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HEARING OF BOARD OF APPEALS
1299 Beacon Street
Wednesday, September 5, 2018 at 7:05 p.m.
Brookline Town Hall
333 Washington Street
Room 111
Brookline, Massachusetts 02445

Reporter: Jennifer A. Doherty, CSR

1 APPEARANCES:

2

3 Board Members:

4 Jesse Geller, Chairman

5 Kate Poverman, Board Member

6 Randolph Meicklejohn, Board Member

7 Johanna Schneider, Board Member

8

9 Town Staff:

10 Maria Morelli, Planner

11 Clark

12 Alison Steinfeld

13 Cliff Boehmer

14

15 Applicant:

16 Raj Dhanda, Chestnut Hill Investments, LLC

17 Rachna Balakrishna, Chestnut Hill Investments, LLC

18 Bob Engler, President, SEB, LLC

19 Haril A. Pandya, AIA LEED AP, Principal

20 Stefan Voglemann

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1 PROCEEDINGS

2 CHAIRMAN GELLER: Good evening,
3 everybody. We're re-opening this application of
4 comprehensive permit involving the property at 1299
5 Beacon Street. Again for the record, to the far
6 left is Randolph Meiklejohn, Johanna Schneider, and
7 Jesse Geller and to my right is Kate Poverman.

8 MS. POVERMAN: The reappearing Kate
9 Poverman.

10 CHAIRMAN GELLER: All the way from
11 Kenya. People will recall our last hearing was July
12 11. It's hard to imagine that was before it got
13 hot. And at the time we covered traffic and
14 parking, peer reviews, and the Planning Department
15 design analysis as well as site plan review.

16 This evening will be largely
17 dedicated to peer review from our design peer
18 reviewer, Cliff Boehmer. We will also have an
19 update and administrative details, if there are any.

20 The Board will start to give its
21 charge to the developer although I think he started
22 to give the developer a sense at the last hearing of
23 what direction we were moving in, and I think we'll
24 have to discuss next dates as well and the

1 process.

2 MS. MORELLI: Yes. For the record,
3 I'm Maria Morelli, senior planner, Planning
4 Department. And so we don't lose some sight, I will
5 be asking or recommending to the Board that you ask
6 the developer or the applicant for an extension to
7 close the hearing. We're currently scheduled to
8 close October 15, 2018.

9 CHAIRMAN GELLER: Do you want me to
10 ask him now?

11 MS. MORELLI: Yes. Mr. Dhanda, I
12 sent an e-mail earlier asking or recommending a
13 three-month extension to the close of the hearing
14 from October 15, 2018 to January 16, 2019. It's
15 about three months.

16 MR. ENGLER: Can I speak to that as
17 the consultant?

18 MS. MORELLI: Certainly.

19 MR. ENGLER: Bob Engler with SEB
20 representing my son, Geoffrey, who is mainly
21 responsible here, but he's not here tonight.

22 This was discussed. We feel that we
23 granted an extension. We're cooperative in every
24 way, as you all know; at any rate, I don't think we

1 want to do 90 days right now, but certainly October
2 15 is very quick, only a month away, so why don't I
3 look at a month and see what happens, 30 days and
4 see how it goes and keep our pedal to the metal and
5 see what happens, if it's okay.

6 MS. MORELLI: So I just want to maybe
7 just outline what that three months would consist
8 of. So the next hearing, you would be looking at
9 the first version of revised plans, so we are still
10 looking with the initial proposal, and we usually
11 see at least two revisions of the plan. So we
12 haven't seen -- we're having the ZBA charge tonight,
13 so that would be one hearing in October, one hearing
14 in November, two in December and then two in
15 January.

16 So we work from the bottom up, those
17 last two hearings would be, say, draft decision.
18 The two hearings before that would be waivers and
19 conditions, and then that really leaves the October
20 and November hearings for revised plans. That's
21 pretty conservative. So I think it would be
22 respectful to the ZBA if we could just have a
23 legitimate, reasonable schedule that plots out what
24 these topics are.

1 MR. ENGLER: I can't speak for the
2 team. I can speak during the evening, come back to
3 you before we're done and give you an answer.

4 MS. MORELLI: I appreciate that.

5 MR. ENGLER: I'm brought in here as a
6 pinch hitter, so I'll talk to them.

7 MS. MORELLI: Thank you, Mr. Engler.
8 So continuing, we can also discuss, I'll just throw
9 it out there when the next hearing maybe so that you
10 can look at your calendars -- you don't have to
11 answer right now -- proposing either September 24 or
12 26, or October 17. We're just working around
13 Mr. Boehmer's schedule. I would expect the next
14 hearing would be a presentation of revised plans in
15 response to the ZBA's charge.

16 So any of those dates work for the
17 project team? Okay. So it's really up to the ZBA
18 to look at their calendars.

19 CHAIRMAN GELLER: I find the 24th or
20 the 26th. I would rather keep the next hearing in
21 September.

22 MS. POVERMAN: I'm fine with either
23 of those days.

24 MS. SCHNEIDER: I'm only available on

1 the 26th.

2 MS. MORELLI: Okay. While you're
3 looking at your calendar, I'll continue with my
4 staff report and you can interrupt at any time.

5 The staff report is actually going to
6 cover a range of things. I will give you a bullet
7 list and then proceed. I do want to follow up
8 regarding the second means of egress issue. There
9 is a two-page memo from the Building Commissioner
10 with that update as well as some other
11 considerations regarding safety and building code.

12 The fire department is referring the
13 July fire at 1299 Beacon to the State for
14 investigation. I think there were some questions
15 from Mr. Geller regarding that fire, and I want to
16 say that's the status. At this time we don't have a
17 report from the State.

18 In the interim over the summer,
19 actually August 23, staff did have a meeting with
20 the Walker Parking regarding some concepts that the
21 project team was working on in response to your
22 charge in July regarding parking circulation and
23 accommodations for the use.

24 We have a memo from the Preservation

1 Commission. This is a national registered district
2 so we want to hear from the Preservation Commission
3 regarding any captive define features and there is a
4 status of outstanding materials regarding rubbish
5 plan, lighting plan, and so forth. I just wanted to
6 keep track on your behalf.

7 CHAIRMAN GELLER: Maria, there were a
8 number of items that was looking for verification.
9 You've included those?

10 MS. MORELLI: We're tracking that.
11 One of the largest ones was much updated traffic
12 counts when school is in session. So clearly this
13 is the beginning of September and I'm working with
14 the project team on when that will be scheduled and
15 to give you an update on that.

16 So regarding the Building
17 Commissioner's update, I don't know if you want me
18 to read his memo or if you want me to summarize.

19 CHAIRMAN GELLER: Summarize.

20 MS. MORELLI: Okay. So to provide
21 the background, there is a long-standing second
22 means of egress issue. I don't have the site plan
23 up, but you know that at the front there is an
24 abutter, 1297 Beacon, which that rear property line

1 is shared with like a jog in the property, the
2 parcel at 1299 Beacon. There had been a fence
3 installed on 1299 Beacon's property that precluded
4 any door opening on that rear facade at 1299 and to
5 want to open that door and get out of that building,
6 so there wasn't a second means of egress.

7 This summer the Building
8 Commissioner, the current Building Commissioner did
9 issue violations to both parties as both are
10 responsible, one 1299 cannot preclude a means of
11 egress, and the owner of 1297 Beacon also has the
12 responsibility to provide a second means of egress.

13 So in July 2018, I believe that the
14 project team did appeal to the State Board regarding
15 regulations and standards, appealed the Building
16 Commissioner's violation notice.

17 The BBRS -- that's short for the
18 State Building Board -- did have a hearing on August
19 21, I believe, and at that hearing ruled in favor of
20 the owner of 1299 Beacon regarding the fence. This
21 was not looking at a proposed building, it was
22 concerning the violation for the fence.

23 So the fence has been temporarily
24 removed. The State said that Mr. Dhanda has a right

1 to install a fence at that property line.

2 There are a few snafoos, one, both
3 the Fire Department and the Building Department were
4 not properly notified by the State and, therefore,
5 did not attend the hearing as they normally would,
6 typically would if there is a case in Brookline
7 before the Board.

8 Secondly, the Board wasn't aware or
9 wasn't informed that there was going to be a
10 building constructed or proposed for that site even
11 though of the violation concerning just the fence,
12 the Building Commissioner would have wanted the
13 Board to know that that proposed building is
14 currently before the ZBA.

15 So I'm not sure if that would have
16 made any difference in the Board's decision. That's
17 something that the Commissioner will take up with
18 the Board when the decision is available within 30
19 days.

20 CHAIRMAN GELLER: The decision hasn't
21 been issued, and therefore, nobody knows what the
22 basis is.

23 MS. MORELLI: Well, that's clear.

24 CHAIRMAN GELLER: The substance of

1 the decision was whether or not you can block
2 secondary means of egress that's broader than you
3 can't put a chain-link fence in.

