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2   FOR THE HEARING ENTITLED:

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4   BOARD OF APPEALS PUBLIC HEARING

5   265-299 GERRY ROAD

6   (PUDDINGSTONE AT CHESTNUT HILL)

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16   Date: Tuesday, March 27, 2018

17   Held at: Brookline Town Hall

18   333 Washington Street

19   Brookline, Massachusetts

20   Commencing at: 7:00 p.m.

21   Court Reporter: Megan M. Castro, RPR, CSR

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 1   APPEARANCES:

 2   Mark Zuroff, Chair

 3   Chris Hussey, Board Member

 4   Lark Palermo, Board Member

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 6   Polly Selkoe, Esquire

 7   Jim Fitzgerald, Environmental Partners Group

 8   Robert Michaud, MDM Transportation Consultants

 9   Joe Geller

10   Steven Schwartz, Esquire

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 1   P R O C E E D I N G S

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 3   MR. ZUROFF: Good evening, ladies and

 4 gentlemen. My name is Mark Zuroff.

 5   This is calling to order to meeting of

 6 the Zoning Board of Appeals. We are here tonight

 7 on the matter of Puddingstone at Chestnut Hill, a

 8 40B proceeding.

 9   For the record, we are being recorded.

10 Are we? We are being transcribed. It is voice

11 recorded as well.

12   So we don't really have microphones in

13 the audience, but it is important for everyone

14 that speaks tonight that we speak clearly enough

15 so that it can be heard on this microphone up

16 here. Most of you are close enough, I am sure.

17 And everything that you say tonight will be

18 recorded.

19   For the record, the members of the Zoning

20 Board of Appeals tonight are myself; to my right

21 is Christopher Hussey; to my left is

22 Lark Palermo. We are the Zoning Board of

23 Appeals.

24   Tonight, on the Puddingstone project, we

 1 are going to hear about traffic design peer

 2 review from the Town expert. And we will then

 3 hear from the applicant's traffic expert. I will

 4 open the floor for public comment.

 5   What I would like to direct you to, as

 6 far as public comment is concerned, is to confine

 7 your remarks to the actual traffic reports that

 8 you are going to hear tonight. Further public

 9 comment will be invited at future meetings as we

10 proceed, because we all want to keep these

11 proceedings moving as quickly as possible.

12   That is, basically, my overview, unless,

13 Polly, you have anything to add.

14   MS. SELKOE: No. As you know, at the last

15 hearing, which was just last week, for those of

16 you who were here, we heard from the design peer

17 reviewer and this week will be hearing from the

18 traffic peer reviewer, Jim Fitzgerald. And at

19 our next hearing, which is April 12th, we will

20 hear from the stormwater peer reviewer.

21   So Jim, why don't you start?

22   MR. FITZGERALD: My name is

23 Jim Fitzgerald, of the Environmental Partners

24 Group. We did the traffic peer review of the

1   Puddingstone project. We reviewed the traffic

2   impact assessment that was done by MDM dated

3   March 10, 2016. And we found that it was done in

4   a consistent manner with standard engineering

5   practices, with the exception of a few comments.

6   The study included four intersections

7   that were investigated: Independence Drive at

8   Sherman Road and Thornton Street; Independence

9   Drive at Gerry Road; Independence Drive at

10   Beverly Road and Russett Road; and last, Grove

11   Street at South Street and Walnut Hill Road.

12   The traffic report was based on traffic

13   counts that were conducted back in November 2015.

14   At that time, typical weekday morning and evening

15   peak hour counts were performed. November

16   represents traffic volumes that are consistent

17   with the yearly average, so no adjustment to the

18   traffic volumes were made nor are any needed.

19   The four intersections -- four study

20   intersections were looked at for crash history,

21   using available information from MassDOT during

22   the five-year period of 2009 through 2013. A

23   relatively light number of crashes were reported

24   during this time period, according to MassDOT.

 1   When you compare the number of crashes to the

 2   number of traffic flowing through the

 3   intersections, you find that there is a very

 4   light -- very low crash rate at each of the four

 5   studied intersections compared to the averages --

 6   the MassDOT average for this area.

 7   We would recommend, however, that the

 8   crash data be verified with crash data available

 9   through the Brookline Police Department, to

10   verify that all the correct -- most accurate

11   information was used.

12   Next, traffic volumes were evaluated to

13   determine whether or not there would be impacts

14   as a result of this development. This is done

15   through projecting traffic volumes through a

16   future year, without this development in place

17   and with the development in place.

18   So first, the traffic volumes were

19   projected to a five-year horizon from the time

20   that the study was prepared, to the year 2021,

21   using a conservative growth rate of 1 percent per

22   year. However, typically the standard would be

23   for a seven-year time horizon instead of a

24   five-year horizon, although we would anticipate

1   no substantial changes to the findings in the

2   end, as far as the operations with or without

3   this development.

4   In addition to looking at a general

5   background growth rate, the report also

6   identifies large -- the large development

7   anticipated in the area, namely the Residences of

8   South Brookline, a 40B project, and incorporated

9   that in the no-build 2021 traffic volumes.

10   To determine the 2021 build traffic

11 volumes, the applicant used the Institute of

12 Transportation Engineers, ITE, Land Use Code 220,

13 for apartment for all of the proposed apartments

14 in this development.

15   Despite there being transit

16 opportunities, namely, the bus line that travels

17 right adjacent to this development, there was no

18 reduction used in the trip-generated traffic to

19 account for the fact that some residents will

20 likely use some transit opportunities in the

21 area. So those numbers were conservative.

22   In the end, what the findings were is

23 that the proposed development is anticipated to

24 add 1,324 vehicle trips during an average

1 weekday. That is during a 24-hour period. And

2 during the morning peak hour, it would be 101

3 vehicle trips. That is entering and exiting

4 traffic. During the weekday evening period, an

5 additional 127 vehicle trips would be added.

6   As part of the mitigation for the

7 development, the applicant is recommending that

8 Sherman Road be redirected from a clockwise

9 direction, with Gerry to a counterclockwise

10 direction, approaching Independence Drive

11 opposite Thornton Road and installing traffic

12 signals at the intersection.

13   So as a result, a traffic signal warrant

14 analysis was performed within the study. Based

15 on the Manual on Uniform Traffic Control Devices,

16 also known as MUTCD, traffic signal warrants are

17 provided to compare existing conditions, whether

18 it be traffic or operation or safety, and

19 determining whether or not traffic signals may be

20 installed at the location.

21   If one or more warrants are met, traffic

22 signals may be considered at the location. In

23 the state of Massachusetts, however, we have

24 Massachusetts amendments to MUTCD that has a

1   little bit more stringent requirements looking at

2   a specific warrant having to do with traffic

3   volumes over the course of an eight-hour period.

4   The report only looked at warrant 2,

5   which is for the four-hour vehicle volume

6   comparison. And it incorporated traffic volumes

7   anticipated by the site, using those

8   conservatively high numbers that I was talking

9   about before. So we would like these numbers to

10 be verified, especially since the report also

11 documents the fact that the ITE trip generation

12 procedures are conservatively high, compared to

13 what the existing development is generating for

14 trips.

15   So again, by having higher traffic

16 volumes generated by the site, it would increase

17 the likelihood of the traffic signal warrants

18 being passed. What we are finding is that, in

19 fact, some of those time periods during that

20 four-hour traffic signal warrant are actually

21 close to not passing. So again, further

22 investigation would be recommended.

23   Also, based on the Mass. amendments to

24 MUTCD, it is recommended that traffic counts not

1 be older than two years, when looking at traffic

2 signal warrants, and these were, again,

3 originated from back in 2015. So we would

4 recommend updated traffic information as well.

5   Analyzing the 2021 no-build traffic

6 volumes to the 2021 build volumes and seeing how

7 traffic will operate along those four study

8 intersections shows that there is only a

9 negligible increase in delay, even with these

10 conservatively high increases in traffic volumes

11 that would be generated by the site. We don't

12 see any issue of concern there.

13   As part of the development, the proposed

14 site driveway is anticipated to approach the

15 southern side of Sherman Road. So we recommend

16 that consideration be made -- or an investigation

17 of sight distance at that intersection, to make

18 sure that there is adequate sight distance there.

19 Certainly, Gerry and Sherman are relatively

20 slow-moving roadways. But again, we just want to

21 make sure adequate sight distance exists with the

22 proposed topography.

23   Next, to get into the parking. It was

24 documented that the existing site contains just

 1   over 1,000 parking spaces for the existing 789

 2   apartment units, which equates to about 1.36

 3   spaces per unit. Under proposed conditions, we

 4   are anticipating 198 additional apartment units

 5   and 28 apartment units that are to be renovated.

 6   340 on-site parking spaces were counted on the

 7   site plans, although there is documentation

 8   referring to 350 parking spaces. We are not

 9   clear on where those additional 10 parking spaces

10   are located.

11   Of those 340 that we counted, that would

12   be added the site, we also want to keep in mind

13   that there would likely be a few parking spaces

14   removed from the southern side of Sherman Road.

15   So instead of that increase of 340 spaces, we are

16   probably talking closer to 337 spaces.

17   In the end, if you look at the number of

18   renovated units as well as new apartments, this

19   equates to just under 1.5 spaces per unit, which

20   is higher than the rate that exists for the

21   current development. Comparing the amount of

22   total spaces, this, of course, is a net -- this

23   is a reduction in what would be required,

24   however, from the zoning parking requirements,

 1 but still reasonable, a reasonable number of

 2 parking spaces per unit.

 3   Regarding the circulation around the

 4 proposed addition development, we would request

 5 that turning templates be provided for different

 6 sized vehicles, including certain emergency

 7 vehicles, to make sure that there is adequate

 8 clearance provided, for review, and that any

 9 alterations to signage and pavement markings also

10 be provided for review.

11   The applicant is proposing, as part of

12 the Residences of South Brookline development,

13 to -- as mitigation for that development, to

14 include changes to Independence Drive, converting

15 the four-lane roadway into one vehicular travel

16 lane in each direct, one bike lane in each

17 direction, and on-street parking, which certainly

18 seems to make sense, because, a lot of times

19 along Independence Drive, parking takes place,

20 blocking the outside lanes anyway. So it seems

21 to be a more efficient use of the space,

22 certainly.

23   We were not able to review the plans.

24 The plans that we were provided were conceptual

1   in nature. So we were not able to verify the

2   design on that, including geometry, curb

3   extensions, signal layout and equipment, signage,

4   pavement markings, et cetera.

5   If this sort of change in Independence

6   Drive were to take place, coordination review

7   would be required by the City of Boston, since

8   the development does take place right on the line

9   with the City of Boston. So I am not certain on

10 where that all stands. I am sure there has been

11 discussions with the City already, hopefully.

12   The applicant has committed to expanding

13 their travel demand management program to include

14 shuttle service, Zipcar opportunities, bicycle

15 and pedestrian opportunities, including bike

16 racks, transit schedules, et cetera, which all

17 seem to make sense.

18   One other thing I would like to point out

19 is the loading zone/trash pickup for the proposed

20 site plan was not really highlighted. So we

21 question what the intent is for trash pickup and

22 loading, as well.

23   Sorry to hop back again, but one thing I

24 neglected to mention. When we were talking about

 1 the number of parking spaces on the site, we are

 2 anticipating, based on the number, again, a net

 3 increase of 337 parking spaces. But I do want to

 4 point out. Of those 337 parking spaces, 82 of

 5 them are tandem. So 41 spaces could potentially

 6 be blocked by other vehicles parking behind them.

