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HEARING OF BOARD OF APPEALS
1299 Beacon Street
Wednesday, June 13, 2018 at 7:00 p.m.
Brookline Town Hall
333 Washington Street
Room 111
Brookline, Massachusetts 02445

Reporter: Jennifer A. Doherty, CSR

1 APPEARANCES:

2

3 Jesse Geller, Chairman

4 Kate Poverman, Board Member

5 Randolph Meicklejohn, Board Member

6 Johanna Schneider, Board Member

7

8 Maria Morelli, Planner

9 Ashley Clark

10 Alison Steifeld

11 Geoff Engler, 40B Consultant

12 Raj Dhanda

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

2 CHAIRMAN GELLER: Good evening,
3 everyone. We are reconvening our hearing for a
4 comprehensive permit involving a property at 1299
5 Beacon Street. And as you recall, we held a site
6 visit on May 30, and our last actual hearing was May
7 9.

8 Tonight's hearing will be dedicated
9 to, as usual, we'll get an update from staff. We
10 will then open up the floor to get testimony from
11 the public. I want to lay a few ground rules.
12 Tonight's hearing we're not being photographed;
13 however, there is a stenographic record and is
14 there --

15 MS. MORELLI: We don't have a
16 recording tonight.

17 CHAIRMAN GELLER: That is the public
18 record. As we noted before, the copies of what is
19 being transcribed are available approximately two
20 weeks after the hearing. You will be able to find
21 that information on the Town's website, Planning
22 Department, so you'll be able to get copies of this
23 transcript as well as the transcripts from all
24 prior hearings.

1 If you do want to offer testimony,
2 start by giving us your name, give us your address.
3 I would ask that you listen carefully to what your
4 predecessors offer in testimony. It will make for a
5 very long evening if people just repeat the same
6 information. We certainly want to hear it if you
7 would agree with information that somebody before
8 you gave us. You can certainly point accusingly at
9 them and say, I disagree with them. Happy to hear
10 it.

11 Other administrative details?
12 Anything? No? No? Did I miss anything?

13 MS. MORELLI: I just want to note,
14 I'm Maria Morelli, senior planner at the Planning
15 Department. I'm working on this project with my
16 colleague, Ashley Clark, who is the planner in our
17 department as well, and Alison Steinfeld, planning
18 director, is with us tonight.

19 Just a few administrative details.
20 The website is under construction during this time.
21 You can consult it and you'll see all plans and
22 documents related to this case. However, anything
23 that we upload will be lost when there is a
24 conversion made in mid-July. Therefore, we're going

1 to refrain from posting letters and plans that we
2 received during this five to six-week period.

3 I do have some of your e-mail
4 addresses. If there is anything that you want,
5 please e-mail me, and I will make sure that you
6 receive it promptly via e-mail. In mid-July,
7 anything that we receive during this five to
8 six-week period will promptly be updated.

9 Please note any correspondence that
10 you send to the ZBA through our staff always
11 immediately gets forwarded to the ZBA peer reviewers
12 and we maintain a record of it. So that's just one
13 detail.

14 If you want to send comments to the
15 ZBA, it's very helpful to send them in advance and
16 in writing. You can send them to me, the Planning
17 Department. If you need my contact information,
18 it's on our website or you can just talk to me after
19 the hearing.

20 We will be continuing this hearing on
21 July 11, and before I lose track of this, at our
22 last hearing we had scheduled two hearings in July
23 for peer review and the first being July 11, the
24 second, July 18. I understand Mr. Geller will not

1 be available on the 18th, so I would like to confirm
2 that we can have that second hearing in July on the
3 25th.

4 MS. SCHNEIDER: I'm not available.

5 MS. MORELLI: So I think the 25th is
6 a Wednesday. That following week, Johanna, or is it
7 that entire week you're not available?

8 MS. SCHNEIDER: It's Tuesday through
9 Thursday that week.

10 MS. MORELLI: Would July 23 --

11 MS. SCHNEIDER: I'm sorry, no.

12 MS. MORELLI: Anything the following
13 week?

14 MS. POVERMAN: I'm out of town for
15 two weeks.

16 MS. MORELLI: So what we could do is
17 we could think about having -- we could try to have
18 a really, really long hearing on the 11th? That's a
19 possibility rather than postponing peer review like
20 a whole month and a half.

21 CHAIRMAN GELLER: You got something
22 else?

23 MS. MORELLI: I'm sorry? July we can
24 have all peer review, traffic, parking along with

1 design. Is that something that you're willing to do
2 on July 11? Okay. So we are not going to have two
3 hearings in July, we will have one, and that will
4 consist of staff presentation, traffic, parking, and
5 site building design peer review on July 11.

6 The last time we met on May 9 we
7 talked about application completeness which is part
8 of procedures here, and the application is
9 considered complete per the requirements of the
10 state and local regulations; however, I did list
11 areas where we do need additional info regarding
12 those categories of required materials and detail or
13 clarity, and there were additional things that were
14 not part of the requirements that I also did ask
15 for, and the project team has been very willing to
16 provide it.

