I want to confirm what Mike just said,
7 that I applaud the progress and I think we are
8 basically in agreement that this is a doable design.

9 MR. GELLER: Thank you.

10 MR. MCMAHON: Good evening. I'm Colm
11 McMahon. I live at 45 Coolidge Street.

12 Just to echo both my neighbors' comments, I
13 think we would certainly like a smaller building, we
14 do understand that we're working within the
15 constraints of 40B, and we support the reduction in
16 size of the fifth floor. We do appreciate the
17 engagement and willingness to compromise and
18 mitigate the impact of the building between the
19 developer, the town, and the neighbors, and we look
20 forward to continued work with them on that.

21 One thing we appreciate, they did provide
22 shadow studies of the 7:00 a.m. and 8:00 a.m. times,
23 and it does confirm our expectation, which is that
24 we will be in shadows those times. It's hard to

1 imagine how you could mitigate that without a huge
2 change in the size of the building, which seems
3 unlikely with the constraints of 40B. We actually
4 do applaud the fact that they were willing to give
5 us that information not necessarily required by the
6 process.

7 MR. GELLER: Thank you.

8 Karen from Babcock.

9 KAREN: Yes, Karen from Babcock.

10 And as someone who actually took three
11 classes in urban planning -- because it's a passion
12 of mine, communities -- I would like to suggest in
13 that disputed area that maybe you do something
14 similar to the little park that's between Fenway and
15 Longwood because that's a beautiful little park
16 that's for sedentary activities, passive activities,
17 like sitting or reading. And the trees would
18 provide not only extra quiet for all concerned, but
19 it would also prevent the wind/noise tunnel, which I
20 currently have several of at my home, a successful
21 40B, the most successful in terms of unit mix and
22 architecture.

23 I love the fifth floor because the
24 architecture with the one-bedrooms is almost the

1 same if not similar to my 40B that I live at. But
2 the neighborhood -- I'm really tired of hearing
3 people scream. I mean, I -- you know, between the
4 assaults, the drug busts, the drug overdoses, I want
5 out. That's why I'm leaving.

6 And I don't want -- I don't like the unit
7 mix. I don't want to hear other people's children
8 screaming, instead of outside the building, inside
9 the building. And yes, there are many parks that
10 you can go to and you should go to.

11 It's going to have several two-bedrooms. I
12 was hoping that because studios and one-bedrooms do
13 not require car spaces, that there would also be
14 more one-bedrooms as opposed to three, which is now
15 legally required, unfortunately, and more
16 two-bedrooms. I was hoping there would be more
17 one-bedrooms. Because I like my neighbors and they
18 like me. And it's mostly one-bedrooms except for
19 twos at the end.

20 What else? Yeah, I think that's it. Thank
21 you.

22 MR. GELLER: Thank you.

23 Mr. White.

24 MR. WHITE: Good evening. George White,

1 town meeting member, Precinct 9.

2 Just a small point. Mr. Geller, a few
3 minutes ago in an exchange that went on, if I
4 understood you correctly, you said, you know, are we
5 setting a precedent -- no, are we setting a
6 paradigm? And you said, no, as I understood it.
7 This building -- looking at this building and this
8 structure.

9 So is that -- that's correct, more or less?

10 MR. GELLER: Yeah. What I'm saying is what
11 we are reviewing at this hearing is this specific
12 application. That's it.

13 MR. WHITE: Okay. The reason I ask that is
14 a little earlier today I was at Thorndike and
15 Harvard Street -- and perhaps my colleague, town
16 meeting member will corroborate -- but the gentleman
17 sitting here who is presenting said that in addition
18 to all the things that they had learned here from,
19 you know, the neighborhood, that they're able to --
20 it wasn't quite a paradigm, but that the building
21 that they were proposing for Thorndike and Harvard
22 Street was going to draw upon this as a model.
23 Would you say that's a fair --

24 I'm sorry, sir. I don't know your name. I

1 don't mean to point. That's rude.

2 Would you say that's a fair construction of
3 what you said to the group about eight hours ago?

4 MS. MORELLI: I think it's appropriate to
5 direct comments to the board.

6 MR. WHITE: I just want -- because I think
7 it is --

8 MR. GELLER: We can't stop advocates from
9 advocating, and it has nothing to do with this
10 hearing.

11 MR. WHITE: Okay. Thank you so much.

12 MR. GELLER: Thank you.

13 MR. ROSEN: Hi, Chairman Geller and board
14 members. Thank you for letting me have the
15 opportunity to speak. I wanted to access a slide
16 here, and I want to see if I can somehow get it.