 7 So we would like clarification on what the intent

 8 is on making sure that access is being provided

 9 to those interior parking spaces to fully benefit

10 from them.

11   I believe that is all I have.

12   MS. SELKOE: Thank you.

13   MR. HUSSEY: I have got a question. The

14 volumes that you mentioned -- actually, you have

15 answered my question. There are over two years

16 old now -- three years, at this point. Where do

17 those volume statistics come from?

18   MR. FITZGERALD: The traffic count data?

19   MR. HUSSEY: The existing traffic

20 volumes.

21   MR. FITZGERALD: Traffic counts were done

22 back in 2015. Do you mean, what firm counted

23 those vehicles?

24   MR. HUSSEY: Was that from the designer

 1 or the petitioner or the Town, or?

 2   MR. FITZGERALD: It was within their

 3 document. I am not quite sure where they got

 4 them from.

 5   MR. HUSSEY: It was in their

 6 presentation?

 7   MR. FITZGERALD: It was in their --

 8   MS. SELKOE: But their traffic person is

 9 here tonight and he can answer that question.

10 Bob Michaud is here, and he is going to speak.

11   MR. HUSSEY: It sounds like it should be

12 updated.

13   MR. FITZGERALD: It should be. If you

14 are considering traffic signals, absolutely. I

15 feel, as far as traffic operations are concerned,

16 if updated traffic counts were provided, assuming

17 it is not a staggering difference since 2015, the

18 results are probably going to be very similar as

19 far as comparing operations with or without the

20 development. There really is a negligible

21 difference in increasing delay between the two.

22   The traffic counts really come into play

23 on whether or not traffic signal warrants are

24 being met at that intersection. A more detailed

 1   look has to be done, including looking at the

 2   eight-hour traffic signal warrant, warrant

 3   number 1.

 4   MR. HUSSEY: So shouldn't we have that

 5   updated?

 6   MR. FITZGERALD: Yes.

 7   MR. HUSSEY: Right?

 8   MR. ZUROFF: Anything else, Chris?

 9   MR. HUSSEY: Yes. The tandem parking, is

10   that in the building?

11   MR. FITZGERALD: I think it is in the

12   parking garage.

13   MR. HUSSEY: The parking garage. That is

14   what I am asking. Then that is their problem.

15   Do we have a site plan available to look

16   at? It would be helpful.

17   MS. SELKOE: Do you have one?

18   MR. MICHAUD: Actually, I do.

19   MS. SELKOE: This is Bob Michaud, from

20   MDM, and he was going to make some comments now.

21   So perhaps this would be a good time. And he can

22   show you a site plan. Is that all right?

23   MR. ZUROFF: Yes.

24   MR. HUSSEY: It is up to you.

 1   MR. ZUROFF: What I was going to do is

 2   have the Board question the peer reviewer first,

 3   and then we will hear from the applicant.

 4   MR. MICHAUD: Do you want the site plan

 5   up? I will just have to flip through my

 6   presentation.

 7   MR. ZUROFF: That is all right. You do

 8   what you have to do, and we will continue on.

 9   Thank you. Chris, do you have any other

10   questions?

11   MR. HUSSEY: No.

12   MR. ZUROFF: Lark?

13   MS. PALERMO: Just for clarification, the

14   number of apartments, I believe you said, was

15   700-something. And is that the entire Hancock

16   Village, including the Boston apartments?

17   MR. FITZGERALD: Yes.

18   MS. PALERMO: And that is true for the

19   1,000 spaces as well, parking spaces? So this is

20   the entire development?

21   MR. FITZGERALD: Yes.

22   MR. ZUROFF: Mr. Fitzgerald, first of

23   all, my first question is, we know that this data

24   is old, and apparently you are in support of

 1   getting it updated.

 2   MR. FITZGERALD: Yes.

 3   MR. ZUROFF: Have you done any

 4   independent research on the data, traffic flow in

 5   this area, yourself.

 6   MR. FITZGERALD: I have not researched

 7   into available traffic counts in the area, no.

 8   MR. ZUROFF: Is that data available to

 9   you?

10   MR. FITZGERALD: Nothing readily comes to

11   mind. I wonder if the other 40B development

12   across the way there, when that traffic count

13   data was collected, how far back was that. Is

14   that old Board? So no.

15   MR. ZUROFF: Are you aware of -- or do

16   you know whether there have been any changes in

17   the area either to institutions or traffic lights

18   or anything that would affect the flow of traffic

19   in this particular development, in this area.

20   MR. FITZGERALD: Since 2015, when the

21   counts were done?

22   MR. ZUROFF: We know that there has been

23   a stadium built down the street. But I wonder if

24   there has been anything of comparable nature that

 1 would have an effect on traffic in the area, that

 2 is significant.

 3   MR. FITZGERALD: MassDOT has available

 4 count data that is available. It is sketchy. I

 5 don't necessarily know if there is a chronology

 6 of counts along this corridor. But again, I

 7 would anticipate just doing additional counts.

 8   MS. SELKOE: Would development along the

 9 VFW Parkway affect this intersection? Because I

10 know there is a very big apartment building next

11 to Home Depot, that is just being constructed

12 now.

13   MR. FITZGERALD: It certainly could. Any

14 development in the area could affect the traffic

15 volumes. The one thing, by including 1 percent

16 per year, it is on the conservative side. So

17 that would likely absorb some of the traffic

18 volumes. If there was a real large, substantial

19 development in the immediate vicinity that would

20 really alter things dramatically, then it is

21 feasible.

22   MR. ZUROFF: We will take public comment

23 in a little while.

24   Another question I have -- and this may

 1 be a matter for environmental as well. But the

 2 additional car generation within the project, do

 3 you know or can you opine on whether that would

 4 have any effect on the sanctuary of the school

 5 adjacent to the property?

 6   MR. FITZGERALD: We looked at it from the

 7 standpoint of traffic impact as to key

 8 intersections.

 9   MR. ZUROFF: So just on Independence

10 Drive.

11   MR. FITZGERALD: Right, at those four

12 locations. And we are comparing no-build to

13 build. So by applying this increase of traffic

14 volumes that are documented and seem to make

15 sense, they disperse in different directions.

16 But in the end, there is not a substantial

17 difference in delay between the conditions.

18   MR. ZUROFF: So with that many new

19 apartments and that many additional parking

20 spaces, it is not significant?

21   MR. FITZGERALD: Based on -- I am talking

22 about travel delay time. Based on travel delay

23 along those four study intersections, there is

24 not much of a difference between the no-build and

 1 the build condition.

 2   MR. ZUROFF: Okay. Would you, based on

 3 what your data is, at this point, would you

 4 recommend any additional traffic controls on

 5 Gerry Road on the other side, the side streets?

 6   MR. FITZGERALD: As in traffic signals?

 7   MR. ZUROFF: Traffic calming, or.

 8   MR. FITZGERALD: Certainly the

 9 Independence Drive corridor, like I said, really

10 could be used a lot better, as reflected in the

11 conceptual sketch with curb extensions, short

12 crossing distances, improved sight lines for

13 pedestrians seeing around parked vehicles,

14 et cetera. And that is traffic calming. That

15 does slow cars down. So those sorts of

16 improvements definitely would be great for the

17 corridor.

18   One thing I want to point out on the

19 previous -- your previous question having to do

20 with operations, if traffic signal warrants are

21 not met, that the intersection would have to be

22 reanalyzed as unsignalized. And then the

23 differences in delays or the impacts having to do

24 with delays could then be looked at under those

 1 conditions. Those were not looked at originally,

 2 because the whole idea was the intersection would

 3 become signalized and operate under that sort of

 4 control. So I cannot speak to what the

 5 operations would be under an unsignalized.

 6   MR. ZUROFF: This might be an opportune

 7 time for me to ask the applicant if those traffic

 8 signals, which I believe were originally part of

 9 the special permit on the other project, is that

10 also part of this project? Or is that a given?

11   MR. GELLER: The traffic signal at --

12   MR. ZUROFF: The whole reconfiguration of

13 Independence Drive.

14   MR. GELLER: The whole reconfiguration of

15 Independence Drive, with the exception of the

16 signal at Sherman and Thornton, is part of the

17 special permit for ROSB. And that is

18 all -- sorry -- comprehensive permit for ROSB.

19 So that is all included and will be part of the

20 project.

21   MEMBER OF THE PUBLIC: We can't hear any

22 of this.

23   MR. GELLER: I said that the ROSB project

24 included all of the work proposed on Independence

 1 Drive, which you discussed, which was the hawk

 2 lights for the crossings, the reconfiguration of

 3 the roadway so that it was bike lanes, parking,

 4 and one travel lane. All of that is part of the

 5 ROSB comprehensive permit and will be constructed

 6 as part of that project, when that project moves

 7 forward. So the only thing that is being

 8 proposed as part of this project is the

 9 signalization of the intersection.

10   MR. ZUROFF: So it raises a question in

11 my mind, because ROSB isn't built yet. I don't

12 know how far you are from construction. I know

13 there may be some further legal proceedings. I

14 am conceptualizing that; I don't know that for a

15 fact.

16   But in considering this special permit

17 application, the question is, I have made it

18 clear to the audience and to you, that we are

19 looking at this independently. But that is an

20 overlap.

21   And the question is, how do we deal with

22 that overlap? And that may be a question for

23 your attorneys to answer. Because one seems to

24 require the other, in order for us to reach

 1 possibly acceptable traffic calming measures.

 2   MR. SCHWARTZ: Well, I think it is

 3 probably fair to say that, whichever one of these

 4 projects proceeds first, it would be a condition

 5 of the permit that those improvements be

 6 constructed as part of that project.

 7   MR. ZUROFF: Okay.

 8   MR. SCHWARTZ: So if the Board saw fit to

 9 impose those same conditions on this project, one

10 way or the other, when one of those projects

11 proceeded, that would get built. I don't know if

12 that answers your question.

13   MR. ZUROFF: So we can proceed on that

14 understanding, that, whichever project goes

15 first, those would be part of our prescription.

16 Okay.

17   The plans that are being provided as part

18 of this application, you have made reference in

19 your report to getting verification of those

20 plans, I believe. In fact, I am going to go

21 through the report and ask you some questions.

22 But is that still a requirement that you would

23 like to see?

24   MR. FITZGERALD: Verification having to

 1   do with the turning maneuvers?

 2   MR. ZUROFF: Traffic, traffic maneuvers.

 3   MR. FITZGERALD: Yes.

 4   MR. ZUROFF: So those would be --

 5   MR. GELLER: We are going to go through

 6   that.

 7   MR. ZUROFF: Sorry if I am jumping ahead.

 8   MR. GELLER: No. Jump ahead.

 9   MR. ZUROFF: As I went through your

10   report, I have some other questions, the most

11   important question, I think, Chris has already

12   asked, that you seem to emphasize, a number of

13   times, that the data is somewhat old. It is 2015

14   or before. And is it your recommendation that

15   all of that data be updated?

16   MR. FITZGERALD: Yes.

17   MR. ZUROFF: Before you can make any full

18   review of the application?

19   MR. FITZGERALD: Correct. Data be

20   updated and more accurate volumes be provided for

21   the signal warrant analysis, as well as

22   additional hours of data.

23   MR. ZUROFF: Thank you. Crash data, you

24   made reference to police department records,

 1 which I don't believe we ever presented to you

 2 for review. Your recommendation is that that

 3 data be available and made available?

 4   MR. FITZGERALD: Correct. Because for

 5 past projects, realizing that there has been some

 6 disconnect between Brookline and MassDOT having

 7 to do with crash data on occasion.