4 MS. MORELLI: I think the
5 Commissioner wants to be cautious. Certainly he has
6 talked to the Board staff at the Board and has
7 confirmed that the issue of the proposed building
8 where it's constructed, its footprint and its height
9 was not discussed. I think they read the arguments
10 before the Board and there was no mention of that,
11 so, again, the Commissioner just wants to read the
12 decision before he raises his concerns with the
13 Board.

14 I've also he e-mailed Mass. Housing
15 regarding this issue if they have any advice for the
16 ZBA, and they have not responded, and honestly, I
17 don't expect them to respond. I can try again. We
18 can have Judi Barrett put a little pressure on them,
19 but so far, I have not received a response.

20 CHAIRMAN GELLER: Let me ask you this
21 question: If our charge is heavily weighted to
22 review issues of safety issues, health and safety,
23 then don't we need to know, first of all, whether a
24 secondary means of egress on the neighboring

1 building is relevant?

2 MS. MORELLI: Certainly.

3 CHAIRMAN GELLER: I sat on the case,
4 the 40A case involving that property, and the then
5 Building Commissioner in his infinite wisdom, as he
6 explained it, as I recall it, there is alternative
7 means of egress, which is why in his opinion this
8 was not necessary. I'm not suggesting he was right;
9 I'm not suggesting he was wrong, but in order for us
10 to be able to make an assessment, we need some more
11 information from the Building Commissioner.

12 MS. MORELLI: The Building
13 Commissioner has stated in his July 10, 2018 memo to
14 you that the owner of 1297 does have a
15 responsibility to provide a second means of egress.
16 That can be done in a number of ways. There can be
17 a different configuration. That person could also
18 appeal to the State Board. So there are a number of
19 actions that the owner of 1297 can take.

20 Also, it depends on the uses, if a
21 second means of egress is even required. So it's
22 not solely the burden on the owner of 1299 Beacon.
23 It's both parties.

24 I want to continue with --

1 CHAIRMAN GELLER: I'm just saying if
2 we're going to make an assessment about this issue,
3 we need the information with which to make the
4 assessment, and I'm just focusing on the safety
5 issue.

6 MS. SCHNEIDER: It does sound like
7 there is a health and safety concern that the
8 Building Commissioner of this town has raised, and
9 it sounds like we cannot be the arbiter. It sounds
10 like based on the curb plans he would be inclined to
11 deny a building permit for this project and then it
12 would have to go to the State and then come back to
13 us.

14 CHAIRMAN GELLER: I would like to
15 hear the explanation.

16 MS. SCHNEIDER: I'm not sure that it
17 matters what the explanation is and whether we're
18 satisfied by the explanation. I think that
19 ultimately there's a State Board that will make the
20 determination.

21 CHAIRMAN GELLER: Right. I mean,
22 Maria, you said that the Commissioner, many of us
23 would like to read the opinion of the BBRS, and
24 beyond the matter of the fence, it will help to know

1 whether the owner of 1299 Beacon has any
2 responsibility in the view of the BBRS for providing
3 for the means of egress on the other property on
4 their property, and if they don't, then I don't see
5 what concern the ZBA has, but it would be nice to --
6 tell us again the time line for the --

7 MS. MORELLI: Yes. The hearing was
8 late August, so we expect by late September to have
9 a written decision from the State Board.

10 MS. SCHNEIDER: I would say as a
11 practical matter, we shouldn't hold our breaths. I
12 appeal these decisions to Court routinely and
13 they're very skeletal and provide very little
14 reasoning. Usually at the end of the hearing
15 there's a read-out of their reasoning, so if people
16 review the minutes or talked, there is not going to
17 be much beyond whatever was said at the hearing.
18 It's not like a judicial decision where it's all
19 laid out. It's very summary.

20 MS. POVERMAN: To state the obvious,
21 case laws as to whether or not a property owner can
22 block the egress of a second building that's
23 existing. So at 1297 has a door there. It's
24 blocked by or was blocked by the fence and may be

1 blocked based on the current plan. So it may not be
2 just in the opinion of the BBRs. There may also be
3 case law regarding whether or not somebody has a
4 right to do that.

5 MS. SCHNEIDER: I'm not sure that's
6 the responsibility of this Board to figure that out.
7 We're not charge with interpreting how the State is
8 going to review something as a matter of law.

9 MS. MORELLI: Right. So I want to
10 make sure this is clear. The Building Commissioner
11 feels that these plans as proposed present a safety
12 issue. There is zero setback at that area, at that
13 property line, and he would not issue a building
14 permit if the plans remain as they are or the issue
15 at 1297 regarding the site means of egress is not
16 resolved.

17 MS. BALAKRISHNA: Mr. Chairman, may I
18 make a comment?

19 CHAIRMAN GELLER: Sure. Tell us who
20 you are.

21 MS. BALAKRISHNA: Rachna Balakrishna
22 for the developer. I want to mentioned that the
23 hearing that was held on August 21 at the State
24 Board which was regarding the violation notice that

1 we received from the Building Commissioner, the
2 State Board essentially said that the code section
3 that was cited in the -- they have vacated the
4 violation notice because the code section applies to
5 the owner of the property, and in this case 1295-97
6 Beacon Street is their responsibility to provide a
7 second means of egress. It is not the abutting
8 property owners' responsibility to do that. That
9 was the essence of what they said at the hearing.
10 So I wanted to mention that.

11 And as Maria mentioned, there are
12 things that the abutter could do, but we're not
13 aware of them being done as of yet, but we will get
14 the written decision hopefully in the next couple of
15 weeks.

16 CHAIRMAN GELLER: Thank you.

17 MS. MORELLI: Just a couple of items.
18 In Mr. Bennett's memo he has requested a preliminary
19 building code analysis, so there might be other
20 issues regarding the building design and
21 fenestration. There could be other violations, and
22 the project team is certainly willing to provide
23 that code analysis, but they will be waiting until
24 they revise the plans to do so, which is acceptable.

1 Because of the proximity of the
2 shallow setbacks, the below grade parking, there are
3 party walls that are shared. In some cases the
4 Building Commissioner is just recommending to the
5 project team that they reviewed the deeds of the
6 abutting properties to discern if there are any deed
7 restrictions regarding the use of party walls.

8 Also, because of the shallow setbacks
9 and below grade parking, the applicant should assess
10 two things; construction means and methods, which is
11 the purview of the State Building Code, and
12 protection of adjacent properties, which is also the
13 purview of the State Building Code. These two
14 things might affect project planning and design, so
15 again, it is the State Building Code's purview, not
16 the ZBA, but it can certainly affect some of the
17 decisions the project team might make, and it's just
18 easier to assess that just to make sure the site
19 plans work, so we don't want people to come back
20 later if there's an issue, although that's their
21 prerogative.

22 MR. MEIKLEJOHN: Just a question
23 about that. Based on the timing of responses to
24 similar requests from the Commissioner on other

1 projects or based on where we are now on design, do
2 we have a sense from the applicant when they might
3 respond to this request from the Commissioner about
4 the code analysis that might affect some aspects of
5 the design such as foundations and use of party
6 walls.

7 MS. MORELLI: If we are going to have
8 a hearing in late September, I would certainly ask
9 for that code analysis to come in this month so that
10 the Building Commissioner can look. We have staff
11 meetings and we include, say, the Commissioner. It
12 would be helpful to have that.

13 MR. MEIKLEJOHN: While you're talking
14 about September, I got to my calendar. I have the
15 24th. I don't have the 26th. I think you had the
16 opposite.

17 MS. SCHNEIDER: Yes, that's
18 correct.

19 MR. MEIKLEJOHN: The 17th I have.

20 MS. MORELLI: The 17th, does that
21 work for everyone?

22 MS. POVERMAN: The 17th of October?

23 MS. MORELLI: Yes.

24 MS. POVERMAN: That's fine.

1 MS. MORELLI: Just Mr. Boehmer, is
2 that okay with you?

3 MR. BOEHMER: Yes.

4 MS. MORELLI: So the next hearing is
5 October 17. Did I answer your questions?

6 MS. POVERMAN: I have a procedural
7 question. How can the applicant do a proper
8 building code analysis without current plans?

9 MS. MORELLI: That's the point, they
10 would be revising the plans and so as they revise
11 the plans, it would be based on the revised plans,
12 not the initial proposal.

13 MS. POVERMAN: Is there any date by
14 which we can expect the revised plans or is that
15 just October 17 now?

16 MS. MORELLI: We're going to reserve
17 October 17 for presentation of the revised plans.
18 Certainly if we can make them available in advance,
19 we will do so.

20 MS. POVERMAN: Thanks.

21 MS. MORELLI: Just to keep in mind
22 that you haven't heard from the Transportation Board
23 and Planning Board. You will be getting comments.
24 They do understand that the project team was eager

1 to start working on a site circulation. Because
2 they're making some big moves regarding the parking
3 plan and operations plan, the Transportation Board
4 and Planning Board will review the revised plans and
5 give you comments on revised plans. The police and
6 fire will also weigh in as well.

7 We don't have a rubbish and recycling
8 plan where the Public Health has commented on that,
9 but again, during the next six weeks that's
10 something that we will be following and making sure
11 that those numbers, that staff will be available for
12 staff meetings to provide some guidance to the
13 project team.

