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HEARING OF BOARD OF APPEALS
PUDDINGSTONE
Thursday, April 12, 2018 at 7:10 p.m.
Brookline Town Hall
333 Washington Street
Sixth Floor
Brookline, Massachusetts 02445

Reporter: Jennifer A. Doherty, CSR

1 APPEARANCES:

2 Mark Zuroff, Chairman

3 Lark Palermo, board member

4 Christopher Hussey, board member

5

6 Polly Selkoe, Assistant Director of Regulatory

7 Planning.

8

9 Alison Steinfeld, Director of Planning and Community
10 Development.

11

12 Joe Geller, FASLA Stantee Consulting Services, Inc.,
13 Site Planner.

14

15 Steve Schwartz, Esq., Goulston & Storrs, P.C., 40B
16 Attorney.

17

18 Marc Levin, President of Development and
19 Construction, Chestnut Hill Realty.

20

21 Adam Kran, Senior Project Engineer for Environmental
22 Partners Group

23

24 Frank Holmes, Stantec/Chestnut Hill Realty

1 APPEARANCES:

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3 Margaret Murphy, Chestnut Hill Realty

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

2 CHAIRMAN ZUROFF: Good evening, ladies
3 and gentlemen. I'm calling to order this meeting of
4 the Zoning Board of Appeals for the 40B proceeding
5 concerning the project we call Puddingstone at
6 Chestnut Hill.

7 My name is Mark Zuroff. I sit as the
8 Chair of this particular board. Sitting with me
9 tonight on this board, to my right Lark Palermo, to
10 my left Christopher Hussey.

11 We are going to follow our normal
12 proceeding in terms of the way we take testimony and
13 presentations, but I'll go through it quickly so
14 that everyone knows what to expect.

15 Tonight's meeting is dedicated to the
16 stormwater review, and that's all for the moment at
17 least. So we will hear from the Environmental
18 Partners, Adam Kran, on the peer review report. We
19 will hear from Stantec for the developer, for the
20 applicant, on their response to the peer reviewer.
21 We will then be able to ask questions of those who
22 are presenting, and then we will be able to take
23 some public testimony, but we're going hear most of
24 our testimony, this is again stormwater -- we'll

1 hear from the public about stormwater, and I
2 recognize it's a technical aspect of the project, so
3 if you have something to add along those lines, we
4 will hear from the public along those lines, if time
5 allows. Then we will have some administrative
6 details to deal with.

7 So, Polly, unless you have something
8 else to add before we start with our testimony?

9 MS. SELKOE: No, I think we're
10 ready.

11 MS. FRAWLEY: May I ask a question?
12 Do we have the stormwater plan ready, the management
13 plan ready, so we can review it?

14 CHAIRMAN ZUROFF: The reports have
15 been filed.

16 MS. SELKOE: They are on-line.

17 CHAIRMAN ZUROFF: They're on the
18 site. For those of you who are interested in
19 reading them, everything is posted on the site.
20 Mr. Kran?

21 MR. KRAN: Do you want me to step up
22 there?

23 CHAIRMAN ZUROFF: Please. And I
24 would reiterate, anybody who wants to address the

1 the panel and the public should approach, speak into
2 the microphone. Everything that you say tonight
3 will be recorded, and I believe will be accessible
4 on the site later on. Thank you. Identify
5 yourself, please.

6 MR. KRAN: My name is Adam Kran. I'm
7 the senior project engineer with Environmental
8 Partners Group. We have a letter dated September
9 16, 2016 in which we reviewed some plans on the
10 stormwater report from Stantec. Do you guys have a
11 copy of that letter?

12 CHAIRMAN ZUROFF: I believe we do.

13 MR. KRAN: We also just today
14 received updated plans from Stantec as well as
15 responses to our comments, so what I tend to do is
16 go through actually their most recent letter and
17 discuss our initial comment, discuss our response --
18 our initial comment, their response, and then some
19 additional commentary that we have.

20 So there is a Stantec document dated
21 April 10 starting on Page 1. The first comment is
22 about a ledge done on the plans and they have added
23 that to their most recent plan, so we don't have
24 much more to add on that.

1 provide a stormwater pollution prevention plan
2 including a plan showing sedimentation traps prior
3 to the issuance of a building permit.

4 Comment No. 3 is related to water and
5 sewer main crossings. They've added some additional
6 information to the plans and there is probably not
7 much more to look at at this point on Comment
8 Three.

9 Comment Four is related to the water
10 main layout. They show a water main running down
11 the proposed driveway and it terminates in a dead
12 end. For a variety of reasons water suppliers don't
13 like to have dead end water mains and it appears
14 there is an opportunity to connect it in a loop in
15 the vicinity of Building N4 where they are
16 reconstructing a water main that is going in the
17 location of -- or that's currently in the location
18 of the proposed N4. So we think there should be
19 more discussion on that point.

20 Page 2, Comment No. 5, this is about
21 a proposed connection joint that they are using to
22 connect -- they've got an existing water main that
23 runs in a line and they have the building that's
24 going over where the existing water main is, and

1 they're proposing a coupling that's meant to sit on
2 the pipe. That coupling doesn't provide -- so when
3 you have a pipe that's very long and you put a
4 coupling on it, you don't need to worry about
5 restraining the pipe and keeping that coupling from
6 blowing off because there is a lot of soil on both
7 sides of it. In this case they're proposing a bend
8 around a building and the potential coupling they're
9 proposing could break out. It is not designed for
10 restraining the pipes, so we suggest that there
11 needs to be additional information provided to
12 demonstrate that the coupling can provide lateral
13 frusta strength.

14 They also have a comment related to
15 water main details being coordinated with Brookline
16 DPW, Department of Public Works and Engineering
17 Department. I'm not sure if that department has had
18 an opportunity to comment on the plans or if they
19 have issued any written comments or anything, but it
20 should certainly be a condition of approval that
21 their comments be incorporated into the final plans
22 prior to construction.

23 Comment six was about disinfecting
24 and testing water mains prior to putting them

1 on-line. They have addressed that by adding a note
2 to the plans.

3 Comment seven is related to a sewer
4 line that is currently shown on their existing
5 conditions plan in a location of the proposed
6 stormwater control facility. We have a number of
7 concerns about that proposed stormwater control
8 facility including the fact that this four-inch line
9 needs to be moved.

10 The response to our comment was that
11 the four-inch line will be field-verified to
12 determine its precise location, and then it sounded
13 like it would be something that would be sorted out
14 during construction. We suggest that this four-inch
15 line could pose a major issue. If it's a gravity
16 main, it's hard to reroute that necessarily. If
17 it's a force main, that could potentially leak up
18 into a stormwater facility, so we have significant
19 concerns about that to suggest that that be
20 addressed prior to construction, potentially even
21 prior to approval.

22 Comment eight is related to hydrant
23 locations and having them reviewed with the public
24 water supplier and with the fire department. Again,

1 this is our comment earlier that the Department of
2 Public Works and the fire department should have
3 their say on these plans.

4 Comment No. 9 is related to
5 pretreatment. I think we still need to review that
6 comment. I don't have notes on this right now.

7 Comment ten is -- so they're
8 proposing to put some of their infiltration or
9 stormwater control basins on top of fill materials.
10 Typically when you design something for
11 infiltration, you cannot put it on top of fill.
12 There is concerns that the fill might not be great
13 material and you also need to look at what is
14 beneath the fill and use the most restrictive layer
15 when determining how much infiltration you can get
16 credit for.

17 The applicant has clarified through
18 this latest letter that they're not really taking
19 advantage of that infiltration credit in certain
20 aspects of their calculations, so we may want to
21 review that further. However, they do show that
22 these are perforated pipes, so one concern is that
23 if there is existing groundwater levels that are
24 high and they're perforated pipes with a gravel

1 support around it and they're taking advantage of
2 the full volume both in between the gravel and
3 inside the pipes to retain water in some of their
4 calculations, our concern is that we're not sure
5 about the interaction with any potential high
6 groundwater. There isn't much data provided about
7 groundwater, and our concern is if groundwater rises
8 during a storm event, that area that they're
9 reserving for storage may not actually be available.
10 So we'd like to refine our comment further through
11 some additional review.