 8   MR. ZUROFF: Could that include the City

 9 of Boston, too?

10   MR. FITZGERALD: The intersections all

11 fall within Brookline jurisdiction.

12   MR. ZUROFF: But you said we are

13 bordering on Boston. Would it be helpful to have

14 City of Boston data as well?

15   MR. FITZGERALD: I don't think the City

16 of Boston would cover the area of study that we

17 are looking at here.

18   MR. ZUROFF: Okay. So in other words,

19 the effect of traffic coming off of VFW Parkway

20 isn't going to make any difference?

21   MR. FITZGERALD: Right.

22   MR. ZUROFF: Okay.

23   MR. HUSSEY: Independence Drive, that is

24 City of Boston, isn't it?

 1   MR. FITZGERALD: No, actually. It is

 2   Brookline. But the line is just to the south of

 3   the intersection, I believe.

 4   MR. HUSSEY: Do you have a larger plan?

 5   I was hoping to see a site plan that shows the

 6   roads around it.

 7   MR. MICHAUD: We can show that, if I am

 8   allowed to present.

 9   MS. SELKOE: Perhaps we have that in the

10   application.

11   MR. HUSSEY: If we don't have it now, can

12   we have it for the next meetings?

13   MR. MICHAUD: Through the Chair, I think

14   many of the questions that are being asked will

15   be addressed if I go through the PowerPoint.

16   MR. GELLER: It would make it easier to

17   just go through his presentation.

18   MR. ZUROFF: Maybe we can come back to

19   Mr. Fitzgerald after we hear from you, if you

20   think that would work better. The important

21   thing is that we get all of the data.

22   MR. MICHAUD: Right.

23   MR. ZUROFF: Would that be okay with you?

24   MR. FITZGERALD: Absolutely.

 1   MR. ZUROFF: All right, sir.

 2   MR. MICHAUD: Thank you very much. I am

 3 going to use the podium, if that is okay.

 4   MR. ZUROFF: That is fine, as long as you

 5 make yourself heard.

 6   MR. MICHAUD: Let me back up to the

 7 beginning.

 8   For the record, my name is

 9 Robert Michaud, a principal with MDM

10 Transportation Consultants, based in Marlboro,

11 Massachusetts. My firm was responsible for

12 preparing the traffic report that

13 Mr. Fitzgerald's firm reviewed.

14   And we find that there is a general level

15 of concurrence with the methodology and the

16 standards that were applied in the conduct of

17 that study. I believe Mr. Fitzgerald represented

18 that.

19   There are essentially four areas of

20 requested supplemental information or

21 clarifications that I would like to walk through.

22 Many of these points may address some of the

23 questions that the Board had raised so far. So

24 it might be helpful to step through those.

1   One of those pieces of supplemental

2   information had to do with the police, local

3   police, accident records, which we actually do

4   have for the same period in which we report the

5   MassDOT data, that that can make a correlation

6   between any differences that might exist between

7   the DOT database, which is derived from local and

8   Registry records, and the local records.

9   Sometimes there are discrepancies between the

10   two.

11   The good news here is that, based on

12   submitted records that we received from the

13   police department for that 2011 through '13

14   period, it coincides with the DOT database that

15   there were a total of 14 crashes over that period

16   of time reported locally, only several of which,

17   in some way, were related to the driveways that

18   currently serve Hancock Village, shown in blue.

19   And when you plot the locations of those

20   various crashes, there is no single location

21   along Independence Drive that is a hot spot, so

22   to speak. There are not multiple collisions at

23   specific locations along the road. They happened

24   to be spread fairly consistently throughout the

1 corridor. And when you look at the equivalent

2 crash rate represented on this diagram, those

3 crash rates are a very consistent with those that

4 were reported in the traffic study using the DOT

5 database.

6   As Mr. Fitzgerald pointed out, those

7 crash rates are well below -- four to five times

8 below -- average crash rate statistics for those

9 types of intersections in this district. So it

10 is fair to say that there is a level of

11 consistency between local and state records, and

12 it is fair to say that the crash experience here

13 is relatively low.

14   None of these locations are listed on the

15 state's high crash location listing. And as a

16 result, there aren't any specific safety

17 countermeasures that would be warranted to offset

18 any specific trends along the corridor.

19   MR. ZUROFF: If I could just interrupt

20 you for a second. Again, your records are 2011

21 TO 2013?

22   MR. MICHAUD: Yes. And I will clarify

23 that the reason we are showing that information

24 here, is because it was, at the time the report

 1 was published, the latest available state records

 2 from MassDOT. MassDOT lags by up to between two

 3 and three years from current date in publishing

 4 those crash records. So this is a true

 5 apples-to-apples comparison using local records

 6 to then-available DOT records.

 7   I think the point of the exercise was to

 8 determine whether or not there were major

 9 discrepancies between local versus state records,

10 which I think this confirms there is not.

11   And even in the screening of current

12 listings, 2015 data is currently available, none

13 of these locations are listed as high crash

14 locations. It would be my opinion that, on that

15 basis, that there are no distinct trends that

16 have occurred since the timing of the traffic

17 study --

18   MR. ZUROFF: Would it be possible for you

19 to update your data?

20   MR. MICHAUD: We certainly could do that.

21 Yes. So the point of this exercise was to

22 address, head-on, the point of, is there a

23 discrepancy between the two? And there is not.

24   But we can certainly update to reflect

1 the most current state records. We can certainly

2 make the request of the police department for the

3 most current records.

4   So that was, perhaps, the most

5 significant piece of supplemental information.

6 So we have discussed the notion of the

7 November 2015 data. I think it is fair to say

8 that your peer reviewer acknowledges that, so

9 long as there is no vast difference in area

10 traffic patterns relative to 2015, that it is not

11 likely that the capacity results and the reported

12 results of the study would be any different -- or

13 materially different than we published.

14   The point I want to make is that my firm

15 and me, personally, have been involved with

16 planning along this corridor, including the

17 Residences of South Brookline, since 2012. So we

18 have a fairly significant database, historical

19 database counts along Independence Drive. We

20 also have access to the functional design report

21 that was prepared for the Beverly Road

22 intersection back in 2007. So we have data from

23 2007, '12, '13, and '15.

24   And when you begin to look at that

 1 data -- here is an example of 2007 to '14 data

 2 for daily, a.m. and p.m. peak hours that were

 3 collected. And what that trend shows, and this

 4 is consistent with the DOT database publications,

 5 is that daily trips have essentially been flat or

 6 maybe even, in some cases, slightly declining.

 7   The a.m. peak hour traffic volumes have

 8 been flat or declining over that period of time.

 9 And the p.m. peak hour has a very slight

10 increase, representative of about less than half

11 a percent annualized growth.

12   If you look at other sources of

13 information, the functional design report that I

14 referenced, that was published in 2007, had 2004

15 data in it. We had 2013 data that we had

16 collected along this corridor at those specific

17 intersections, which both show that, again, the

18 growth patterns here are substantially below,

19 half a percent annualized growth.

20   So what that shows is that -- well, I am

21 not saying that there wouldn't be some change

22 between 2015 and now. I think the nature of the

23 traffic change has been modest and relatively

24 minor and certainly well within the growth

 1 patterns that we have seen historically since

 2 2004, which is flat, less than half a percent

 3 annualized growth.

 4   Because we took a conservative approach

 5 as how we analyzed traffic growth by applying a

 6 1 percent annualized growth factor, we are

 7 essentially taking a high guess, if you will, as

 8 to what the design volumes will be in the context

 9 of this project.

10   So it is my professional opinion that, on

11 the basis of the history of this corridor and my

12 knowledge that there are not any specific

13 localized projects that would have substantially

14 changed those patterns, that the volumes as they

15 are reported in this study are valid and

16 appropriate and reasonable for basis of impact

17 analysis.

18   However, and I will speak to this in a

19 moment, I think the more important question is

20 the signal warrant analysis. I think, really,

21 that is the crux of this. We could certainly go

22 out and recount traffic at all four of these

23 locations. But my opinion, the likelihood of

24 that creating any new, useful information for

 1   impact purposes is negligible. I think there is

 2   some value to looking at actual field conditions

 3   for the signal warrant purposes, and I will speak

 4   on that in a moment.

 5   MEMBER OF THE PUBLIC: Can you just say,

 6   what is a.m. peak hours? What are those hours?

 7   MR. MICHAUD: Through the Chair, in the

 8   context of the traffic study, we look at commuter

 9   periods between 7:00 and 9:00 in the morning and

10   4:00 to 6:00 p.m. at night. That is what those

11   represent.

12   So another point -- series of questions

13   that Mr. Fitzgerald raised had to do with on-site

14   parking and circulation aspects. We have since

15   responded, and I will show you the response,

16   here, to several of those items: Providing an

17   auto turn analysis for emergency apparatus into

18   and through the development; some clarification

19   of park supply ratios; and finally, there was a

20   discussion about the sight line issue, the

21   potential for loss of spaces to enhance sight

22   lines.

23   The auto turn analysis was a computerized

24   analysis that looked at the Brookline E-1 Bronto

1   and 100 tower truck as the largest design vehicle

2   that may have to respond here. We find that

3   there is sufficient maneuvering area for that

4   vehicle type.

5   We conclude that by showing in this

6   contextual diagram the nature of where the swept

7   movements would be for that largest vehicle type

8   at the driveway entrances along Independence

9   Drive, as well as within the property itself.

10 And you can see, they are annotated locations A

11 through E, in this case, for vehicles that would

12 be entering the site and likewise exiting the

13 site from those same positions.

14   As you look at the details from each one

15 of those locations, you can see the swept path of

16 that largest vehicle has sufficient maneuvering

17 area, in each and every part of the site, to be

18 able to get into and circulate within. These are

19 the outputs of that exercise, which will be made

20 available to your peer reviewer, indicating that

21 all of the swept paths are, in fact, adequate for

22 that purpose.

23   Regarding parking, the sheet L300 on the

24 site plan submittal does, in fact, total 350

1 parking spaces. I think perhaps the discrepancy

2 between the 340 and 350 is explained in that some

3 of the spaces that are tabulated in that number

4 actually exist on Sherman Road, near where the

5 proposed driveway is that feeds into the

6 development.

7   So I think, as submitted, and consistent

8 with the application materials, there are 350

9 parking spaces, some of which, we acknowledge,

10 are tandem spaces within the garage structure.

11 The tandem spaces would be assigned to specific

12 units. They are assigned tandem spaces. So

13 unlike a public parking lot, where you could park

14 anywhere that you found capacity, this would be

15 an assigned basis tandem parking. So if your

16 partner/wife/husband was parked in one of those

17 spaces, you would have to sort out which one of

18 you parked in the first versus the second space.

19   So there is really no inherent need to

20 have a management plan, per se, for those spaces.

21 It would be incumbent on that unit owner to

22 understand how to best jockey the cars.

23   MR. ZUROFF: Just a question about the

24 interior spaces. Is there -- we did not tour the

 1 garages when we did the site visit and maybe we

 2 should take look at them. But is there adequate

 3 room for people to jockey one car out?

 4   MR. GELLER: This is only in the new

 5 garage.

 6   MR. ZUROFF: Oh, right. So will there be

 7 room in the garage?

 8   MR. GELLER: Yes, there will be.

 9   MR. ZUROFF: Correct.

10   So the effective parking supply ratio, at

11 that 350, is just over one-and-a-half spaces per

12 unit. And we know that, through the survey of

13 the Hancock Village facility, that the actual

14 parking supply ratio for those units is actually

15 1.36.