14 The Preservation Commission did have
15 a hearing August 21 or a meeting August 21 where
16 they did consider the initial proposal and wanted to
17 weigh in on any character defining features. The
18 entirety of Beacon Street that resides in Brookline
19 from Saint Mary's over to Cleveland Circle -- it's
20 about a two-mile stretch is National Register of
21 Historic Places.

22 The character-defining features that
23 the Preservation Commission identified were really
24 strong pattern of one-story commercial with three-to

1 four-story residential and materials such as brick
2 and masonry. That doesn't mean that this project
3 has to be four stories. In fact they said that the
4 site and Beacon Street can sustain taller buildings
5 and they pointed to the Pelham Building at 284 right
6 across the street at Pleasant Street. That's an
7 eight story building. That site does have unique
8 characteristics. It has pretty much its own island
9 or own block. It's a corner lot. This site is a
10 little different where it is narrow and wedged
11 amongst low slung buildings. Nonetheless, if there
12 were very strong lines, say strong one-story
13 commercial and stepbacks about 40 feet above the
14 pedestrian, the ground level, those would be really
15 strong references that would echo the current mobile
16 pattern on Beacon Street and therefore, any height
17 above 40 feet if sufficiently setback and compressed
18 wouldn't interfere with the pedestrian scale of
19 Beacon Street.

20 One thing that they were critical of
21 was the amount, the expanse of retail space. It is
22 about 36 feet of retail space on the first two
23 floors which is largely incongruous with the
24 existing mobile pattern and the amount of glass is

1 used both at the retail level and the upper floors.
2 That could be reduced somewhat, then it would
3 perhaps better echo some of the materials that are
4 used in the surrounding context.

5 They also looked at shadow impacts.
6 The eastbound side where 1299 Beacon is located is
7 largely in shadow where pedestrians are mostly going
8 to be walking during the day, the height of
9 pedestrian traffic, but there is certainly an
10 impactful, a change on the Beacon and Harvard Street
11 intersection itself. So any changes, any judicious
12 articulation of the upper floors could reduce some
13 of those shadow impacts on really important major
14 intersections. They would be happy to look at
15 revised plans to see if any changes to the plans are
16 more sensitive to the surrounding context.

17 I just want to revisit -- I think I
18 dropped it -- we did have a staff meeting about
19 those interim plans which are really not very
20 cohesive. They're just very cost conceptual and
21 they were sketched out before the project team
22 brought on Simon. That's a parking design
23 consultant which we're really happy to hear because
24 that will go a long way in helping the project team

1 resolve some of the issues and show for the ZBA that
2 operations can accommodate a range of retail uses.

3 We did have Mr. Stadig from your
4 parking peer reviewer attend that staff meeting to
5 give some timely feedback. He did insist the
6 project team hire a professional parking designer
7 and also big take-aways that they have to show that
8 operations, the geometry, the actual management can
9 accommodate likely retail uses. So that's still
10 pretty nebulous. That hasn't been defined.

11 The project team can think about do
12 they want fine dining, do they want casual
13 restaurants, do they want other retail uses. If
14 they could plug in those possible uses, their
15 parking designer can help them weigh in what is
16 likely to work or not in terms of parking ratio,
17 operations and so forth.

18 So we really can't leave it too
19 open-ended for the ZBA, so we just want the project
20 team to go through that exercise.

21 When we do have a project team
22 present revised plans, mainly the parking plan, the
23 operations plan, and the returning radii and so
24 forth, we will show any of those interim plans so

1 you are aware of how this evolved, if that's helpful
2 to you.

3 So just to sum up, we will be getting
4 a building code analysis, a rubbish plan, a lighting
5 plan. One possibility that the project team is
6 considering is ramping down and having two layers,
7 so two levels of sub-grade parking at the point
8 because there would be more changes below grade and
9 that's when we would want Mr. Ditto to look at any
10 stormwater reports that might be affected by that.

11 MR. MEIKLEJOHN: What's the
12 connection between extending the number of stories
13 underground and stormwater?

14 MS. MORELLI: Honestly, I'm not sure
15 what the water table, if there is any impact
16 regarding where they're putting infiltration systems
17 on the site, if there's room, how big that is. Any
18 impact on the municipal load. I honestly don't know
19 if where they could be hitting ledge, if that
20 affects anything. So those are just things we don't
21 want to take for granted and we pretty much do.

22 MR. MEIKLEJOHN: So broadly,
23 underground conditions and outcomes, not just
24 stormwater, rainfall because we're in a pretty paved

1 neighborhood, and that was something that I think
2 that was discussed in July and would be a
3 substantive change.

4 CHAIRMAN GELLER: Thank you. Is that
5 it?

6 MS. MORELLI: That's it.

7 CHAIRMAN GELLER: Great. Thank you,
8 Maria. So next we are going to hear from Cliff
9 Boehmer who is going to offer us design peer review.
10 Cliff?

11 MR. BOEHMER: I think all of you got
12 to the written report and I'm not dreaming of going
13 through drumming my way all way through that report,
14 so don't worry. Instead what I'm proposing to do is
15 that because most of what the report is about, I
16 think, where most of it went and this development is
17 context and integration into existing fabric. So --

18 MS. POVERMAN: If I can interrupt for
19 one second. I apologize. I'm not asking that you
20 read your report, but I did not get it until two
21 seconds ago, and summarizing it, I would find that
22 helpful.

23 MS. MORELLI: I want to say I did
24 submit it to you by e-mail promptly when I received

1 it.

2 MS. POVERMAN: That's quite
3 possible.

4 MR. BOEHMER: I'm happy to do that.
5 I think it will help because I think there may be
6 drifts occasionally into jardenesque realms. I can
7 highlight and I know it will help to set this
8 context and then I'll go through and I have
9 highlighted for myself what I think the most
10 important points are, if that make sense to
11 everybody.

12 I did want to make more comment
13 relating to what you were discussing before about
14 building code analysis. I mentioned that in my
15 report as well. I think you probably get it.
16 Interpreting the building code isn't your purview,
17 but certainly you want to make sure that the images
18 that you're looking at are actually feasible and
19 sometimes building code is very -- well, sometimes
20 it virtually always describes what is feasible and
21 so you want to make sure that the project you're
22 seeing is feasible. And that level of building code
23 analysis that I think I certainly would look for,
24 not really detailed things about egress, distances

1 and width of doors and swings of doors, any of that
2 level.

3 Anyway, having said that -- so again
4 because what I mainly want to talk about and I'll
5 certainly read about some of these points that are
6 in here is the context. And some of the things I
7 talk about in the report that I'll point out now are
8 things that I mentioned this side of Sewall Street,
9 the fact that there is a real variety of types,
10 heights, and even construction types of the
11 buildings along this side of the street; however,
12 there is a relatively consistent attitude towards
13 setback and creating a pedestrian environment, a
14 coherent pedestrian environment on that side of the
15 street.

16 I talk about relationships of
17 different buildings. I think it's important to know
18 what's going on at this corner. You have three
19 buildings that are quite similar to each other
20 relative to material and scale and relationship to
21 the street and kind of an unfortunate event
22 happening at that corner.

23 Other things I talk about are -- let
24 me go to the next one. So here's the site and the

1 egress issue that Maria was talking about. If you
2 don't know, it's in this zone right in there.
3 That's where the egress issue is.

4 But anyway, this is another view
5 of -- I mention in the report it is a little overly
6 infusive, the Soulmate Building. This is what I'm
7 calling the Soulmate Building, and the reason I do
8 that is there is a couple of interesting
9 similarities. This is a building that does address
10 multiple streets. It has different faces on
11 different streets. The height is very similar to
12 the proposed development, and I think almost more
13 importantly in a setting where you have kind of a
14 smattering of taller buildings that poke up above
15 other buildings, which is pretty common. Sometimes
16 relationships between those tall buildings can set
17 up another kind of level of relationships. You have
18 street relationships and pedestrian relationships to
19 the buildings but other buildings can kind of
20 communicate with each other, and those are important
21 into the way things can tie in on kind of a mega
22 scale.

23 And so that has to do with this
24 actually. This piece right there is dimensionally

1 very similar to what's being proposed across the
2 street. I think you can see that even better in
3 this other view which is pretty interesting because
4 this street kind of ends exactly where this very
5 similar scale piece would be right over there. So
6 in the same way that you can talk about how these
7 buildings relate to each other up at this end makes
8 a pleasant corner, there is another way to look at
9 how you understand this building better knowing that
10 it does relate to that building. It's just another
11 way of context in talking about context and tie-in
12 particularly when you don't have a continuous street
13 wall of tall buildings. They can relate to the
14 urban overall large urban fabric in different ways.

15 This is, I think, probably one of the
16 most important images. You see a lot in this one
17 because of the -- you see what happens at this end
18 of the street. So this is where I was talking about
19 where the scale of the buildings is quite different,
20 and this is a four-and-a-quarter to four-and-a-half
21 story masonry building, and this cable end of a wood
22 framed building, another one hidden back there, just
23 a driveway connecting there and a seven story
24 building. If you go further, I think it's either a

1 nine-or ten-story building, big variety but still
2 there is a relationship or a territory there that is
3 a pleasant pedestrian environment.