12 Comment No. 11, this is about offset
13 from infiltration areas. So typically we see that
14 infiltration basins can be -- if you got a
15 foundation and then a basin next to it, if the basin
16 is downslope of the foundation, the state standard
17 it that it has to be at least ten feet away. If the
18 basin is upslope of the foundation, then it has to
19 be one hundred feet of away. It's not clear exactly
20 for the specific type of infiltration structure
21 they're proposing, there isn't a specific standard
22 about those structures. So it's basically there's a
23 guidance that should be somewhere between ten and a
24 hundred depending on the specifics. In this

1 particular case, they don't give you a specific one.
2 In our judgment it's close to some of the proposed
3 buildings and perhaps there should be some
4 considerations to provide additional setback.
5 Again, we would like to review that one a little
6 further.

7 Comment twelve is that they did not
8 show a domestic water service connection on a
9 detail. This is something that should be
10 coordinated with the water supplier. And one other
11 comment that occurred to us today is to look into
12 whether, particularly the large building, whether
13 there should be self-metering, where each individual
14 unit should get its own water meter. That would be
15 up to the Brookline Water Department.

16 Comment thirteen is related to
17 showing bedrock on the plans. They refer to an
18 existing plan that showed some of the bedrock in
19 some areas. There may not be much more added to
20 that.

21 Comment fourteen and fifteen relates
22 to some design of these perforated pipe stormwater
23 systems. We don't have much more comment on that so
24 skip that.

1 The applicant has used a publication called TP40
2 which is a publication from about fifty years ago
3 that is still commonly used; however, there is a new
4 data set that's actively maintained on the Web that
5 Cornell publishes that incorporates a longer time
6 span of data when determining what these design
7 forms should be.

8 In our experience we've seen many
9 Boards require the use of this. It's not
10 necessarily currently the State standard but it is
11 something that is being looked at at the state level
12 from our understanding, so in this case for a
13 hundred years, 24-hour storm, so a storm that has a
14 one in a hundred chance of occurring in any given
15 year and has a duration of 24 hours, the TP40 has a
16 list of 6.7-inch storm, but the Cornell data set
17 lists about almost a nine-inch storm and that would
18 make a significant difference in the calculations.

19 So it's hard to in a 40B setting to
20 force an applicant to do something that's not in a
21 state standard, but it is something that is becoming
22 general good practice. So we'll leave that at that.

23 Comment No. 5 is related to some
24 minor curbing work outside of their study area and

1 the applicant has addressed that.

2 Comment six, the applicant had -- so
3 again, they were showing a little bit of work
4 outside their study area, this time to the south of
5 the large building, and they've now added that to
6 their study area, and the thing we still need to
7 check on that is just to make sure that they meet
8 their water quality requirements. I'm not sure if
9 they -- we need to double-check that they've met the
10 80 percent TSS removal on the site and water basins.

11 Comment seven, we need a review, I
12 think, in a little more detail. This is related to
13 their stormwater system basically discharges to an
14 existing system in a couple of places, and we wanted
15 to make sure that the existing system could handle
16 it. The applicant's response indicates that it can.
17 We would like to have a chance to review that some
18 more.

19 Comment eight is related to seasonal
20 high groundwater. So for design of stormwater
21 structures that infiltrate, you need to establish
22 where, over the course of a year, where the high
23 groundwater level typically is, and we felt there is
24 insufficient information provided or that the

1 readings might be a little low.

2 And since we submitted our comments
3 in 2016, the applicant did provide a response, and
4 the response to both this one and Comment Nine
5 indicated that they may consider doing some
6 additional readings of groundwater level at the
7 site. Since we provided this letter in 2016, we are
8 wondering if there's been any sampling that has been
9 done in the period of 2016 and today. And
10 potentially if not, this weekend could be a good
11 time if we are getting a large storm.

12 Comment nine is also related to soil
13 and water conditions below some of these basins. In
14 particular there is one basin, a rather small one,
15 that does not have a boring and it's within the
16 bounds of its exact plan view outline. There is one
17 that's about ten feet away and on one side of one
18 that's maybe a little further away on the other
19 side. The closest one supports what they said,
20 which is that the bedrock is low, but the other one
21 shows the bedrock is pretty high, and we suggest
22 that a test pit or boring should be conducted at the
23 actual site or the stormwater area to confirm. On
24 one of their plans they typically show -- on Sheet

1 L701 they show that various borings underneath
2 various infiltration or stormwater management areas
3 and they usually show a line connecting information
4 from one boring to the next boring. In this case,
5 for this particular basin, T2B, they did not do
6 that.

7 Comment ten is related to recharge,
8 and again, this is kind of the same concept of --
9 we've had some questions about how these perforated
10 drains systems are going to work if there is high
11 groundwater, and we also note that their response
12 references infiltration which we understood was not
13 entirely the designed purpose of this basin, which
14 they indicated in a previous response.

15 Comment eleven, standard four, which
16 is related to water quality and TSS removal, this
17 one I think they have essentially addressed. Again,
18 we will review it later.

19 Same thing with comment twelve, which
20 is related to a long-term pollution prevention plan.
21 They provided some additional information. We
22 haven't fully gone through it but any comments on
23 that are likely to be minor.

24 Comment thirteen was about we

1 originally saw in the traffic report that there were
2 a large number of vehicle trips anticipated, and
3 when you have that you may need to provide
4 additional water quality in your storm -- water
5 quality in your stormwater system. Our traffic
6 engineers looked at it and the response is
7 consistent and they do not need to provide this
8 additional level of treatment. So there is no
9 further comment on thirteen.

10 On fourteen, stabilize construction
11 entrance, they've added that to the plans. That
12 will help or that's designed to help control offset
13 sedimentation when trucks go in and out during
14 construction.

15 Comment fifteen is about that
16 stormwater pollution prevention plan. And again,
17 this is something that could become a condition,
18 that this be provided prior to issuing a building
19 permit.

20 Comment sixteen is related to
21 ensuring that someone is always taking care of
22 stormwater management structures. There is a
23 requirement that future property owners be notified
24 and property managers continue to operate and

1 maintain the stormwater system. The response
2 indicated that a regulatory agreement will be
3 reported at the Registry, and we are wondering if
4 this can be provided at this stage in the process or
5 at some point prior to issuing a building permit.

6 Comment seventeen is basically all
7 set.

8 Comment eighteen -- okay. So on
9 their existing conditions plan they indicated that
10 some of the existing structures that they were
11 discharging to or in the vicinity of some of the
12 existing drainage that they were discharging to was
13 full of debris. That suggests that maybe this
14 stormwater system wasn't being well maintained that
15 they were discharging to and might not be able to
16 accept the stormwater that they're proposing to
17 send -- to discharge to it.

18 They indicated that they have cleaned
19 the existing system. They've done a TV inspection
20 of the system, and our response would be to just
21 make sure that the operation and maintenance plan
22 for this facility includes making sure that the
23 receiving stormwater system can continue to remain
24 clean and maybe should have some sort of line items

1 about maintenance of that system since it does seem
2 like it does get clogged.

3 Comment nineteen is all set. They
4 provided a stamped document.

5 Comment twenty is about groundwater
6 levels. This is basically similar to our previous
7 comments.

8 Comment twenty-one is related to a
9 calculation value for these things called Grass Pave
10 and they provided some additional documentation, so
11 that appears to be all set.

12 The last stormwater comment here in
13 this section is comment twenty-two, and that's
14 related to inspection of the subsurface structures
15 and they've added some inspection ports to the plans
16 in today's document.

17 So there is one other set of
18 comments. Are there any questions at this point?

19 MS. PALERMO: I'll have questions at
20 the end.

21 MR. KRAN: Okay. So additional
22 comments. Basin D1C. So we have a number of
23 concerns about the constructibility of this basin
24 that we do not believe have been addressed so far.

1 So their large basins are -- their underground
2 stormwater facilities are either these perforated
3 pipe systems surrounded by crushed stone, or there
4 is this one structure, this basin D1C, that's
5 supposed to be this water type concrete below-grade
6 structure.