17 What I've received, I received site
18 sections with additional dimensional detail, an
19 Atlas map which I did ask for with a proposed site
20 plan, overlay, and distances between structures,
21 shadow studies, and a 3D model. What I'm still
22 waiting for is the site plan of existing conditions
23 prepared by a surveyor; elevations with more
24 details; the height of the -- calculated, and the 3D

1 model update with facade details.

2 At the site visit we did want a site
3 plan with existing conditions and even though we
4 were disappointed we didn't have it, it turned out
5 to be a boon because we did discuss -- the
6 Commissioner did discuss the need for the abutting
7 properties; that's Trader Joe's, parcel -- Doctor
8 Heinberg's parcel and the post office parcel that
9 they be represented on the site plan and the project
10 team and the applicant are willing to provide that.
11 We just need to add a little more time. We should
12 be getting that at the end of June, and that works
13 out well with our hearing schedule.

14 THE STENOGRAPHER: Could you keep
15 your voice up?

16 MR. MEICKLEJOHN: I was asking which
17 commissioner she said. It's the building
18 commissioner.

19 MS. MORELLI: That is really the
20 report on application completeness. If you have any
21 further questions, I'm glad to answer them.

22 CHAIRMAN GELLER: Any questions?

23 MS. SCHNEIDER: No.

24 MS. POVERMAN: No.

1 MS. MORELLI: One thing we might want
2 to anticipate regarding peer reviews. They are
3 technical, and it would be helpful to maybe focus
4 comments that are technical in nature even though
5 that would just help, I think, use the peer
6 reviewer's time of those hearings, if you want to
7 say more about that, Mr. Geller.

8 MS. POVERMAN: I don't understand
9 what you mean.

10 MS. MORELLI: When we have the peer
11 review in July, it is helpful if there are any
12 questions from the public if they're focused on
13 technical questions for the peer reviewers.

14 CHAIRMAN GELLER: Yes. Yes. So the
15 peer review that we are doing will be traffic,
16 parking, and design, and those peer review reports,
17 one, predicated on a review of what is the
18 developer's proposal and, frankly, their experts
19 have generated.

20 So for instance, in the case of
21 parking, our peer reviewer reviews their traffic
22 report, and the peer reviewer's response is a
23 technical response. Did they look at the right
24 intersection? Have they used the correct

1 parameters? Are the appropriate studies taken into
2 account? Is it the as-built versus the to-be-built
3 parameter correct? So it's technical.

4 And I think what Maria is saying is
5 if people have comments that pertain to these
6 technical aspects of the project, your comments
7 should focus on the technical aspects, rather than
8 broader subjective issues. Is that a fair
9 statement?

10 MS. MORELLI: Yes.

11 CHAIRMAN GELLER: Anything else?

12 MS. MORELLI: That's it. Thanks.

13 CHAIRMAN GELLER: Great. Thank you.

14 Again, for the record, Meicklejohn, Geller,
15 Poverman, Schneider.

16 We did get a fair amount of written
17 materials. I want to thank everyone for submitting
18 those materials. I can't stress enough how
19 important it is that we get it in writing. It helps
20 us to actually look at it, think about it in advance
21 of hearings, and obviously we have it in particular
22 when the topic that, whatever the comment pertains
23 to, comes up. So I want to thank those who did
24 submit those materials. And I want to encourage

1 those who didn't submit written materials, if you do
2 have testimony to offer, please submit it in written
3 fashion.

4 Having said that, to those of you who
5 did put something in writing, I would ask that if
6 you want to offer testimony, absolutely, but we
7 don't need you to take out what you've written to us
8 and simply read it. We do read the materials and we
9 don't need you to read it to us. So that would be
10 my one other ask.

11 Just by a show of hands how many
12 people want to offer testimony this evening? So
13 what I think we will do is we will work from the
14 back of the room forward, and if people could just
15 stand in their place. And then again, if you would
16 start with your name and your address, that would be
17 great. Sir?

18 MR. BINCHES: Fred Binches, 46 Marion
19 Street. First, a procedure question. On your
20 comments that you just made and we submit comments
21 to the peer reviewer or are they going to be
22 restricted just to a response from the applicant?

23 CHAIRMAN GELLER: You should submit
24 your questions that pertain to these peer review

1 topics. You should submit them to Maria. The peer
2 reviewer -- depending on the question, the peer
3 reviewer will make an effort if it's within their
4 box to answer the question. At least that's been my
5 experience.

6 MR. BINCHES: Okay. There may be
7 questions that they may not look at in response.
8 Can we widen it a little bit and still keep it in
9 their purview anyways?