4 By contrast the other side is kind of
5 a mess, actually. And I think it's kind of obvious
6 why that is in fact this zone that kind of broadens
7 out here is a zone where it is possible to make a
8 transition from the commercial uses on this side
9 over to this residential district on that side. And
10 it gets pretty compressed here at the post office
11 facility, and obviously this is pretty horrible,
12 60-foot long curbcut with trucks coming and going.
13 The whole back end of a parking lot coming around
14 the corner, then back into the parking lot.

15 I think what is interesting, you
16 imagine the proposed building fills up this space
17 right in here, and because there is nothing
18 happening in this corner, this building actually
19 kind of creates a sort of gateway for that end of
20 Sewall Street, and it's significant and I think that
21 a lot of what I'm talking about is if that is what
22 it is, then it's something to work with. It's a
23 real design opportunity, and I think it's a little
24 ahead of myself, I think while it certainly is not

1 the proponent's responsibility to fix an entire
2 street by creating a more pleasant zone in this area
3 because it really goes a long ways towards improving
4 the street.

5 This is clearly, as you can see, this
6 is several times in the report is that it's clearly
7 the backside of commercial uses, and yet this
8 building that's proposed occupied here is really two
9 sides. It's both sides of important elevations and
10 I think it's useful to think in terms of taking
11 advantage of that opportunity.

12 So we take a walk down there, and
13 again I'm really trying to impress the idea of scale
14 because I think that's really the important thing
15 here. You can see that's directly across the street
16 so that gateway I'm talking is here. There is where
17 the other building would be. As I said, it's a
18 masonry three-and-a-half-story building. It's not
19 even very big floor to floor, so it's not a very big
20 building. It's curved around the corner to help
21 make that transition and tie into the shape of the
22 street reasonably well, a nicely landscaped zone in
23 front of it.

24 You go further down the street, now

1 we're down in this zone where those little gable
2 ended houses are, small built hardscape along the
3 edge, but small scale, lots of landscape you put in
4 there, again, trying to make the experience to kind
5 of retain the continuity of the pedestrian
6 experience as you walk down Sewall.

7 A little further on you see what's
8 starting to happen on the other side now that we're
9 past the post office facility. There are entries
10 out on the street. There is a two-story elevation,
11 two-and-a-half to three-story elevation on that
12 side, a modest setback with plantings. Nothing too
13 significant can grow in that space, obviously. It's
14 too tight, but still it's a reasonably pleasant
15 walk.

16 Then as we get down around the corner
17 now we're approaching there. You can see the
18 landscaped area. It's not a very wide sidewalk but
19 there is a sidewalk there.

20 And then we're approaching the seven
21 story building. I think what's notable about that
22 is -- I think we get a little closer. I wouldn't
23 say this is the absolute best solution for that site
24 but it does have some features that really do try to

1 bring the scale down to very strong horizontal
2 indicators that really keep your eye down lower.
3 Corners are eroded away to even accentuate that even
4 more.

5 There is an entryway that comes right
6 down to the street. So while it's far from being a
7 very sensitive building, I guess, and can certainly
8 benefit from a larger setback to help mitigate its
9 impact, even in its time it was making some efforts
10 to improve the sense of scale.

11 Then you look across the corner from
12 the main facade of the temple, again, the
13 three-story with attic, so a four-story building
14 make a little bit more mix of the material. Masonry
15 is a pretty common material in that area.

16 Then we work our way back up the
17 street. You see the entryway into the building.
18 There's a main temple front on that end.

19 Again along this stretch there is a
20 reasonably coherent street scape that is working
21 well on both sides.

22 Then unfortunately we had a very,
23 very long curbcut with trucks coming and going, but
24 you do see the reappearance of this building on the

1 left. It's gotten a little taller because the grade
2 has gone down. We're looking across to kind of its
3 sister building across there, which is that, as we
4 move further up the street.

5 Again, I just really -- because so
6 much of what I talk about is scale and context, I
7 think it's really important to understand the kind
8 of scale we're talking about along this street.

9 So taking just a quick look here, I'm
10 going to jump around a little bit because the report
11 kind of separates street issues and massing issues
12 from the building issues or site planning issues
13 from the building issues. This is obviously the
14 Beacon Street elevation. Some of the comments that
15 are in the report are -- I think you see actually a
16 good effort, some of what Maria was talking about,
17 setbacks at appropriate levels.

18 Actually this is an 18-foot
19 floor-to-floor for those first two floors. That is
20 about 38 feet or something like that up to this
21 line. There is some, I think some -- I think the
22 proportions work well on that facade because of the
23 narrowness of it, but most importantly I think
24 recognizing that add-on is a good move.

1 I agree that -- and I say that in the
2 report. I think there's an issue with the actual
3 nature of the facade. I think it's too much glass
4 for that facade. It is kind of overblown in my
5 opinion and needlessly so. But the proportions of
6 the building itself at this location I think are
7 actually pretty good.

8 I also talk about I think some other
9 parts that are working on the building are the kind
10 of front and back change in the expression of the
11 buildings. These kinds of moves and this kind of
12 delineation and even the balconies are gestures that
13 are used to help break up the height of the
14 building. They provide other things that are lower
15 than the actual corners of the building.

16 This is kind of a change in the
17 articulation of the facade from this piece to this
18 piece are breaking up the building in the other
19 direction horizontally. It's accentuating the fact
20 inevitably that the mass changes go from a smaller
21 mass to a bigger mass where the site gets bigger.
22 It's a natural move to do that, maybe not inevitably
23 but I think because of that, I think the kind of
24 changes in the rhythm and the treatment on the

1 facade accentuates that I think pretty well. These
2 are very schematic drawings and I know the architect
3 knows that, but I think the instincts of breaking it
4 up in that sense help break up the overall massing
5 of the building.

6 So what I was talking about -- so
7 this is the sidewalk on Beacon Street. You can see
8 how the setback helps a lot in creating this
9 pedestrian zone. It does set back up at the 38, 40
10 feet, something like that. I guess it's 38 feet.
11 And then it sets back again, so the building is in
12 fact two stories taller but it doesn't jump up to
13 its full height until it's further back.

14 So on the Beacon Street side as far
15 as the massing is concerned, it is doing a lot of
16 things that you would expect to see.

17 This is a side that I have the most
18 issues with.

19 MS. MORELLI: Excuse me. Before you
20 leave Beacon Street, did you have any comment on the
21 floor-to-floor ceiling heights for the first two
22 floors or just the amount of glass?

23 MR. BOEHMER: I think my feelings are
24 it is primarily actually the amount of glass.

1 MS. MORELLI: Okay.

2 MR. BOEHMER: I think having more of
3 a reference to -- I think the problem with the glass
4 is it creates a basically shear height of 38 feet,
5 and I do think it would -- I think you can see that
6 from the image is there is that one story retail
7 reference is important. It's there, and I think
8 that this is here -- this is the gesture for the
9 main residential entry and yet it could be a very
10 good opportunity for a much stronger gesture that
11 relates across at the one-story level just like the
12 Trader Joe's. That is Trader Joe's in that
13 building.

14 Yeah. So to me it just it kind of
15 loses it with respect to opportunities for timing
16 and to existing.

17 MS. MORELLI: So if there is less
18 glass, you wouldn't necessarily see those first two
19 floors versus 18 feet each?

20 MR. BOEHMER: That is right. I think
21 what I meant by overblown too is there isn't that
22 much commercial space as far as square feet of
23 commercial space and it seems like it's a really big
24 gesture for the sides of what is going on inside

1 that story, but I think more importantly it is about
2 the tying with context, in my opinion.

3 Anyway, this is where you see the
4 setbacks. This side, quite unlike the other side,
5 has no setbacks. It's filling out the edge at kind
6 of a strange angle, but in any case I don't think
7 that's the most important issue. I think while
8 there is something happening at the ground level, so
9 while it rises up to -- it's about 122 feet tall up
10 to there, not to mention up to there.

11 But in any case what makes it I think
12 even more problematic is it doesn't touch the
13 ground, so it's a dark recess space. The main entry
14 on this side of the building is actually 50 feet
15 back from the edge of the street.

16 This corner that protrudes in this
17 direction actually has a lot of shadow impact in the
18 afternoon on Sewall Street. So I think the irony is
19 kind of -- the street that can handle the height is
20 stepped back quite sensitively and the street that
21 can't handle the height has a shear face on it.

22 And again, I think you have to
23 imagine there is another building right here that is
24 about this tall, and to me it's -- again, I think

1 between the shear height of it and really no efforts
2 made to integrate it into the scale of the
3 residential to the south, I think it's a real
4 problem and I think the statement I made in my
5 report is that it's really, really accentuating the
6 service nature of that side of the building. It's
7 really turned it into a very strong statement of
8 service and entry, and in essence kind of
9 appropriates this end of Sewall Street for the
10 driveway, for the building. It's a funny way to tie
11 it in.