7 Their plan shows that this structure
8 sits below groundwater and it also shows they are
9 going to have to construct it into -- I believe
10 they're going to have to construct it into some --
11 yeah, they are going to have to dig out some rock to
12 make this happen. So thinking about how this is
13 going to be constructed, they're going to have to
14 dewater the area. It's not clear how that's going
15 to be done. Then they're going to have to excavate
16 the rock. Then there's this sewer crossing. This
17 is the same area where there is that potential sewer
18 crossing that's shown on their plans right through
19 the middle of the stormwater area. So then they'll
20 construct it and then they'll put some pavement on
21 top of it. And then it shows that the groundwater
22 supposed to rise to the level of the top of this
23 area under normal circumstances.

24 So I guess there is a couple points

1 about that. One, is this watertight thing really
2 watertight, will water get in and reduce the storage
3 volume of this structure? The other concern is that
4 if water is high enough and you have a lot of air in
5 there, you may actually have a buoyant structure and
6 you'll get uplifting. It will come up into the
7 parking lot, and that would not look good. So there
8 is lot of design and constructibility concerns we
9 have on this. Essentially the responses have been
10 that this information will be provided later during
11 detailed design. We think there is enough
12 constructibility concerns that this should be
13 addressed at this stage prior to approval. So
14 that's basically comments one and two.

15 Comment three is an observation that
16 there is a lot of bedrock around it. There is a lot
17 of ledge, and that there is going to be these deep
18 utility trenches that are going to have to be
19 drilled or installed one way or another five feet,
20 six feet below grade potentially, and there is
21 already ledge that you can see at the surface there.
22 So there is going to be a lot of rock removal, and
23 the response was that the project general contractor
24 should determine the means and methods for rock

1 removal prior to construction.

2 Our response to that would probably
3 be something along the lines that we think there
4 should be some specifications provided to how that
5 is going to be done to protect the safety and
6 well-being of the people around. So there's
7 different ways of removing rock. You can use
8 jackhammers, you can do whatever, but it's probably
9 going to be loud, so you probably want to have some
10 sort of way of controlling the noise, maybe as much
11 as specifying what times of day work can be allowed
12 and noise levels measured at a certain location and
13 it could be useful to get existing noise levels
14 prior to construction.

15 Same thing with potential for damage
16 to nearby structures. If there is some shaking of
17 the ground, it might be useful to document existing
18 conditions with pre-construction photographs so that
19 if there is any concerns during construction, that
20 there will be some third-party basis to rely on for
21 claims. Then in the case of any damage, just be
22 very clear of who is responsible and how that's all
23 going to be tracked. So we think that may require
24 some more thought there.

1 of questions. First of all, I want to thank you for
2 making what is --

3 MS. FRAWLEY: Microphone, please.

4 MS. PALERMO: I'm not sure it's on.
5 I don't think the microphones are on. Sorry, but I
6 can project. I want to thank you for making a very
7 technical topic much more easily understood and
8 particularly recognizing that your initial comments
9 were made almost two years ago. You obviously had
10 to do some fast catch-up to remind yourself of what
11 you said two years ago, but I'd also like to thank
12 the developer for attempting to address all of your
13 comments from two years ago. And it appears that at
14 least half of these, I'm guessing, from what you
15 said, may have been addressed by the developer and
16 taken care of, so we've reduced the number by half
17 of the things we need to focus on.

18 AUDIENCE MEMBER: Is there any way
19 you can speak up or should we all move forward?

20 MS. PALERMO: You can move to the
21 front. That would be great.

22 MS. SELKOE: I will talk with the
23 people who are responsible for the microphones
24 because this has happened before. It appears they

1 are on, but they're just...

2 AUDIENCE MEMBER: There is a big red
3 on switch.

4 MS. PALERMO: Now you can hear me.
5 To quickly summarize, it looks as if about half of
6 the items that you noted in your report from two
7 years ago have been adequately addressed by the
8 developer in this recent letter, and I want to
9 confirm that that seems right to you.

10 MR. KRAN: I didn't do a count, but
11 ballpark.

12 MS. PALERMO: And you noted, as our
13 Chair said at the beginning, you noted in a couple
14 of places comments that you think should be -- they
15 may have addressed them adequately but you think
16 there should be a condition they are more
17 comprehensibly addressed by the developer.

18 And this is more of a question for
19 the Chair if there will be an opportunity for there
20 to be some sort of process for the developer to
21 potentially address some of these in advance of our
22 having to put together a decision with conditions?

23 CHAIRMAN ZUROFF: I believe that that
24 will be the subject not only of a future hearing

1 perhaps but in the working groups, there are working
2 groups, so I think that the Town officials and the
3 applicant will be working together to get these
4 things resolved.

5 MS. SELKOE: Right.

6 MS. PALERMO: Excellent.

7 CHAIRMAN ZUROFF: Then we'll get the
8 conclusions from that working group, so yes.

9 MS. PALERMO: Excellent. I think
10 this is actually a very important area of concern
11 overall. Obviously stormwater management,
12 connecting in with issues involving the installation
13 of the sewer line are valid concerns, and I do see
14 the developer has said in several instances that
15 they would be able to address these when they got
16 into final design, but we would definitely look to
17 you or I would look to you for your guidance as to
18 whether that's a reasonable time frame or whether we
19 should be requiring the developer to flesh out those
20 details now because I think that is very important.

21 And I was also curious about -- I'm
22 trying to find the location in your report -- where
23 you were commenting on the standard that you were
24 recommending be used, and you said it had not been

1 adopted yet by the State but that you had some
2 information that perhaps the state was moving in the
3 direction of adopting this standard?

4 MR. KRAN: Yeah.

5 MS. PALERMO: Can you talk about that
6 a little more?

7 MR. KRAN: Yeah, I actually -- sure.
8 So this is standard three, so this was Comment No.
9 9. Wait. No.

10 MS. SELKOE: Comment No. 4.

11 MR. KRAN: Yes, four. Sorry. So I
12 did take a look to see what I could find. I did
13 find some information on-line that there is like a
14 working group or something that might be looking at
15 this, but, yeah, there is a significant difference
16 in the numbers, and it is something that certainly
17 local towns could look at implementing in their
18 bylaws, but for a Chapter 40B application like this,
19 it's hard to require something that's not state
20 standard.

21 MS. PALERMO: It is of concern. As
22 you know, we've been suffering from climate change
23 in Brookline along with everyone else and we had I
24 think elevated groundwater levels.

1 MR. KRAN: So to be clear, this is
2 about rainfall. This is all about the amount of
3 rainfall used in a design storm.

4 MS. PALERMO: And the other comment
5 or question that I had relates to your commenting
6 about and it looks like what you're hoping for, this
7 is your comment about this concrete structure that
8 is designed to hold stormwater and how the whole
9 thing is going to function, and, again, it sort of
10 goes back to that same point that you were making
11 earlier about how far along do we require this
12 developer to develop the design before we're
13 prepared to either issue a decision or issue a
14 decision with conditions. And it sounds like
15 perhaps if there is a working group and you can sit
16 down with the developer and talk through some of
17 these things and get them to work a little more on
18 this.

19 MR. KRAN: It's possible that there
20 were things we are not seeing that they can address
21 right now, but it looks like it's a significant
22 constructibility concern, and if this basin --
23 they're relying on this basin to slow down the rate
24 of runoff so it is somewhat critical to the

1 design.

2 MS. PALERMO: Okay. Thank you.

3 CHAIRMAN ZUROFF: Thank you, Lark.

4 MR. HUSSEY: I think we've been out
5 of this now a couple years. I'm surprised that the
6 groundwater level hasn't been established yet. But
7 be that as it may, do you have any guidelines for
8 establishing the groundwater level? And it's
9 episodic, I assume, as you've indicated.

10 MR. KRAN: There's a state standard
11 for establishing seasonal high groundwater. The
12 stormwater standards have a good paragraph on how
13 you can do it. For an area with this much
14 bedrock -- well, they've established that they have
15 observation wells. The easiest thing to do is to
16 take readings from that. That is very obviously the
17 straightforward thing to do.