10 CHAIRMAN GELLER: We'll find out.

11 MR. BINCHES: So much for procedural
12 questions. A comment on the actual parking, and
13 this gets into what I just said. I think they need
14 to look at a fairly wide horizon on the whole
15 Coolidge Corner area. Based on the earlier plans
16 that were submitted, the staff parking and the six
17 buffer parking spaces which could fill up, the time
18 it's going to take for the valet parking, assuming
19 they show up for work, to move these cars in and
20 out, six buffer parking spaces, five minutes easily
21 to get these vehicles in and out of the garage.
22 We're talking about 74 units, 99 parking spaces.
23 That could lead possibly to as many as 25 available
24 for retail parking, customers coming and going. The

1 buffer parking spaces fill up. The traffic is now
2 blocking Sewall Avenue, public safety questions,
3 blocking the post office. You're about probably 400
4 feet from the intersection of Longwood and Sewall
5 Avenue. That backs up and people are probably not
6 going to be going around in circles trying to get
7 into their own parking spaces. They're going to sit
8 there waiting to get in.

9 If you walk on Longwood Avenue,
10 that's a major access through to Boston, Boston EMS
11 as well as Brookline EMS, the whole thing. So I
12 think there are substantial ripple effects that
13 occur very close and I think in this case here the
14 problems, those concentric circles so-to-speak of
15 this whole mess are going to be very close and cause
16 some serious problems involving public safety which
17 is something that is an irrelevant topic of this
18 whole discussion. Thank you.

19 CHAIRMAN GELLER: Thank you. Yes,
20 ma'am?

21 MS. ABRAHAMMER: Good evening. My
22 name is Nora Abrahammer and I'm the president of
23 Temple Sinai, which is at 50 Sewall Avenue.

24 We are in favor of affordable

1 housing, but we are not in favor of the traffic
2 patterns as there has been only presented very well
3 that we project will occur. It's traffic and it's
4 safety. A fire truck, if all the people are waiting
5 to get into the garage on Sewall Avenue, a fire
6 truck will be not be able to get through. Sewall is
7 already a narrow street and a one-way street. So
8 eight to ten floors, people trying to park their
9 cars, if it's residential, two stories of
10 commercial, and then deliveries and pickups, and
11 it's just, as you said, a snowball effect nightmare.

12 And the one other piece that I would
13 add is that we have about 170 children attending our
14 school. Parents are coming and dropping off their
15 kids and picking up their kids, and then there are
16 kids who are walking to school. Again, you've got
17 all kinds of safety issues regarding that.

18 So thank you and we very much
19 appreciate your attention to this.

20 CHAIRMAN GELLER: Thank you. Anybody
21 in the next row? No? Moving forward, anybody?

22 MS. SYDNEY: Hi, my name is Roberta
23 Sydney, S-Y-D-N-E-Y, like the city of Australia. I
24 represent two properties, KS Company Trust at 1309

1 Beacon Street and Harvard Beacon, LLC at 1319
2 Beacon. Both of those properties are right next
3 door, one next to the other, next to the property at
4 1299 Beacon. We have someone today that I would
5 like to introduce who is going to talk about some of
6 our concerns from the traffic perspective.

7 MR. GILLON: Good evening. My name
8 is Jack Gillon, again with Gillon Associates out of
9 Weymouth.

10 MS. POVERMAN: I would like to ask a
11 question. 1309 and 1319, what exactly -- is that
12 for Trader Joe's?

13 MS. SYDNEY: Trader Joe's and Beth
14 Israel Hospital and so forth are at 1309 Beacon
15 Street building with the parking garage in the back
16 and 75 parking spaces underneath 1309. 1319 is the
17 corner of Harvard and Beacon and it has a Bank of
18 America and some office spaces and a service parking
19 lot in the back.

20 MS. POVERMAN: Thank you.

21 MS. SYDNEY: You're welcome.

22 MR. GILLON: I've been in traffic
23 since actually 1971 when I started here in
24 Brookline. I've been doing other things before that

1 with United Engineers, but it's been a while.

2 I did look over the letters. I did
3 look over the report. I have not spent an awful lot
4 of time on this, but I do have some initial concerns
5 and questions, and not that we're going to get them
6 answered tonight, but I would like to see them
7 addressed by the peer review people or by the
8 consultant himself at some point, because you'll see
9 what the concerns are.

10 We noticed that the traffic counts
11 were taken for the weekday in September of 2016. We
12 didn't see if those numbers were adjusted at the one
13 percent for 2018 before using normal factors in
14 other projects up to the year 2025. So obviously we
15 would like to know that. They did use one percent
16 growth rate from a Mass DOT counting station, but
17 I'm not sure which counting station they had used or
18 why, so maybe we can take a look at that.

19 There was no parking survey. It's
20 hard -- usually what you'll do is when you look at
21 parking, you look at what existing parking you have,
22 both legal and illegal, and that will tell you what
23 your capacity is in the area, both on street and off
24 street. If there's a deficit, you won't be able to

1 take care of that or at least address that in the
2 future, if it's not going to be on your property,
3 then where is it going to be? So if you don't have
4 a deficit, you're going to have illegal parking in
5 Brookline and that's what you don't want because
6 that's a safety issue affecting the ambulance and
7 fire and all that.