12 And that's a section. So by contrast
13 you can see that's what we're talking about. It's a
14 shear face that's at least 122 feet tall because
15 that doesn't even account for parapet that you might
16 need to make the roof work properly.

17 Just some more views of that and some
18 other issues come up again. I think I'm supportive
19 of the change in the rhythm. Between here and here
20 it's much more of a regular rhythm of the columnar
21 statement changes here. I think in an interesting
22 way I think the balconies are a nice articulation.
23 I think that part works. I think what I'm having my
24 problem with is how this relates to the street.

1 Actually, I think I might have
2 another view, but particularly because I don't think
3 anybody, any of the reviewers who have looked at the
4 building are particularly bothered by the height of
5 the building, the overall height of the building.
6 It's like other projects we've looked at, it's where
7 the height is. That's really what matters.

8 So anyway, other issues. Here you
9 can see you're looking back into that recess entry.
10 I also mentioned in the report this large wall that
11 is pretty prominent and not knowing what that might
12 be.

13 That's looking at it from the other
14 side. Again, I think, to me, it's very easy to
15 imagine a massing that gives you more space to work
16 with on this side and brings more light into the
17 areaway. It is south facing, so it has access to
18 light. Yet I think the massing up in this area is
19 benign. Another thing Maria did bring up is shadow
20 impact towards Coolidge Corner which would be
21 morning shadow towards Coolidge Corner. However, I
22 would say the sidewalk is already shadowed. It's on
23 the north side. There's very little light other
24 than late summer where the sun comes around and

1 actually lights up the sidewalk in front. It does
2 cast pretty long shadows. I did review the shadow
3 study and it seemed accurate to me and not
4 unexpected.

5 Again, I'll bring -- this is the last
6 time I'll bring this up. I think there is some
7 interesting thinking going into the -- actually, I
8 know there have been comments about the verticality,
9 the expression of verticality. I'm not bothered by
10 that, actually. I think it's fine, in fact.

11 There are more developed imagines of
12 this even in those somewhat revised drawings you
13 saw, but I'm showing this mainly to point out again
14 the idea of this feeling like a service entry and
15 it's not even all here. That's not the fault of the
16 this image in particular, but there are things
17 happening.

18 If you look at the floor plan,
19 there's another probably an overhead door in this
20 area to access it, transformer, there are two.
21 There is an entry into the commercial area. There
22 is an entry into the residential area. There is a
23 garage entry. And this is all compressed into a
24 very small space. It's very hard to put that many

1 functions in that small of an area of a building to
2 the point where I did take umbrage with the notion
3 that the commercial entry on this side is a very
4 good tie-in. To me it is not a very good tie-in. I
5 don't see that as necessary.

6 Again, it's already so complicated
7 trying to fulfill all the functions that I think
8 various people wanted to see at various times. I
9 would go for a sunlight in simplification. I think
10 it would help this side of the building more than
11 anything else.

12 This image I'm showing you mainly
13 because there is this wall. It's a big wall and
14 very prominent especially because until the day this
15 ever gets developed you're looking across a big
16 parking lot and seeing a really big wall.

17 I made a couple of comments in the
18 report. It could be a planted wall. It can be
19 artwork. It could have a light show. I could be
20 any number of things. It's a very big piece, at
21 least in the drawings I reviewed, date
22 undifferentiated. I'm not sure what material.

23 I think that's the last one. That's
24 the last slide. I put this one last, again, to kind

1 of accentuate this narrow slot that we're talking
2 about here. If this building comes all the way out
3 to there, I think it needs to speak more to its
4 surrounding buildings. I think that's really,
5 really what I push on in this.

6 Kate, there are a number of other
7 points that I did bring up. Some of them have been
8 brought up before. I think one point that even the
9 eligibility letter did bring up the point about
10 really the discussion about integration into the
11 existing fabric is a really important thing in this
12 more than a lot of other developments.

13 A couple other comments I wanted to
14 make. Right now there is some -- I know there has
15 been a lot of looking at how the parking works and
16 turning radii and getting the garage and delivery
17 spaces. That really isn't important, and I think
18 it, again, it accentuates why that elevation, I
19 think, needs to be simplified if it is possible.

20 I pointed out in my report that the
21 fact there is a drop-off in there, so you pull into
22 the driveway, you can circle to the left and then
23 exit. Again, that drop off that brings you closer
24 to the door can be a nice amenity if you have space

1 to do it, but in this case when you have very
2 limited area to really create any mitigation zone
3 and then end up with a more paved area so there is
4 less planting you can put there. I don't have the
5 answer to it, but I know that it's a problem. There
6 was an effort to create like a little landscaped
7 area there, but again, it is just screening the
8 front of this deep recess that goes back to that
9 entry piece on the building.

10 I brought up the bicycle parking on
11 the site. I didn't see it on the site plan. The
12 site, like Maria mentioned already.

13 Other issues, the code analysis we
14 talked about already. I don't think I saw the
15 bicycle parking in the parking plans either. I
16 might have missed that but I didn't see it.

17 A couple of other points. Mechanical
18 equipment, that is really important. I think,
19 again, Brookline is made up of -- it's more like
20 Chicago than New York. New York has scattered tall
21 buildings, not long walls, but tall buildings, and
22 the tall buildings that do exist are visible from a
23 great distance, so knowing what is going on up on
24 that roof, the roof screening really has to be part

1 of the building. It's to put it up a 130 feet up in
2 the air. A lot of mechanical equipment visible from
3 a great distance would be doing the community a
4 disservice.

5 Small atypical kinds of comments that
6 material call-outs. I didn't see material call-outs
7 on the building elevation. I wouldn't go into
8 building code stuff because I said it's not under
9 your purview anyway. Trash area seems a little bit
10 small. I didn't see space for a parking attendant
11 if there is going to be a parking attendant. I
12 didn't see an office or bathroom that would be used
13 by that person who I think would be there a good bit
14 of the time.

15 The comment that I make on a lot of
16 the buildings, even maybe particularly restricted
17 buildings, is that there's a lot of generational
18 activities that happen in buildings like this where
19 residents might be taking care of kids or visiting
20 with kids. I think having space, community space
21 available in a building with this program where the
22 kids can play and be supervised by their grandparent
23 is a good idea.

24 I didn't know what kitchen or demo

1 kitchen is on this plan. I'm sure you guys talked
2 about it at some other previous meeting. I don't
3 know where the accessible units are proposed to be
4 in the building or the affordable units.

5 That square footage inside there
6 wasn't detailed unit plans, just boxes with square
7 feet in them. That's about it.

8 MS. MORELLI: May I just ask? Maybe
9 you discussed it, but on the Sewall Avenue facade
10 you were talking about more sunlight. Are you
11 recommending both setbacks and setbacks?

12 MR. BOEHMER: I am. I think, again,
13 to me it looks like -- I don't mean this as a diss
14 on the architect at all because I know how the
15 process works. I think there has been a lot of
16 focus kind of working their way around the building.
17 Just to me it seems like the level of care drops off
18 on the Sewall Avenue side, that it's kind of not
19 designed from a massing perspective. There is kind
20 of nothing happening, whereas on every other
21 elevation there is. There is a lot of strengthening
22 of the idea that front and back through setback and
23 side elevations, articulation changes.

24 So my opinion I think the architects

1 have done a great job working their way around the
2 building. I don't think it extends to the Sewall
3 Avenue side.

4 MS. MORELLI: I think you also
5 mentioned in your report a more residential quality
6 on the Sewall Avenue side?

7 MR. BOEHMER: I guess I kind of put a
8 hierarchy there. I think it is an important entry
9 for the residents. I don't know for sure where most
10 residents come from, but I do know a very effective
11 way of tying into a street is having a relatively
12 prominent entry. Maybe that's what you mean by more
13 residential. To me it feels more like a way you
14 might go into a hotel, like the back side of the
15 hotel.

16 MS. MORELLI: Anything about
17 pedestrian pathways that you wanted to...

18 MR. BOEHMER: Maybe not. I mean,
19 again, I think the challenge, the design challenge
20 to the south side of this building and I think
21 talking about this back side is probably wrong. I
22 think it's the south side of the building and I
23 think the issue with that side of the building is
24 there is a lot that is going on back there. And to

1 make that really work effectively, it's hard.

2 MS. MORELLI: And the last thing
3 being setback at the property line behind 1297
4 Beacon.

5 MR. BOEHMER: I think that was
6 independent from the code issue. Well, I think it
7 certainly does help. I mean that building is really
8 significantly swallowed up by this building. So,
9 yeah, I think that's beneficial.

10 I do have some opinions about the
11 egress and Randolph does too, but that's probably --
12 you don't want to talk about that.

13 MS. MORELLI: That's up to the ZBA,
14 if you want to hear.

15 MS. POVERMAN: I wouldn't mind
16 hearing comments.

17 MR. BOEHMER: Well, I agree with the
18 appeal, the decision of the appeal to our local
19 commissioner who I have tremendous respect for and
20 he's absolutely right, there is an issue that needs
21 to be addressed, absolutely, but certainly my
22 experience is that the responsibility for creating
23 egress is within your own property, and there are
24 ways of making that building legal, of the

1 neighboring building legal without going through the
2 back.