16   So the ratio that is being proposed here

17 represents an increase in the ratio relative to

18 how the site is currently operating. We know

19 through practical experience and prior survey of

20 that site, that that 1.36 ratio for the existing

21 Hancock Village is sufficient to accommodate this

22 need. So we feel confident that that ratio is an

23 appropriate standard to hold for this project,

24 understanding that it doesn't meet the so-called

 1 zoning requirement, which has more than 400

 2 parking spaces that would be required. So there

 3 is sufficient parking within the application and

 4 intent of this project.

 5   Finally -- and this speaks to the park

 6 issues to some degree. There is an internal

 7 driveway that is shown on the site plan. I don't

 8 have my laser pointer, so I will point. That

 9 driveway is located in that orientation. You can

10 see where it comes into Sherman Road.

11   The question is, if you are in a stopped

12 position, leaving that driveway, whether you

13 would have adequate visibility to an oncoming

14 vehicle, a sight line. And you will see that

15 there are a series of spaces along Sherman Road,

16 probably the ones that were not tallied as part

17 of that 350.

18   MR. ZUROFF: Are they on the right side

19 or the left side?

20   MR. MICHAUD: They are on the

21 right -- well, they are actually on both sides,

22 to be honest with you. It is very hard to read.

23 The font on this is rather light. But you will

24 see that there are a series parking spaces along

1 both edges of that road. That is a one-way road,

2 just to be clear. That one-way circulation

3 pattern would be from the top of the page toward

4 Independence Drive.

5   And there are a lack of spaces, if you

6 will, directly opposite that driveway, so that

7 you can have proper maneuverability to make a

8 turn out of that driveway.

9   MR. ZUROFF: So are they posted as

10 no parking?

11   MR. MICHAUD: They will be striped as "no

12 parking."

13   The question is whether or not any

14 removal of those spaces, particularly the ones

15 that exist just to the top edge of that driveway,

16 would need to be removed so that someone in the

17 stopped position could see someone coming along

18 the one-way section of road.

19   Our opinion is that you could certainly

20 eliminate those and enhance the sight line. It

21 would not materially affect the parking ratio

22 that is being sought in this development. If we

23 lose two or three parking spaces, it is still

24 going to work pretty well. It is certainly the

 1 prerogative of this Board.

 2   The design, as it is currently proposed,

 3 is consistent with general design practices for

 4 these types of development. These are very slow

 5 speed, one-way roadways, very low volume

 6 roadways. And to the extent someone actually

 7 pulls up to where the aisle is, of Sherman Road,

 8 my opinion would be that they have adequate

 9 ability to see an oncoming car, even

10 notwithstanding that there are parked cars along

11 the edge of the road. It is not unlike what most

12 people would experience in the City of Boston,

13 when you come out the side street and there are

14 parked vehicles on either side.

15   But that said, I don't think there is any

16 reason they couldn't be eliminated, to the extent

17 that you wanted to maximize that sight line.

18 That could certainly be drawn as part of the

19 conditions for approval.

20   MR. ZUROFF: Is there -- Joe, this might

21 be for you, too.

22   What kind of plans are there in place for

23 traffic within the interior roadway? People want

24 to drop their groceries off. I mean, it is a

 1   no-standing zone? Is it a no-parking zone?

 2   MR. GELLER: So the roadway is a private

 3   roadway that is used by the residents.

 4   MR. ZUROFF: It is a driveway.

 5   MR. GELLER: Right. It is a driveway,

 6   with parking on either side of it. As you drive

 7   in, years ago, they added islands at each one of

 8   the courtway entrances. So there is a place to

 9   pull over, take your bags out of the car or

10   whatever, and then park in the space that you can

11   find where that is located. So there is

12   already -- all of that is accommodated on the

13   roadways today. And at this end, which is

14   basically doing the same thing as the entrance to

15   the driveway here, to accommodate that.

16   MR. ZUROFF: So if somebody wants to pull

17   into one of the new, smaller buildings, drop

18   their groceries, there is a place for them to do

19   that?

20   MR. GELLER: That circle is wide enough

21   so you could pull up past the parking spaces,

22   that little drop off area between the two areas.

23   MR. ZUROFF: Is that what those extended

24   shapes are?

 1   MR. GELLER: That is parking.

 2   MR. ZUROFF: Oh, that is actual parking?

 3   MR. GELLER: Yes, that is actual parking.

 4 And there is two handicap spaces on that end and

 5 then some handicap spaces on that end.

 6   MR. ZUROFF: So it will always be freely

 7 opened for emergency vehicles?

 8   MR. GELLER: Yes.

 9   MR. ZUROFF: Sorry. I interrupted you.

10   MR. MICHAUD: That is okay. This is

11 actually a closer view of that same location. I

12 think we covered that issue.

13   Loading and delivery was questioned. And

14 the philosophy is consistent with the current

15 practices at Hancock Village, that curbside

16 activity would include pickup of curbside refuse,

17 which will be wheeled out in containers.

18   There will be occasional move-in

19 activity. In the context of the new building,

20 that would occur in within the aisle closest to

21 the building front, which is a two-way aisle. No

22 parking there. There wouldn't be any packing

23 movements or blocking parking, per se. It would

24 be a curbside operation, which is consistent with

1 apartment complexes throughout the Commonwealth.

2   The vehicle types that would be

3 conducting that type of either move-in activity

4 or delivery activity, would be box truck type,

5 unibody trucks that are not articulated, 40

6 or 50 --

7   MR. ZUROFF: But there could be a tractor

8 trailer.

9   MR. MICHAUD: It would fit, certainly.

10 But our experience with apartment move-ins is

11 that those are typically done using a standard

12 unibody type truck. UPS delivery trucks are an

13 example of the day-to-day type delivery

14 operation.

15   And then we are all familiar with the

16 front loading -- sorry -- rear-loading trash

17 trucks, all of which can fit in the circulation

18 within the property and can do all of those curb

19 side, without any reliance on the public way for

20 those operations.

21   Roadway improvements, I think this will

22 help clarify what Joe had mentioned about what

23 has been committed by the Residences of South

24 Brookline versus what is being currently

 1 contemplated, the change in those plans to

 2 include signalization.

 3   So I would like to start with the plan

 4 that was actually the reference point for the

 5 Residences of South Brookline. That is this

 6 diagram, which shows the conversion of

 7 Independence Drive from its current four-lane

 8 section to the two-lane travel section with

 9 parking and bike lanes on the edges.

10   This was essentially the concept that got

11 endorsed as part of the Residences of South

12 Brookline project. And you will see that, as

13 part of that, there are two specific locations

14 along that road, one near the east driveway just

15 to the north of Gerry Road, where there is a new

16 pedestrian crossing proposed. Near Beverly Road,

17 there is a realignment of an existing crosswalk.

18 And at the Thornton/Sherman Road intersection, at

19 that time, during its permit process, there was a

20 view to putting a pedestrian crossing as well

21 there, each of which would have curb bump-outs

22 associated with them, to reduce the crossing lane

23 and to protect or shield the parking that would

24 occur curbside on Independence Drive.

1   So that is the reference point. And that

2   does show dimensionally what that concept

3   entailed at the time.

4   This is a shoot-in, if you will, a

5   blow-up of one of those crossing points with the

6   bump-outs. This is the Thornton/Sherman Road

7   intersection. And that is the east driveway

8   location, just north of Gerry. And you can see

9   the realignment of the crosswalk beyond it. So

10   that has all been hashed out, agreed to, and is a

11   commitment of the Residences of South Brookline.

12   This diagram represents, conceptually, a

13   shift in that plan, not from the perspective of

14   where the work would be done for the Residences

15   of South Brookline, but what would happen at

16   Thornton and Sherman and what is different than

17   that planning. And that is, the conversion of

18   Gerry Road, which currently allows access to

19   Independence, to a one-way away from Independence

20   and Sherman Road, which currently travels away

21   from Independence, toward Independence.

22   So the idea is that we wanted to provide

23   a point at which all of the vehicle activity that

24   would be exiting from the north or west side of

 1   Hancock Village and the new development would all

 2   have to come out at a single point. And the

 3   philosophy to that, it would be better to control

 4   movements and to reduce vehicular friction by

 5   concentrating that at a known single location.

 6   It would also for, to the extent a signal warrant

 7   is met and is built, would allow for an exclusive

 8   pedestrian phase to be placed for anyone who

 9   wanted to cross the street.

10   We know that is a fairly busy crossing

11   today, and it will be elevated once this new

12   development comes in. So it is important to have

13   some form of control at that location.

14   Of course, if we were to update that plan

15   that was part of the Residences at South

16   Brookline, this is what it would look like. Now,

17   it would show the signal along with all of the

18   other features that were commitments of that

19   project. So that is the reference point.

20   The signal warrants analysis that was

21   presented in our evaluation relies on a projected

22   shift in activity from Gerry Road to that new

23   location at Sherman, as well as the new traffic

24   from the development, which we estimated using

1 industry standard rates. We acknowledge that the

2 existing development of Hancock Village generates

3 at levels that fall below the industry standards,

4 perhaps because there is public transportation

5 opportunities and Zipcars and other features.

6   But our response to that issue is not to

7 argue the academics of the signal, it is rather

8 to provide a commitment to monitor the actual

9 performance and volumes of the intersection based

10 on occupancy of buildings at that time, to

11 demonstrate compliance to a signal warrant, to

12 make sure that it actually is warranted.

13   So we can certainly go out and recount

14 traffic, we could redo warrants. And all of that

15 would be an educated guess as to what might

16 happen. I think the more appropriate standard to

17 hold here would be to provide a monitoring

18 provision that demonstrates compliance and the

19 need for a signal. And I think that that is a

20 commitment of this proponent. And to the extent

21 Brookline endorses and approves a signal at that

22 location, they would be committed to building it.

23 I think that would be the appropriate protocol

24 here.

1   We know that we may easily meet a

2   one-hour volume warrant in the morning when most

3   people are leaving. Those warrants over an

4   extended period of time become more difficult to

5   meet, because most people are not here during the

6   day. So there are some challenges to meeting

7   every one of those warrants, particularly upon

8   initial occupancy of the building. And as a

9   result, we would suggest it makes sense to

10 monitor it and determine the need at the time.

11   Any design that is submitted for that

12 location would contemplate a redesign to

13 accommodate a signal, just to be clear. In the

14 interim period, during which a signal is not

15 warranted and it is not there, we would defer

16 back to the original plan of the Residences of

17 South Brookline, which would have a

18 pedestrian-activated crossing at that location.

19 You still need to accommodate pedestrian movement

20 safely, but all of the geometric features, the

21 conwidth [phonetic] that would be placed on the

22 intersection, would all be compliant with

23 signalization at some point. And that is a

24 commitment of the proponent.

 1   MR. ZUROFF: Just to be clear, the

 2 current plan, under the ROSB permit, includes the

 3 signalization, subject to the Town approving it?

 4 No?

 5   MR. GELLER: No, it doesn't include the

 6 signalization. It includes --

 7   MR. ZUROFF: The crosswalks; I know that.

 8   MR. GELLER: The crosswalk and the hawk

 9 signals. So it will have the signals, those hawk

10 signals.

11   MR. ZUROFF: Which will stop the traffic

12 for pedestrians?

13   MR. GELLER: Yes.

14   MR. ZUROFF: But not otherwise?

15   MR. GELLER: It is not fully signalized.

16   MR. ZUROFF: Not to go across from Gerry.

17   MR. GELLER: To take a left or right turn

18 or whatever.