8 Also, there are times when you do a
9 capacity calculation where the volumes are fairly
10 light and it would render a good level disservice
11 but there may be a police officer in the peak hour
12 like there used to be -- Billy Barner used to be at
13 the corner of Longwood and Harvard Street and he'd
14 watch the traffic up Coolidge Corner, and when the
15 traffic coming with him, he'd hold -- Longwood would
16 almost act like an actuation and carry that through.
17 What I'm saying is sometimes there are things that
18 aren't measured by the machine when doing capacity
19 calculations, so I would like to know if the
20 observed delays are similar to calculated delays,
21 and if so, should they be adjusted. We don't know
22 at this point.

23 The January counts for the weekend
24 were counted on the 16th I believe it was. And

1 Boston College, Boston University were still not
2 back. That was a long weekend. Martin Luther King
3 holiday was on the 13th and my kids never went back
4 until the Sunday or the Monday before class and that
5 was a holiday and a lot of the people, a lot of the
6 BU kids probably weren't in the area on that
7 Saturday. Usually, I find that December counts are
8 about six percent lower than the annual average
9 daily counts. And on this one they adjusted for a
10 three percent and that may be fine in this
11 particular area if everything is at capacity most of
12 the time, but I would like to know where they got
13 that.

14 I did notice that with their
15 calculations Longwood Avenue does have a bill cue
16 from Hancock Street back to Sewall Avenue, 262
17 feet -- I think 250 feet to 260 feet and the
18 distance is only like 240, so that would render the
19 left-turn lane into Trader Joe's useless. We would
20 like to know if there is something that they would
21 propose such as a "don't block the bar" signage,
22 pavement markings. Is there something that they are
23 proposing that would mitigate the additional impact
24 on that area.

1 MS. POVERMAN: I didn't understand
2 the first part of what you were saying in terms of
3 what the length --

4 MR. GILLON: The cueing. The
5 calculation shown herein show that there is a 263
6 foot backup on Longwood Avenue from Harvard Street
7 during the evening peak hour. If the block is only
8 240 feet long, they're saying that the cue will go
9 all the way back. And obviously that would block
10 the entrance and exit of Trader Joe's.

11 MS. POVERMAN: Thank you.

12 MR. GILLON: The parking lifts that
13 they're talking about, I'm familiar with them on a
14 cursory level. I know they have them at Harvard
15 Medical School, and I know they installed them on
16 Tully Street -- my wife is buried across the
17 street -- but I've never seen them being used. It
18 says Brookline has them and adopted them and allowed
19 them to be used here in the town. I know that you
20 do need the valet because there was a fellow killed
21 in New York city operating them himself, so I do
22 know they require a valet to park and unpark
23 vehicles of those lifts. And the question is if we
24 are bringing the consultants, there's going to be 19

1 vehicles per hour pulling into their site in the
2 evening peak hour. If there are 19 pulling in,
3 that's about one per three minutes. How long does
4 it take to park a car in the lift, bring it down,
5 bring it out, bring the lift back up and be able to
6 load it again? So is the capacity of the lift
7 sufficient to accommodate the demand, and will they
8 have sufficient attendants?

9 There may be two lifts but I'm not
10 sure if they're going to have them fully operational
11 both during the peak hours. I don't know how long
12 it takes to park and unpark a vehicle on a lift and
13 dispose of it downstairs and then bring it all back
14 up again. I mean, you can't just leave it there,
15 you got to bring it back up and get ready for the
16 next guy. I don't know how long that takes and
17 obviously if it's not something that works well, and
18 in inclement weather, maybe the rain is -- I don't
19 know that at all. It would be nice to know that
20 that detail isn't an element that would hinder the
21 site.

22 Let's talk about retail. I notice
23 that the 12,285 square feet, if you look at the
24 parking report, that would say that retail size

1 would require about 46 parking spaces. Now, I know
2 that they have adjusted them because people in the
3 building are going to shop there. Some people are
4 going to get off the T, but if there is going to be
5 a big store, not everybody is going to come by
6 probably and walk. I'm sure they're not expecting
7 everybody to walk there, but how many people, if
8 needed, is going to stay there. I don't know. How
9 many people dropping in and out, I don't know that.
10 What is the existing parking spots, what is the
11 existing demand. Is there going to be somebody
12 else? I don't see anything of that. It would be
13 nice to know some of that.

14 These are just some initial comments,
15 questions. I'm sure I will have others because I
16 know how good -- but these things that I think that
17 your consultant or your town -- I know Todd quite
18 well. I used to work with him. He did bring out
19 the question of the time for the lifts, he did bring
20 that out, I think, or maybe it was a letter from the
21 fellow, but nonetheless, I don't want to waste your
22 time. There's a lot of people that live there. I
23 live in Raynham. I would like to hear their
24 questions and write them down and maybe cite some of

1 those issues myself. Thank you.

