Pages 1-87

Brookline Zoning Board of Appeals Hearing

Application for a Comprehensive Permit

By Chestnut Hill Realty

Puddingstone at Chestnut Hill, LLC

July 11, 2018, at 7:00 p.m.

Brookline Town Hall

333 Washington Street, Room 111

Brookline, Massachusetts 02445

Reporter: Kristen C. Krakofsky

APPEARANCES

Board Members:
Mark Zuroff, Chairman
Christopher Hussey
Lark Palermo

Town Staff:
Alison Steinfeld, Director of Planning and Community Development
Polly Selkoe, Assistant Director of Regulatory Planning

Traffic Peer Reviewer:
Benny L. Hung, P.E., Environmental Partners Group

Stormwater Peer Reviewer:
Adam S. Kran, P.E., Environmental Partners Group

Applicant:
Marc Levin, Director of Development, Chestnut Hill Realty
Steven Schwartz, Esquire, Goulston & Storrs
Joe Geller, Vice President, Stantec

Robert Michaud, P.E., MDM Transportation
Frank Holmes, Stantec Consulting

Members of the Public:
Scott Gladstone, 33 Russet Road
Mr. Weinrauch
Deb Abner, Russet Road
Bill Pu, town meeting member, 249 Beverly Road
Judy Leichtner, town meeting member, Precinct 16
Alisa Jonas, town meeting member, Precinct 16
Carolyn Thall, town meeting member, Precinct 16
Nathan Shpritz

PROCEEDINGS

7:06 p.m.

MR. ZUROFF: Good evening, ladies and gentlemen. I'm calling to order this meeting of the zoning board of appeals. My name is Mark Zuroff. I'm sitting as chair tonight. Sitting with me to my immediate right is Lark Palermo, to her right is Christopher Hussey.

We are here tonight on the hearing of the comprehensive permit application on the address of 265-299 Gerry Road, which we call Puddingstone at Chestnut Hill, or they call it Chestnut Hill Puddingstone.

I should tell everybody that this meeting is being recorded. However, we don't have, in this room, the benefit of microphones. So if anybody wishes to address the panel, and that includes the applicant and the peer reviewers, I ask that you speak as loudly as is comfortable for you so that our transcriber can get the remarks properly.

Tonight we are here primarily to hear about traffic and stormwater, and the applicant is presenting some revised designs for us to consider. So we will go in the follow order: We're going to

hear the reports on the design working group, we're going to hear from the development team, we will hear from the peer reviewers on their presentations, we will take public comment, then we will address organizational and administrative business and new business, and we'll continue the hearing to the next date.

So without further ado --

MS. SELKOE: My name is Polly Selkoe, assistant director of regulatory planning.

I just want to report on the working group. We had a group meet on June 27th, and we actually had the stormwater and traffic engineers from Puddingstone's group, from Stantec, so that we could discuss kind of any outstanding issues. We also had our peer reviewer -- design peer reviewer who works for the town, Cliff Boehmer.

So the details about traffic and stormwater -- what we did was we just really went over what are the things that we still have to address and that they should communicate with the peer reviewers and try to be prepared for tonight, having answered any questions that have come up.

Then we did look at the revised design to

the large building and mostly the -- this board had directed the Puddingstone team to look at how to articulate better the rear of the building. And they showed us plans for that, and Cliff Boehmer was very pleased with that. We were pleased they've made some progress on that. I believe you'll be seeing some of that tonight.

So with that, I will turn it over to the Puddingstone development team.

MR. LEVIN: Good evening, Chairman Zuroff, board members, planning staff. Marc Levin, Chestnut Hill Realty.

Yes, indeed, we did meet, and the peer reviewers were there as well, the engineers, so we had all the engineers in the room and made some progress, hopefully.

So since our meeting here on the 6th, as you mentioned, we'd gone over the stormwater plans and the engineers have been going back and forth on both stormwater and traffic.

We also have developed the architecture further, which you'll see, based on input from Cliff Boehmer.

We actually walked the site again with

Maine Drilling and Blasting. We'll talk about that a little bit.

And we also provided the staff with the draft condition for the comprehensive permit and supporting memorandum regarding the elimination of the three infill buildings that we discussed last week.

Here is an updated rendered site plan that shows the Puddingstone building relocated -- the new Puddingstone building relocated. So this is the new configuration of the building with the added articulation. The building's been moved forward, so it's right on the municipal line between Brookline and Boston.

The benefits, as we've mentioned, is that it now has a street presence, whereas before it was tucked behind buildings; it's further from the townhomes; it has its own site, which was an important concept that Cliff had raised.

So here -- in fact, right here and here are where 14 units are being demolished in Brookline. There's also 8 units demolished in Boston for a total of 22 units. You know, that hit to the income we feel as though, although it, you know, diminished

the returns on the project overall, we think in the long run it's going to be worth it and pay off to have this improved siting of the building.

Here you see the entrance, and here you have a swimming pool in Boston and deck area for amenity space in Brookline.

As I mentioned at a previous hearing, we did research what would be needed in Boston, and we clearly would need a permit to build the parking and a permit to do the swimming pool, and we have to go before the landmarks commission and incur a 90-day demolition delay for the removal of that 8-unit building that sits right here.

So here is the new building as a rendered perspective. We have introduced a number of materials and articulation and fenestration per some of the ideas that Cliff had introduced, and we think it's a much nicer building than what we had -- than the simple massing model that we had before. It's evolved well.

This is the view from Gerry Road just as -- after it turns from Sherman and turns into Gerry. This is the entrance to the 40B site. Here you have the garage door that services the upper-level

parking deck. And this is coming down that road a little further, and you can see the garage door to the lower level parking deck.

And here you see the building from the circle that is surrounded by the three infill buildings, and it really is really sitting in the site, really -- I think, really quite nicely, actually.

So you can see how when this -- this, at one time, was just a straight wall. And by jutting out, by articulating it here in the footprint and then adding different architectural elements, we really were able to break up the mass of the building.

So as I mentioned earlier, we walked with Maine Drilling and Blasting, and they gave me assurances that there would be no damage done to the buildings at Hancock Village and also that there's no impact on the wildlife. In fact, he gave an anecdotal story where he was at a blast site. There was an eagle sitting in the tree. Blast goes off, the eagle's still sitting in the tree. Sort of like, well, what's with that? He said, well, mother nature dishes out much more extreme conditions than

a blast.

And I can say from personal experience -- we did a fairly significant blast site in Newton, 60,000 cubic yards -- that it's not loud. You know, it's just not loud. It's not what people, you know, imagine it from the movies and what have you. I wouldn't say it's anticlimactic. It's pretty dramatic, but it's not loud. They've really mastered or evolved the art of it. In any event, bottom line, they're going to do a blasting plan, and the peer reviewer will take a look at it.

So the next steps: We'll meet with the peer reviewer again -- we have a date scheduled -- and we'll refine the architecture, the blasting plan. And if you'd like, we could do another site walk, you know, at your leisure. Just let us know.

And at the next meeting, we're going to provide the drive-around, which we weren't able to complete the model. It's fairly complicated. But we'll have the drive-around to see what the building looks like on the drive through the site.

And we'll also have images, site plans, and more information on the Gerry garage -- Gerry and Independence garage conversions so you can see what

it is we're pursuing in the special permit process that would enable us to remove the 12 infill units on the three buildings. We're starting that process very soon, and so you'll be getting the information that we'll be presenting to you through -- first, I guess, is the planning board -- the neighbors, the planning board. And they'll be setting up a design advisory team to further evolve the architecture, no doubt, but we'll be able to present you something so you'll get an idea of what that looks like on the site and from the roads and wherever.

And that's all I've got. If you have any questions, I'd be happy to answer them.

MR. ZUROFF: Board members?

MR. HUSSEY: The question I've got is -- this is still what I'm dragging around as the site plan. I wonder if we could get an updated one at some point.

MR. LEVIN: Absolutely.

MR. ZUROFF: Will that new site plan also indicate the intended garage development? Or can it? Or maybe on two separate plans?

MR. LEVIN: Well, we will be providing the -- at the next meeting -- the site plan, what it

would look like, so the answer to your question is yes.

MS. SELKOE: Although, it's important to keep them separate, so maybe the site plan for the 40B is one thing and then you can show -- two plans would be better.

MR. ZUROFF: You can submit them early, if you want, and they'll be on the town website.

MS. STEINFELD: As a reminder, our website is under maintenance, and we can't really provide information on the website right now.

MR. ZUROFF: Oh, all right.

MS. SELKOE: We're hoping, I think --

MS. STEINFELD: By the end of the month.

MR. ZUROFF: Do the best you can, and we'll do the best we can.

MR. LEVIN: Yup.

MR. ZUROFF: Thank you, Mr. Levin.