19   MR. ZUROFF: Right.

20   MR. MICHAUD: To be clear, the form of

21 control that was cited within the South

22 Brookline -- Residences of South Brookline,

23 ROSB -- actually could entail a rapid flash

24 beacon, which is a little more traditional and

1 more used these days, relative to the hawk. So

2 when we say "signal," we mean

3 pedestrian-activated beacon. It is a feature

4 that gets activated.

5   MR. ZUROFF: Somebody pushing a button?

6   MR. MICHAUD: Yes. And then there is a

7 flash/strobe effect on the road, if you will, so

8 that motorists who are approaching that crossing

9 become aware that there is something going on.

10 And that is what those are.

11   And that would be implemented under any

12 scenario. And to the extent a traffic signal,

13 which stops traffic, regulatorily would need to

14 meet the warrants.

15   And that is it. So in conclusion, I

16 think we are going to be providing a written

17 response. I actually have that with me, and I

18 will provide that to the Board and will

19 distribute it to your review consultant as well.

20   We would certainly update the crash data

21 information to reflect the last couple of years

22 of available information. But the update of

23 traffic counts and such, it would be our opinion

24 that there is no useful purpose for doing that.

 1 And to the extent it were provided, we can

 2 certainly do a spot count to validate at one of

 3 the higher-volume intersections what is going on,

 4 with the likely outcome being that there is

 5 really very little, if any, change since 2015.

 6   MR. ZUROFF: We understand that. But as

 7 our peer reviewer has stated, it would be better

 8 for all of us to know what that data is, at least

 9 updated as much as possible. So if you are

10 willing to do that, we would like to see it.

11   MR. FITZGERALD: Well, for me, I think

12 the biggest issue, again, is the traffic signal

13 warrant and the fact that, as the original report

14 documented, there is a substantial difference

15 between the existing usage -- the existing trips

16 per unit at that development compared to what ITE

17 has published.

18   So if by looking at a four-hour traffic

19 signal warrant, we are finding that two hours are

20 met, no problem; one of the p.m. hours is met;

21 the other p.m. hour met, based on our numbers,

22 actually falls below the line and is not met.

23 And we know that those numbers are going to drop

24 dramatically, especially those p.m. hours of, I

 1 think, 45 percent is what the report that you

 2 noted --

 3   MR. MICHAUD: Right, yes. The empirical

 4 information would stay the same.

 5   MR. FITZGERALD: So now we have lost our

 6 two hours in the afternoon meeting those

 7 four-hour warrants. So now we have got two of

 8 the four hours being met. So we are not even

 9 really meeting a four-hour traffic signal

10 warrant; never mind an eight-hour.

11   So I guess I wonder, if you were going to

12 build it and just hope for the best, if that is

13 the best way to go, is monitoring, if we have

14 these kinds of doubts and questions.

15   MR. MICHAUD: So I think the basis of the

16 monitoring is to avoid that situation. We want

17 to see how this actually performs. We want to

18 see how much traffic actually occurs.

19   So again, I would prefer to avoid an

20 academic exercise of saying, do we meet three of

21 the four, or four of the four, or two of the

22 four, when we are making educated guesses? And I

23 think it is fair to say that, in the morning, we

24 won't have any issue needing or meeting the

1   warrant for a signal. The issue is what happens

2   during the rest of the day.

3   MR. FITZGERALD: Right.

4   MR. MICHAUD: The commitment of this

5   developer -- and this is consistent with

6   information input that is been received from your

7   police department in October of 2014 -- is they

8   would like to see some form of traffic control

9   along Independence Drive, for a couple of

10 reasons.

11   One, as a traffic calming feature, if you

12 will, apply regular gaps in traffic, but, as

13 importantly or more importantly, to provide a

14 dedicated means of pedestrian crossing, a safe

15 crossing of the road.

16   When we look at warrants, you don't have

17 to meet the eight-hour warrant to justify a

18 signal. It would be nice if you did, and MassDOT

19 has a preference -- prefers that.

20   MR. FITZGERALD: Yes.

21   MR. MICHAUD: But we have been in many

22 instances where the standards are met for a

23 four-hour warrant and, in some cases, a one-hour

24 warrant, based on context of the location and the

1 confluence of events and pedestrian activity, for

2 instance, would dictate that placing a signal is

3 a wise thing to do. This may be one of those

4 circumstances.

5   MR. FITZGERALD: Because the other thing

6 was, did you analyze it without a signal, with

7 the future volumes? How did that operate?

8   MR. MICHAUD: We know the main line is

9 just fine.

10   MR. FITZGERALD: Yes. Oh, as

11 unsignalized? Absolutely.

12   MR. MICHAUD: Yes. So the unsignalized,

13 just to provide a reference point to the Board

14 and using industry standards and using the

15 configurations of roadways that we are showing,

16 in the morning, over a one-hour period of time,

17 there would be more than 200 vehicles over that

18 hour that need to get to Independence Drive.

19 That will result in delays in queuing, and I tell

20 you that without doing analysis.

21   That is an on-site issue. It is a

22 convenience issue. It does not affect public

23 travel, but nonetheless, is an inconvenience to

24 the folks who may live there.

1   The notion of a signal is to facilitate

2   that movement, at the same time you are providing

3   a dedicated and exclusive means of pedestrian

4   crossing with the regulatory control.

5   MR. FITZGERALD: Not only that, but if

6   they are under unsignalized, should you install

7   the intersection without signals, and the side is

8   approaching or experiencing long delays, then

9   driver behavior shows that you tend to accept a

10 gap in traffic that you ordinarily wouldn't, and

11 that could lend itself to a safety concern. So

12 in those instances, again, if you are running

13 into something like that, that would almost

14 defend a traffic signal installation from a

15 safety perfective.

16   MR. ZUROFF: So it could be more

17 dangerous?

18   MR. FITZGERALD: Depending on how

19 excessive the queues become, as unsignalized,

20 with the redirected traffic plus the additional

21 site traffic. It would be good to know that

22 number, what those delays would be. But if it is

23 high enough, then driver behavior becomes more

24 aggressive to try to get a gap, because you have

 1 waited a long time to get out. So that is

 2 certainly something you want to avoid as well.

 3   MR. ZUROFF: Will you be able to evaluate

 4 what updated data you might get?

 5   MR. FITZGERALD: Sure.

 6   MR. MICHAUD: We can provide that

 7 information, yes.

 8   MR. ZUROFF: Okay. I would like to make

 9 sure that that does happen.

10   MR. MICHAUD: Sure. And as I mentioned,

11 Mr. Chair, we have these initial responses and we

12 can augment these with the information that we

13 just discussed. So we can keep it moving, so to

14 speak.

15   MR. ZUROFF: I appreciate that.

16   MR. MICHAUD: I have got four copies of

17 this. With your permission, I could give one,

18 right now, to your partner.

19   MR. ZUROFF: That would be great. It

20 will probably mean much more to him than it will

21 mean to me.

22   MR. GELLER: Just to be clear -- I just

23 want to make sure everybody is clear on this.

24   We would like to install the signal.

 1 This isn't a situation where we are trying to

 2 avoid installing a signal because of the cost of

 3 the signal or something.

 4   MR. ZUROFF: As we just heard, a signal

 5 may be worse than no signal, maybe.

 6   MR. GELLER: Right. So we are interested

 7 in working with your consultant and our

 8 consultant to right find the right answer here,

 9 and it may be an answer that there is an interim

10 answer and then there is a build-out, and then

11 everything is built so you can accommodate the

12 signal when the signal is needed, and then you

13 pay for the signal.

14   MR. ZUROFF: Right.

15   MR. GELLER: So I just think that that is

16 the approach we would like to take here, so that

17 we are not doing the wrong thing and that creates

18 a problem, but always have in our back pocket

19 that we can do the signal, because we know in the

20 end, we are going to want a signal.

21   MR. ZUROFF: I like flexibility, so.

22 Thank you.

23   Any questions for the applicant's expert?

24   MR. HUSSEY: No.

 1   MR. ZUROFF: Thank you.

 2   MS. SELKOE: Bob, do you have one more of

 3   those reports?

 4   MR. ZUROFF: We have got an extra one.

 5   MS. PALERMO: You can have mine, Polly.

 6   MR. MICHAUD: We can provide more.

 7   MR. ZUROFF: Is it going to be posted on

 8   the site?

 9   MR. MICHAUD: We can provide it

10   electronically.

11   MR. ZUROFF: Yes, so it will be available

12   to the public as well.

13   Next order of business is public comment,

14   I guess. So again, make yourself known.

15   MS. SELKOE: I think you have got -- if

16   you can hand that up here, that would be great,

17   the attendance sheet.

18   MR. ZUROFF: You know, again, the

19   microphone isn't affecting you. If you are here

20   and you are speaking, it would be nice to have

21   your name and address on the attendance.

22   Scott?

23   MR. GLADSTONE: I have a quick question.

24   Scott Gladstone, 383 Russett Road, precinct 16,

 1 town meeting member.

 2   I was hoping Mr. Michaud could actually

 3 put back up one of the pictures he had, because I

 4 had a question about the parking spaces just, on

 5 Sherman Road, outside of the -- opposite the

 6 driveway into the new building.

 7   MR. ZUROFF: Again, for the members of

 8 the public that want to address this, we are

 9 confining our remarks tonight to the traffic and

10 the parking.

11   MR. GLADSTONE: Yes, that is fine.

12   So we have the lot line for the new

13 development here, and these are parking spots

14 that are now existing on Sherman next to the Hoar

15 Sanctuary. I heard you say -- I heard

16 Mr. Michaud say that there was going to be some

17 lines that indicate "no parking" around the area

18 of the entrance to the site.

19   Does that mean on this side, outside of

20 the new lot, or within the new lot, here?

21   MR. MICHAUD: I think the intention is to

22 have this portion of Sherman Road clear of

23 parking activity, to the extent practicable.

24   MR. GLADSTONE: Okay. Thank you.

 1   So then my next question is, since there

 2   are parking spaces being taken away from the

 3   existing site, outside of the new lot for the new

 4   project, the existing site currently, as I

 5   understand it, has too little parking -- it is

 6   currently non-conforming as to parking

 7   requirements -- I understand that is going to be

 8   offset a little bit because there is going to

 9   be -- like this is a current building on the

10   existing lot, which is now going to be subsumed

11   into the new lot, therefore, that building's

12   dedicated parking spaces are going to be

13   subtracted from the spots that are dedicated to

14   the rest of the lot.

15   But I don't know what the math is. Does

16   that subtract the need for spaces that is more

17   than the current nonconformity? In other words,

18   are losing these spots increasing the

19   nonconformity? That is the question.

20   MR. ZUROFF: That is a reasonable

21   question.

22   MR. GELLER: No.

23   MR. GLADSTONE: Has anyone looked at

24   those numbers?

 1   MR. GELLER: Yes, we can give you the

 2   numbers.

 3   MR. ZUROFF: We will get the numbers.

 4   MR. GLADSTONE: So that the building

 5   department can look to make sure that those

 6   numbers --

 7   MR. ZUROFF: I understand you want to

 8   avoid infectious invalidity.

 9   MR. GLADSTONE: I want to see if there is

10   infectious invalidity.

11   MR. ZUROFF: Right. Thank you.

12   Yes, sir?

13   MR. SHPRITZ: Nathan Shpritz,

14   precinct 16, I am a town meeting rep, 44 Payson

15   Road.

16   I just had one followup for Scott's

17   question, which I would also like to hear an

18   answer to, which I know nobody can answer today.