2 CHAIRMAN GELLER: I have a question.
3 Would you be resubmitting this information in
4 written form?

5 MR. GILLON: I hope so.

6 CHAIRMAN GELLER: I hope so too.

7 MR. ENGLER: Mr. Chairman, I was
8 going to ask that question. It will be helpful for
9 our traffic engineer to get those comments in
10 writing.

11 CHAIRMAN GELLER: Yes.

12 MR. GILLON: Thank you.

13 CHAIRMAN GELLER: Thank you. Anybody
14 else? Sir?

15 MR. SHIVDASANI: R. Shivdasani,
16 S-H-I-V-D-A-S-A-N-I. I live at 51 Sewall Avenue
17 just across the street from the proposed project. I
18 submitted a lengthy letter today. You may have had
19 a chance to see it and in the spirit of what you
20 said, I will only paraphrase what I said earlier,
21 otherwise we'll be here for a long time.

22 Really the issue has come down to the
23 safety of Sewall Avenue. Sewall Avenue is a narrow
24 one-way street that services one of the busiest

1 grocery stores in the Commonwealth, a religious
2 institution that runs programs from morning to the
3 evening, and a post office that is arguably the
4 busiest post office in the city because it now has
5 not only a delivery function but also a sorting
6 function that begins at about 4 a.m. I know because
7 I hear it.

8 One of the main reasons why there is
9 no parking anywhere in the area for large chunks of
10 time in the day is because most of the postal
11 deliveries are occurring by private vehicles. All
12 of the big postal vans that currently park on Beacon
13 Street which the residents lobbied for two or three
14 years with the Traffic Department to have them moved
15 away from Sewall Avenue because they were blocking
16 traffic and making snow removal almost impossible.
17 Those are the vehicles that service the deliveries,
18 deliveries that are increasing in volume. The post
19 office is now contracted with Amazon, and it's only
20 a matter of time before they contract with others,
21 because if the post office -- the US Post Office
22 wants to stay solvent, Brookline is their answer.

23 So as a result, there are about
24 thirty or forty postal workers who bring their

1 private cars and park all along Sewall Avenue back
2 into the intersection of St. Paul Street and all
3 along Longwood Avenue from the corner of Sewall
4 Avenue heading almost back to Marshall Street, and
5 certainly halfway from St. Paul to Marshall.
6 They're there from about 6:00 or 7 a.m. to at least
7 9:00 or 10 a.m. because they're sorting postal
8 materials and then they come back on Sewall Avenue
9 between 8:30 and 10:30 and the only way they can
10 load their cars is by double-parking.

11 So included in my letter today were a
12 number of photographs. Those are taken on any
13 average typical day. You'll have three to seven
14 cars lined up, all with their trunks open because
15 the postal workers go in and bring out a load and
16 put it in the back of their cars. This creates a
17 traffic jam now under a situation where Nina's
18 approximately -- I believe you represented 5,000
19 square foot space, has twelve parking spots.

20 We're talking about replacing those
21 twelve street level parking spots where cars can zip
22 in and out with fair ease with a system where the
23 only way for shoppers to get there is to either take
24 one of the six buffer spots or wait for a valet to

1 take their car down the elevator. You can only
2 imagine what clients are likely to do. They
3 probably would do exactly what the UPS delivery
4 trucks, the Fed Ex delivery trucks, et cetera, do
5 which is to pull up on the sidewalk and block both
6 pedestrian and vehicular traffic.

7 So Sewall Avenue is currently
8 stretched to its limits. It can certainly
9 accommodate some reasonable scale of development.
10 And I want to emphasize that the neighborhood has
11 been discussing this for a long time and we
12 genuinely value affordable housing. There is no
13 doubt in anyone's mind that a residential structure
14 over there would be preferable to a building that's
15 not particularly attractive, as it stands now. We
16 are all in favor of that but it has to be to a scale
17 that will accommodate the very real and legitimate
18 safety concerns.

19 It strikes me that there are several
20 very important omissions from the material that have
21 been submitted today. The impression in the
22 applicant's proposal seems to assume that 74 units
23 or 55-plus will just walk everywhere or ride a bike
24 everywhere and take the T and they will be

1 residential units where the amount of on-line
2 shopping is increasing and twelve and a quarter
3 thousand square feet of retail space, there's going
4 to be a very large volume of truck deliveries.
5 There's no way that can be obviated until all drones
6 are all set up, which is not going to happen in the
7 time frame of this proposal.

8 So there is a single loading dock
9 that's been proposed, and one has to consider what
10 the turning radius is on Sewall Avenue. It's
11 impossible for a large truck to turn right into that
12 lot unless you have virtually no curb, just
13 considering the physics of a radius. And therefore,
14 what these trucks are likely to do is to do a K-turn
15 and block traffic for that much longer at the mouth
16 of Sewall Avenue which feeds obviously as you know
17 much of that part of Brookline. That's for the
18 trucks to get in.