18 MR. HUSSEY: So there are wells in
19 place?

20 MR. KRAN: I believe there are -- I
21 think I left it over there, but they have a plan in
22 2016 showing all their boring locations and
23 observation wells, and I believe there are two
24 observation wells on that plan.

1 MR. HUSSEY: Just out of curiosity,
2 where does the rainwater go now? It's all ledge
3 now? Do they fluff off and go downhill someplace?

4 MR. KRAN: Yeah. They did do an
5 existing conditions analysis and it does generally
6 flow in the same sort of direction. It will be over
7 land or going into the ground, yeah. I mean they're
8 turning a lot of area that's got some grass and some
9 outcrops into impervious surfaces so that's why they
10 have these underground structures.

11 MR. HUSSEY: As I recall, it is going
12 to be a two-level basement and parking and what have
13 you, so there is going to be this rock and they're
14 going to blast it out to get that two-level parking
15 below. So what happens then with the water? I mean
16 it sounds like it's a pool in the middle of a rock
17 ledge. How do they get rid of that water?

18 MR. KRAN: As long as they're -- I
19 mean, we didn't notice any issues when we reviewed
20 the plans, but I believe they just maintained slopes
21 away from the building. I'll let the applicant
22 reply to that. We didn't see any major concerns
23 with that when we did our review.

24 MR. HUSSEY: Okay. It is a potential

1 problem though, isn't it?

2 MR. KRAN: Let me look at it a little
3 further, but I thought that you're basically not
4 going downhill when you came into the garage. Let
5 me not guess. I'll take a look at it.

6 MR. HUSSEY: Fine. And you talked
7 about potential damage. There is potential damage
8 when the rock is being dug out or blasted out, but
9 you seem to imply that it might be potential damage
10 after the project is completed as a result of this?
11 Maybe I'm misunderstood you.

12 MR. KRAN: No, it's the process of
13 rock removal involves jackhammers and whatever, and
14 usually it's not an issue.

15 MR. HUSSEY: There is no need to have
16 liability insurance of some sort beyond project
17 completion?

18 MR. KRAN: No, this would be when --
19 the point would be when they're excavating the rock,
20 whatever method, depending on how they choose to do
21 it, it's possible something could go wrong.

22 MR. HUSSEY: I mean, means and
23 methods generally are the responsibility of the
24 contractor rather than the owner.

1 MR. KRAN: Right, but in our
2 experience it's been good, like when we design
3 projects that may involve some risk where some
4 homeowners nearby may -- we anticipate they may try
5 to make a claim, it helps to have some
6 preconstruction photos, some documentation,
7 third-party-wise just to make life easier.

8 MR. HUSSEY: Okay.

9 CHAIRMAN ZUROFF: Good questions from
10 both of you. My major concern here focuses around
11 the bedrock, and you haven't really come to a
12 conclusion yet, but maybe the applicant will address
13 this, but my major concern is the environmental
14 effects of that, all of this displacement of rock
15 will have on not just the adjacent residences but
16 the adjacent property, that being the horse
17 sanctuary. Have you come to any conclusion about
18 the effects of this stormwater system that's being
19 proposed and how it will affect the adjacent
20 property?

21 MR. KRAN: So what I would say to
22 that is that they have in terms of rates of runoff,
23 which is the state standard, their current
24 calculations show that they're not discharging more

1 water than -- that they will not be discharging more
2 water than is currently occurring.

3 CHAIRMAN ZUROFF: Is there any
4 displacement at all? Again, I'm trying to think,
5 and you know better than I, it's technical, is the
6 water going in a different direction because of the
7 construction?

8 MR. KRAN: Their calculations
9 incorporate -- their calculations and design plans
10 incorporate where the water is going and they've
11 shown that, or once all the comments are resolved
12 they will have shown it's not going to -- it's going
13 to meet the stormwater standard which includes no
14 additional rate of runoff off site. The concept
15 about removing rock, it's not as though the bedrock
16 is going to hold much water. It will really be, if
17 anything, they may actually be providing more
18 stormwater controls around where the bedrock used to
19 be, so stuff would be collected in roof drains or
20 catch basins rather than just running off.

21 CHAIRMAN ZUROFF: And what about
22 during the construction process itself?

23 MR. KRAN: That was some of those
24 comments related to conditions of approval, so

1 they've given an erosion control plan where they're
2 showing where they are going to put hay bales -- I
3 forget what they proposed for this one -- so that
4 will prevent or that should help limit runoff in the
5 direct downslope, but there is also some
6 construction peer stormwater controls that sometimes
7 can be weighed in design and with the contractor and
8 so that's why having some sort of plan in place for
9 where these construction peer sedimentation basins
10 will go prior to issuing a building permit will be a
11 good idea.

12 CHAIRMAN ZUROFF: Thank you. I don't
13 have any more questions at this point, but I look
14 forward to seeing your further conclusions and
15 recommendations. Thank you very much.

16 MR. KRAN: Thank you.

17 MR. LEVIN: I'm Mark Levin, with the
18 Chestnut Hill Realty. I wanted to make one point
19 specifically in reference to your concerns just now.
20 We just finished a project in Newton. It was a
21 ledge-ridden site, and we removed 60,000 cubic yards
22 of ledge, and we did the erosion control and more
23 than complied with the state regulations for both
24 the blasting damage and runoff and measuring

1 groundwater before, during, and after, and it's
2 really highly regulated and it can be done properly
3 without impacting the surrounding areas. I just
4 want to remind you, and you think you were there for
5 ROSB and Chris as well, that there were pretty
6 stringent conditions put into that comprehensive
7 permit regarding blasting and dust and such that
8 would address the concerns that have been stated
9 regarding rock removal, and sometimes it's blasting,
10 sometimes running utilities and hammering and there
11 are different means and methods in those cases that
12 good business practice and regulations require.

13 CHAIRMAN ZUROFF: I appreciate that.
14 I do know that your Newton project really had no
15 neighbors, so this is --

16 MR. LEVIN: No, no, we most certainly
17 did.

18 CHAIRMAN ZUROFF: Well, not direct.

19 MR. LEVIN: No, they were direct.
20 They were absolutely, unequivocally direct.

21 CHAIRMAN ZUROFF: I haven't walked
22 the project, but I drive by it.

23 MR. LEVIN: On three of the sides,
24 there is one on one of the sides, there most

1 certainly was, and we were able to avoid any issue.

2 MR. GELLER: Joe Geller from Stantec.

3 On that project we did have direct abutters all
4 along the back side of the property, residential
5 homes all along the back side similar to the natural
6 locations and stuff, but it also abuts the wetlands
7 resource area and conservation area, so very similar
8 situation in those cases.

9 CHAIRMAN ZUROFF: Thank you, Joe.

10 There is somebody who wants to be heard. Your name,
11 sir?

12 MR. HOLMES: Frank Holmes, and I'm
13 with Stantec here representing Chestnut Hill Realty,
14 and so I would like to provide some additional
15 comment to the review of stormwater peer review.

16 So a lot of what I have in this
17 presentation I think we've already covered, so I'm
18 going to skip a lot of the slides. I don't want to
19 be repetitive with things that have already been
20 covered where we addressed comments, but then I
21 would like to address some of the comments that have
22 been made by the Board.

23 So as I was noting on here, I agree a
24 lot of the comments have already been addressed.

1 This presentation was addressing some that requires
2 some additional comment, but I think even though a
3 lot of those have been covered and that we have
4 addressed them.

5 So an overall comment that I want to
6 make just regarding the design plans and some of the
7 comments about the design of the concrete structures
8 and some of the individual stormwater management
9 components, I want to note that the plans that have
10 been provided were for a ZBA permit application.
11 Some of the comments I think were pretty detail
12 specific and our things that are typically dealt
13 when we are preparing instruction documents and even
14 with a contractor is providing their shop drawings
15 for some of these systems. A lot of the information
16 that's been asked for we require from the
17 contractor, and I do have some photos later that I
18 would like to show for similar systems that were
19 built, but I just wanted to make that point.