19   But Scott was talking about, I think,

20   overall non-conformity. I would like to know

21   what the percentage of spots are for those

22   buildings that were previously serviced by those

23   spots there and what the parking ratios become

24   for those that don't have dedicated parking

 1 underneath their building. So sort of a

 2 separated parking analysis. So those that have

 3 the --

 4   MR. ZUROFF: Within the lot, you are

 5 talking about?

 6   MR. SHPRITZ: Yes. The same spots that

 7 Scott was talking about.

 8   MR. ZUROFF: I think you have provided

 9 data on that.

10   MR. GELLER: Yes, we have. I am not sure

11 I understand the question.

12   MR. ZUROFF: They are removing some

13 structures and they are putting up a new building

14 and they have provided us with the amount of

15 spaces that are available for the lot that they

16 are developing. Is that your question?

17   MR. SHPRITZ: No. The question is, if you

18 take those spots out, for those that they are not

19 developing, what do the parking ratios become

20 then, and do they still stay close to where they

21 have been?

22   MR. ZUROFF: I think that is what Scott

23 just asked.

24   MR. GELLER: We are not increasing the

 1 non-conformity.

 2   MR. ZUROFF: But you will provide the

 3 data to show that. So you will get an answer to

 4 your question, sir.

 5   Yes, sir.

 6   MR. FREILICH: Jeff Freilich, 327 South

 7 Street.

 8   A very quick question, please. You made

 9 an assertion about the data used for MassDOT with

10 respect to the latest available data from 2015,

11 at least some of the analysis that you gave on

12 traffic flow. Was that correct? I am not so

13 sure I understood, because I walked in in the

14 middle. Was that the latest available data that

15 you had, was from 2015? Because you are making

16 an assertion that any studies that could be done

17 now would have a negligible effect on your

18 analysis so far.

19   MR. MICHAUD: What I stated was that in

20 the October 2016 traffic study, that the data

21 that we had available to us at that time ran

22 through 2013. And as that was the case, we

23 received local crash records for that same period

24 of time, so that we could make a one-to-one

1 caparison between the local police records and

2 the state database, to see if there were any

3 discrepancies between the two.

4   Since the issuance of the report, if I

5 were to do a query, right now, on crashes, I

6 would be able to query all the way up to and

7 through 2015, but not beyond that. So what we

8 will be doing is updating the traffic crash

9 information to include the state records through

10 2015, and we have a request to Brookline for the

11 latest available local records as well.

12   MR. FREILICH: Just so I understand, that

13 is just for crash data, but not the traffic flow

14 data?

15   MR. MICHAUD: Correct. So the traffic

16 flow data is based on November 2015 traffic count

17 information. And what I presented to this board

18 is that we have data from 2004, '7, '12, '13 and

19 '15, which, when you look at it,

20 corroborates -- confirms that what we a have done

21 in this study is conservative, meaning we

22 actually overestimated the amount of growth that

23 has traditionally occurred here or that is likely

24 to occur over the next five-year period of time.

 1   MR. FREILICH: And you are

 2 asserting -- from what I understand, at least

 3 from right now, MassDOT does have 2016 publicly

 4 available, most likely, because they only have

 5 the VFW Parkway really included in that survey;

 6 correct? Independence Drive is probably not

 7 included in the MassDOT database?

 8   MR. ZUROFF: I know MassDOT does not have

 9 data for Independence Drive, directly, but they

10 have other area count stations, and I don't know

11 how up to date that information is. I think the

12 request that has been made is to update some of,

13 at least, the traffic information that is dated

14 back to 2015, with data that is 2018 data, to

15 confirm whether or not certain changes have

16 occurred.

17   MR. FREILICH: I am just aware that

18 MassDOT does have the data now published for

19 2016, I assume, the crash data.

20   I just want to make sure what you said;

21 you are not suspecting there to be any change and

22 you are suspecting that it should corroborate, at

23 least, your assertions. But the data is now

24 available, and I assume that you could rerun this

 1   and confirm your assertion?

 2   MR. MICHAUD: Correct.

 3   MR. FREILICH: Okay. Thank you.

 4   MR. ZUROFF: Thank you, sir.

 5   Yes, sir.

 6   MR. SMITH: My name is Kevin Smith and I

 7   don't need the microphone because I am a teacher,

 8   so I am used to this.

 9   I actually live in Hancock Village, and I

10   can speak in terms of -- regarding traffic and

11   parking, all of that business.

12   To park there -- I come home at night. I

13   also work at bars at night, so you get me coming

14   and going. So I leave to the city during the

15   morning in these peak hours and often I come home

16   past 2:00 o'clock in the morning. In regards to

17   the parking spaces that they have there and

18   whether there is enough, they are slated in line

19   for smaller vehicles. It was done before the day

20   of the SUV. So there is a constant search.

21   I could speak for volumes and hours about

22   the good landlords they are, which they are, and

23   I could speak for what they don't account for.

24   So when I hear traffic conversations, I worry

 1 about my seven-year-old son and I worry about my

 2 10-week-old daughter. I worry about the traffic

 3 impacts for when they start building this. I

 4 worry about all of those vehicles, I worry about

 5 blasting, I worry about all of those trucks

 6 coming and going, and I don't know how that is

 7 being accounted for. I don't know what is

 8 acceptable and all of that math.

 9   I don't understand. Well, okay, if these

10 vehicles come and go, I can say that, as regards

11 all the pedestrians, all of the people that live

12 there in the morning, we all live there for the

13 same reason: to go to the school. All of the

14 kids walk at the same time, they come back, all

15 of that stuff.

16   So those are my concerns. Because the

17 difference between if I leave at 9:00 o'clock and

18 9:15 is profound. If I leave at 9:00 or 9:30, it

19 is very profound. My commute is either

20 10 minutes -- I work for a non-profit in JP -- or

21 an hour. And that is what it is.

22   So those things are going to exist. I

23 don't care how many cars you put, you are going

24 to have that. But what I don't hear accounted

 1 for is all of the people in the past few years

 2 who have discovered that this is the way to go to

 3 Boston. They are coming up.

 4   My girlfriend, who lives with me, is a

 5 teacher in Medfield. So she is going in the

 6 opposite direction at those hours. And everyone

 7 has discovered that it is a good through-way, and

 8 I don't hear that being discussed.

 9   Again, I understand all of the residents

10 who live and who are more adjacent and all of the

11 passion and concerns and we are keeping it to

12 traffic, which is what I am going to keep it to,

13 those are the one things that I don't -- what

14 about the little kids and the crosswalks and all

15 of that stuff, when one of those things are

16 coming and going. It is like those are the

17 things I worry about, all of those vehicles and

18 ledge and the blasting and so on and so forth.

19 What happens? How long is it going to take to be

20 built, and what is that going to impact on

21 traffic? I have heard traffic lights. But I

22 haven't heard construction vehicles.

23   MR. ZUROFF: Construction management will

24 be taken up at another time.

 1   MR. SMITH: Yes. And that is

 2   indeed -- the domino effect of that traffic is

 3   going to go and go and go.

 4   MR. ZUROFF: We understand that.

 5   MR. SMITH: I don't doubt that for a

 6   second.

 7   MR. ZUROFF: We will be considering that.

 8   MR. SMITH: Thank you.

 9   MR. ZUROFF: Steve?

10   Steve, it is important that I think that

11   you should point out that, while you sit on this

12   Board, you are here as a private citizen.

13   MR. CHIUMENTI: I am Steve Chiumenti. I

14   am a precinct 16 town meeting member, and that is

15   why I am here.

16   MR. ZUROFF: Okay.

17   MR. CHIUMENTI: I don't know what Home

18   Depot is going to do, but basically, we have to

19   build a ninth school. We are probably going to

20   have to build a tenth school. And it is possible

21   in considering traffic -- and we are entitled to

22   consider what is easily anticipated -- that the

23   Baker School is potentially the site of another

24   school. They are going to build, possibly, a

 1 school -- a Baker School on top of the Baker

 2 School that exists. And I think that is

 3 something that I don't hear anybody talking

 4 about, as far as nothing is going to change. I

 5 think what is going to change, particularly,

 6 since we have got 500 apartments in Brookline.

 7 You are adding 192 for ROSB and a few hundred for

 8 this. You are increasing Hancock Village by 80

 9 percent.

10   MR. ZUROFF: Schools are not part of the

11 40B.

12   MR. CHIUMENTI: I am not talking about

13 the school. I am talking about the impact of

14 actually getting to and from the school.

15   Basically, in effect, if this isn't going

16 be the ninth school, if you are going to increase

17 Hancock Village by 80 percent, then -- I think,

18 then they all going to build the school on top of

19 the Baker School, and I think traffic ought to

20 take into account what happens with that kind of

21 a change in Hancock Village and what it means for

22 all of these people to be getting to and from,

23 basically, a school that is double.

24   Actually, I disagree that the schools

 1 aren't to be taken into account, but that is not

 2 what I was talking about right now.

 3   I did mention last week -- and I didn't

 4 have the regs with me -- that, when we consider

 5 the impact on the community, the burden that

 6 we -- the burden on the town, the residents of

 7 the project itself should be taken into account.

 8 That is stated, and I can give you the cite, but

 9 I think we are going to actually write up a

10 comment, and I will put it in there.

11   Basically, the housing appeals committee

12 and 56.07 says that is something that they

13 consider, the impact. And maybe I can even get

14 the language exactly.

15   You are supposed to consider the current

16 and projected utilization of open spaces and

17 consequent need, if any, for additional open

18 spaces by the municipality's population,

19 including the occupants of the proposed housing.

20   So I am saying, it is not just the

21 neighbors that you should be taking into account;

22 it is what this is going to do to even the other

23 people living in the rest of Hancock Village as

24 well.

 1   MR. ZUROFF: I actually think that we do.

 2 And certainly, all of those residents get notice

 3 of these hearings as well; correct?

 4   MR. WHITE: My neighbors have no idea;

 5 zero.

 6   MS. SELKOE: No. The property owner gets

 7 the notice.

 8   MR. WHITE: I understand that, from a

 9 business perspective, you are not going to tell

10 people that are coming in, oh, by the way, in a

11 couple years it is going to be a six-story thing.

12 I understand this from a business perspective.

13   But my very next-door neighbor, as I left

14 to come to this, I mentioned where I was heading,

15 and it was like, what? And again, I don't fault.

16 Because that is not -- I mean, we live in a

17 society that we live in. You are not going to

18 tell someone who is coming in, unless you are

19 mandated, oh, by the way, in a few years, they

20 are going to be blasting in your backyard. No

21 one would move in.

22   MEMBER OF THE PUBLIC: Maybe the Town

23 should be doing that.

24   MR. ZUROFF: Let me say this to you,

 1 because your concern is legitimate. By all

 2 means, notify the neighbors in the project. They

 3 are welcome to come. They are part of the public

 4 as well. They don't have to own property to be

 5 interested in this project. So we may not have

 6 to, by law, notify them.

 7   MS. SELKOE: Well, we do put it, of

 8 course, on our town calendar and we did put the

 9 initial meeting in the newspaper, but we don't

10 send it to renters.

11   MR. WHITE: Just to spare you the time --

12   MR. ZUROFF: We want the tenants to come.

13   MR. SMITH: I don't disagree. But to

14 spare you the time, I am going to make up a

15 number. 75 percent of the residents of Hancock

16 Village are from elsewhere, here for many

17 reasons, culturally and so on. And bless them.