17 Mark Rosen on Thorndike Street.

18 I just want to find a particular slide.
19 There's a lot of them here, and they're all very
20 nicely done. I wanted to look -- I think I might
21 find -- maybe I skipped over it accidentally.

22 But I did want to talk a little bit about
23 the -- Mr. Boehmer's comments tonight on the design
24 and that I agree with the -- whatever has been said

1 so far by the neighborhood. I want to go on record
2 saying I agree with them.

3 However, I want to continue and ask if
4 there's any possible way that further reductions
5 could be made on the building. Because as I
6 understood Mr. Boehmer tonight, that the building
7 still is far out of scale with the surrounding two
8 neighbors, the storefronts, and also the neighbors
9 that are surrounding the building to the sides and
10 to the rear of it.

11 Oh, this is the slide I wanted to show you.
12 This particular slide is actually misleading, and
13 I'm wondering why this is in the slide package
14 because it doesn't accurately reflect the height of
15 the building. So I can't answer that because I
16 didn't produce the slide.

17 But I just want to point out to you that in
18 order to get this particular elevation and this view
19 of this building juxtaposed to the abutting
20 neighbor, you would have to lie on the sidewalk on
21 your belly and look up from that perspective in
22 order to get those two to match in that way. It's
23 actually much taller than the neighboring building,
24 so I'm just kind of wondering why that slide is in

1 the deck. I can't answer that.

2 I wanted to say also that I'm really glad
3 you're going to get a peer review sound engineer
4 because as I was looking over the plans -- or you're
5 talking about getting a peer review sound engineer?

6 MS. SCHNEIDER: I think that that was
7 something that the applicant had discussed with the
8 neighbors, but that's not something that the board
9 is going to be doing.

10 MS. MORELLI: It is an important point.
11 And with all of our developments, Patrick Maloney,
12 who is the director of public health, has requested
13 to see a narrative about rubbish, recycling, and
14 noise management, particularly from the mechanicals
15 or if there are any trash compactors. Of course,
16 there are lots of complaints, especially in densely
17 populated neighborhoods, so that is something that
18 Mr. Maloney is asking all applicants to provide, and
19 you should see that for the next hearing with
20 Dr. Maloney's comments.

21 MR. GELLER: Thank you, Maria.

22 MR. ROSEN: I love how she says that, so
23 efficient and to the point. I don't how you do
24 that. I'm going to have to learn some of those

1 skills.

2 I do have some additional questions. There
3 was a comment made by the developing team that
4 the -- that adequate screening has been provided.
5 Now, if you're standing on any of the abutting
6 properties and you're looking at this building, I
7 think you'll find that you're going to have to work
8 very, very hard to come up with something that would
9 provide adequate screening. Because if you have,
10 say, a 6- or an 8-foot tree, you're still going to
11 have about a 40-foot gigantic building facing you
12 above and beyond that planting and shrubbery. It
13 certainly is helpful, what's been happening with the
14 design process, but I don't quite feel that it's
15 there yet. And my concern is that it does stick out
16 like a sore thumb.

17 If you look, there's some buildings in
18 Allston. And this building reminds me quite a bit
19 of the construction that's going on in Allston now
20 down by Union Square. You have these gigantically
21 large, oversized buildings. And I want to point out
22 that the square footage for this lot is generally
23 around 10,000 square feet. This is about 30,000, so
24 it's about 300 percent oversized, the lot. So when

1 you have these gigantically oversized buildings
2 being plunked into these small spaces, they really
3 do stick out like a sore thumb.

4 And so what one building did was they
5 painted a mural on the side of the building. And
6 what it does is it creates the image of -- like,
7 there's trees and, you know, kind of on the top part
8 there's sky. And it does kind of give you this
9 visual effect that you're not really looking at this
10 big ugly building anymore. You're looking at
11 something that's pretty.

12 And so my suggestion would be -- you know,
13 I'm not an architect or a design person, just a guy
14 on the street, looking on the street going, look at
15 that. That's a nice touch. Maybe they could think
16 about that as a way of getting this to blend into
17 the neighborhood because it really is -- let me see
18 if I can find that slide that shows the Harvard
19 Street view -- it really is just egregiously out of
20 scale for the neighborhood both on the frontage
21 side --

22 That's a good enough shot. You can see
23 that they have made some setbacks, and that's very
24 nice. That's very much appreciated. But you have

1 this enormous thing. I mean, believe it or not, if
2 you look at that photograph, there are actual
3 residential homes behind that building but you would
4 never know it because that building is screening all
5 of that out.