20 Also I want to note that I hope going
21 forward with this process -- we really like to have
22 the opportunity to do the sitdown with the
23 Environmental Partners, and the items that are still
24 outstanding we would like to sit down, review them,

1 and approve them. On previous applications here in
2 Brookline with other peer review consultants we've
3 done that. We're very successful in coming to a
4 good resolution, so we look to that.

5 So as I mentioned, I'm going to
6 breeze through a lot of these, but an important
7 point I do want to make is that none of the systems
8 that we have here on the project are infiltration
9 basins. They're really for detention and holding
10 onto the water. They do provide groundwater
11 recharge so there is some water that goes into the
12 ground but they're not designed to infiltrate all of
13 the water, and I think as was noted, our
14 calculations don't take credit at all for
15 infiltration when it comes to the amount of water
16 that we're reducing. So they're mainly detention
17 and recharge.

18 So there was some discussion on the
19 proximity of some of the these structures to
20 buildings and to slopes, and I agree that that's a
21 concern. A couple of things I do want to note,
22 however. The stormwater handbook does specifically
23 require for the types of systems that we have a
24 ten-foot separation from buildings, and we have

1 levels or the amount of rainfall and the difference
2 between technical paper 40, which is what we use,
3 and the Cornell University's extreme precipitation
4 website. So one thing I would like to note is that
5 TP40 is still widely used. There are some cities
6 and towns that do require Cornell University's
7 numbers, but Brookline is not one of those towns.
8 We have permitted many projects in the Town of
9 Brookline that have been reviewed by the DPW using
10 TP40 and that's always been generally accepted in
11 projects that have been completed even this year
12 that have been reviewed and approved. And we would
13 suggest and I think as it was noted as a 40B
14 project, we like to be treated as all other projects
15 in the town are being treated in that respect.

16 CHAIRMAN ZUROFF: Can I ask you a
17 question about that?

18 MR. HOLMES: Sure.

19 CHAIRMAN ZUROFF: Assuming that the
20 TP40 is standard and acceptable and the Cornell
21 standard might be more stringent requiring more
22 facility, does the system that you're proposing, is
23 it adequate if there is a significant uptick in
24 rainfall?

1 MR. HOLMES: So I would say
2 absolutely it is. The calculations and the
3 methodologies that are used TR55 and TR20, which are
4 computer simulations that we use in our analysis are
5 extremely conservative as they are. So it was
6 mentioned that the hundred year storm is 6.7 inches.
7 The model also assumes that that 6.7 inches falls --
8 90 percent of it falls within a two-hour time frame,
9 so it is very concentrated. So the simulations that
10 we use are very conservative to begin with and quite
11 honestly you find when we use these models, a lot of
12 times our systems are very conservatively designed,
13 sometimes oversized. So I'm confident and
14 Chestnut Hill Realty is a client of ours. We
15 certainly want to design a system that's going to
16 work well for them, and I'm confident in what we
17 have designed.

18 CHAIRMAN ZUROFF: Thank you.

19 MR. HOLMES: There were some comments
20 about groundwater and establishing high groundwater.
21 Again, here I feel like we have done what is
22 generally accepted engineering practice. We do have
23 a monitoring well in the location of the larger
24 recharge system that we have. It was installed in

1 March of 2016. March is considered right in the
2 middle of high groundwater season. The comment from
3 engineer partners pointed out that in that year we
4 had less snowfall than average; however, we've
5 reviewed the USGS wells that are in the vicinity of
6 of the project site, and in those wells, in 2016, in
7 the month prior to when the wells was installed in
8 March and also in the following month, the
9 groundwater levels in USGS wells that were monitored
10 were normal, which would mean to say they were
11 highest that you would expect to have in a year
12 because of the springtime. That's high groundwater
13 season. And so we feel that having installed the
14 well in March and having a reading in March is
15 indicative of high groundwater.

16 That being said, we are glad to take
17 another reading, and there is the second system
18 which is much smaller where we don't have a well,
19 and it's correct that we are relying on a boring
20 that was completed in September, so we are willing
21 to do some more investigation in that area during
22 high groundwater time.

23 I want to point out and it was
24 mentioned that we have completed with Chestnut Hill

1 Realty -- outside the scope of this project, we're
2 working on another project which did involve
3 cleaning and TV inspection of most of the sewer
4 drain lines throughout the entire Hancock Village
5 property, and we're, again, working on another
6 project that's outside the scope of this
7 Puddingstone project to complete repairs and
8 improvements where they are needed to the sewer and
9 drain systems. And similarly we also completed
10 hydroflow tests and tests on the water pipes just to
11 confirm that the water pipes were in good condition
12 and confirm that we had adequate flow and pressure,
13 so we would be glad to provide those hydroflow tests
14 to the Board for review.

15 Again, I'll just note again the
16 comment about buoyancy calculations and ensuring
17 they're watertight. These are things we typically
18 deal with the contractor and with the supplier of
19 those materials as part of final design and shop
20 drawing review. Here are a couple of photos that I
21 thought it might be helpful to show how we make
22 these watertight because there seems to be a
23 question on how that might be possible. There's a
24 photo of a system that's being installed at a site

1 in Watertown, and so you can see the precast
2 concrete chambers, and then the black what looks
3 like a gigantic trash bag is actually a very thick
4 HDP liner that's installed underneath the system and
5 then it's wrapped over the top, and that creates a
6 watertight system, and then that's tested after this
7 system is installed to ensure that it's holding the
8 water and not letting water out or in.

9 I'm not going to comment more on the
10 ledge. I think we've covered that one. So
11 lastly -- I won't go through all the standards, but
12 I just had these slides in here with some notes. I
13 want to make the overall point that the design that
14 we have does meet the state's stormwater management
15 standards. There are ten standards. We feel we
16 will meet all ten of them. And I believe that's all
17 I have. I want to take a quick look at my notes
18 from some of the Board's comments.

19 So two other things I want to note.
20 So questions about the environmental effect of the
21 project, and I think by meeting the state stormwater
22 management standards, I would suggest we're actually
23 going to be improving the quality of stormwater from
24 this portion of Chestnut Hill Realty's property.

1 We're going to be providing a pretty high level of
2 stormwater water quality treatment that doesn't
3 exist today.

4 And the last comment, there was some
5 comments about construction period, erosion and
6 sediment control. Again, when a project is about to
7 go into construction, we assist the contractor in
8 the preparation of the stormwater pollution
9 prevention plan, but that's something that we always
10 require a contractor to actually file, and they're
11 responsible for monitoring and implemented the plan,
12 and so that's something that could be a condition
13 but I would suggest that it's appropriate for it to
14 be a condition because it's something that, again,
15 it's means and methods and something that the
16 contractor needs to implement themselves.

17 So that's all I had. If there are
18 any questions, I would be happy to answer them.

19 MR. HUSSEY: No.

20 CHAIRMAN ZUROFF: No, I don't have
21 any further questions. Thank you. We have heard
22 the technical presentations of the peer reviewer and
23 applicant concerning stormwater and management.

24 At this point we have enough time to

1 welcome to hear comments from the public. I would
2 like to keep them relevant to the stormwater
3 management, but if you have overall comments to make
4 to request the Board address some concerns, we will
5 hear those as long as you keep them to the point and
6 don't repeat what somebody who has spoken before you
7 so that we can move this along. Sir?

8 MR. VARRELL: My name is William
9 Varrell. I'm a resident of 45 Ashville Road in
10 Brookline. I'm also a professional engineer who has
11 been practicing for 26 years. I was more impressed
12 with the project reviewers than previous 40B
13 projects. I want to give them credit. They did a
14 little bit better. They didn't point out that no
15 one has checked this existing system that everything
16 is getting tied into can handle this. There is the
17 previously approved 40B and this 40B both tie in the
18 system and they're both putting water into the horse
19 sanctuary and that's not been addressed.

20 The seasonal groundwater, again, a
21 great point brought at the last 40B hearing. It had
22 these monitoring wells for two years. You can get
23 the seasonal high groundwater if you monitor monthly
24 for two years. Looking once in two years gives you

1 nothing. It gives you no value at all. And going
2 to check it one other time, that will give you the
3 seasonal high water.