18 That is one of the reasons I love the fact that

19 my son lives there, is because it is like the

20 United Nations. They are not going to know where

21 to look. They won't even think about it. They

22 have no idea it is coming.

23   MR. ZUROFF: Maybe it falls on you to

24 notify them.

1   MR. SMITH: Fair enough. Fair enough.

2   But I would hope -- and here is

3 my -- again, I was happy to keep it to traffic.

4 But I would hope that you are keeping the

5 citizens of Brookline's interest in mind,

6 otherwise. Because again, I completely

7 understand business. A business person is to

8 make profit and do the best. And from what I

9 have read in my research, they do a wonderful job

10 and I don't fault them that, at all. I would. I

11 go to work. I have to feed my kids.

12   But I am hoping that you have my interest

13 in mind. I grew up in Washington Square. I went

14 to Driscoll. I have lived here my whole life.

15 There is a reason why I want my kids to go to

16 this school. There is a reason why I want my

17 kids to live here.

18   So I have to count on you. For you

19 saying, well, I hope the residents find out,

20 doesn't do it for me.

21   MR. ZUROFF: Well, again --

22   MR. SMITH: I am saying that

23 respectfully.

24   MR. ZUROFF: I will tell you, from my

 1 personal point of view, I care about the

 2 residents of Hancock Village as much as I care

 3 about the neighbors who own homes. I am a

 4 neighbor who owns a home. I care about the

 5 neighborhood as well. So I am sure that the

 6 Board will consider those people who live in the

 7 project.

 8   MR. SMITH: I don't doubt that for a

 9 second.

10   Then I am asking, hopefully, in any way,

11 shape, or form, to do a better job. By the same

12 token, I am asking you, because, as I already

13 stated, I have lived there since 2011, in one

14 way, shape, or form. And my experience has been

15 wonderful. Any issue I have, landlord taking

16 care of this. It is a safe and wonderful place

17 for me to live. And I would like it to be a safe

18 and wonderful place for everybody to live. But I

19 also would hope that you would keep those things

20 in mind and let those people know. I mean, but

21 do I trust everybody? You know, we haven't

22 broken bread. You look nice.

23   He is funny. You guys, everyone in here,

24 it is all great. But unfortunately, especially

 1 in this day and age, I don't trust everyone to

 2 not be regulated. I don't know. And character,

 3 I am not getting into any of that. All I care

 4 about is that everyone walks away and everyone

 5 feels like they have said their peace and, like,

 6 things get done the way they should be done.

 7   So I hope --

 8   MR. ZUROFF: I understand your concern,

 9 and I can assure you that it is my concern as

10 well.

11   MR. HUSSEY: One of the questions here,

12 it seems to me, is notification. Right? It is

13 not a condominium, so the unit owners -- or not

14 owners --

15   MS. PALERMO: Tenants.

16   MR. ZUROFF: The applicant is the land

17 owner.

18   MS. SELKOE: Typically, we often

19 ask -- in other cases, we often will notify the

20 management company and ask them to put up a flier

21 in the building or ask the owner to let the

22 people know who live there. So we could -- I

23 don't know if this owner would do that.

24   MR. ZUROFF: I would encourage you and

 1 you and all of you who are concerned about this,

 2 post a notice. I am sure that Chestnut Hill

 3 Realty will allow you to leaflet, if you need to.

 4   MR. CHIUMENTI: I just have one other

 5 thing, though, if you don't mind. I am giving

 6 you a one-page statement that precinct 16 members

 7 wanted to present. We have all written it. I

 8 have given a copy to Polly and I will email her a

 9 copy so it can be in the record.

10   Really, it just has to do with,

11 basically, the lawsuit that exists. Mostly it

12 doesn't affect this, but there is one count that

13 does. And essentially, that one count has to do

14 with whether Mass. Development is actually a

15 proper funding agency for this project. And if

16 it turns out that they are not --

17   MR. ZUROFF: That is a matter for

18 litigation; it is not is matter for our

19 consideration.

20   MR. CHIUMENTI: I am just telling you

21 that, basically, that probably will come up,

22 motion for summary judgment in April, answers in

23 May, and it may not be decided before you decide

24 something.

 1   What this statement is saying is we ask

 2   you to simply put as a condition of the

 3   comprehensive permit, that you basically require

 4   that the Mass. Development is, in fact, a proper

 5   financing agency. And fundamentally, the case is

 6   that the statute says that Mass. Development can

 7   basically be a financing agency for a project

 8   that is residential only, to cure a blighted

 9   situation. Chestnut Hill Realty and, in fact,

10   Mass. Development, have conceded in court that

11   this is not a blighted site. So the real issue

12   is going to be about what is residential, and

13   this could be decided on motion for summary

14   judgement.

15   MR. ZUROFF: I think we will consider

16   that, but I am not sure it is within our purview.

17   I might ask town counsel to opine for us on that.

18   MR. CHIUMENTI: That is what that

19   statement is.

20   MR. SCHWARTZ: We certainly have an

21   opinion on that matter as well.

22   MR. ZUROFF: You are welcome to submit

23   your opinion as well.

24   Yes, ma'am?

1   MS. LEICHTNER: Judy Leichtner. I am a

2   town meeting member from precinct 16. I just

3   wanted to add a couple of things.

4   MR. ZUROFF: We are talking about

5   traffic.

6   MS. LEICHTNER: Yes.

7   I read the report, read what the Town DPW

8   wrote about this, and have a number of questions.

9   But I did just want to say, when you are

10   talking about the residents, we have talked to

11   many of the residents. They are terrified to

12   come here, because they don't want to be

13   challenging their landlord. So you just need to

14   know that.

15   And legally, I cannot go and put up

16   flyers on private property, which is what Hancock

17   Village is, to notify residents. I don't even

18   know if Kevin can do it, when he lives there.

19   So it is a very, very tricky situation.

20   So often, when we are speaking, we are speaking

21   for people who have talked to us, but who are not

22   here because they do not feel comfortable coming

23   here. So just to keep that in mind and I am

24   sure -- I know you are concerned about the people

 1 who live there.

 2   So I had a couple of questions.

 3   Accidents. And I did -- I don't know

 4 what that column of severity meant, but I don't

 5 know that I saw the accident where the child was

 6 hit on Grove Street a couple of years ago. I

 7 don't know if that was included in there.

 8   MR. ZUROFF: I am not sure that is even

 9 part of the data that they look at. It is in the

10 police records.

11   MS. LEICHTNER: It would be in there.

12   But the other thing that actually isn't

13 included and it is only a block away, is that

14 intersection of South and VFW, which I think gets

15 impacted by this traffic. And we know that

16 someone was killed there a year ago.

17   MR. FREILICH: I gave him CPR.

18   MS. LEICHTNER: It was outside of what

19 was looked at, but I think it may be something

20 that should be considered.

21   There also didn't seem to be any mention

22 of the number of school children who are walking

23 in that area. And one, how that affects the

24 queuing, because we know that at Beverly and

 1 Grove/Independence, the traffic is often stopped

 2 for much longer than the light cycle and how does

 3 that affect the queuing? And if, in fact,

 4 Residences of South Brookline have people making

 5 a left turn out of the Beverly Road part and how

 6 that all would affect the queuing. And I don't

 7 know -- I didn't see anything in the traffic

 8 report about any of those things, how many

 9 children are walking there and how do you

10 consider that as you look at all of the traffic

11 issues.

12   The other thing that wasn't mentioned

13 was -- that is why I asked about the peak hours,

14 because there was nothing about traffic at the

15 afternoon pick-up time. And I think that is an

16 important time to be looking at things. And what

17 goes along with that is the fact that Beverly

18 Road is closed, in terms of getting from

19 Independence or Grove onto Beverly, in the

20 morning and in the afternoons at school time --

21   MEMBER OF THE PUBLIC: During the winter

22 months.

23   MS. LEICHTNER: -- from December to the

24 end of March, and I didn't see anything, in any

 1 of this, about how that would be affected, and I

 2 think that needs to be part of the consideration.

 3   And then the other thing, my questions

 4 about these changes to Independence Road, none of

 5 this has ever appeared in front of the

 6 transportation board. There has not been a

 7 single public meeting. I hear that it was part

 8 of what was in the comprehensive permit for

 9 project 1. But anything for putting in stop

10 lights, narrowing of the roads, it never appeared

11 in front of the transportation board, and I am

12 very curious as to why that is. I would think

13 that that would entail at least some public

14 meetings. I don't think that is something that

15 you can condition.

16   MR. ZUROFF: Actually, I do believe that

17 the transportation department did weigh in on the

18 original.

19   MS. LEICHTNER: The transportation board

20 has not had a pubic meeting, and they are

21 supposed to have public meeting.

22   MR. SCHWARTZ: There is no requirement

23 for a public meeting. It is a local board.

24   MS. LEICHTNER: Sorry. I can't hear what

 1   you said, Steve.

 2   MR. SCHWARTZ: It is encompassed within

 3   the comprehensive permit. The zoning

 4   board -- that is a local approval, which is

 5   encompassed within the zoning board's power.

 6   MS. LEICHTNER: So you saying there does

 7   not have to be any public meetings?

 8   MR. SCHWARTZ: No.

 9   MR. GELLER: It is up to the board of

10   appeals to make those decisions, which they did.

11   MS. LEICHTNER: That was my question,

12   because most roads have meetings about that kind

13   of thing.

14   And then the other piece of that, which

15   somebody asked about, and you can see it on your

16   very last slide, Robert, was how does this affect

17   Boston? And I haven't heard anything about

18   whether Boston was actually informed. Because in

19   fact, you can see the line at Sherman Road. That

20   is where Independence is Boston. So everything

21   from Sherman Road, basically, on Independence,

22   all the way to the VFW, that is all Boston. And

23   I haven't heard anything about whether Boston has

24   been --

 1   MR. ZUROFF: I inquired to the peer

 2 reviewer.

 3   MS. LEICHTNER: Yes, thank you.

 4   MR. ZUROFF: I would like to hear from

 5 people I haven't.

 6   MR. FREILICH: I just wanted to fortify

 7 what she said.

 8   MS. KOOCHER: Robin Koocher, 285 Beverly

 9 Road.

10   First of all, I would like to thank you,

11 the Board, for requesting the most accurate and

12 up-to-date traffic information. I think that is

13 really important, and I thank you for making that

14 something that you want to see.

15   Second of all, I haven't heard one word

16 about how many handicap spaces there are. I

17 heard somebody -- somebody said two, but that

18 can't be right, in terms of all of these parking

19 spaces. I think that is important.

20   Because one of the things, sitting

21 through a lot of meetings, was the fact that the

22 developer was talking about the fact that there

23 was going to be adequate spaces for those who

24 would need a handicap space, and I am wondering

 1 if there is a number that you would know.

 2   MR. FITZGERALD: I think it is 12.

 3   MR. ZUROFF: Isn't that governed by the

 4 building code in the state?

 5   MR. FITZGERALD: It is. It is.

 6   MR. GELLER: We have that number. It is

 7 on the plans and we can find that.

 8   MR. FITZGERALD: It is 12. The required,

 9 I believe, were 9.

10   MR. HUSSEY: You have got plenty. All

11 right. I will give you that. There is plenty

12 already.

13   MR. ZUROFF: So it is being dealt with.

14   MS. KOOCHER: Okay.

15   MR. FREILICH: Very quickly, if I may, I

16 just want to say -- Jeff Freilich, 827 South

17 Street. Having had witnessed that particular

18 accident, I just want to call into question the

19 veracity of the MassDOT data regarding crashes.