6 And so I just want to close by saying that
7 I do appreciate the advancements that have been made
8 in the design process, and I would encourage further
9 mitigation of the size and the massing of this
10 building. It really is just entirely inappropriate
11 for this area, and I do believe the neighborhood and
12 the residents of the town deserve a little bit
13 better than this.

14 Thanks so much for your time and letting me
15 speak. I appreciate it.

16 MR. GELLER: Thank you.

17 MS. VANDERKAY: Hello. I'm Judith
18 Vanderkay, 16 Columbia Street, and town meeting
19 member, Precinct 9.

20 I defer to the abutters and their gracious
21 acquiescence with the plans as they have evolved,
22 but I also agree with Mr. Rosen that this is way out
23 of scale for our neighborhood.

24 And I wanted to thank the group for pushing

1 back on the idea that we were somehow creating a
2 prototype for future mixed-use developments. Our
3 neighborhood of North Brookline is already -- I've
4 forgotten the exact number, but it's in the top 10
5 most dense neighborhoods in Massachusetts, and I do
6 not believe that we need any more density. I think
7 we have enough density. We want to preserve our
8 life the way it is and our children's ways of life.
9 Our neighbors' ways of life are important to us.
10 And more developments like this, if it does get
11 turned into a model of some kind, would negatively
12 affect that. Thank you.

13 MR. GELLER: Thank you.

14 MS. BENNETT: Kailey Bennett, 12 Fuller
15 Street.

16 I wanted to just simply agree with
17 Mr. Rosen about the idea of having something like a
18 mural. I know that's not the applicant's
19 responsibility, probably, but there are a few murals
20 specifically in this area. There's the one that's
21 on the wall of Kupel's, and then there's another one
22 on the other side of it. So visually that could be
23 a way to make this building more part of the
24 community by incorporating a type of public art

1 piece.

2 MR. GELLER: Thank you.

3 Anybody else?

4 KAREN: Don't forget the mayor's
5 initiative. He said that more housing will be
6 needed, so it's always going to get bigger than you
7 want --

8 MR. GELLER: Karen, no.

9 MS. MARINELLO: Hi. Good evening. My name
10 is Linda Marinello. I'm on 18 Fuller Street. I own
11 a brownstone --

12 UNIDENTIFIED AUDIENCE MEMBER: Could you
13 use the microphone, please.

14 MS. MARINELLO: Oh, I'm sorry. I own a
15 brownstone at 18 Fuller Street, so I'm very much
16 aware that this used to be a funeral home and now
17 RE/MAX has owned it. And I really liked the
18 building that was there previous to where RE/MAX
19 was.

20 My concern is that RE/MAX is becoming sort
21 of a non-entity for that bottom commercial space,
22 and it would be so much more appropriate to actually
23 have something that's more beneficial to the
24 neighborhood, such as a restaurant or a coffee shop

1 or something on that respect where that particular
2 section of RE/MAX could actually be part of Coolidge
3 Street where the house is being utilized as part of
4 the development course of action.

5 So in doing so, if you eliminated RE/MAX
6 from the ground level and maybe shortened the height
7 by 9 feet on each level instead of 9 on one and 14
8 on another, that maybe you could actually have a
9 first-floor apartment and get rid of the fifth
10 floor. And then they would be able to maybe save
11 the tree in the backyard, and then the neighbors on
12 Coolidge wouldn't have so much of a shadow effect.

13 But it's just something to think about
14 because we already have areas on Harvard Street
15 which is owned by Andrew's Catering, which isn't
16 even storefront that's usable. I mean, they use it.
17 They work there. But if even Andrew's Catering was
18 in a back part of Fuller Street or Harvard Street,
19 it would make more sense. And then utilize those
20 fronts -- storefronts for something that would
21 actually benefit the neighborhood.

22 So I'm still not -- I appreciate the fact
23 that we're going as far as we are with this. And I
24 know that our neighbors are fearful of 40B and that

1 we don't have a lot of say in the matter, and we're
2 trying to do the best we can under the
3 circumstances.

4 And I give you a lot of credit for putting
5 up with all of the different details that are
6 necessary, but it's still an albatross and it's
7 still very difficult for me to walk down the street
8 and look at this 5, 10 years down the line after
9 I've already lived here for almost 25 years and to
10 agree with the size. I'm so sorry, but I just am
11 almost thinking that it's pushing our neighborhood
12 away from this location. And I've been living here
13 for -- since the early '80s, and I really would like
14 to stay, but I feel like we're being pushed out.