19 How are the trucks going to get out?
20 There is only way to get out and that is to back
21 out. When they back out, they're not going to be
22 able to see the pedestrian as well. There is a line
23 of trees along the post office, and I hope the trees
24 stay there, and there is a Dumpster. The person

1 your letter. In the last page of it you have some
2 suggestions for the design of the project. One of
3 them is a proposal that you increase underground
4 parking to at least four levels underground. I want
5 to understand. Is it intended to have more space
6 and therefore not the mechanical valet rather than
7 to change the number of total parking spaces
8 available or is it both of those things?

9 MR. SHIVDASANI: Thank you very much
10 for asking. There's two purposes for putting that
11 in. I want to be very clear as a community, as a
12 neighborhood, we would very much like to offer
13 constructive input. This is not about don't do this
14 here, do build this here. We really want to help
15 craft a project of correct scale and of the correct
16 impact on the safety of the neighborhood.

17 It's struck me -- and only the back
18 of the envelope calculation -- I thought about the
19 square footage in that garage. I thought about the
20 amount of area that will be used by ramps if you're
21 going to go down. I thought that maybe 99 parking
22 spaces may be about right. I think the
23 professionals will tell you when that is the correct
24 density of parking spots for that amount of

1 residential and commercial space. My instinct is
2 that it's a little low, but I'll let the
3 professionals pass judgement on that.

4 It struck me that the number of
5 double tiers that demand a valet. Valets gets sick.
6 Automobile lifts don't work. One could obviate all
7 of that simply by not having any backup. Somebody
8 could pull right in and go right down the ramp to
9 their spot. I thought that would require probably
10 three -- I said four just because it might give you
11 wider spaces, because the other thing that the
12 proposal has not accounted at all is that you need
13 wider spaces for 55-plus clientele. How is someone
14 who is on a walker or in the wheelchair going to get
15 into their car? Maybe they can only do it by coming
16 outside and the valet will have them do it on the
17 street -- in the driveway, but that's just going to
18 back up the other 19 cars and dissipate it in an
19 hour. So these things really have to be thought
20 about creatively, constructively, but critically so
21 that the right project ends up where it is.

22 If I may take the opportunity to
23 respond to one more point that I neglected to make.
24 It's in my letter and has to do with snow removal.

1 Already Sewall Avenue is at its limits, but a very
2 average picture. I wanted even more snow piled up.
3 In fairness to the process I put an average picture
4 there. Where is snow going to go? Even now with
5 the twelve parking spots and the few that are rented
6 out to Trader Joe's, that sidewalk is covered.
7 Pedestrians are routinely and I repeat routinely
8 walking on the street. We always see people in
9 wheelchairs every single day on the street, not on
10 the sidewalks. Sometimes they can't use the
11 sidewalk because a truck is parked over there.
12 Other times between the post office and the current
13 state of repair in front of Nina's property the
14 sidewalk is essentially not navigatable. So we have
15 to think about snow.

16 Trash removal, there is no Dumpster
17 for a building of 74 residents and 12,000 square
18 feet of retail space. Where is that going to be?
19 What if you put a Dumpster where the loading truck
20 is? You can't use that for loading. You can't
21 unload food in front of a Dumpster, so you have to
22 have a separate setup for that. The proposal
23 doesn't address any of this in the way where it can
24 be evaluated fairly and objectively.

1 rents that would be charged, the most part in the 80
2 percent of the project that would be market rate,
3 but nevertheless, they have a substantial need for
4 home health assistance. I think that that's likely
5 to happen with over 55, over 65, over 70, over 75
6 residents of the proposed project. I think you can
7 get some sense of the amount of parking that the
8 home health aides need if you contact the public
9 because --

10 MS. POVERMAN: Public Works?

11 MR. DAVIS: If you contract the
12 Public Works Department here because aides at 100
13 Center Street often have to apply for overnight and
14 long-term parking at the small Center Street lot,
15 the West Center Street lot where the farmer's market
16 is typically held. You may get a sense of the
17 volume of cars that are generated by the aides at
18 100 Center Street. You can also check 100 Center
19 Street itself to see to what extent they permit
20 aides to park at 100 Center Street which does have a
21 small lot.

22 MS. KATES: Not at all. They don't
23 allow it. My name is Beth Kates. I live on Center
24 Street, and I live across the street from 100 Center

1 and not only are the home health aides parking on
2 the street because 100 Center charges for parking
3 and they can't afford to pay for space so they park
4 throughout the neighborhood. But I haven't looked
5 at the recent emergency logs for fire and ambulance,
6 but last year there were over 250 calls to 100
7 Center Street, and as we all know, when you dial 911
8 in Brookline, you get at least a fire truck, a
9 police car, and an ambulance. So if you can imagine
10 that over 250 times a year on Sewall Avenue. There
11 you go.

12 CHAIRMAN GELLER: Thank you. Sir?

13 MR. WEITZMAN: Don Weitzman, Babcock
14 Street, also a town meeting member, Precinct 8.
15 First of all, I want to concur with the concerns
16 about traffic that several people have expressed.