3 If there were an easement granted,
4 you know, rear entry on that building with an
5 easement, that's a different story, but that's the
6 way the code works. If you build a building on your
7 property, you're responsible for the egress, you
8 can't expect your neighbor to take care of it.

9 MS. POVERMAN: What I don't
10 understand is what is -- let's say I don't know what
11 building came first. Let's say a building has
12 sufficient egress back and front and that somebody
13 else comes along and builds something that blocks
14 the second egress. Why is it the fault of the first
15 person that the egress has been blocked?

16 MR. BOEHMER: Well, I don't know
17 about fault, but I know that they should have been
18 thinking about getting an easement if they were
19 depending on that for the habitability of their
20 building.

21 I'm sure there are other
22 circumstances. Somebody travels a path enough
23 times, maybe there are some form of adverse
24 possession. I don't know. But to your point it

1 certainly creates a really uncomfortable situation,
2 but it should have been taken care of in the deeds.

3 MS. POVERMAN: Thanks.

4 CHAIRMAN GELLER: Okay. Let's move
5 on to some questions for Cliff.

6 I want to jump in with one question
7 because I want to make sure I have it clear in my
8 head, which is you seem to be suggesting that
9 because they have designed the Sewall Avenue
10 portion, particularly at the ground level as a
11 service entrance effectively, that it would be
12 better served and certainly more consistent with
13 what you see if they had something that is more
14 conventional, street wall. And street wall as in I
15 don't mean an actual wall, I mean a building. And
16 the question then becomes: Are you advocating they
17 move the building down to the ground floor; and if
18 so, at what setback to adequately landscape?
19 Because if I look at the building across the way,
20 when we start to articulate residential, it's not so
21 much that it's a wide planting strip, though
22 insufficient, it's more that they have filled it.

23 So I guess what I'm trying to figure
24 out is whether you're suggesting that they build all

1 the way to the ground, and, therefore, have a larger
2 building, forgetting for the moment setbacks and
3 setbacks or are you simply suggesting that they
4 better articulate whatever is going on at that
5 ground level?

6 MR. BOEHMER: Well, it's related
7 actually to what I was saying about -- that is a
8 good question. And I think it's related to what I
9 was saying about the necessity of a drop-off
10 driveway. I'll back up just a little bit and say
11 that I think what -- again I think as I said, as you
12 work your way around the building, there's some
13 things that happen in the massing that I think are
14 effective. There is a change here. There is a
15 change across here. When you go out to the front of
16 the building again, there's articulation there on
17 several levels that really help.

18 It goes to that question of or point
19 of it's not so much the height of the building, it's
20 just where it is. And I think the words I used in
21 the report is that I think this elevation needs to
22 be sculpted to a greater degree. I would say yes,
23 that meeting the ground perhaps with an overhang as
24 opposed to a deep recess would be far more effective

1 in my opinion, but I think if this were my piece of
2 clay, I would probably chop off a piece in there and
3 chop off a piece in there and put it up there. If I
4 had to use the same amount of clay, that's what I
5 would think of doing.

6 So the problem along here is what's
7 interesting is that in a sense it's kind of
8 consistent with that pattern on that street that's
9 featuring parking and automobile access. That's
10 what it is. That's what it's doing. I think
11 unfortunately, though, where it -- maybe that's an
12 argument you can make is that this forever will be
13 parking in front of the building which certainly
14 urbanistically is frowned upon. It's hardly the way
15 to think about things these days.

16 So I think, yes, I think it's easier
17 to solve the problem if the building comes all the
18 way down to the ground, maybe back there somewhere,
19 with an overhang if you really need a protected
20 entry for dropping off residents. It will also give
21 you more space. I think that's what I meant when I
22 said there's very little space to solve all these
23 issues. You're not going to fix the width. The
24 width is -- kind of the width is fixed but what

1 isn't fixed is the depth.

2 I think you can solve a lot of issues
3 about attractive residential entries, the sunnier
4 side, more pleasant maybe broader sidewalk because
5 you are introducing more people. There are going to
6 be a lot of people and it's a relatively narrow
7 sidewalk along there. Maybe if this walkway on this
8 side were wider, it would be a normal kind of
9 acknowledgement of the increased population that
10 you're bringing to the neighborhood.

11 CHAIRMAN GELLER: Just sort of
12 continuing on that thought process. So they're
13 proposing two curbcuts. So if we sort of consider
14 the street wall of a building with two curbcuts,
15 don't you effectively defeat the street wall by
16 having two curbcuts?

17 MR. BOEHMER: It's hard, yeah,
18 especially when that's kind of all you got, when
19 it's small, but there are other options. I mean,
20 that's why I was asking specifically about -- I'm
21 not suggesting this and I haven't set down a pen and
22 paper to try to sketch it, but a curbcut that goes
23 up and it has to go under the building because this
24 piece needs to be that big, it starts to create a

1 whole set of issues. There are other ways. There's
2 a one-way street, right? Sewall Avenue is one way
3 going towards the right.

4 You could have a pull-off. There
5 could be an indentation where people could pull off
6 and drop people off, and maybe they get rained on or
7 maybe it's still a better sidewalk area. I don't
8 know all the critical design criteria that needs to
9 be met, but I think that what happens when you
10 dedicate that much space for drop-off, cars dropping
11 people, you're creating a big cave back there, and
12 that's very anti-urban.

13 CHAIRMAN GELLER: Do you have a
14 suggestion about -- again, I'm sort of looking at it
15 from the perspective, which I thought was really
16 interesting, the perspective of presenting sort of a
17 service, a dedicated service area on the Sewall
18 side, and I think it's not just the overhang at the
19 ground level, but also the dynamic of that entryway
20 with the tall wall. I forget the height of that
21 wall.

22 Do you have any suggestions for what
23 is a possibility to better integrate the building to
24 the ground at that portion other than green screen?

1 MR. BOEHMER: The planted wall. I
2 think there are issues. It's right on the property
3 line, so I'm guessing they were imagining that it
4 was solid, masonry wall. I don't really know what
5 it was. I don't know that it needs to be closed
6 necessarily. I just don't know enough about what
7 they are trying to do with it. It is possible that
8 you can have a ramp there with just a small low wall
9 and you're looking back at an elevation that has
10 windows in it, because I think they are thinking
11 about ramping down in this area, so maybe that wall
12 doesn't need to be there.

13 CHAIRMAN GELLER: And instead have
14 some kind of landscape door or something that's --
15 but you have to show something?

16 MR. BOEHMER: Yeah, there's a ramp
17 there. But again, to me it's more that -- this is
18 really -- there is a lot that needs to be figured
19 out in a very small space, and I think the rest of
20 the building that is under control, you're at a
21 level where I think most of the big moves are
22 working. That doesn't preclude redistributing the
23 mass of the building. So again, if, to me, there's
24 an image here that I think makes that pretty --

1 yeah, this one.

2 It's very easy to imagine this corner
3 not being there and that could help a lot. Because
4 remember the notion of creating that entryway on
5 Sewall Avenue, this is really encroaching tightly.
6 This is probably the line that is making the
7 biggest -- creates the biggest sense of constriction
8 of that end of Sewall Avenue.

9 CHAIRMAN GELLER: When you say the
10 corner not being there, you're not talking about an
11 indentation, are you?

12 MR. BOEHMER: No. I think, again,
13 I'm talking about --

14 CHAIRMAN GELLER: Removing the whole
15 thing?

16 MR. BOEHMER: I'm talking about
17 carving away and redistributing the mass of the
18 building in a way that's less problematic for street
19 level.

20 CHAIRMAN GELLER: Any others?

21 MS. POVERMAN: Do you have any
22 comments relating to materials used or to be used?

23 MR. BOEHMER: Again, I didn't see a
24 lot of call-outs on the drawings, so I really don't

1 know.

2 MS. POVERMAN: What suggestions would
3 you have in terms of integrating with the
4 neighborhood?

5 MR. BOEHMER: Well, there is a lot of
6 masonry at lower levels for sure, but this isn't a
7 historic building and it will never look like one
8 and probably shouldn't try to look like one, but
9 certainly durable generally speaking materials that
10 are closer to the ground would be more durable
11 materials.

12 Masonries is a pretty common choice.
13 That street is pretty much all masonry except for
14 the little wood frame building and then we get to
15 the seven-story concrete building, but that whole
16 first half where it's built out to three and a half,
17 four and a half stories is all masonry.

18 MS. POVERMAN: Thanks.

19 CHAIRMAN GELLER: Randolph?

20 MR. MEIKLEJOHN: Several comments and
21 questions. I was taking some notes. I read your
22 letter. I was taking some notes while you were
23 speaking and starting to put together some notes for
24 possible charge -- one of the things that occurred

1 for me are to include a few things that you noted
2 that are working well, and we can talk about that to
3 the applicant. This seems to be working. Don't
4 lose it even though these other things are changing.