15 So I appreciate your time, and thank you
16 for listening.

17 MR. GELLER: Thank you.

18 MR. ROSEN: Mark Rosen back again. I
19 apologize. I had a very long day today and I'm
20 really tired, as I'm sure you must be.

21 And thank you for your service here
22 tonight. I just want to point out that you're all
23 volunteers. Is that correct? So thank you for
24 that. Very generous of you to be here.

1 The questions I had that I wanted to ask
2 that I forgot was, one, where is the exhaust from
3 the garage going to be emitted into the
4 neighborhood? And I think that's an important
5 question. No one seems to have touched on that.

6 And again, the issue of -- because it was
7 mentioned earlier, I bring it up now, the issue of
8 tandem parking. How is that actually going to be
9 resolved? Because it's really impractical for a
10 development of this size. Is there going to be a
11 parking attendant kind of like Cookie on 77 Sunset
12 Strip? Are you going to hand him the keys and he's
13 going to run down and park your car for you or
14 something like that? How is that going to be
15 handled? These are just practical questions.

16 Another question I had was -- I'm looking
17 at all the beautiful windows in this building, and
18 I'm wondering, how are these going to be washed?
19 Usually in a building of this size you'll have a
20 crane or some kind of structure on the roof that
21 overhangs. And eventually, about once a month or
22 so, the window washers come and they put a little
23 scaffolding down the side and then they wash all the
24 windows. But I don't see any kind of structure on

1 the roof for the crane.

2 Mr. Boehmer noted that there's no railings
3 indicated on the drawings as well, so I would just
4 ask that question. I know you probably can't answer
5 that, but I think that's just the practical day-to-
6 day operation of the building. I'm wondering how
7 that would work.

8 Thanks so much for letting me ask those
9 questions.

10 MR. GELLER: Thank you.

11 Anybody else?

12 (No audible response.)

13 MR. GELLER: So I want to thank everyone
14 for their comments, their testimony, not just
15 tonight, but throughout the process. I think they
16 have certainly assisted the board, as well as,
17 frankly, I think they helped the applicant to work
18 out issues, so I'm appreciative of that fact.

19 What I'd like to do now is -- the, board
20 needs to continue its discussion, and I think the
21 starting point is continuing the discussion based
22 upon the changes that have been submitted tonight.
23 And I think that needs to start to morph into a
24 conversation about a decision. And I would remind

1 the board that, you know, really there are three
2 options. One is a denial, two is an approval, and
3 three is an approval subject to conditions.

4 So I would like -- when you do offer up
5 your thoughts, I would like you to, in the context
6 of what you say, think about that last component
7 because we are getting to the end of the 180 days
8 and we do have to make a decision.

9 Who wants to jump in first?

10 MS. PALERMO: I'll go first. I would like
11 to say I'm very impressed, actually, with the
12 neighborhood's awareness of the challenges of trying
13 to determine how to accommodate a 40B proposal in
14 their neighborhood and their appreciation for the
15 fact that it is not similar to a situation where a
16 developer comes in and asks for a variance where the
17 rules are entirely different. And I really am very
18 impressed with this neighborhood.

19 And I'm also impressed that the developer
20 has been as responsive as he has.

21 And I'm also impressed with the architect
22 who has absorbed all of these conflicting and
23 sometimes contradictory pieces of advice and desires
24 and really produced a design that seems to have

1 reached the point where people feel it's a
2 reasonable one.

3 And therefore, from my perspective, this is
4 something that probably deserves our approval with
5 conditions.

6 MR. GELLER: Okay. That it?

7 MS. PALERMO: That's it.

8 MR. GELLER: So concise.

9 MS. SCHNEIDER: Beautifully done.

10 MR. GELLER: Anybody else?

11 MS. SCHNEIDER: I would just echo
12 everything that Lark said. It doesn't need to be
13 resaid, although I am, again, very appreciative of
14 the hard work of the development team and the
15 community in making a project that I think we are in
16 a position to approve. I think that, you know, we
17 have heard a lot of feedback from the neighborhood.

18 I know that there are some details that
19 still need to be worked out, so I think, you know,
20 an important focus of this board in coming up with
21 conditions is to make sure that, to the extent
22 possible, agreements that are made between the
23 developer and neighborhood to mitigate project
24 impacts are absolutely memorialized in the

1 conditions to this decision.

