

SULLIVAN & COMERFORD, P.C.

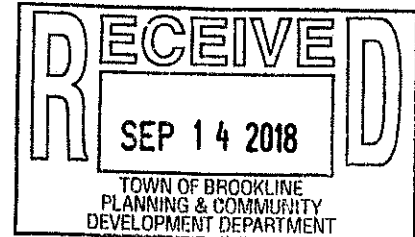
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September 12, 2018

Brookline Zoning Board of Appeals
333 Washington Street
Brookline, MA 02445-6899



Re: **1299 Beacon Street**

Dear Sir/Madam:

We represent Roberta Sydney and Kyle Spellman, owners of 1309 -1319 Beacon Street with respect to the above referenced application. Our clients are direct abutters to the applicant's above referenced premises (Trader Joe's). We have submitted materials, including without limitation, a traffic report from Gillon & Associates dated June 28, 2018 and attended the public hearings. At this point, we wanted to highlight our continued concerns with the revised plans submitted to date. At the outset, we wish to express our frustration over what has been submitted, thus far, appears to be deliberately skeletal and incomplete (e.g. no landscape plan and most of the design plans are not to scale and appear to minimize the impact to our client's property). Notwithstanding the above, we set forth below some of our more serious concerns:

1. **Traffic**

This is a dense and highly congested area and the proposed structure and use will clearly exacerbate this situation. We refer you to the Gillon & Associates report for more specific reference to the same. Moreover, the proposed parking and proposed access to and from Sewall Street is clearly a dangerous situation. While we are mindful of the limitations for a MGL c. 40B filing, health and safety is an appropriate reason for denying an application under this permissive statute. It is clear that the current proposal and chaotic design for ingress and egress of vehicles into the Sewall Street side of the property is dangerous to motorists and pedestrians. Our clients monitor the customer base that frequents the Trader Joe's operation. This includes a security guard that keeps close watch on the parking spaces being utilized. Additionally, our clients purchased the metered parking along Beacon Street to alleviate the parking situation. In sum, our clients have worked very hard to mitigate the vehicular traffic into their premises.

At this point in time, we see no evidence that the applicants have done anything to mitigate or properly design ingress and egress into their proposed structure. We submit that this is an exacerbation of a dangerous condition and is a threat to our client's property and its



customers. For that reason alone, our clients urge that the Zoning Board of Appeals deny the current proposal.

2. **Aesthetics/Health**

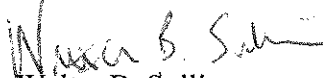
The current design before the Board, as displayed at the public hearing on September 5, 2018 is wholly unacceptable. The building is massive and essentially shrouds our client's property. The shadow effect of this proposed structure will greatly impact the health and aesthetic appearance of our client's property, casting it in perpetual darkness. There is no landscaping or any type of mitigating factor proposed or submitted by the applicant. In sum, it is clear that the applicant is merely seeking to build as large and massive a structure as possible. For this reason, we submit that the project should be denied.

3. **Conclusion**

In sum, it is apparent that the project fails due to the size and the scope. Specifically, the proposed two (2) stories of retail and additional six (6) to eight (8) stories of residential use simply do not work at this site. There is insufficient parking and infrastructure to accommodate the vehicular ingress and egress for such a use. My clients are in trade or commerce and have no opposition to the development of this site. However, the proposed development is a threat not only to our clients' premises, but the entire area. Our clients support responsible and appropriate development of this site. They note for the record that a solely residential use would be less intensive on parking and safety. These are our major concerns; we also have several more that were outlined in detail from our previous letters.

For all of the foregoing reasons, our client respectfully requests that the Zoning Board of Appeals deny the applicant's MGL c. 40B application.

Very truly yours,



Walter B. Sullivan

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