I guess it's time now to hear from the peer reviewers concerning their -- the results of their working group meetings and reviewing what was submitted in terms of stormwater and traffic.

MS. SELKOE: I think we felt we'd start with traffic, although Peter Ditto, our director of

transportation and engineering from the town, is here. And, you know, he has some comments also on the traffic, and we can see about the stormwater.

MR. ZUROFF: Peter, would you like to go first?

MR. DITTO: Sure. I'm going to be very brief. Peter Ditto, director of engineering and transportation.

Probably one of the biggest points of concern that the transportation division has is the direction of the turnaround. Excuse me.

MS. SELKOE: The reversing direction of Sherman and Gerry Road. You remember that they proposed that it be reversed.

MR. DITTO: We're concerned that the warrants for the traffic signal haven't been met. And it's my opinion that if that goes to the public transportation board, that will not get approved. So our main focus --

MS. STEINFELD: Maybe you might want to grab some water, and I'll explain in my layman's terms what the warrant is in terms of the traffic signals, and the traffic engineers can chime in.

The state controls whether or not a

municipality can create a traffic signal, and the state will determine if there's sufficient traffic, danger, or whatever that warrants putting a traffic signal in.

Our peer reviewer -- and he can speak to that -- has advised that the current traffic projections do not warrant a traffic signal. It's possible they will in the future, but as of now, based on what we have, it does not warrant.

Do you want to expand upon that?

MR. HUNG: Yeah. My name is Benny Hung. I'm from Environmental Partners, and we are the traffic peer reviewer for the Puddingstone.

And so based on the traffic volume that we got from the existing conditions, the warrant -- it doesn't meet the four-hour warrant for the traffic signals at the intersection of Independence Drive and Gerry Road. So that's why we -- the applicant agreed to have a monitoring period and see -- after the construction -- and see if it's -- after the volume increase, and if it's going to be -- the four-hour warrant will be met after that. And then after, they can determine if the signal will be installed or not.

So based on our meeting with Peter Ditto and also with Polly yesterday, we determined that the existing -- that they propose to be the -- the Gerry Road is to be redirectioned, which we figure that it should be -- remain as existing conditions and see -- until the monitoring result, and see how it goes with that. And then we'll do another one, and see if that meets the warrant for the signals to be installed at the intersection.

MS. SELKOE: So the idea -- the proposal by Chestnut Hill was to reverse the direction, monitor it, and when they met the warrant, put the traffic signal in.

But I believe that our peer review group feels that to have Sherman opposite Thornton coming out from the other side, to have -- if there's no signal there, that's a more dangerous situation than if you have traffic coming out, like it does now, on Gerry Road, and so that it should be left the way it is now until the warrant is met.

And we're asking -- we're going to recommend that there be a condition that the Puddingstone team put in the infrastructure for a future traffic light. And so if that warrant is

ever met, then the traffic light will be put in, and the direction of the traffic will be switched.

MR. PU: Could you explain what "warrant is met" -- what does that mean?

MR. HUNG: Well, the warrant met is kind of -- the warrant is based on the existing traffic volume. And if it's enough -- high enough that the signals will be -- need to be installed in there -- but we don't want to put signals in there for no reason, so there's got to be a reason for -- if the traffic volume is enough so it can be justified so that it won't change, it will have the operations for that.

So that's why there's different warrants for traffic signals: eight-hour warrant, and four-hour, peak-hour. So there's different ones, so which one will be met for that.

But based on the existing volume -- projection of the volume that they provided, right now it still is not volume for a signalized intersection for that.

MS. SELKOE: The state is very strict about this. You can't -- the town can't just decide to put in a traffic signal. You have to meet the

standard for the warrant.

MR. HUNG: Yeah. But right now, this case, they still not meet the warrant yet, so that's why we don't recommend you put signals in there until the monitoring period is over and see how the traffic really happens later on to see if that warrant for the signals.

MR. ZUROFF: How long a period would you have to wait after occupancy takes place to get a complete study?

MR. MICHAUD: Robert Michaud with MDM Transportation.

Typically, we structure a monitoring program at a certain level of occupancy. It's not unusual to have a threshold of 75 to 80 percent occupancy, at which point the monitoring would commence.

And as a point of clarification, the signal warrants -- there are many warrants. The principal warrants that are considered include the one-hour volume or the four-hour warrant or the eight-hour-volume warrant.

In our assessment, we were demonstrating that we expect that at some point the four-hour

volume warrant would be met through a combination of volumes either from the Puddingstone side of Independence Drive or from the Chestnut Hill south side of that.

The intention of placing the signal where it was shown or proposed originally was to provide a common point control with both sides of the street, and, you know, at the same time, place the equipment at a location that not only accommodated the vehicular need on both sides of the street, but also to accommodate principal pedestrian activity location along the corridor. So the focus of the signal is a dual purpose: the pedestrian purpose as well as the vehicular purpose.

And understanding the peer reviewer's position and discussions with Peter Ditto, the town will have jurisdiction over the placement of the signal here. It's not a MassDOT issue. It's not a state highway location. And the current regulations allow a city or a town to determine whether or not the placement of a signal is compliant with the MUTCD provisions.

So really what we need to show is meeting at least one of the warrants that are in the MUTCD.

And we believe that we can show that we meet the one-hour warrant today for the Thornton approach, but we're not quite where we need to be with the four-hour warrant. Once we introduce the additional unit count for Puddingstone, we expect that we'll be close to that four-hour standard.

So it's really -- I just want to make sure that's clear to the board, that this is not something we can petition the DOT for. This is really a local matter, and it hinges on the provisions of MUTCD and the guidance of that document.

MS. SELKOE: Maybe Peter could address the town's position.

MR. DITTO: It's the town's position that the warrant will have to be met -- all the warrants will have to be met -- need to be met. And at that point in time, we'll be in front of the transportation board. Not until then.

MS. STEINFELD: So for clarification, are you saying all the warrants, meaning the eight-hour warrant as well?

MR. DITTO: Yes.

MR. ZUROFF: And you're in concurrence with

that evaluation?

MR. HUNG: Yes. So once they provide it, the -- yes, we concur with that.

MR. ZUROFF: Okay. You want to address that?

MR. MICHAUD: Through the chair and entirely, you know, respectful of the conversation, I want to make sure that the town doesn't put itself in the position to overly constrain a decision on the signal.

What I mean is that Peter -- Mr. Ditto -- is citing the eight-hour standard, and that is an appropriate standard that DOT typically looks to before considering a signal, but there are plenty of instances in which a four-hour warrant would satisfy that same criteria, if you will, based on the localized conditions -- ambient conditions that relate to that potential signal.

In the context of this area, we have heard repeatedly concerns from the community, through the police in particular, of the need for pedestrian control along this corridor. And I would suggest, respectfully, to the board that other factors be considered as part of the monitoring to determine

the need for the signal, not just the eight-hour warrant.

There may be a situation, for instance, in which there is an inordinate amount of pedestrian activity, more so than we anticipated, and that the placement of a signal, so long as it at least met one of the criteria for warrants at MUTCD, would provide a basis for the town to consider allowing it, not only for the benefit of the pedestrians, but for -- the vehicles, but also for pedestrians.

So I think meeting an eight-hour standard is very difficult in this case, and I would just suggest that there may be other conditions that the town should be considering as part of the monitoring to make that formal decision, not just the eight-hour.

MS. SELKOE: Right. But we can have pedestrian signals as well. We're not talking about pedestrian signals.

MR. ZUROFF: That's my next question. We're talking two different kinds of possible signaling here. One is a pedestrian crosswalk with on-demand stopping, and the other is a simple stoplight that will slow the traffic down on a

regular basis.

Are both being considered, or is one being considered?

MR. MICHAUD: One is already contemplated and proposed, in fact, as part of the complete streets design improvements, the pedestrian --

MR. ZUROFF: The pedestrian signal?

MR. MICHAUD: Right. Now, those are rapid-flash beacons. I want to make sure the board understands the difference. A rapid-flash beacon does not obligate a vehicle to stop on Independence Drive. It obligates them to be aware that there's a crossing occurring and to yield to the pedestrian. It does not have the same function as a fully activated traffic signal that requires regulatorily that you to come to a complete stop until you get the green. Okay? So there's a distinct difference between the two. The rapid-flash beacon will be implemented at that location as well as an additional location on Independence Drive.

MR. ZUROFF: So is the rapid-flash beacon -- that's currently planned, and you're asking to us approve that.

And, Peter, is that -- you would approve

that alone. What you're objecting to is meeting the standard for an actual traffic stop.

MR. DITTO: Correct.

MS. STEINFELD: Full traffic signal.

MR. SCHWARTZ: Just a point of clarification. Actually, as part of the ROSB decision, the board already approved the flashing --

MR. ZUROFF: That was my next question. Are we talking in the same location? The ROSB approval requires it at the same location?