4 I can say as a resident who is in the
5 area all the time, I know in the last two years the
6 groundwater has been above the ground. You don't
7 need a well to look because the ground is completely
8 saturated and the water is on top and it's sheets
9 flowing off into the street.

10 My biggest concern I have with this
11 project is that I don't understand how this system
12 works. I don't understand how it was designed. The
13 peer reviewer made an excellent point about this
14 detention basin D1C. This is the detention basin
15 we're talking about is in ledge, so the borings at
16 this location show that the outlet ledge is three
17 inches below ground. This structure is about four
18 feet below ground, so they're going to carve ledge
19 down four feet, they're going to carve the bottom
20 out, they're going to pour a concrete base, they're
21 going to put these concrete structures on top for
22 storage, and they're going to make it watertight.
23 Now all the water in the system comes into the top
24 of the structure and as it goes through, it goes

1 through these orifices, and if you look on the sheet
2 L1003, you can see the outlet control structure D1C,
3 and these six orifices are at an elevation of 158.3.
4 The bottom of the structure on the next page is
5 157.3, so it's one foot below there, but if you look
6 closely at this structure and look on sheet L700,
7 these go into this outlet control structure that has
8 an invert out of an elevation of 159.5.

9 So why is that important? The bottom
10 of the structure is elevation 157.3, the top of the
11 structure and these are curved arches, is elevation
12 160.3. So as the water comes in and they all said
13 how watertight it's going to be, the water will
14 never leave until you get above elevation 159.5.
15 Correct? You can look at it later. At 159.5,
16 that's the point no water will ever leave this
17 structure until the whole entire hydraulic drain
18 line gets above that point. That gives you eight
19 inches of storage. Eighty percent of the storage
20 will constantly be completely full of water the
21 whole time. It will never evaporate, it will never
22 dry. From the first big storm that water will be in
23 there for life. The next storm comes through will
24 come and go right over the top and right into the

1 if these basins are full of water and they have 72
2 hours to get rid of that water but the groundwater
3 is above the bottom of them, they're not going to
4 recharge into the ground because there is nowhere to
5 go because it's already saturated. Fully saturated
6 ground cannot accept more water. So for them to say
7 72 hours it is going to be gone, which they clearly
8 are saying in their requirements, it is not true.

9 And then they say their design is
10 conservative, even though they admit that they're
11 using 40-year-old rainfall data. The reason that
12 Cornell updated the rainfall data 40 years later is
13 because it's not accurate anymore. So how can
14 someone stand up there and say, We are using a
15 conservative design, when they're using 40-year-old
16 data. It doesn't make any sense.

17 Then they have this water in this big
18 building on a new street which is graded towards the
19 existing road, they have one catch basin and they
20 say that one catch basin is going to catch all that
21 water and it's going to be treated, but anyone who
22 has done drainage calculations knows there's
23 something that's called a spread calculator. The
24 spread is how wide that water is going to be and

1 only a certain percentage goes into the catch basin
2 and the rest of the water goes on by. That's
3 untreated water that lands into the horse sanctuary.
4 These are basic things. I did drainage 25 years
5 ago. These are the things you learn. None of these
6 standards are met.

7 I don't understand how it was done
8 like this and how the peer reviewer missed some of
9 these major issues. I mean, this isn't something
10 you fix one number, this is start over again, so are
11 we going to get a chance to review a real actual
12 design, or this going to be the peer reviewer and
13 the engineer working together in close quarters and
14 come out and saying we're all in agreement, because
15 I'm positive that the first 40B has these same
16 serious design flaws and made it through the
17 committee. And when I came up here and told them
18 four years ago, it was said I didn't know what I was
19 talking about. It's in the records. It is part of
20 the written record and nothing was ever done about
21 it. So I'm wondering why -- I live in Brookline.
22 This is my area. These are my neighbors' houses
23 that are going to get flooded out. The horse
24 sanctuary which we all walk in could be ruined by

1 this. Why aren't these addressed? That's all I
2 have to say. Thank you.

3 CHAIRMAN ZUROFF: Thank you. Yes?

4 MS. FRAWLEY: Regina Frawley. I want
5 to confirm something about the peer reviewer. When
6 I went out to the community and spent several hours
7 going through a 40B project comparable to -- very
8 comparable in most ways to this proposal next to
9 wetlands, et cetera, and with natural habitat, I did
10 notice today that a proposal for the P grade runoff
11 that was brought by the developer in 2000 was very
12 different in 2003, which their ZBA required them to
13 confirm to different standards, and it came out very
14 different. So there is some merit to having another
15 look-see and maybe using a different metric.

16 I agree very much with Will Varrell
17 that I don't understand why the safety of the
18 habitat, the horse sanctuary. In other communities
19 they do require previewed statements and studies for
20 the soil substrate, the habitat assessment, the
21 waterfront area, the composition and detail as to
22 exactly where the plants are. The topography,
23 hydrology in proximity to the water body. We
24 haven't had any discussion that I know of about

1 that, and that's pretty standard. So I think we
2 need to set some protocols that are much higher than
3 we have been discussing so far.

4 As for the reason blasting is
5 relevant here is because it also will affect the
6 water. It will affect the horse sanctuary and the
7 blasting that was done in this other community that
8 had maybe six or seven meetings just on the
9 blasting, so that's how rigorous it can go and ought
10 to go. They have meshing over anything that needed
11 protection and they required as a condition in the
12 comprehensive permit a videotaping of anyone who
13 wanted it. They had to sign a relief and they did
14 the videotaping of the interior and the exterior of
15 everyone's property before construction and blasting
16 and after. If there were cracks or anything, the
17 developer had liability. And that's I think very
18 reasonable to ask about.

19 Even the quality of the soil
20 substrate is very particular. They can't be
21 anything in it but quality soil. For example, they
22 had culverts added to protect the abutting wildlife
23 area. They had I think it's called -- is it a --
24 it's a series of wonderful blocks of stone

1 protecting the area you're trying to protect from
2 the water erosion. The conservation commission in
3 that community was fully involved at every stage.
4 The fire department involved and even they did a
5 stop construction when they didn't feel that the
6 water pipes were doing their job properly connected.

7 So we need a really good look-see at
8 what we're doing here because it will be forever.
9 My initial greatest concern will be the horse
10 sanctuary. I think it will be flooded. The
11 wildlife will have to leave. They'll move some of
12 their young. There are two pools which is usually
13 all that conservation commission bothers with, but
14 you need to at least fill the gap of protecting the
15 horse sanctuary because I think that will be the
16 end, and I think Will is right between. The
17 blasting you need to protect from them will scare
18 the habitat and I've lived down there 50 years, I
19 know the animals that are there.

20 Then it's additional about the
21 stormwater runoff. These are two threats to the
22 horse sanctuary. And we should be deeply involved
23 with on-site inspection and advice, and I hope you
24 will do that because they have done it in other

1 communities but why should we be exceptional. Thank
2 you.

3 CHAIRMAN ZUROFF: Thank you.

4 MS. SCHARF: Hi, my name is Irene
5 Scharf, I'm a neighbor and town meeting member.
6 S-C-H-A-R-F. My question has to do with something
7 that the peer reviewer mentioned and it's really
8 given that these hearings are so compressed. The
9 peer reviewer mentioned that the DPW and water
10 department I believe should have a say on these
11 plans. Is there a plan for you all to consult with
12 them, a public hearing during which they will
13 present their findings, feelings, of review of these
14 plans? Do I just sit down now? You'll answer
15 eventually? You're not going to answer now?

16 CHAIRMAN ZUROFF: We will try.

17 MS. SCHARF: You will try?

18 CHAIRMAN ZUROFF: Okay.

19 MS. SCHARF: Thank you.

20 MS. FRAWLEY: May I add something? I
21 forgot to add something on the blasting. The
22 neighbors in that community were even more concerned
23 about the grinding. The blasting lasts a certain
24 length of time. You need to protect everyone around

1 including the horse sanctuary, but the grinding can
2 go on for all day every day for a long time, so
3 somehow or another that's the noise level that I
4 think will reference or the peer reviewer
5 referenced. Thank you.