5 I agree with you about the break-up
6 of the mass kind of working at this early stage of
7 design between the front and the back. It helps,
8 for example, we're looking at the sides facing
9 Trader Joe's. It helps that the part closer to
10 Beacon Street is set back ten feet and drops back
11 five feet when you get to the part closer to the
12 Sewall Avenue end. They're both set back from the
13 property line.

14 I was looking at the plan when you
15 were talking about where the height might best be
16 accommodated. I think your thought that there is a
17 way to have a successful tall building on Beacon
18 Street, I think that's -- I agree with that in
19 principal. The thing that I really see in the plan
20 though is that the lot has kind of a panhandle and
21 the Beacon Street end is the skinny end. If it
22 weren't, maybe we would have already seen it from
23 the right applicant, a design that had more of a
24 building height there.

1 a possible design charge to the applicant.

2 A couple of thoughts about it. I'm
3 actually not that interested in whether it's a
4 service entrance or not. I don't think that's
5 important. I think it's a building for people who
6 have cars, and this is how the cars are going to get
7 on and off the property.

8 What I'm having trouble figuring
9 out -- maybe we need to talk about it somewhat --
10 what do we think is an acceptable outcome for the
11 pedestrian environment, for the pedestrian
12 experience on the Sewall Avenue sidewalk. That's
13 for everybody. That's for the public. That's for
14 people coming and going from the building.

15 Cliff, you talked about the coherent
16 pedestrian environment on the other side. A lot of
17 that has to do with planting beds, not a lot of
18 curbcuts, existing development, a range of height of
19 buildings, three to five or seven stories, something
20 like that, but it's there. It's not going anywhere.
21 And the other side is all in motion. Right?

22 You've got cars coming and going,
23 parking lot lighting, the big curbcut, the postal
24 trucks, and I'm starting to think that it's actually

1 the towering building mass that bothers me more that
2 I like less on the Sewall Avenue side.

3 I think that the changes in the
4 building, the high building mass and that shear wall
5 coming down Sewall Avenue changes that part of the
6 design I think would be more productive of better, I
7 want to say street experience. That's both sides of
8 the sidewalk that's driving down the street too. I
9 don't think it all rests on making the pedestrian
10 experience on that side of the street wonderful
11 because I think there's a lot of things that keep it
12 from being wonderful starting with the post office.
13 So I'm more interested in the very tall and sheer
14 building itself. And you pointed that out in a
15 couple of ways.

16 CHAIRMAN GELLER: Randolph, is it
17 mass or is it height or is it both? I'm just
18 referring to Sewall Avenue.

19 MR. MEIKLEJOHN: Can I talk with
20 pictures? Cliff is going to flip to -- thank you.
21 Say the question again?

22 CHAIRMAN GELLER: I want to
23 understand what your concern is. Is it mass, is it
24 height, or is it both or setback?

1 MR. MEIKLEJOHN: Let me try.

2 CHAIRMAN GELLER: I view that as part
3 of mass.

4 MR. MEIKLEJOHN: Here is the way I'm
5 thinking about it. Let's start with the other side
6 of Sewall Avenue again. It's a nice place to walk.
7 You can do it. If you have your choice, you would
8 probably do that because you were moving cars and
9 trucks. And one of the nice things about it is that
10 although it's not a terribly wide sidewalk, it's a
11 pleasant environment and has a relationship to the
12 buildings along the street that you recognize as a
13 nice experience that you have a lot of other parts
14 of Brookline. What I'm not quite seeing the pieces
15 of is what is -- because it's not going to be the
16 same on this side. So it can't be the same --

17 CHAIRMAN GELLER: And it can't be for
18 reasons that are beyond this developer's ability. I
19 want to be clear. It can't be because there are
20 other parcels of property that don't create
21 continuity.

22 MS. SCHNEIDER: Right, but life is
23 long, other developments may come up, and I don't
24 think we give any particular development or this or

1 anything else a pass from creating a reasonable
2 pedestrian environment because everything else
3 around it right now is not good.

4 CHAIRMAN GELLER: Right.

5 MR. MEIKLEJOHN: I want to keep it
6 broad on that. I would say reasonable street
7 environment because it isn't just the people. It's
8 the view down the street. It's the shadow impact in
9 the street corridor. In this particular case it's
10 the looming. This is probably the loomingness
11 building on Sewall Avenue and I would like it to be
12 a little less.

13 Why I think that's a public benefit
14 is that I think even if you don't choose to walk on
15 the side of the street or even if you never get out
16 of your car, I think this -- Cliff, you talked about
17 this portal -- the two -- I think you were using
18 this gate or entry idea. I would rather have the
19 Sewall Avenue that -- I'll put a number on it. It's
20 20 feet wider between these two buildings that is
21 currently proposed to be, so I think to accomplish
22 that in the first, say, four stories of height, it
23 might be that the design would have to both set
24 back, and I would like to see stepbacks higher up

1 too. Did I answer your question?

2 CHAIRMAN GELLER: No.

3 MS. POVERMAN: I want to follow up on
4 Johanna's comment and something you said as I think
5 this does present an opportunity to make that side
6 of the street nicer and less institutional by
7 somehow working with whether it's reflecting some of
8 the recent buildings that have been built across the
9 street or something, but I do think it provides an
10 opportunity to beautify that area that I don't think
11 should be ignored.

12 MS. SCHNEIDER: But it sounds like --
13 and I don't want to put words in your mouth -- but
14 it sounds like breaking up the massing of this side
15 of the building through stepbacks and setbacks is
16 what you're looking to accomplish. It's not a
17 height issue per se, it's where the height is
18 located relative to the street, the buildings across
19 the street.

20 MR. MEIKLEJOHN: Sure.

21 MS. SCHNEIDER: And I'm trying to get
22 to Jesse's question. Are you fixated on height or
23 mass? I think it's more mass but the location of
24 the mass or the location of the height.

1 MR. MEIKLEJOHN: Thank you. I would
2 like to see less building mass only ten feet back
3 from the sidewalk and going straight up to 120 feet.
4 Thirty feet would be better and not going the
5 whole --

6 MS. SCHNEIDER: The model of the wall
7 close to the street line. I think that's the
8 concern.

9 MR. MEIKLEJOHN: Yeah. Let's talk
10 construction economics. The building I would like
11 would be taller, would have more surface. This is
12 your clay analogy, Cliff, except when it's a
13 building, you have to talk about surface area of
14 chunk of clay. I think the thing that would be
15 nicer urbanistically and provide a better
16 environment down the street will have a higher total
17 building exterior package because it has more
18 surface for the given volume of the building, but I
19 think that would be a good outcome for Brookline.

20 MS. POVERMAN: I don't want the tail
21 wagging the dog, but one of the things which we
22 can't right now take into consideration fully is the
23 intensity of the use of the space and how it's
24 current intensity or future intensity with height

1 building. And I take note of Randolph's comment
2 which I think is a fair one, what we don't want to
3 see changed.

4 And the goal here is obviously to see
5 if there is a project here that is achievable that
6 meets what we want, meets 40B, addresses our
7 concerns, but also meets the necessities of the
8 developer.

9 So let's start talking about that.
10 We already have. So I want to jump back to Kate's
11 point, but I want to deal with it in sort of a
12 broader brush stroke because it's a highly technical
13 issue, which is the concern over parking and
14 circulation.

15 I think its fairly clear from a gut
16 level response, visuals, and peer review that -- and
17 forgive my use of my lingo -- the overscheduling of
18 the Sewall Avenue section that is underneath the
19 current canopy. My sense is it simply does not
20 function. It does not function from a safety
21 standpoint. It does not function, frankly, from a
22 valuable building standpoint where you want
23 residents to be excited about moving into your
24 building. It simply doesn't work.

1 They cannot back up. This has to function. So
2 that's that topic.

3 The issues about the building we can
4 certainly talk about and then they'll figure out how
5 that fits with those others.

6 Randolph, I agree with you in terms
7 of setback and setback on Sewall Avenue. Cliff, as
8 usual, I thought was excellent and he sort of
9 somehow -- I don't know whether you have ESP or
10 something. I couldn't quite articulate what was
11 bothering me, but it was exactly what you pointed
12 out. I think that the Sewall Avenue side has to
13 appear at the ground level like a real building. It
14 has to finish. And I'm fine with Cliff's solution
15 which is simply to set the building back but finish
16 the building to the ground.

17 They then have to address whatever
18 the ramification is of vehicles in and vehicles out,
19 and I'm not sure it works as sort of a circular
20 drive where you have dual curbcuts because I think
21 in many ways it defeats the purpose, but I like the
22 idea of setting it back. I like the idea of having
23 a real street wall back there.

24 I would like to see landscaping that

1 is consistent with what we see, that exists nicely
2 on the other side, and I actually think that all of
3 that is going to lead to a better building, a safer
4 environment, and one in which residents can take
5 pride in the street, albeit the surrounding
6 properties.

7 I would like to see something done
8 with the block-out wall with what appears to be the
9 entryway, which looks like it's a door. Somehow I
10 think it needs to be integrated into the building
11 and fit.