MR. LEVIN: Two are the same, and one is additional.

MR. ZUROFF: Okay. And as far as keeping the direction of Gerry Road and Sherman, based on what we've heard, are you okay with proceeding currently with the current direction with the idea that we could require it to be reevaluated at some point?

MR. LEVIN: The short answer is yes. ROSB will, in all likelihood, be built out first, and so then -- so the road will continue as it is now. There's no reason to change it. Then when we build Sherman, they can do the test --

MR. HUNG: The monitoring --

MR. LEVIN: -- whether traffic is coming out the way it's coming out today. And if there's enough volume then to warrant a traffic light, then we think that a traffic light, you know, would be a really good thing for a lot of reasons, both traffic -- both vehicular and pedestrian.

And we'd like -- and what Bob was saying we agree with, that we wouldn't want to put such high standards it has to meet all the warrants, but that we have consultation with the town at the time and say, look, these are the considerations now, what do you think, as opposed to locking ourselves into something that may not be the best solution.

MR. ZUROFF: And the other thing that's a factor here is that ROSB is independent from this application.

MR. HUNG: Yes.

MR. ZUROFF: And you just made it clear that ROSB will probably be constructed first, presuming anything goes forward. But so that would affect the ultimate traffic volume that affects this project as well because that's more traffic on Independence Drive.

MS. SELKOE: So the planning department

will recommend a condition that the traffic mitigation plus the complete street, which was required by ROSB, on Independence Drive be subject to the review and approval of Peter Ditto. So all of this will be looked at carefully at that time.

MR. ZUROFF: Peter, you're comfortable with that?

MR. DITTO: Yes.

MR. SCHWARTZ: I'm not sure that that really works, because we already have a condition that's been approved that approves that work. So to the extent --

MS. SELKOE: Approves which work?

MR. SCHWARTZ: That approves the --

MS. SELKOE: Complete street?

MR. SCHWARTZ: Yeah. So to the extent we're adding or changing -- what you're suggesting makes sense, but to the extent we already have an approval with conditions --

MS. SELKOE: Yeah. But it is also subject to the approval of the transportation director.

MR. SCHWARTZ: I'm not sure that's really right.

MS. LEICHTNER: I have the wording from

ROSB because this came up before.

MS. STEINFELD: I would suggest we discuss conditions at a later time.

MR. ZUROFF: We will. I just wanted to get all of the parameters out so that everybody knows --

MR. HUNG: And also, as Polly recommended, all the infrastructure should be started when they're doing the complete street implementation so nothing -- again, later on, if they -- if anything met or not, everything should be implemented in there for that.

MR. ZUROFF: Which will cut down on traffic interference in the future. All right. We'll consider that when we get to conditions, but thank you.

Do you have anything else to add?

MR. HUNG: We have some comments -- we had some comments before from the previous report, and then MGM has addressed the majority of it, so I can kind of go through the comments.

MR. ZUROFF: Sure.

MR. HUNG: So the first comment that we have is they're using the MassDOT crash data for -- to learn the crash rate history, so we recommend to

use the local police data to verify data information so they can compare to it. And then they provided information using the 2011 to 2013 and also the 2015 to present data, and then everything works out good to match up. And then also, the crash rate is less than the state average, so we have no further comments on that one.

Then the second one is they also did a crash rate for the Independence Drive at the VFW Parkway and stop at the Hancock Village, and also the number met -- it looks like below the state average for the crash rate, so we have no further comment on that one too.

And then the next one is the -- the traffic volume they have is a little conservative high because they didn't have -- using the reduction of the transit and the pedestrians and also the bicycle use, so that's why the numbers are on the high side. So the volume -- that's why the volume doesn't meet the warrants.

MR. ZUROFF: So you think there's more volume or less volume?

MR. HUNG: It will be less volume because they didn't do the reductions of that, so we just

kind of -- later on development -- see if they, later on, going to meet the warrants as well.

And the applicant did provide us the traffic count volume. They also did update the new traffic volume. They using the -- originally they used 2015, which needs to be more updated. And then they provide more recent traffic count, 2018, which is -- they have more reduction for the traffic count. The traffic volume in 2018 to 2015 --

MR. ZUROFF: It's gone down?

MR. HUNG: It's going down between 2015 and 2018. So I mean -- so later on, going to see the -- after the construction, see if the number goes up for the -- based on the developments.

And next one is the -- and all based on the new -- the site layout, so they provide -- we requested they provide us the template for the emergency access road for the emergency access circulating the site, make sure everything is -- maneuver for the fire engines and for the appropriate vehicle, and which they provide to us and everything works adequate.

MR. ZUROFF: So you're fine with that?

MR. HUNG: We're fine on that one.

And then also the parking is not based on the new -- the modified building layout with the new units at the apartment units, and then they did provide us enough parking space for that -- for the proposed site that they're proposing for -- the new modified site.

And the only thing that they have -- one thing that is based on the surface parking spaces that they provided in there, and they only have four handicap parking spaces. And from the ADA requirements, they need five parking spaces, so we just need one more additional one. So it can be just added to one of the sites, the parking space there.

We did talk about the circulation. That needs to be retained as existing, so that would be not changing on that one.

And the next one is the -- and for all the concept plans that we got, the plan for the Independence Drive, right now it's just a concept plan, so it needs to be, at a minimum being implemented, they should be providing us an engineering plan for the town to get approval and evaluate if everything is according to design

guidelines. So right now just a concept plan for that.

The last one is right now the site doesn't have, like, a loading area or pickup area for -- on the site plan. But since, like -- what's existing is just deliver or moving, just kind of pull in and pull over, more like a moving target. So seems like they don't require anything substantial for parking -- a loading area.

MR. LEVIN: There's an area in front of the building, I guess.

MS. SELKOE: Bob, maybe you can comment on a loading area. Are they providing one?

MR. HUNG: I don't think they're providing a loading area in front of the new building.

MR. MICHAUD: We actually addressed this at the March 27th hearing, I believe. The way that loading will work will be a curbside function.

MR. HUNG: Yeah, curbside is what they're doing right now.

MR. MICHAUD: Yeah, correct. So the AutoTURN modeling that's done is on the largest potential vehicle that would need access to circulate the site, which is the Brookline Ladder 1

truck. And anything by way of a moving van, panel truck, even an articulated vehicle would be smaller in size, so there would be no constraints in the function of those moving operations.

MR. HUNG: And that's what I've got for the traffic component of it.

MR. ZUROFF: All set?

MR. HUNG: Yes.

MR. ZUROFF: Any questions for the board?

(No audible response.)

MS. SELKOE: Should we hear from stormwater?

MR. ZUROFF: Yes.

MS. SELKOE: Adam Kran.

MR. KRAN: My name is Adam Kran with Environmental Partners. We've been working very collaboratively with the applicant's stormwater engineer, Frank from Stantec. Since we last presented in April, we have issued two peer review letters, and they have issued four response packages. The latest response package that they issued was today around 3:00. Our latest peer review letter was yesterday during the day.

Do you guys have our peer review letter?

I've got copies.

MR. ZUROFF: I have July 10th.

MR. KRAN: July 10th, yes. Okay. So we're going to use that as the basis. I'll go through the comments, most of which -- most of the comments that we provided yesterday have essentially been addressed, so at this point it's working out a couple of minor details.

So our initial -- I guess what I could do is I could stand over there and zoom in on certain aspects.

All right. This will work. All right. So I guess generally the way the stormwater is working, it's going into catch basins, going into an infiltration area. There's one here, there's one over here, and there's one down here. And then from the infiltration areas, they're going into these detention facilities. There's one over here that's split by a few pipes. There's another small one over here. And the concept with these is to slow down the water -- slow down the rate of runoff so that they meet one of the stormwater standards associated with that.

So they've made -- since the last review,

they've made some revisions to this structure, they've made several revisions to how they're doing infiltration, and they've made adjustments to the site. So we've gone back and forth, and we are very close to resolving everything.

So our first comment was about -- there is -- you can't see it on the plan, but there's an existing 4-inch gravity sewer line right here that's proposed to remain. And our concern was that if not properly planned for, this could pose a problem during construction. You don't want to -- yeah, so basically we wanted some comfort that they've come up with a way of handing this.

So their response last week was that they had provided these two sections splitting up the detention area. They provided some pipes between it, and they said that they'd locate the pipes depending on where the sewer main is.

And we asked, well, if the sewer main happens to be relatively high relative to these basins, the pipes that connect them that are proposed to go over the sewer pipes, you may end up with some dead space in this basin because water is going to flow from here down to here and out.

So we asked for some additional calculations associated with this, and they provided additional calculations showing that they could add a third pipe, if necessary, if they needed to raise the pipes up a little bit. And all the -- the calculations continue to work for peak rate of runoff.