2 MS. POVERMAN: I echo Lark's comments, with
3 kudos to, I think, especially Dartagnan. And the
4 progress that's been made on this project I think is
5 very impressive, and I acknowledge the frustration
6 and cooperation of the community -- well, also
7 Dartagnan and the developer -- for working with this
8 40B project and process. It's tough. I think we
9 all know how tough it is.

10 So where I go from here is what I'm unsure
11 about. How do we deal now with the issues that
12 still need to be resolved? So what is a condition?
13 What is not a condition? When do we deal with
14 what's going to happen with parking and if we --
15 like, I still have big problems about safety and
16 waiting to -- coming out of the driveway. I'm
17 very -- like I said, I think things are going
18 extremely well. I just need to know what
19 conditions -- give me an example of a condition.

20 MR. GELLER: Well, I --

21 MS. POVERMAN: For another project.

22 MR. GELLER: There are lots of conditions.
23 There are conditions that pertain to construction,
24 the methodology of construction, there are

1 conditions that pertain to times of move in, move
2 out. There are a variety of conditions.

3 In the case of -- nobody throw fruit at me
4 please. In the case of Hancock Village One, we had
5 67 conditions. More. We had 69 conditions on that
6 project, and the spectrum was enormous.

7 So keep in mind, the notion of conditioning
8 a project rather than saying I'm unprepared to
9 support your project, those are two very distinct
10 things. And you've said you are --

11 MS. POVERMAN: I'm supportive.

12 MR. GELLER: You're supportive, but you
13 want to add conditions. And that's fine, but you
14 need to understand the difference --

15 MS. POVERMAN: I don't even necessarily, at
16 this point --

17 MR. GELLER: Okay. So the way we work -- I
18 think it's premature to talk about the methodology,
19 but I'll say it anyway. So the way that we
20 typically work through the conditions is we get a
21 proposed initial draft to review and then we will
22 review them here. And it is excruciatingly painful,
23 mostly for you, in that we look at every one of
24 those conditions and talk about every one of those

1 conditions. And you can imagine how fun that is,
2 going through 69 or 65 or whatever number, but
3 that's what we do. And at that time, you're going
4 to go into -- add to the discussion about is this a
5 good condition? Does this address the issue that I
6 wanted? What about this condition? So that's the
7 process.

8 And have you started to think --

9 MS. MORELLI: Yes.

10 MS. POVERMAN: But where do we get the
11 chance to talk more about, for example, among
12 ourselves --

13 MR. GELLER: There is no conversation
14 amongst ourselves. There's amongst ourselves
15 (indicating).

16 MS. POVERMAN: Amongst ourselves, for
17 example, about -- Tom Gunning had a great suggestion
18 about a one-way turn right --

19 MR. GELLER: Well, let's have the
20 discussion on a decision, and then we'll morph into
21 a discussion --

22 MS. POVERMAN: Okay.

23 MS. MORELLI: I just want to add -- so yes,
24 we do have two recent cases: 21 Crowninshield and

1 also the Residences of South Brookline. Those are
2 two 40Bs. One was an eight-and-a-half acre project,
3 the other was an eight-unit project, and both have
4 70 conditions each.

5 So what I wanted just to help -- if we have
6 regulations, we don't repeat our regulations,
7 obviously. If there's something specific that needs
8 to be fine-tuned for this site, you'll get comments
9 from department heads, public health, Mr. Ditto
10 regarding stormwater, and so forth. So there would
11 be guidance there for conditions from department
12 heads.

13 Also our peer reviewers, in their reports,
14 have provided recommendations for you to consider.
15 That can be worked into conditions.

16 And the other piece -- so I think of it as
17 a tripod. You know, your regulations are one, and
18 then you look at the plans. So if there's things
19 that are not reflected in the plans that you want to
20 memorialize -- like, let's say they talked about
21 heated driveways, but those weren't reflected on the
22 plan. Either you want them on the plans, or you
23 stipulate that that needs to be a condition.

24 And there also might be questions that you

1 have where staff like Mr. Ditto -- you can pose them
2 as questions and ask for his input, and that might
3 further guide your discussions about the conditions.

4 MR. GELLER: Thank you.

5 Is that all?

6 MS. POVERMAN: Uh-huh.

7 MR. GELLER: Okay. So I'll spill the beans
8 first, and then I'll sort of talk about it.

9 I sort of look at three things. Okay? I
10 look at health, safety, and other issues of local
11 concern. And I rely heavily on peer review to tell
12 me whether there are issues that relate to those
13 things because those are the magic things in the
14 world of 40B. It's a strange world, but those are
15 the issues. That's what governs yes, no, or yes
16 with conditions.