6 MR. PU: I'm Bill Pu. I'm a
7 committee member, also an abutter. So I want to
8 amplify. I can't say any better what Mr. Varrell
9 said about the design of this system, and I think
10 and just to summarize, I hope that the designer will
11 be able to answer this question. I think the key
12 issue is where is the water going to go? It's going
13 to go into the system at design, but where is it
14 going to go? And it seems like that's the crux of
15 the issue.

16 The other point I wanted to raise is
17 when you asked him -- you asked the designer if the
18 system was robust enough, and he gave you some
19 verbal assurance that it was, but I would really
20 feel much more comfortable with a quantitative
21 analysis so that would mean, what is the maximum
22 rainfall that the system is designed to handle
23 without discharging excess water? How does that
24 compare to the rainfall data that we've seen in

1 recent history? Might the margin of error be lost
2 if we face increased rainfall, for example, from
3 global warming? And in the worst case that we
4 exceed the design of this system, where is the water
5 going to go? Is it going to go into the horse
6 sanctuary?

7 And I think that is a key question
8 because I don't think we should take the assumption
9 that this system is going to work, so I would like
10 to know when it doesn't work, where is the water
11 going to go?

12 CHAIRMAN ZUROFF: Anyone else? Would
13 the applicant like to respond to these comments?
14 You're not compelled to. You may.

15 MR. HOLMES: I would like to note
16 that I've been designing stormwater systems for my
17 entire career for 25 years and haven't had problems
18 with the systems on design. I am confident in the
19 design that we've provided here. We have provided a
20 quantitative analysis. We have a pretty robust
21 stormwater report that includes calculations in a
22 detailed analysis of the system.

23 Mr. Varrell's comment, I can leave it
24 to the peer review consultant to consider those and

1 if they agree with any of his comments, we'll be
2 glad to address any of them. I'm not going to
3 address his directly. Thank you.

4 CHAIRMAN ZUROFF: Thank you, sir.
5 Would you like to respond or we can wait until we
6 get to further analysis.

7 MR. KRAN: I do agree that the
8 storage at the bottom of the basin could be a
9 concern. It's just one more thing to add to the
10 list of our concerns about that basin. I believe
11 the other comment was about grade capacity for catch
12 basins.

13 MR. VARRELL: The water that goes
14 down this street, the catch basin, and everything
15 else passes by. There's no spread calculation.

16 MR. KRAN: There could be --
17 sometimes when we do a first pass through an
18 application, that's sometimes something that will
19 come up in a later review. It's something we can
20 discuss with the applicant. I'm not terribly
21 concerned about it and it doesn't -- if we need to
22 add another catch basin or grade, it doesn't seem
23 like that's going to be a major concern if the pipes
24 can hold it.

1 thorough, so it seems to me his recommendations need
2 to be followed pretty closely and report back to us.

3 The other thing is that they were
4 going to stick with this design. The other thing
5 I'm curious about is, which hasn't come up at all,
6 there was a design that went before town meeting
7 last fall or last spring and it was turned down by
8 the town, which was a compromise decision or a plan
9 through the neighbors and various groups, and I'm
10 sort of curious what that design was, why it didn't
11 pass, why we're here?

12 CHAIRMAN ZUROFF: I don't know if we
13 can get an answer to that question unless we go to
14 town meeting.

15 MR. HUSSEY: We haven't seen what was
16 presented. I don't know what was presented at town
17 meeting.

18 MS. PALERMO: I don't know either.

19 CHAIRMAN ZUROFF: It isn't before us,
20 so the developer has chosen to present this plan to
21 us. The reasons that it may or may not have been
22 approved by town meeting really aren't relevant to
23 this proceeding. I think we have to judge this on
24 its own merit.

1 MR. HUSSEY: I'm not so sure. We
2 have three choices; to approve it, to deny it, in
3 case it goes to the appeals committee with a red
4 light and they'll probably pass it from all the
5 information that I received or pass it with
6 conditions. We can make the conditions on passing
7 it so that when it goes back a little closer to what
8 was presented at the town meeting...

9 CHAIRMAN ZUROFF: But the town
10 meeting turned it down.

11 MR. HUSSEY: It's up to us now and we
12 can put conditions on this that if we knew more
13 about the town meeting proposal, it would take it
14 back closer to -- I don't know why that didn't pass
15 town meeting. That's a political question.

16 CHAIRMAN ZUROFF: It is a political
17 question. We're here dealing with the law and the
18 codes.

19 MR. HUSSEY: But it was a compromised
20 plan as I understand it, and so as a --

21 CHAIRMAN ZUROFF: Not successful.

22 MR. HUSSEY: Not successful, but
23 we're here deciding it, and if there were elements
24 of that plan which have validity and positive impact

1 on this project, I would like to know what they
2 might be.

3 CHAIRMAN ZUROFF: I don't know
4 whether Mr. Cliff Boehmer was involved in that
5 compromised plan. Polly, do you know?

6 MS. SELKOE: I don't believe he
7 was.

8 CHAIRMAN ZUROFF: Alison, do you
9 know? This is information, I understand that.

10 MS. STEINFELD: Alison Steinfeld,
11 planning director. Cliff Boehmer was involved in
12 some degree in the development of the Hancock
13 Village master development plan, but I would suggest
14 to you there are no possible conditions that the ZBA
15 could impose that could at all come close to what
16 was proposed as the compromised plan. It was a
17 holistic approach that addressed all of Hancock
18 Village. It's apples and oranges. It's really not
19 relevant at all.

20 CHAIRMAN ZUROFF: We actually have no
21 power to address the overall Hancock Village
22 project.

23 MS. STEINFELD: No, you were given a
24 specific site and proposed plan is within the

1 confines of that site, whereas the group that
2 developed the Hancock Village master development
3 plan looked at all of Hancock Village because we
4 were proposing an overlay district that addressed
5 rezoning an entire parcel.

6 MR. HUSSEY: I guess our direction
7 should be instead of working groups, we should work
8 on the basis of Cliff's report and begin meeting
9 with the developer to get them to work in the
10 improvements that are listed in that package, unless
11 there is something I don't know about.

12 CHAIRMAN ZUROFF: No, I think that's
13 the purpose of working groups is to work towards a
14 position that's attainable as far as what we want to
15 see and what the developer is willing to work with.

16 I have one question about this
17 particular stormwater issue, and it's an overall
18 question. The public and the peer reviewer and
19 maybe the developer too seems to be operating on the
20 premise that the creation of this project will
21 somehow create a new burden on the environment, that
22 somehow all of this new water will appear and affect
23 the adjacent properties and the developer's
24 property, and maybe I'm missing something, but the

1 water that is on the project now is not going to
2 substantially increase because of the construction
3 of this project. The water is still going to fall
4 whether it falls on a building or on the property,
5 but maybe I'm missing something here.

6 I know that when you build
7 structures, the water that might have been absorbed
8 into the ground is not going to get absorbed into
9 the ground, but major building in this project is on
10 ledge and puddingstone. It's not absorbed into the
11 ground now. So is there a major effect from the
12 construction?

13 MR. HOLMES: Your point, I would
14 completely agree with that. The building is going
15 in an area that is mainly ledge now. As it has been
16 noted there are a lot of ledge outcroppings on-site
17 and our analysis and our calculation show that we
18 are reducing the rate of water that's leaving the
19 site and providing opportunities for groundwater
20 recharge to mimic the existing conditions as best we
21 can in accordance with the stormwater standards.
22 And so I would agree that we're not going to be
23 increasing the amount of water leaving the site, but
24 we are going be reducing it in fact.

1 MR. VARRELL: May I address that?

2 CHAIRMAN ZUROFF: One quick

3 comment.

4 MR. VARRELL: William Varrell. What
5 he said is completely wrong. There will be
6 substantial amounts of increased water running off
7 from the site. He knows that. That's why there are
8 underground basins, to hold it back so it can be
9 released at the same rate.