So at this point, the only thing that we may consider is whether it would be worthwhile to have a condition that, depending on exactly what the field -- if the field condition is something drastically different than what was anticipated, it's a really shallow main or something like that and it's something that they haven't modeled, that they should provide an as-built calculation for the record prior to occupancy that demonstrates that this works.

Our second comment was related to the infiltration area. So this one is located near a wall, this one is located near some buildings and some steeper slopes and also near some other -- this one is located near some other buildings.

We were initially concerned how infiltration is going to work on this site. There's

bedrock -- or hard rock very close to the surface, and so water is not really going to get through that. And so we went back and forth on how to address this. Their proposal is to have a plastic, impervious liner around each of these infiltration areas that forces water to go straight down so that it's not seeping too far to the sides and then -- but leaving a little bit of a gap at the bottom for water to escape out.

And we're still a little concerned about the presence of water near -- right behind a retaining wall. It's certainly not a good design to have saturated soil right behind a retaining wall, nor is it great to have saturated soils underneath buildings.

We were comfortable that if an engineer provided a stamped design showing that the wall was built to this -- in particular, this retaining wall was built -- designed and built assuming that there was saturated soil behind it, we would be comfortable with it. So we suggested a condition for that, and the applicant has found that acceptable, so that comment is resolved.

Under the stormwater report section, we had

two comments. One was about peak rates of runoff, which they have addressed. They've met the requirements of the handbook.

The one -- our comment noted that the standard is that the peak rate of runoff during various design storms cannot exceed the redevelopment rate. And we also, as part of that, look at total volume of runoff. And based on -- so the existing site may be -- like, it may be somewhere right around here, the split between what goes in this direction, and what goes in this direction. But the proposed site -- everything from this -- all the roof runoff here is being directed in this direction, so there is a little bit more volume, essentially, going towards the wetland side of things than into the, like, Independence Drive drainage network. But there's no state standard that says that they can't do that.

The other stormwater -- under the stormwater section, the other comment that we had was related to how to handle the infiltration, how to do the calculations. At this point, we basically agreed that there -- because the soils are either really tight, they don't have a lot of infiltration

capacity, or they're right against bedrock, the stormwater handbook allows them to meet the standard to the maximum extent practicable.

The one point that they're not meeting is that the -- these infiltration areas are supposed to fully drain in 72 hours. The way the calculations currently show is that they may still retain some water after 72 hours. However, they've shown that the drainage network upstream of each of these is not going to overflow during the 25-year storm, even if these are full, so that comment is resolved.

We had some additional comments in our original letter about whether these -- so these detention areas are going to kind of be built into rock, and whether it is really the case that these will be watertight. And they've provided assurance that it will be, and they provided some testing requirements that a contractor will be required to complete. So that comment, from our perspective, has been resolved.

In our May letter we asked for some additional assurance that the grates, the catch basins, the trench drains, the area drains were all adequately designed. They provided some additional

calculations. They did not include, in their initial response, information on trench drains. They've now provided that, and we're all set with that.

As of yesterday, we had some new comments, and they've addressed most of these too.

So their pipe design calculations initially showed that they have high velocity through some of their pipes. At this point, they've made a few changes to get those velocities down, so we're comfortable with the changes they've made to address that.

They initially had -- or they still have a 15-inch pipe here draining into 12-inch pipes. We just want to double check that that is actually what was designed and made a couple tweaks. And they noted that there were constraints associated with the grading where they had to have a certain diameter of pipes to make the drainage work.

Okay. So initially they -- usually, it's common for catch basins and area drains to drain directly to manholes rather than from one catch basin to another. They had connected this area drain to a catch basin, and they've now connected it

to a manhole.

And they also had another similar situation here. In this case, there's a water -- proprietary water quality device that helps safely get the sediment out, and that is designed to allow for connections to it in addition to receiving water from the top. So they've confirmed that that is resolved. That was comment three there.

Two remaining comments: Number four -- okay. So this infiltration area was recently added to the site plan with this new building. This is in Boston, so essentially we've -- during the working group meeting a couple weeks ago, we agreed that Boston Water and Sewer would essentially need to sign off of this, so we've added a condition associated with that.

However, we've also noted that -- so in the rest of the site, they've done some soil testing so that they could confirm exactly what the soils are to prove that these things -- that the drainage that they're proposing will work, that there's soil beneath it and not just rock. Here they're proposing an infiltration area, but there's no information about the soil beneath it, so we remain

a little concerned about that. However, since another entity will have to review that specific drainage, it may be considered adequate for now.

And then last was about those calculations that -- about water backing up. This is from these infiltration areas. We were concerned that water could pop out of one of the manholes, depending on how things worked. And they've shown that at the worst case, there's a manhole somewhere around here where water gets to about 4 inches below ground, which -- during a 25-year storm -- which, for this design, may be considered adequate. It's not going to come out of the ground. And they've also made a conservative assumption that water is not going to really be escaping from -- actually infiltrating from here. If it is, there will be less of a backup.

So our comments have essentially been addressed by the applicant. I don't know if, Frank, you have anything else you want to add.

MR. HOLMES: No. I think you've covered it. Thank you.

MR. ZUROFF: So the bottom line is that the stormwater plan that they've proposed -- you're

satisfied that it addresses any concerns about overflow or --

MR. KRAN: What was the last thing you said?

MR. ZUROFF: That their plan addresses any concerns you may have about overflow.

MR. KRAN: Yes. Yeah, like the inlets, they've shown that there's not going to be much stacking of water on top of it during a design storm. They've shown that where they were holding back water in their system, water is not going to pop out of upstream manholes and catch basins.

MR. ZUROFF: And the net result of the project will be no additional stormwater disposal either in the project or out of the project?

MR. KRAN: So that was -- it's a little bit of a complicated point. So the peak -- the state standards are associated with the peak rate of runoff. So if you have a storm, at some point there's going to be a huge swell of water, and it's going to slowly tail off. So that peak cannot exceed -- and the postdevelopment cannot exceed the predevelopment, and that's a state standard, and they've met that.

The other aspect that the calculations show is that the way that the site is designed, more water is leaving towards the wetlands. The total volume during the course of a storm, particularly during larger storm events, are routed in that direction. It's not something that there's a state standard about, but if the board has a concern about it, it's something we let you know about.

MR. ZUROFF: When you refer to the wetlands, what are you referring to? Are you referring to the sanctuary or to the area in the property?

MR. KRAN: So essentially -- all right. So there's water from -- that's kind of coming from this direction and then going into drainage -- existing drainage pipes and going up here. And there's water from this -- basically, this whole area going in this direction.

And there's only so much that we can review, like, of existing stuff. It's not necessarily, for most 40B applications, our duty to review stuff beyond the site that they've designed. So they've basically denoted a design point over here and a design point over here, and our

understanding is that they say that there's some sort of culvert over here that everything ultimately drains to.

I don't know, Frank, if you want to speak to it a little bit more. But basically, our understanding is that there's going to be more total volume directed in that direction, but not a higher rate, nothing that's going to -- it's not necessarily -- it's not necessarily a problem in terms of state standards.

MR. HOLMES: I guess I would add to that. I guess I would agree with Adam that the design, as we have it right now, does meet the state standards, the stormwater management standards. It's not uncommon at all -- it is not a state standard that the volume be reduced or maintained at predevelopment levels, and it's very common on the development projects where there's land that's landscaped and being changed from a pervious area that there is an increase in volume. It's very common. There's not a standard that requires control of volume. And so, again, the design meets the state's stormwater standards.

MR. ZUROFF: Okay. And I know that this is

a separate project from ROSB, and I know that stormwater has been reviewed for that. But this project does not impact that project? It's just a question. Does it, or does it not?

MR. KRAN: I'm not familiar with the other project.

MR. LEVIN: But it does not.

MR. KRAN: And in our letter, we also include some suggested conditions.

MR. ZUROFF: And we will review them. I appreciate your help. Thank you.

Any other questions?

I believe in science, but I don't always understand it.

All right. Then I guess we have completed our peer reviewer presentations, and now it's -- I guess it's appropriate for me to ask if the public wants to comment on what has been presented this evening with regard to stormwater, traffic, and whatever.

MR. GLADSTONE: Scott Gladstone, 33 Russet Road.

So it's hard to comment about traffic since it's all in flux. Right? There's no traffic light

that's warranted now, even though the ROSB project says there's going to be. But I guess we're going to see how it develops when traffic is continuing to be monitored.

My real comment is about the stormwater, and I'm very concerned about what we don't know and what seems to be intuitively true, which I think the peer reviewer was alluding to, which is that this is -- with the increase in pervious surfaces and the increase of drainage pipes that are now leading more into the preexisting system, more water is being directed toward that corner in the upper right -- upper left here, which ends up in the Hoar Sanctuary in a really wet spot right behind the tennis court.