17 The one other item I want to bring
18 up, I hope this isn't peripheral, but consideration
19 of Charles Street, which is a very short one block.
20 It's a peculiar street because it's -- if you turn
21 onto it from Harvard, you have no place to go except
22 into a parking lot. Sometimes cars go in there and
23 have to turn around in rush hour. It's a very short
24 block and the traffic going toward Harvard gets

1 backed up. So I just want to make sure that kind of
2 ripple effect of additional traffic on Sewall and
3 everything, the effect on that on Charles is also
4 considered.

5 CHAIRMAN GELLER: Thank you. Sir?

6 MR. SPELLMAN: Kyle Spellman,
7 co-owner of the Trader Joe's and Bank of America
8 building. I would ask that the Board take a really
9 close look at the traffic study, and specifically
10 how it relates to turning off of Harvard Avenue onto
11 Longwood. We recently had a meeting there and we
12 were sitting at the Bruegger's Bagels. In just a
13 half hour I counted 35 cars making a left from
14 Harvard onto Longwood. And the traffic study that
15 was put forward from the developer showed something
16 very different.

17 I know we have Jack here who is going
18 to be submitting a report, but I would ask you guys
19 to take a very close look at that because what was
20 put forward by the developer was completely the
21 opposite. I was just sitting there. I mean, I was
22 meeting with them and barely paying attention and I
23 counted 35 cars in 30 minutes making that left-hand
24 turn and I cannot imagine how it could be once the

1 building goes up. It is going to be completely
2 chaotic. So I'd ask that you guys take a very close
3 look at that one. That's all I have to say.

4 CHAIRMAN GELLER: Thank you. Anybody
5 else? Did you raise your hand? No? Go ahead.

6 MS. MIR: Judy Mir, 11 Longwood. The
7 only thing I could add to that is we're there all
8 the time. That left turn doesn't stop like ever.
9 It's not like there is a break, so we can just
10 imagine the constant movement of traffic.

11 CHAIRMAN GELLER: Thank you.

12 MS. DOYLE: Nancy Doyle, 11 Longwood.
13 I would just like to thank you for your comment and
14 I am offering my balcony overlooking Longwood. If
15 anybody wants to see what's really going on, you can
16 come 24/7 and I would be more than happy to have you
17 observe it from my balcony.

18 CHAIRMAN GELLER: I know you don't
19 mean 24/7. I feel compelled to ask a question of
20 the developer, which is: In your mind, do you draw
21 a distinction between the kind of facility that many
22 of the people here are describing which sort of -- I
23 mean, is it akin to the facilities that we have as
24 the one on Beacon street where I live, and there are

1 two, I believe, on Center Street, which are really
2 elderly-stepped housing and elderly care facilities,
3 and what you're proposing to build which you
4 described as 55-plus? You want to speak to that?

5 MR. DHANDA: Raj Dhanda, developer.
6 This is a 55-plus age restricted development. This
7 is not what some of the things have been described.
8 Is it possible and true that somebody be there 65,
9 somebody be there 75? This is not independent
10 living. This is not assisted living. This is plain
11 and simple 55. And I'm sure you can look around the
12 room and the last number of us are at 55.

13 CHAIRMAN GELLER: I would have to
14 look very far.

15 MR. ENGLER: Commonly referred to as
16 active adult. It's not age restricted. It's not 65
17 and older.

18 MR. DHANDA: The other very important
19 thing I want to say is that this building will have
20 a vast amount of activities from Beacon Street. So
21 the picture being painted that we will have chaos,
22 gridlock, super gridlock, totally jammed I think is
23 exaggerated.

24 I've been in that spot since

1 September of 1987 when Judith's father leased to me
2 for Nina's as what's part of currently Trader Joe's,
3 and I have seen it all. The traffic report speaks
4 for itself. I think it's very accurate. Could
5 somebody find some five-minute area on some day
6 there is more traffic than others? Yes.

7 I spoke to Mike Murphy who is from
8 the police department. He is head of the traffic.
9 One day I asked him to come and stand with me in the
10 parking lot, and his comment, I quote, "This is like
11 any normal Brookline street."

12 The post office trucks have moved out
13 of Beacon Street -- out of Sewall Avenue and that
14 has made a dramatic amount of difference. A couple
15 of years ago, if I had said you could find a parking
16 spot on Sewall Avenue, it wouldn't have happened.
17 There are days in which there are opened spots. And
18 people who go to Trader Joe's, they often don't even
19 go into the parking lot. They park on the street
20 because there are open spots. So my 31 years of
21 looking at that intersection, it's a little
22 different than the picture that's being painted.
23 And I would be happy to get Mike Murphy, the police
24 captain, to come and talk about it. I think it

1 would be wonderful and enlightening.