17 And if I look at those things, specifically
18 I look at traffic peer review, I look at design peer
19 review. And I will say -- and I've said this
20 before, I think, in both cases -- we were served
21 exceptionally well. And I'm not, you know, just
22 throwing that out there, because there are times
23 when we are not. But I think that I was quite
24 pleased in terms of professionalism in both cases.

1 And I think if I look at those things, I don't have
2 a basis on which to say that -- to deny this
3 comprehensive permit.

4 And I then look at the other two
5 alternatives, one of which is to simply say, light
6 is green, go forward. And I cannot do that, because
7 peer review has raised concerns that we need to
8 focus on and, frankly, I think the members of the
9 public have raised significant concerns that we
10 really need to focus on and address through
11 conditions.

12 So I am in favor of granting this permit
13 subject to conditions which we will talk about.

14 I also want to say that -- and I've said
15 this before -- I am really appreciative. I'm
16 appreciative to the neighborhood who has zealously
17 guarded their part of this community but have been
18 willing to talk compromise. That's not an easy
19 thing. And I understand this building is much
20 bigger than you want. I understand that.

21 And I want to thank the developer too
22 who -- he may not have listened to everything you
23 said, but he clearly listened, and that's an
24 important thing.

1 And what you have here is, in my mind, a
2 building that is acceptable under 40B and it meets
3 the requirements under 40B, again, subject to
4 conditions. And there won't be three conditions.
5 There will be many conditions. And we will have
6 much conversation about them.

7 That's sort of a lead-in to -- and I don't
8 want to -- I'm sort of both mindful of the clock,
9 but also I want to lead into the topic for our next
10 hearing which will be a discussion -- again, given
11 the statements of the board, it will be a discussion
12 about conditions and about waivers, and they sort of
13 work together. So what will happen is we will hear
14 from the applicant about -- hopefully they'll -- I'm
15 sure they'll submit a written list of requested
16 waivers.

17 Will we have input from the building
18 department?

19 MS. MORELLI: You certainly will. We've
20 asked the applicant to supply that updated waivers
21 list well in advance to give the building
22 commissioner time.

23 MR. GELLER: And let me say this from a
24 philosophical standpoint, because it was an issue in

1 some of the other 40B hearings that I've been on.
2 From an ask perspective, I'm one who believes -- and
3 I won't speak for any of the other board members --
4 I'm one who believes that you tailor your waiver ask
5 in as limited a fashion as you really need. I do
6 not like the global catch-all at the end that we
7 sometimes see, so I simply would say that.

8 Other details?

9 MS. MORELLI: You're actually -- the
10 building commissioner feels the same way and usually
11 will comment on that. They have to be very specific
12 about the amount they need.

13 MR. GELLER: Now, you had also commented
14 that at the next hearing we will have some responses
15 from town -- a few town departments, I believe?

16 MS. MORELLI: Correct. That was mainly
17 Peter Ditto, who's the director of transportation
18 and engineering. We want him to look specifically
19 at Section 6.04.4, pedestrian safety on the
20 sidewalks, also stormwater.

21 Public health will be looking at that
22 rubbish and recycling narrative, hours of operation,
23 will there be private pickup, where will the
24 receptacles be stored/loaded, during what hours, and

1 how many times a week, commenting on that.

2 And then also the noise management -- is
3 there going to be noise buffering materials used to
4 buffer the noise of the mechanicals.

5 MR. GELLER: Okay. Let me ask one more
6 thing.

7 MS. MORELLI: Fire and police, yes.

8 MR. GELLER: That's what I want.

9 MS. MORELLI: We saved that for last.

10 MR. GELLER: Best for last. Okay. So
11 that's good. That will assist us -- obviously, will
12 assist us with our discussion.

13 Any questions from the board?

14 (No audible response.)

15 MR. GELLER: No. I've warned you well.

16 Any other administrative details?

17 MS. MORELLI: No.

18 MR. GELLER: No. Okay.

19 Does the applicant want any rebuttal at
20 this point? I can't imagine you do.

21 Thank you. I want to thank everyone. Our
22 next hearing is November 22nd, 7:00 p.m.

23 Do we know where?

24 MS. MORELLI: It's here.

1 MR. GELLER: Here.

2 (Proceedings adjourned at 9:01 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 14th day of November, 2016.

14 

15 Kristen Krakofsky, Notary Public

16 My commission expires November 3, 2017.

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