Now, you know, we're all in favor of recharging groundwater, but that's not what this is doing. This isn't being contained on the site. It's not being contained on the 40B site, and it's not being contained on the Hancock Village site. They're saying that it's going to be sent off-site into a sensitive area.

So I would urge you, as is appropriate in 40B, to ask the conservation commission to take a hard look at what you've -- what the peer reviewer

has looked at, but also ask those questions that the peer reviewer didn't feel like he could because it's going outside of the 40B parcel.

But the 40B parcel is clearly adding, because of the added infrastructure -- not just the added pervious surface, because of the added infrastructure that's connecting into the current drainage system, it's clearly impacting a natural resource here. And we should at least have more information about that. I would think you could -- since it's the infrastructure on the 40B project that's impacting that, you certainly can condition the 40B project to mitigate that effect.

I mean, on the ROSB project, we were asked to be encouraged that the drainage problem that we see on the greenbelt is actually going to be improved by that project. Now, we all find that to be a dubious claim. However, they're not even making that claim on this project. So to the extent that it can be conditioned that they should be able to come to a place with better planning that they not only do no more harm, but actually maybe improve the situation and maintain more water on their site and put less water into the sanctuary, I think that

would be worthwhile.

MR. WEINRAUCH: Perhaps I'm colored by the fact that I'm just back from Japan. I have friends in Hiroshima who have undergone particular storm problems that are going on there now with 150 dead and -- or 200 dead and several million under water. Perhaps that's coloring things.

But as I look at the same spot over there, I recognize that right back over there is the Baker School, not just the Hoar Sanctuary. And we in Brookline have been talking about whether we're expanding schools and the situation.

But I sure would like to know if the water drained -- the excess water drained is going to affect the base of the school building. And, you know, we're talking about more runoff. Anyone whose been driving up and down Hammond Pond Parkway looking at ground water on both sides recognizes that we had a spring where the groundwater was fairly high. And indeed the walkthroughs had to wait on this property until the ground water had come down a bit.

Now, I know that it is the standard for us, when we are looking at things, to look at them when

they're dry. However, we have to recognize it's not just a 25-year storm that we have to deal with. We have to deal with the structures that are already there and threatened. This water will drain to Beverly Road, and those who are abutters on Beverly Road are going to see it. Not all of the homes have dry cellars.

So when we have high groundwater, as we've had, and we have excess runoff coming in this direction, I can't believe that it's not going to have an environmental impact outside of the property. So while the property itself has been looked at, I would suggest, or second her motion, that somebody look at what we could do to mitigate any excess ground water that's going not only into the Hoar Sanctuary but underneath the Baker School that might endanger the kids.

MR. HUSSEY: Doesn't the Baker School -- doesn't the grade go up? That Baker School is up on a bit of a hill, isn't it?

MR. WEINRAUCH: When you put ground water under a hill, especially in the kindergarten building, which is lower in the Baker School, you may have a problem. You may have a problem with the

base of the Baker School. And all I'm asking is that somebody look at it because it has not particularly been looked at. We're talking about the job they did within the site, which meets the state standards. The question is not whether the job meets the state standards within the site. It's what happens around the site as well, and we are obligated to make sure that what is done within the site doesn't adversely impact the buildings that are previously standing.

MR. HUSSEY: Point taken.

MS. ABNER: I'm Deb Abner. I live on Russet Road.

I just want to put a plea out for pedestrian safety. I know that we've talked about how we haven't met the criteria for traffic lights and that we're thinking about putting the blinking light. But as someone in the neighborhood who walks frequently on that road, I'm really concerned about the safety, especially of the children. Many children -- there's one crosswalk at the intersection of VFW and Independence, and then one by Beverly and Russet, but people don't tend to use those, especially the people in the apartments. And

many times when I'm walking, I see children unsupervised crossing over, and it's like Pac-Man.

So I know that there are standards, but I'm hoping that Brookline can think about how we can provide the best safety before there's an accident, because I have seen many close calls. People are more distracted, especially during the crunch times. And I know when I've been walking, I've cautioned kids to wait. People are driving, and they don't see the kids. I just wanted to say I hope we can really address that. Thank you.

MR. PU: Bill Pu. I'm a town meeting member and abutter at 249 Beverly Road.

I guess I just want to start with a question, which was have you already decided to combine -- to accept this 40A project in combination with the 40B, or are you considering that?

MR. ZUROFF: No. This board is not sitting on the 40A projects that are being proposed, and I don't even know if this board will be involved, but that's a separate matter.

MR. PU: Okay. So now we're basically talking about that modified 40B.

MR. ZUROFF: The 40B project that was

presented this evening is what we are acting on.

MR. PU: Okay. I just wanted to first go over a few numbers, because there's been a lot of confusion about how many units there are, what was approved, what was -- because there's some units being renovated, some units are for Boston. There's all kinds of different numbers you could use to calculate this stuff.

So I'm going to send you a table after this meeting, but I'd essentially like to point out that -- at least as I understand it -- the PEL application had a net number of units for Brookline of 198 with an SHI of 226. But this most recent proposal has a net for Brookline of 216 with an SHI of 230. So this is an unusual situation where, during the comprehensive permit process, the project has somehow gotten bigger, and that is kind of concerning to me.

If you want to talk about the number of bedrooms, the number of bedrooms has gone up from 384 to 437.

If you want to talk about the amount of parking, the parking has increased from 350 to 430. And if you look at the ratio of parking to units,

it's actually increased from 1.8, which is the number that was used for the Residences of South Brookline, to 2.

In addition, I want to point out that the Residences of South Brookline -- now, we're not saying that that was a great project, but just as a point of reference, the density of that development in terms of unit per acre was 18.5. This project is on a much smaller land area, but it has many more units. So the original PEL application was 36.4, and the current application is 39.7. Now, you can calculate that all different ways. You can count bedrooms per acre, which is actually worse: 38 for the PEL application, 80 for the current modified plan. I'm sorry 38 for the Residences of South Brookline, 80 for the current plan. You can see that this project is far more dense than the other project.

And I think you need to keep in mind the strategy here. Why would you want to put a lot of units on a little bit of land? Maybe because then the rest of the land can be used for another 40B. So if you allow this number of units on this piece of land, then there's more land available for

another 40B. If the land was bigger, there would be less land available for another 40B. So not only is the project out of scale, it's sort of retaining land that can be used for future development. Okay, that just goes to the numbers.

With the traffic, what I understood was that you guys haven't talked about traffic mitigation plans. Will that be in the future?

MR. DITTO: They'll be part of the complete streets project.

MR. PU: Does that include things like increasing the capacity of the shuttle service?

MR. DITTO: It could.

MR. PU: Matching the town's access plan guidelines?

MR. DITTO: Yes.

MR. PU: Would that all become conditions? Like, is that something that just hasn't been discussed? Because I didn't hear it.

MR. ZUROFF: Those things will be addressed in conditions.

MR. PU: Okay.

With the stormwater, I mean, I just heard a lot of things, like saying, "This might work" or

"This is going to meet code." But meeting code doesn't mean it's going to really work. I think the reviewer did point out the fundamental problem. The challenge is that you have poorly absorbent soil, you have a rock ledge. You can store water so that it doesn't have peak runoff, but as he identified, there's going to be more runoff. And that's -- obviously, it's going to run off to the neighboring properties and run off into the sanctuary.

He said that they're allowed to meet standards to the maximum extent possible with regard to the nonabsorbent soil. That doesn't really instill a lot of confidence. What does that mean, "the maximum extent possible"? I tried, but I didn't do a good job, so, you know, I just did the best I could? That doesn't really mean it's going to work.

He said the storage basins may retain some water after 72 hours. What is "some" water? Like, what is the percent capacity that will be left empty at 72 hours? Is it going to be 95 percent filled? 50 percent filled? What's the anticipated effect of retaining, let's say, 50 percent filled and then there's a large storm? What's the effect going to

be on the peak runoff? Which I think the peak runoff is calculated at being zero percent filled. So what is -- you know, if you calculate a different percent filling, what's the effect on the peak runoff going to be?

Okay. Those are all my comments. Thanks.

MS. LEICHTNER: Judy Leichtner. I'm a town meeting member, Precinct 16.

I did want to address this issue about what has been decided in the ROSB project because this came up before, and I've actually written it to you, so you have the letter. But the comprehensive permit -- unless something changed in terms of what was online, in terms of what was approved for the Residences of South Brookline -- said this in regards to traffic:

Item 26 states, "Not that a plan has been approved, but that a traffic study review shall be prepared and, quote, for review and approval as to its scope by the director of transportation and engineering and the transportation board" -- that's what the condition said -- "for determining the impacts of the project and evaluating the need for traffic calming." It then goes on to say that those

measures will be proposed at that time and that the applicant will put aside money for those purposes.