20 I remember, after that particular accident

21 occurred exactly one year ago -- I believe it was

22 in March -- I was at that. I remember looking it

23 up and trying to get, since I live very close to

24 that intersection, I was worried that there

 1 really are too many fatalities that were caused

 2 there. There have been a lot of fatalities in

 3 the past and there have been a lot of serious

 4 accidents, but they have been primarily minor

 5 crashes.

 6   I did not see that particular crash

 7 appear on any of the MassDOT data. Therefore, I

 8 would like to call into question that it is

 9 possible MassDOT doesn't even consider that one

10 intersection, simply because they believe, even

11 though it is a state highway, that it is part of

12 Brookline's jurisdiction and, therefore, it would

13 only be found in the police report in Brookline.

14   Therefore, we have to find some sort of

15 combination or fusion of data coming from the

16 Town of Brookline police reports, as well as

17 MassDOT, and not just to rely on MassDOT data.

18   So I will call into question the veracity

19 of the crash data coming from MassDOT

20 specifically for that instance. And if I could

21 present the Board at a later time the example of

22 that, I would be very happy to do so.

23   MR. ZUROFF: We are open to hearing

24 whatever factual data you present.

 1   MR. MICHAUD: A question for the Chair,

 2 just to clarify, so this is the intersection of

 3 VFW and South?

 4   MR. FREILICH: Correct.

 5   MR. MICHAUD: This is March of 2018 that

 6 the crash occurred?

 7   MR. FREILICH: '17.

 8   MR. MICHAUD: As a point of

 9 clarification, it was not a study location. And

10 the data that we had available went through '13

11 and we can update it through '15.

12   MR. FREILICH: Understand.

13   MR. MICHAUD: We are not requesting data

14 for that location, because it is not in our study

15 area.

16   MR. FREILICH: But you are looking at the

17 number of crashes. And if the crash data were

18 significant enough, I have to mention that there

19 are enough reports from the Brookline Police that

20 always appear there, that their data about

21 crashes would be far more instrumental in

22 determining impact on the neighborhood than

23 MassDOT data would be.

24   MR. GELLER: We are going to look at

 1 both. We are going to provide the data that both

 2 Brookline and MassDOT have.

 3   MR. MICHAUD: Yes, we are going to

 4 provide both, for the locations that we are

 5 obligated to study.

 6   MR. FREILICH: Thank you. That would be

 7 important. Thank you.

 8   MS. McGRATH: Quick question. On that

 9 map --

10   MS. SELKOE: Could you say your name,

11 please.

12   MS. McGRATH: Nancy McGrath,

13 M-c-G-R-A-T-H, 26 Plowgate Road.

14   So the proposed light there, it is not

15 what I am talking about. There is that little

16 traffic calming, green jut-out into the road. So

17 are two lanes being maintained, or is it being

18 reduced to one lane?

19   MR. MICHAUD: You see the City of Boston

20 line is probably about 200 feet away from

21 where -- within 200 feet of the intersection.

22 The City of Boston design has parking on the edge

23 and it has a bike lane and it has a single lane

24 of travel.

 1   MS. McGRATH: The way that is now, you

 2   mean?

 3   MR. MICHAUD: The way that it is now.

 4   As you enter into Brookline, that changes

 5   to 2 travel lanes, one of which allows parking on

 6   the edge of the road, effectively making it one

 7   lane.

 8   MS. McGRATH: Really, yes.

 9   MR. MICHAUD: What we are doing, what was

10   approved as part of the Residences of South

11   Brookline, is essentially to take the Boston

12   cross section and just carry it through to make

13   it consistent.

14   MS. McGRATH: Which is one lane of

15   traffic, with parking?

16   MR. MICHAUD: With parking and the bike

17   lane.

18   MS. McGRATH: Thank you.

19   MR. MICHAUD: As a point of clarification

20   through the Chair, there are no physical

21   improvements, pavement markings, or otherwise,

22   that are being proposed over that line into

23   Boston. This is solely a matter of local

24   jurisdiction. We are not obligated to go through

1 any review or approval endorsement for the city.

2   MR. HUSSEY: The bump-outs are just into

3 the parking; isn't that correct?

4   MR. MICHAUD: Correct. And the bicycle

5 line would be exterior.

6   MS. McGRATH: I understand. There is one

7 lane. I understand. It is really one lane most

8 of the time anyway, because if someone parks

9 there, that is the end of it.

10   MR. MICHAUD: Right.

11   MR. ZUROFF: Again, you have already had

12 a chance, but last comment.

13   MEMBER OF THE PUBLIC: Not me; Alisa.

14   MR. ZUROFF: Please. I'm sorry.

15   MS. JONAS: I am Alisa Jonas, town

16 meeting member, precinct 16. Alisa Jonas.

17   So just a few things.

18   One, on the notice issue, I know for

19 Bournewood, there were no notices sent to

20 everyone who had been attending meetings. And I

21 would think that we don't want to just concern

22 abutting property owners. I know there was

23 always a concern, are we in the neighborhood who

24 are the property owners concerned enough about

 1   the residents at Hancock Village? I think we

 2   have always been that way. My mother used to

 3   live there.

 4   And I don't know why the Town can't, on

 5   its own initiative, decide this is a large enough

 6   issue for residents that abut these

 7   properties -- the particular part of the

 8   property, that they should be receiving notice,

 9   too.

10   MS. SELKOE: Well, the accessor's office

11   doesn't have renters' addresses. I imagine we

12   could.

13   MS. JONAS: Is that the only way that we

14   can get the data? I imagine the voter census

15   data.

16   MS. SELKOE: I can look into it. I don't

17   know.

18   MS. JONAS: I just feel like that

19   is -- we should provide them with the respect

20   that we are giving ourselves.

21   MS. SELKOE: At Bournewood Hospital, we

22   didn't send it to people who were inpatients at

23   Bournewood Hospital. We sent it to abutters, and

24   that is what we have done for Puddingstone.

 1   MS. JONAS: No. It was partly thanks to

 2   Representative Donnelly. But everyone who

 3   attended meetings got notice of new meetings.

 4   So we can go beyond what the law is, if

 5   we feel that it is appropriate for residents who

 6   are renters and not owners to get notice.

 7   MS. SELKOE: I can look into it.

 8   MR. ZUROFF: Again, this is complying

 9   with the law.

10   MS. JONAS: Right, I know. But I am

11   saying we could go beyond that.

12   MR. ZUROFF: I understand that you feel

13   particularly passionate about this project. But

14   there are other 40Bs and other projects

15   throughout the Town, and not all tenants are

16   notified, because the law doesn't require it. We

17   don't have the data available. So again, I am

18   going to push it back --

19   MS. JONAS: I leave it to the Town, at

20   this point, to make the decision about what they

21   think is equitable.

22   MR. ZUROFF: We are not, as a Board,

23   going to require the Town to do that. I would

24   encourage them to do it, if they can. But I also

 1 encourage you to make the effort to notify people

 2 that live there.

 3   MS. McGRATH: That is very weird.

 4   MS. JONAS: That is number one.

 5   Number two, I don't know where the volume

 6 came from, but I agree with you that suddenly we

 7 have incredible traffic on Independence and on

 8 the West Roxbury Parkway. So I don't know what

 9 is happening there. I don't know why that is

10 happening. But I don't know. I assume that is

11 something that should be looked at anew, as well.

12   MR. ZUROFF: We have asked for the most

13 up-to-date data that is available.

14   MS. JONAS: Right. I do appreciate that.

15   Just two more things. One is the last

16 week, I wasn't there, but I heard that you were

17 concerned at not enough people from the public

18 were attending these meetings.

19   MR. ZUROFF: No, I never said that.

20   MS. JONAS: Or just that it was empty.

21   MR. ZUROFF: I noted it, perhaps, but I

22 was not concerned.

23   MS. JONAS: You noted it. And I am happy

24 that there is more people this time, but I do

 1 think I want to provide -- I do think that there

 2 could be a reason why less people have attended,

 3 which is, I think there is a level of

 4 disillusionment that, no matter what major

 5 critiques came out by the public and by other

 6 committees, it was largely ignored by the ZBA for

 7 the first 40B, which is why we had the

 8 unprecedented situation that the selectman ended

 9 up suing the Zoning Board of Appeals, because it

10 was like, how can you have not addressed any of

11 those issues?

12   And I do appreciate that I think that the

13 way you are handling it right now seems to be

14 much more thorough and serious. You are asking

15 lots of good question. So I am appreciative of

16 that and I am hopeful that we will be getting a

17 little more responsiveness to some of the

18 concerns.

19   MR. ZUROFF: Again, I think that we

20 understand our voice.

21   MS. JONAS: I do want to just mention

22 that you showed -- or someone had on there --

23 emergency vehicular traffic. I don't know

24 whether it is relevant to talk about that right

1 now, but that is the fire equipment. Is that

2 appropriate to discuss right now?

3   MR. ZUROFF: Well, the traffic takes

4 into -- I mean, we heard testimony on the

5 accessibility by emergency vehicles.

6   MS. JONAS: Right.

7   MR. ZUROFF: Do you have some data that

8 you would like to offer?

9   MS. JONAS: I don't have data. I do know

10 that the fire chief had testified, at one point

11 last year, that he was very concerned that

12 because of the density of the new development and

13 the relative poor accessibility, that he was very

14 concerned about the ability to be able to put out

15 fires in those buildings quickly enough.

16   I know that, later, he had somewhat

17 retracted that. And I am on the advisory board

18 and I am on the public safety committee of the

19 advisory committee. And I spoke to the fire

20 chief afterwards and I said, "Why did you retract

21 that? What happened?" And he said, "I was urged

22 to retract it."

23   And that was very concerning to me. And

24 so I am concerned about that. I would like -- we

 1 also just had a meeting with the public safety

 2 subcommittee and Chief Ward a few weeks ago and a

 3 lot of the discussion, again, was on these two

 4 40Bs and concerns they had about being able to

 5 deal with those.

 6   So I would just like to make sure that

 7 you look into that a little more thoroughly, to

 8 see how they assess it and perhaps without any

 9 urging by anyone in Town to retract what they had

10 said.

11   MR. ZUROFF: Okay. Thank you.

12   Is there anyone else?

13   (No voices heard.)

14   MR. ZUROFF: Does the applicant want to

15 respond to anything at this point?

16   MR. SCHWARTZ: No, thank you.

17   MR. ZUROFF: All right. Then, having

18 completed our agenda, we are going to continue

19 this hearing on April 12th at 7:00 p.m. in the

20 sixth floor selectman's room.

21   MS. SELKOE: Yes, we will go back to the

22 sixth floor hearing room.

23   MR. ZUROFF: We will be hearing from the

24 stormwater peer review. Thank you all for coming

 1   and for your input and we will see you on

 2   the 12th, perhaps.

 3   (Whereupon, at 8:55 p.m., the hearing was

 4   adjourned.)

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 1   COMMONWEALTH OF MASSACHUSETTS

 2   Suffolk, ss.

 3

 4   I, Megan M. Castro, a Notary Public in

 5   and for the Commonwealth of Massachusetts, do

 6   hereby certify:

 7   That the hearing that is hereinbefore set

 8   forth is a true record of the testimony given by

 9   all persons present.

10   IN WITNESS WHEREOF, I have hereunto set

11   my hand this 23rd day of April, 2018.

12

13

14

                      Megan M. Castro
15   Shorthand Reporter

16

17   My Commission expires:

18   July 31, 2020

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