2 Anyways, long and short, I think the
3 key difference, no, it isn't the type of buildings
4 that are -- this is being compared to. I anticipate
5 this to be fewer tenants having parked cars, fewer
6 people using Sewall Avenue, more people using Beacon
7 Street, vast amount of Uber or whatever else. So I
8 don't see that this could be the kind of problem.

9 MR. ENGLER: Mr. Chairman, if I
10 may -- and frankly my comment is a little bit more
11 for the public that's turned out because the Board
12 knows this. I mean, my client has representation
13 about the existing conditions. People in the room
14 have firsthand knowledge of the existing conditions.
15 That's why peer review is important because peer
16 reviewers represent the Town's interests and not --
17 Yes, the Zoning Board's interest, but the Zoning
18 Board represents the Town of Brookline including the
19 people in the room. So the peer review consultants
20 will look at our report, look at Mr. Gillon's
21 concerns presumably through Maria and the Board,
22 look at the neighborhood comments.

23 And the nice thing about traffic
24 unlike some other parts of the application is a lot

1 of it is based on commonly accepted practices,
2 methodologies technical reviews. Most of it is not
3 subjective, so I would say -- I mean, we've been
4 involved in a lot of 40Bs in Brookline, and I can't
5 think of any going in where everybody was in
6 agreement relative to the existing conditions and
7 the traffic and the circulation. And this
8 application is no different. So I also think it's
9 important to recognize that all the issues are not
10 going to be addressed -- or identified and addressed
11 by or on July 11, you know, that we have some time.
12 We will receive the comments and we'll roll up our
13 sleeves and see what we can do.

14 So I see some familiar faces here
15 that have been to our other 40B, but perhaps someone
16 in the audience, it's kind of their first so they
17 should feel comfortable to know that the peer
18 reviewers do -- the Town is engaged. This is not
19 their first rodeo either, so they have a lot of
20 experience and precedence on other projects that I
21 think will be important for this as well.

22 So it's an iterative process, one
23 that we look forward in engaging in. I think
24 there's been some good comments raised tonight, and

1 we'll certainly look at those critically and value
2 the information that's submitted by the peer
3 reviewers and go from there.

4 CHAIRMAN GELLER: Thank you. Do you
5 have a question?

6 MS. SHIVDASANI: Lisa Shivdasani. So
7 I thought you asked a very interesting question
8 about what kind of 55-plus it is. I sat here and
9 thought how is that different? Because my mom is at
10 100 Center Street, and at first I thought, Oh, okay,
11 so maybe there is something that's really different,
12 and then I started thinking, Is there really? You
13 know, a lot of people who go into a 55-plus
14 community are there because they're approaching
15 retirement, and it's not often a place they go into
16 thinking, I'm going to move again and again.
17 They're going there to build friends and build
18 family and have a support network and they want to
19 be with people of the same need. They don't want to
20 be in a building with people who are twenty. And so
21 that maybe if not everybody is 75 or 85 or 95 at the
22 same moment, people that live there at 55, if you're
23 moving into a community like that, you're moving
24 into a community like that to stay. You want those

1 support services and it just has a different feel to
2 that kind of a building.

3 I think you asked an interesting
4 question that got me thinking about what is the
5 difference, but as I went in one direction, I came
6 back in the other and I thought ultimately there
7 isn't a difference because the people, even if they
8 all move in today or tomorrow at 55, a lot of them
9 are there to stay because that's what they're
10 looking for, is that network. I think it's a good
11 thing for us to think about.

12 CHAIRMAN GELLER: Thank you. Okay.
13 So our next hearing. Maria, do you have anything to
14 add?

15 MS. POVERMAN: I have a comment or
16 question. So the question is actually traffic
17 related and what deals with the current state of our
18 economy and transportation. Is there a way or have
19 there been studies which take into account Uber
20 trips, which take into account Amazon deliveries.

21 CHAIRMAN GELLER: Why don't you hold
22 off on that?

23 MS. POVERMAN: Well, I'm wondering.

24 CHAIRMAN GELLER: I think that's a

1 fit topic or question to ask the peer reviewer.

2 MS. POVERMAN: Okay.

3 CHAIRMAN GELLER: The answer doesn't
4 exist tonight.

5 MS. POVERMAN: I know it doesn't
6 which is why I wanted to pose it now.

7 CHAIRMAN GELLER: Let's keep it,
8 write it down. It's a good question. Ask it July
9 11.

10 MS. POVERMAN: I will do that.

11 CHAIRMAN GELLER: So the next hearing
12 is July 11th, 7 p.m. hopefully upstairs. If not,
13 people will have to talk or speak loudly again. I
14 want to thank everyone for their participation and
15 their testimony. And again, if there is additional
16 information that you do have, please submit it in
17 written fashion to Maria Morelli, Planning
18 Department. It will get posted and it will get
19 circulated to the board members.

20 Thank you everyone. Have a good
21 evening.

22 (Whereupon, the hearing adjourned at
23 8 p.m.)

24

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 44 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 23RD DAY OF JUNE, 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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