So I can't find anything where it says that a street proposal has already been approved. And if I'm wrong, somebody can point that out to me, but I couldn't find it any place. So I disagree with Mr. Schwartz that a plan has already been approved for the first project.

I want to just say -- and I know this is a problem because the website is not up to date, but it's really hard to come here and to try to take all this in and give you comments immediately when we don't have all the information. And I understand it's not your fault, but it's very difficult when we haven't seen any of this. But none of these letters that went back and forth that said you guys were available for the public to see --

MR. ZUROFF: I should point out to you that it's also very hard for us to evaluate this, because we don't get a lot of lead time too. But before we make a decision, we will have enough time, and we rely heavily on our peer reviewers to assist us.

MS. LEICHTNER: I understand that.

I would like to -- it wasn't even clear in

the agenda that this was specifically going to be stormwater and traffic, because that wasn't what came out. The agenda just said peer reviewers. So it would be helpful if we had some more specific information. As you know, we have an engineer who lives in the neighborhood. He might have wanted to see as much as possible.

I also have another question. You asked -- Mr. Hussey asked, actually, for plans and stuff. And I know they can't go online, because it's not ready. But if people request it, can we get sent the same stuff that you're going to be sent as a matter of public record?

MS. STEINFELD: We'll make them available within the planning department.

MS. LEICHTNER: Okay. So we could request it from you. Okay.

So the one other piece of this -- and I was glad to hear you say that this project is going to be considered on its own merits. It has nothing to do with a 40A, it has nothing to do with the garage and those other pieces, because that was really concerning. And I shared your concerns from the last time where you said that you were blown away by

the scope of this project, as many of us were, and, as Bill point out, how this project grew as opposed to what happens in most projects, which are reduced.

So, again, I want to mention -- and I have written this as well before -- that I have a lot of concerns about the fact that the original project had a net of 198 because the project line included those buildings, which you can't really see really well, that were going to be part of the original project, didn't hurt Brookline. In fact, it helped Brookline to have that part of the 40B project. Those units, you know, affected the SHI and affected the number of affordable units without having to build more units in Brookline. So I still have some questions as to how that -- the 40B lot line suddenly was changed, because this is a different project than, in fact, what was proposed and what was approved in the PEL.

And one other thing I'd like to mention is from the research I've done, it seems that standard practice on the financing agencies is to say that when they approve something in the PEL, it says no more than whatever the number of units is there. And I looked online to see some of the other PELs

for other projects, and they all very specifically say that this project was applied for X number of units, and we are approving no more than whatever that X is.

To be fair, MassDevelopment did not say that. They just said that is the project, but they gave the number of units and the number of refurbished units. So I would just like to kind of throw that out there for your consideration, that, in fact, standard practice seems to be that projects do not get bigger. In fact, as we know it in Brookline, they've all gotten smaller.

And you are keeping all of this separate, so, in fact, any cost for amenities in buildings would not be considered costs to the applicant as part of this project; is that correct?

MR. ZUROFF: Assuming we ever get there, yes.

MS. LEICHTNER: Okay, great. Thank you very much.

MR. ZUROFF: Thank you. Anyone else?

MS. JONAS: Alisa Jonas, town meeting member, Precinct 16.

I just have two questions, one about the

stormwater. It took me aback that a peer reviewer doesn't look at the consequences for neighbors. So if the neighboring homes are flooded but they're not looking at it, how are we going to get the -- how are we going to be able to pay for the expertise to look at what the impact is to the rest of the neighborhood? Is that something we can request of the peer reviewer, to also look at the consequences, or -- it seems like that is something we should look at. But if we don't have that capacity within the town, is that something we can get the peer reviewer to do? That's one question.

MS. STEINFELD: I think we should address those questions to both engineers because I think there's some misunderstanding. And then also our own town engineer.

MR. ZUROFF: I agree. The charge to the peer reviewer and the engineering --

MS. STEINFELD: I think you should ask each of the engineers to clarify their comments on some of the comments made -- give them an opportunity to respond to the questions raised.

MR. ZUROFF: I wanted to do that anyway.

MS. STEINFELD: Right. And you have the

town engineer here as well, and it's certainly appropriate to get his comments on the proposal as well.

MS. JONAS: I just want to follow up on that. The peer reviewer said that he's not normally responsible to look at the impacts outside of the project area.

MS. STEINFELD: Let him explain what he meant. At the appropriate time, I think both engineers would like to respond to some of the issues that were raised here.

MR. ZUROFF: Mr. Kran, this is probably an appropriate -- is there anyone else that has a public comment?

MS. JONAS: I have a second question too.

MR. ZUROFF: Please finish.

MS. JONAS: And the second question is I'm just wondering from you if you have some kind of gauge about density, about what is the appropriate range of density that would be appropriate for a 40B compared to the density in the rest of the neighborhood. When I've looked at a lot of 40Bs in this time period we've been dealing with this very project, it just seems like the amount of -- the

density that we've had from the prior 40B that was approved and this 40B seems to be much higher relative to the density of the surrounding neighborhoods.

Yeah. And so I'm just wondering if -- what is going to be -- and I know that the 40Bs that end up getting approved in other towns get cut by X. I don't know whether it's a third or a half or whatever they think they can get away with. But is there some kind of substantive way that -- any tools that you have to be able to assess -- you know, we don't think that density beyond X is appropriate given the density in the neighborhood. I'm just wondering what tools you would -- might use to make that determination.

MR. ZUROFF: It's a speculative question, and my answer to that is that is under the 40B parameters, we don't actually take the term "density" into consideration. But we are concerned with that as a concept, but we don't make our decision based on any formula, and a formula is not part of the calculation. But it is a consideration, obviously. In our prior decisions, I think we've taken it into consideration, but there's no formula

for that. And what other towns do has nothing to do with what we do.

MS. JONAS: Right. I'm saying they might do it --

MR. ZUROFF: They may have a formula. I can't answer for them.

MS. STEINFELD: Density is not a legitimate concern within 40B.

MS. JONAS: But an overall sense of looking at --

MS. STEINFELD: The board tries to consider the impact on the neighborhood, but 40B intrinsically is going to be a different density than in the surrounding neighborhoods.

MS. JONAS: Right. But there's 100 per acre versus 2 per acre versus --

MS. STEINFELD: No. It's not a legitimate discussion.

MS. SELKOE: But also keep in mind, Alisa, that the zoning is different in the single-family neighborhood from this property, which is zoned multifamily.

MS. JONAS: Correct.

MR. ZUROFF: We've heard formulaic

calculations. We're aware that, you know, a certain density is higher than normal. But, again, it's not part of the 40B process.

MS. JONAS: Well, I will remember that, actually, the applicant at one of their first presentations, showed density and showed the comparative density of --

MR. ZUROFF: That was their option and not -- everybody knows about it. It might be the elephant sitting in the corner of the room, but again, you know --

MS. JONAS: Okay.

MS. THALL: Carolyn Thall, also a town meeting member, Precinct 16.

So a couple of people alluded to that this footprint and proposal is different than what was first shown, which was what the PEL was granted for. And Bill put some numbers out.

Can you the board clarify for the public how this has changed from what was approved by MassDevelopment? Or can you ask the applicant to clarify that for the public? Because there seems to be some confusion, which I don't suppose is inadvertent. Have the numbers gone up? Have they

gone down? Has the footprint changed? Did the lot lines change from what MassDevelopment granted a PEL for? So I'm not --

MR. ZUROFF: It's a legitimate question. I think that the applicant has presented us with data on the number of bedrooms, the number of units, how it's changed from the original proposal. Something that we will consider.

MS. THALL: Sorry. Where is that information? It hasn't been presented here.

MR. ZUROFF: It has previously been presented, and I assume that it will be further presented when the plans are more formalized.

MS. STEINFELD: But I should note that what is before you is what's before the ZBA. Nothing else is relevant to our discussion at this point. All of the 40Bs we've dealt with have evolved. And we make a point that when the developer proposes changes, that he makes a statement to the board that this is now the proposal of record. Anything prior to that is no longer relevant.

MS. THALL: Well, it's relevant to me as a member of the public and a human being and a town meeting member. So where is -- I wasn't at the last

hearing. Is that when --

MR. ZUROFF: We had data presented to us.

MS. THALL: But it's not online?

MR. ZUROFF: Well, it was online, or it was going to be.

MS. STEINFELD: I don't know if it made it online.

MR. ZUROFF: But it was presented here, and at some point it will be online.