10 When you talk about what's going to
11 be released, it's the rate it leaves the property,
12 not the amount. If you have ten gallons per second
13 leaving the property today, then as long as you
14 don't exceed ten gallons per second, you can have
15 five trillion gallons enter the horse sanctuary as a
16 example. So he's wrong when he says there won't be
17 an increase, it's just not the rate. The peer
18 reviewer can back me up on that.

19 All this impervious area, the rain is
20 going to fall, it's not going into the ground
21 anymore. It's being held in basins and it's then
22 being released. His first calculations say that
23 that rate won't increase, but there is an error
24 because once that basin fills up it's going to come

1 at a much faster rate and is going to cause erosion.

2 CHAIRMAN ZUROFF: Thank you. This is
3 not a repeat. We have already heard from everybody.
4 I wanted a point of clarification and
5 allow Mr. Varrell. Unless you have something very
6 quick and to the point.

7 MS. FRAWLEY: Very quick. Regina
8 Frawley again. There is a reason that every single
9 building in Hancock Village is on a slab. Even some
10 of the homes behind me on the roadside along
11 Independence Drive used to belong to Hancock
12 Village, they're on slabs, two out of the three, and
13 the third has a half basement and a slab. There's a
14 reason. This was very natural streams that are on
15 the old maps in the engineering department, and I
16 think that we all have remembered from seventh grade
17 science Archimedes. These buildings are going to be
18 having a certain level of CPI pressure on the
19 ground. It can aggregate. It can definitely -- I
20 don't think there's any question. I think Will is
21 an expert on water. It's going to happen.

22 CHAIRMAN ZUROFF: Thank you. Let me
23 say this: We as a Board rely very heavily on the
24 peer reviewers that are hired by the Town to give us

1 guidance on technical matters. That's all we have
2 to rely on. I appreciate the fact that Mr. Varrell
3 is an engineer and we listened to him, but that is
4 what we are charged with. That is why we have peer
5 reviewers, so we will make our decisions based on
6 the emperical data that we have and what we believe
7 to be most qualified. I don't think there's any
8 question that the people that being heard --

9 MS. FRAWLEY: Are you not working
10 with the Conservation Commission?

11 CHAIRMAN ZUROFF: Of course we are,
12 so I'm not discounting any. All of the peer
13 reviewers are part of our evaluation.

14 From my point of view, Mr. Boehmer
15 has made his assessment of the project. I support
16 much of what he has said. In the long run when we
17 get to the decision-making, his recommendations will
18 be heavily weighted in terms of the design and size
19 of the project. And so I think the developer
20 understands and the Board understands that we are
21 going to probably direct that there would be some
22 modifications to the project. How that actually
23 takes shape is a process that we will go through in
24 listening to the recommendations of the working

1 groups and ultimately deciding how we can best
2 proceed.

3 Chris is absolutely right. Those of
4 you who are familiar with 40B, we have three choices
5 here: We can accept the project as presented; we
6 can deny the project as presented; or we can make
7 recommendations to make the project better. And so
8 that is our charge and that is what we will be
9 doing, and the process will run its course as we
10 listen to the peer reviewers and other people
11 including the public. So that being said, I hope
12 that's helped in some way to shape --

13 MS. SELKOE: I don't know if Lark has
14 some comments on the design?

15 MS. PALERMO: My comments are going
16 to be very similar to my colleagues here. I think
17 that Cliff Boehmer did a very comprehensive analysis
18 that I found compelling. I also agree that it would
19 be -- I recognize that we are talking about apples
20 and oranges when we are talking about what was
21 presented to the town meeting versus what is being
22 presented to us here today, and it does limit us,
23 but that's unfortunate because I have the impression
24 that there was a fair amount of open space that had

1 been provided in what was presented at town meeting
2 and I would like to see more open space. One of the
3 hallmarks of Hancock Village is its garden-style
4 design originally, and I think that's important to
5 try to maintain in any redevelopment site.

6 CHAIRMAN ZUROFF: Thank you.

7 MR. HUSSEY: Alison?

8 MS. STEINFELD: When you're done.

9 CHAIRMAN ZUROFF: I think we all made
10 our opinions to this point.

11 MS. STEINFELD: Alison Steinfeld,
12 planning director. I do think that the Planning
13 Department has a good understanding of your
14 direction and I believe the developer does as well.
15 I would ask that you request that the developer
16 authorize that Cliff Boehmer be able to participate
17 in the working groups and that the developer pay for
18 that because this is above and beyond peer review.
19 I do know if you ask, you'll get a favorable
20 response, but I would like it part of the record.

21 CHAIRMAN ZUROFF: Mr. Levin, I'm
22 formally requesting that you allow Cliff Boehmer be
23 part of the working group going forward so that we
24 get his input.

1 MR. LEVIN: We welcome his input as
2 well, and we would pay reasonable fees for his
3 time.

4 CHAIRMAN ZUROFF: I can't speak for
5 reasonableness. Thank you, Alison. So the next
6 hearing, because this is an unusual situation
7 because we had this project on the board, the Board
8 is coming up to this sort of -- we're catching up.
9 I understand that we have a site visit which is now
10 scheduled by agreement for April 26 at 8:30 in the
11 morning.

12 MS. SELKOE: That's correct.

13 CHAIRMAN ZUROFF: And that's a site
14 visit that's for the benefit of the ZBA. The public
15 is welcome to join us at the site visit but there
16 will be no public comment nor any questions from the
17 public. It is simply for the ZBA to meet with the
18 development team, take a tour of the site, and
19 evaluate what we see and not to discuss the matter.
20 So the ZBA will be asking questions but the public
21 will not. The time is 8:30 in the morning.
22 Hopefully it won't be raining or snowing as we have
23 had in the past.

24 MS. SELKOE: I think we'll probably

1 meet at the Chestnut Hill Realty offices as
2 before.

3 CHAIRMAN ZUROFF: The next and final
4 order of business I believe is to schedule our next
5 hearing. Now, we all acknowledge that there will
6 will be working groups. We would like to get that
7 process started sooner than later. I would like to
8 allow for enough time for that process to get
9 started. So I am suggesting --

10 MS. SELKOE: Before you do, I don't
11 know if Chestnut Hill Realty has something to say
12 about that. Had we discussed whether this is the
13 right time now for the working groups?

14 MS. STEINFELD: Yes.

15 CHAIRMAN ZUROFF: So I would like to
16 suggest that our next meeting be on May 7 which is a
17 time that we can all make it. That allows the peer
18 reviewers to start their work. And as a consequence
19 of that, we may have to extend the deadline for the
20 decision. So I'm going ask the developer if they're
21 open to extending the deadline?

22 MR. LEVIN: We are open to extend the
23 deadline. I think that once we can get the working
24 group set up and started, we'll have an idea how far

1 we'd like to extend it out. So why don't we try to
2 get those going as soon as possible and get as many
3 of them as we can before May 7. And I guess either
4 at that time or --

5 CHAIRMAN ZUROFF: As of the next
6 meeting we will hopefully agree on at least a
7 potential termination date.

8 MR. LEVIN: That's fine.

9 CHAIRMAN ZUROFF: Okay. So I think
10 that concludes our business. Thank you all for
11 coming. Thank you for participating. We'll be here
12 on May 7, and for of those who are interested, we'll
13 see you on April 26.

14 (Whereupon, the hearing was adjourned
15 at 8:55 p.m.)

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1 C E R T I F I C A T E

2 COMMONWEALTH OF MASSACHUSETTS

3 Worcester, ss.

4 I, Jennifer A. Doherty, Certified
5 Shorthand Reporter and Notary in and for the
6 Commonwealth of Massachusetts, do hereby certify
7 that the foregoing Pages 1 to 76 to be a true,
8 complete and accurate transcript of the testimony of
9 the aforementioned hearing held at the time and
10 place hereinbefore set forth, to the best of my
11 knowledge, skill and ability.

12

13

14

15 IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY
16 HAND AND SEAL THIS 22ND DAY OF APRIL, 2018.

17

18

19 Certified Shorthand Reporter

20 CSR No. 1398F95

21

22 My Commission Expires:

23 October 19, 2023

24

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