MS. SELKOE: We could ask them to show that table again at the next --

MS. THALL: Can that table be shown now? I mean, you know, we had an election in May for the select board, the school committee, town meeting members. There was a lot of conversation of about transparency. I am a member of the public, I'm a town meeting member, and I can't access this basic information right now.

MS. STEINFELD: I agree it's problematic, but --

MS. THALL: So could someone just say what this -- what's in this project right now? How many bedrooms? How many --

MR. LEVIN: I don't know if I have that.

But in terms of the --

MS. THALL: How many square feet?

MR. LEVIN: No.

MS. THALL: You can't?

MR. LEVIN: Not tonight.

MS. THALL: Can you say how many --

MR. LEVIN: I can discuss the units, and I can say that Mr. Pu was accurate in his calculations, that there are -- we have -- in the new program, there's 230 units. That's 218 in the large building, and 12 in the infill buildings. We are demolishing 14 for a net number of units of 216.

MS. THALL: And the PEL approved 196 net new?

MS. SELKOE: They didn't approve anything yet. They approve it at the end of the project.

MS. THALL: The PEL was for -- sorry. My terminology is off. The PEL referred to 198?

MR. LEVIN: Yes.

MS. THALL: So this is 18 up from the PEL?

MR. LEVIN: In Brookline, that's correct.

MS. THALL: We're in Brookline, yes.

MR. LEVIN: That's correct.

If you want to consider the fact that 8

units are being -- if you want to consider the fact that 8 units are being demolished in Boston as well, then it drops to 10 more units on net.

MS. THALL: Well, this is Brookline.

MR. LEVIN: I understand.

MS. THALL: So I'm looking at Brookline, and I'm looking at the PEL, and I'm understanding that standard industry practice -- I would ask the ZBA and I would ask our town planners to find any instance in which a 40B in any town, including Brookline, has gone up in scope from the PEL other than this one.

MR. ZUROFF: Valid question, but not before us.

MS. THALL: Well, I would urge you to look at it, maybe, in your -- as you consider this project. I mean, what is considered if not standard industry practice, how big it is --

MR. ZUROFF: No. We consider the statute, and the statute requires us to evaluate the project in and of itself, not to compare it with other projects in other towns.

MS. STEINFELD: Or even with our own town.

MR. ZUROFF: Right. That's what we're here

to consider. I understand your concern, but --

MS. STEINFELD: And we share your frustration.

MS. THALL: It's actually really a concern. I mean, "standard industry practice" I'm using as a sort of "just shy of legal," I suppose, term. It's not done. It doesn't happen. So I would urge that to be looked at carefully by those in decision-making positions. Thank you.

MR. SHPRITZ: Nathan Shpritz.

So I just have two comments. One is a follow-up on Carolyn's comments about the -- just the lack of availability of any of the new documentation on the website. We're 15 town meeting members. We can share some of this information. Would it be possible if you could email a reasonably complete package to each of us sometime over the next couple of days?

MS. SELKOE: I have it on my server, so I can certainly do that.

MS. STEINFELD: That we can definitely do, and we would hope that you can share it with --

MR. SHPRITZ: We'll do our best. But at least that way it won't all be locked up in some

town hall --

MS. STEINFELD: Right. Waiting to get onto the server.

MR. SHPRITZ: And my other concern is really -- well, there's a number of concerns, but I'll limit it to one tonight. And that's about the sort of cumulative effect of the stormwater runoff over time, maybe into the Hoar Sanctuary or up into Beverly Road.

And I understand -- actually, I don't understand the state statutes and the standards that are required, but it seems to me that these -- sort of these retention ponds, these underground retention areas, if they don't empty, there's some volume of water that -- some of it flows into the site, some flows out, but there's some volume of water over some period of time at some ambient temperature where all of a sudden this will no longer function. It will cease to function as designed.

And it would be kind of nice to know, from a neighborhood person and also to protect the Hoar Sanctuary, what that total volume is. How many storms, how much water over a week would it take to

completely overwhelm the system and start dumping water or even snow melt with potential chemicals off into the Hoar Sanctuary?

I think that, you know, dealing with economic externality is important. We deal with traffic impacts of the new construction on neighboring areas. I really think that we have to be pretty careful about dealing with stormwater runoff, whether it's from one very large storm or a series of storms over a relatively short period. So thank you.

MR. ZUROFF: Thank you.

Anyone else?

(No audible response.)

MR. ZUROFF: Then it's appropriate now, I think, to have the engineers comment on stormwater issues that have been raised by the public.

MR. HOLMES: Frank Holmes from Stantec, civil engineer, and I want to address some of the comments that we've heard.

So one of them was that we should provide some recharge on-site, and I think -- I just want to clarify because maybe everybody doesn't exactly understand. But these systems that we do have

designed are providing recharge on-site, so we are holding water on-site and recharging it onto the ground. Not all of the stormwater that's being collected is just being discharged off site. Those systems are sized in accordance with DEP standards. There's a volume that is calculated that we need to retain and recharge back into the ground, and that volume is calculated based on soil types that we have. And so we are doing that. We are holding onto what's required by the DEP standards. And then we also have the detention systems that are separate that are slowing the water down.

I wanted to also address the comment that we've heard about the maximum extent practicable. So we're meeting the standards. I would say that we're meeting all of the DEP standards on this project, you know, with regard to the amount of water that we need to hold on-site, except for the standard that indicates that the systems need to drain out within 72 hours. So because of the slow permeability that we have in soils, they may take longer than 72 hours to drain. One of them, actually, will still drain at 72 hours; one of them might take a little bit more than double that to

drain; and one about three times that to drain. But they will drain.

And I heard from a couple people also, how does that affect how the system will function? It will have no effect on how the system would function at all. Those systems that are going to recharge the water have been designed so that they will have no effect on how the water is collected, how it passes through the system, and how the rate of water is detained. And so, you know, the only -- again, the only thing that doesn't meet the standard to 100 percent is just the time that they'll take to drain.

And so I think those are the comments that I just wanted to directly address.

MR. LEVIN: What about the sanctuary?

MR. HOLMES: Oh, the sanctuary. So we recognize that the volume of water -- the total volume of water going into the sanctuary will be increased. However, again -- I've said it several times -- this design meets the DEP stormwater management standards. I would suggest that it will be an improvement in terms of water quality because we are providing best management practices that are going to clean the water before it's discharged.

And, you know, the project, overall, is making improvements to the stormwater management system at Hancock Village that is going to improve water quality as well.

MR. GELLER: Frank, can you speak to the question of the impact on the Baker School and its location --

MR. HOLMES: Well, I agree with the comment that someone else made that the Baker School is higher in elevation, and Beverly Road also is much higher in elevation. I think that -- well, not that I think -- it's a fact that the Hoar Sanctuary and the wetlands are the lowest elevations in the area, and I would suggest that the water being discharged to the wetlands is not going to affect anybody on Beverly Road, you know, any homes in Brookline, any residences there at Hancock Village.

MR. ZUROFF: This is not a question and answer session. He's just addressing the comments that he's already heard.

Does the board have any --

MS. SELKOE: Maybe Adam wants to --

MR. ZUROFF: He's going to have his turn, definitely.

Board? No?

MS. PALERMO: No.

MR. ZUROFF: All right, thank you.

Mr. Kran.

MR. KRAN: All right. So first, I wouldn't disagree with anything that Frank has said. What he said was generally consistent with how we would also view it.

I do understand the concern that you have about the off-site runoff and the potential increase in volume, and I get that. I don't have the 40B regulations in front of me, but I believe there's some requirement in there that limits the ability of a board to require an off-site study of stormwater. I don't have the exact language in front of me, but there's something that, like --

So we've been asking them questions about, like -- in every single review that we've written, we've had questions asking about what's the capacity of the existing system to accept this? Is the existing system capable of accepting it? And they did, you know, talk about how the peak rates are really only a small fraction of the receiving capacity of the system.

So the system itself, from the information that we've been presented, appears to be able to handle any of these changes. But we can't ask them to go out and monitor flows and stuff like that. The nature of 40B is that, like, you can't impose uneconomic conditions on the applicant.

MR. ZUROFF: Can I ask you a simple question? And maybe you can't calculate this. But based on the plans that we have in front of us and that you've been able to review, is there going to be a net increase in stormwater runoff because of the construction?

MR. KRAN: They do provide in their calculations -- each storm event, they provide a predevelopment and postdevelopment. They provide rates, and that's pulled out in the summary tables. And also, some of the calculations include -- actually, all of the calculations also include the volume. And so the latest calculations were done.

All right. So these infiltration areas, we've decided that it made sense to assume conservatively that there was going to be no infiltration coming out in the calculations.

So as a result of that, their

calculations -- the calculations that the computer generated did not assume any infiltration. So it's possible, therefore, that the total volume, as a result, that's reported is an overestimate of what's coming off.

The initial point I made was that the distribution of where the water is going is higher. There's more water going here than predevelopment, particularly for rather large storm events. There's less water going in this direction than predevelopment, particularly for large stormwater events.

Now, in terms of total numbers -- so let me look -- if there's a change, it's very minimal. It looks like a lot of the calculations that they provided show that it would basically be the same order of magnitude. I'm not doing the exact total calculations. We looked at each design point rather than the total, but if you give me five minutes, I'll add up some numbers.

MR. ZUROFF: Just a general question.

MR. KRAN: It's roughly about the same.

MR. ZUROFF: It's the same, okay, more or less.

Marc, do you want to elaborate on that?

MR. LEVIN: No.

MR. ZUROFF: Okay. Thanks goodness we have technicians. I appreciate that. Again, I just wanted a -- not a -- more or less a qualitative analysis, not quantitative data. Just yes or no, if it's more or less. But if you don't know -- you're saying it's about equal?

MR. KRAN: Yeah.

MR. ZUROFF: About equal is good for me.

UNIDENTIFIED AUDIENCE MEMBER: Could you just repeat the question?

MR. ZUROFF: I just wanted to know whether the construction as proposed would result in a greater amount of stormwater being discharged.

MS. SELKOE: To the sanctuary?

MR. ZUROFF: To the site and off site.

MR. KRAN: The distribution has changed, but the total is roughly the same. And as part of the -- the state standards are designed to have these infiltration areas to attempt to mimic existing conditions. The concept is that, you know, this is a site that already has a lot of ledge and a lot of tight soil, so water is going to run off

naturally, so the amount that they actually have to recharge and retain on-site is therefore less.

MR. ZUROFF: Okay.

MR. HUSSEY: One of the things the petitioner might consider is a couple of site sections that go through the site up to Russett Road -- up to Beverly Road, rather -- just to show the conditions of the grades through this project and the adjacent property. It might illuminate a lot.

MR. ZUROFF: Topographically.

MR. HUSSEY: Yeah.

MR. ZUROFF: That would be helpful, I guess.

All right. Thank you, Mr. Kran.

MS. STEINFELD: Could we hear from the town engineer?

MR. ZUROFF: Of course.

MR. DITTO: I just want to say that the stormwater management standards that have to be met -- these standards are geared to be protective of the human as well as environmental issues. They're on the DEP website under "MassDEP stormwater." And you can see that -- what they're

trying to do and what they're trying to protect.

We can talk till we're blue in the face tonight, particularly with people who aren't familiar with this. But I've been in this area a long time. The runoff before the project even was thought of goes from the bottom right to the top left. And Beverly Road is higher than Gerry Road. In fact, Gerry Road goes downgradient from Independence to the Hoar Sanctuary. Their sewage -- there's a pump system, pumps up three-quarters of the way to Gerry Road, and then it flows from there by gravity to Independence sewer and Independence Drive. There's no way that any water that falls on this site is going to wind up on Beverly Road or in the basement of the Baker school.

That water -- on the first go-around, my main focus was to get rid of that water behind those homes on Beverly Road because you can see it. Every winter -- every spring we get calls from homes on Beverly Road. Groundwater is coming down off along that hill, right through those homes. And if you're unfortunate enough to have a bad foundation, some of it winds up in the basement. But I can tell you the homes that we get calls for every year about

groundwater. That groundwater isn't from this side of the site. It's from the opposite. So any problems that -- there won't be, because it's going to be part of the catch basins on Beverly Road.

That being said, the site meets the 10 requirements of stormwater management. Take a look at them, and you'll see. You're looking at high groundwater. If you have a high groundwater, you've got to establish that, and then you've got to build from there up so that you can contain any volume for storage. So the things like that, you'll pick out and say, okay, that makes sense. I just want to -- that's my two cents.

MS. SELKOE: Is it bad for the sanctuary to get more water if the water quality is good?

MR. DITTO: I don't think so. You know, up on Hammond Pond Parkway, you can go look at -- you can see the surface water, and that's actually a function of beavers. We have two little energetic beavers up there. They build a dam in one day. We tear it down. They build it in the next two days. We can definitively say that they've kicked up the groundwater a foot and a half to two feet in one area.

Same thing has happened -- may be happening in the Hoar Sanctuary. A lot of the trees are dying now because they're exposed to groundwater -- the same issue. That being said, go in there, clear those dead trees out or whatever, logs, you know, maintain the flow of that sanctuary out to wherever it goes in Newton. So there's a lot of maintenance involved, and that's the town's responsibility. But they should be going out there and clearing that water pathway out of the sanctuary.

MR. ZUROFF: Thank you.

MS. STEINFELD: May I ask a question?

MR. ZUROFF: I would never stop you.

MS. STEINFELD: Well, it's really not your role to do so, but I'm concerned about the issues that have been raised here tonight.

First, let me state that, from my perspective, the only constraint on any peer reviewer is that established by state law, and a peer reviewer can only review what is submitted to him.

So my question to the town engineer is is there any information that the ZBA should be requesting of the applicant and the stormwater

engineer that would address -- that you would like to see in terms of making sure that the neighborhood, the Hoar Sanctuary, and the Baker School are protected? Is there any additional work --

MR. DITTO: No. What we have here today is what we should be looking at. We have -- there's enough data and there's enough information in these plans so that we know when it rains where the water is going to go. It's all there. We don't need any more.

MR. PU: What about maintenance? Can the engineer talk about maintenance and things that happen when this is not maintained?

MR. ZUROFF: Again, this is not a question and answer session. It will be addressed at some point.

MR. DITTO: There will be an O&M plan required of whoever takes custody of that land -- an operation and maintenance plan, and that's the key to maintaining it. But the information that we need to make a decision is all there.

MR. ZUROFF: Thank you, Peter.

Okay. Then we want to continue with this

meeting. We have some organizational and administrative business. We're going to continue --

Well, let me say this: In the interim between now and the next meeting, the applicant and the peer reviewers and the working committee will continue to review new articulations and the new design. In the interim, there will be a blasting plan being submitted by the applicant which, at some point, will result in our having a blasting expert review.

Alison, I know you're stifling yourself.

MS. STEINFELD: I just want to clarify.

Correct me if I'm wrong, Marc, but you guys aren't really preparing a blasting plan at this point. You're preparing a geotech report that our blasting reviewer --

MR. LEVIN: We're doing a blasting plan, and it will have a geotech report. The geotech report was done years ago. We have that. But we're doing a blasting plan for them to review.

MS. STEINFELD: Okay. And I can tell you, two weeks from today I should be able to tell the peer reviewer that he can proceed, and I think that's probably going to be about the time that your

plans will be prepared -- completed.

MR. LEVIN: Yes.

MR. ZUROFF: Okay. The date that we're suggesting for the next meeting is the 20th of August. Originally, it was scheduled for the 8th, but I think that giving you the extra time to finish your plans, to get your blasting plan submitted and have it reviewed, the 20th will be proficious for everyone, I believe.

Do you have any further comments, Alison or Polly?

MS. STEINFELD: Perhaps Chestnut Hill could -- in response to a question the chair asked initially -- in making us the copies of the plans, both the 40B that's before us and the -- the 40B plus 40A, if you could make maybe 50 copies of each. Would that be fair? And I'll drop them off at someone's house.

MR. LEVIN: When they're developed.

MS. STEINFELD: Something to replace the plan that Chris held up.

MR. LEVIN: Oh, the concept plans. The one I showed.

MS. STEINFELD: We don't have hard copies.

MR. ZUROFF: And, again, not only for the rendered site as proposed, but also --

MR. LEVIN: I can provide the former. But the other we will present, I believe.

MR. ZUROFF: All right. If you can get it to us early, and it will be available to the public as well.

So I think that we've concluded our business for this evening.

UNIDENTIFIED AUDIENCE MEMBER: Is September 30th still the date of the closing of this hearing?

MR. ZUROFF: It remains that way until we agree to change it.

But this meeting is continued. We will continue to August 20th, and it will be upstairs on the 6th floor. And I thank you all for coming and for your participation. This meeting is now adjourned. Thank you.

(Proceedings adjourned at 9:03 p.m.)

C E R T I F I C A T E

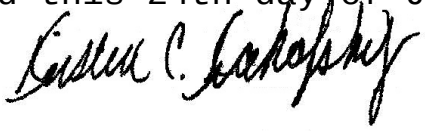
I, Kristen C. Krakofsky, court reporter and notary public in and for the Commonwealth of Massachusetts, certify:

That the foregoing proceedings were taken before me at the time and place herein set forth and that the foregoing is a true and correct transcript of my shorthand notes so taken.

I further certify that I am not a relative or employee of any of the parties, nor am I financially interested in the action.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 24th day of July, 2018.



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Kristen Krakofsky, Notary Public
My commission expires October 25, 2024.