12 In terms of setbacks and stepbacks,
13 there are number of things that you can do. I'm
14 sure you'll figure out creative ways. I would like
15 to see -- my sense is I don't object to the height
16 of the building. I would like to see it whittled
17 down. I think Cliff's words were carved out. So
18 that for instance, if the determination were even
19 with setting it back, in other words, removing the
20 overhang, setting buildings back so you have a real
21 entryway all the way to the ground and a nice
22 entryway. If you notch out the corners, I think
23 suddenly that massive unit back starts to feel
24 smaller. So if you notch out those -- particularly

1 And it's impossible to look at this building and not
2 think of -- I'm sorry if anybody has kids in daycare
3 there, but the building on Harvard Avenue with the
4 pylons that has the dingy -- all the indoor-outdoor
5 carpet playground underneath, and that's an example
6 of a building that -- that's where the street wall
7 thing comes up. It would be nicer and I think
8 that's a clear example.

9 It would be nicer on a pedestrian
10 street or to have a wall to walk along. You can
11 look at cats and dogs and windows, something like
12 that.

13 CHAIRMAN GELLER: Let me just add to
14 that because frankly it's not simply just having the
15 wall because go to another building which is --
16 there is an apartment building on Beacon Street near
17 Saint Mary's, I think it's a Hamilton property
18 building and it does have a wall on the street, but
19 it's a solid wall. It's simply hiding ground level
20 parking. I'm not sure that that's particularly
21 helpful.

22 MR. MEIKLEJOHN: It doesn't -- well,
23 let me finish my thought. I'm trying to see if
24 there is a way out for the designer to respond to

1 these comments which are going in a couple different
2 directions.

3 The sketch model we're looking at,
4 this is early design. I'm actually not convinced
5 that -- and Cliff, I made this note when you were
6 talking. I'm not sure that the idea of a building
7 mass above with a cabby underneath is on its face
8 unacceptable. This is the vehicular approach side
9 of the building. I personally don't need to see
10 architectural portals in a solid-looking building
11 for the car to go in, the car to come up like the
12 tunnel on love. I think it's possible to -- and you
13 can look at plenty of nice looking hotels in urban
14 areas that have successfully done this and it really
15 is the front of the building.

16 In a hotel you don't bring your car
17 in the back. You bring it right up in the front.

18 MS. MORELLI: I don't mean to
19 interrupt. Obviously you haven't been privy to some
20 of the interim changes that the project team is
21 working on. So what they're trying to do is try to
22 move some of the parking operations from the Sewall
23 front yard to the subgrade garage. So we don't know
24 how much they're actually moving on. So they might

1 already be working on reducing some of that service
2 entry aspect that we're looking at with the initial
3 plan. So maybe not so much a debate whether it's
4 service or residential but maybe just some of those
5 pedestrian scale qualities.

6 I think what I hear from Mr. Boehmer
7 is that less of a recess, the overhang isn't great.
8 It isn't great for walking by that empty void
9 because there are some residential qualities but
10 namely the building across the street.

11 Mr. Geller is talking about he just
12 wants to see solid mass at the ground level to
13 anchor.

14 MR. MEIKLEJOHN: I understood both
15 those comments. I'm saying I disagree with them.
16 I'm caught up and I appreciate the design changes
17 are happening.

18 Going back to my earlier comment
19 about what would make for a good street, this is why
20 I started with your comment about the street wall.

21 CHAIRMAN GELLER: I don't like the
22 Westin, by the way.

23 MR. MEIKLEJOHN: I'll keep this
24 simple. I would like to see a design where the

1 building as it comes down to the ground is just much
2 further back from the street, and that might mean
3 some of the vehicular areas that are now under the
4 overhang of the building might be out in the open.
5 Maybe there's a nice way to do that.

6 CHAIRMAN GELLER: I'm not sure we
7 disagree.

8 MR. MEIKLEJOHN: What I'm differing
9 with is I want to loosen up -- I'm not attached to
10 it being a street wall. It might be the wall of the
11 building that's not really on the street, sort of a
12 court in the front, but it would accomplish my
13 bigger aim of getting the tall mass of the building
14 away from this narrow --

15 CHAIRMAN GELLER: My suggestion was
16 not -- I want to be clear. My suggestion is not to
17 take this building, move it forward up to the
18 sidewalk. That's not my suggestion.

19 MR. MEIKLEJOHN: Right. Okay.

20 MS. POVERMAN: I only have one small
21 comment which is to piggy-back on something Maria of
22 the Planning Department pointed out that relates to
23 the overhang safety considerations there in terms of
24 people walking through it at dark or cutting

1 through, and as I recall it, the shadows projected
2 by the overhang are problematic in that way. I
3 disagree with the idea that overhang is okay in this
4 area. I would definitely be more comfortable with
5 a, as we've been talking about, a street facade set
6 back into the property line.

7 MS. SCHNEIDER: I would echo that. I
8 do think that the cave, the 50-foot cave is a public
9 safety issue with residents of the building but also
10 of the neighborhood. Generally I think that -- I
11 understand that the parking and service functions
12 for this building have to happen on Sewall. I get
13 it. But I also think there are a lot of other
14 residential buildings across the street and I think
15 however that area or that part of the building is
16 treated needs to be respectful to the people whose
17 homes are on the other side of that street.

18 Another issue that Cliff raised which
19 I thought was a very good one, not one that I
20 considered before in the early days of the design,
21 but the importance of the screening of the
22 mechanical penthouse that it would be some design
23 element because as a very tall building for this
24 part of Brookline it will be quite visible and

1 visible from far distances, so I think some
2 attention needs to be paid to that as well.

3 MR. MEIKLEJOHN: I agree. Can I go
4 back to one thing about surface parking. Again,
5 complex area, a lot going on. One of the things
6 that was mentioned in passing was -- and I forget
7 who said it -- did there need to be an entrance to
8 the trail from Sewall Avenue. However, the comment
9 was made, maybe the motivation, it's yet another
10 stream of people and vehicles coming and going.

11 CHAIRMAN GELLER: It sort of
12 originates with Cliff's comments that you need to
13 simplify what is going on.

14 MR. MEIKLEJOHN: The narrow question
15 that I have is relative to: Could you have
16 commercial development at the street level and not
17 have an entrance there that serves accessible
18 parking which is for the commercial use.

19 CHAIRMAN GELLER: Interesting
20 question.

21 MR. MEIKLEJOHN: That would be my
22 concern about opposing the elimination of that
23 entrance as much as I would see it would simplify
24 the people and car traffic at the back.

1 MS. POVERMAN: I would separate the
2 issue of the parking from the accessibility of the
3 retail building from the back because one of the
4 things that drives me nuts in that area is to get to
5 Beacon Street, you often have to make this detour
6 around other buildings. As a user, from a user
7 point of view -- I'm trying to remember. If you
8 want to get to the post office and back, you have to
9 go all the way around Bank of America.

10 MR. MEIKLEJOHN: I'm sort of thinking
11 about it as a designer and I'm sorry about that. If
12 you wanted to get a building permit to build out
13 this retail space, I think they would ask me where
14 is the accessible parking.

15 MS. POVERMAN: Yeah, right. I agree
16 and actually don't disagree with that. I want to
17 speak to the practical consideration of how nuts are
18 you going to drive your retail customers if they
19 can't access the building from the back, just that
20 point.

21 CHAIRMAN GELLER: Are there other
22 charges? I want to make sure that the developer has
23 a clear as possible understanding of how they need
24 to redesign this project so they can come back

1 October 17 with something that we can look at and we
2 can say, Thank you, it hits the point of these
3 things, but can you look at this? We're trying to
4 give them a clear and better understanding of what
5 to do.

6 MR. ENGLER: I appreciate that and
7 that's exactly what we're going to do. The biggest
8 fear that I have is when four people disagree on
9 things and we're supposed to respond to conflict in
10 terms of design objectives, so I haven't heard that
11 really that much, but I think you've supported
12 pretty much what Cliff said. We got that today and
13 we have a lot of respect for Cliff. We worked with
14 him, so we're going to take seriously all those
15 things and the things you said out here was pretty
16 much supportive of what he said. That's our charge,
17 and the other comments as well.

18 So before October 17 we hope to have
19 something back. And we would like to meet with
20 Cliff again when we have some changes so we can try
21 the next level on to see what he thinks because he's
22 our guide here and we want to make this a building
23 that people appreciate, but we don't expect to get
24 100 percent support for everything we've done. We

1 know it's not going to be everything that you want
2 to see. Everybody has a different take on what's
3 good architecture and what's good context, so we can
4 try to get as close as we can, and rest assured you
5 will have a tougher decision to say if this is good
6 enough and what you would like to see or not, but
7 we'll try to get there by October 17.

8 CHAIRMAN GELLER: Great. Is there
9 anything else?

10 MS. SCHNEIDER: There were some
11 preliminary matters that Maria had mentioned at the
12 outset. I don't know if we need to restate those.

13 CHAIRMAN GELLER: We need to address
14 the extension, if that's what you --

15 MS. SCHNEIDER: No, I was talking
16 about the fact we still need to see a trash and the
17 lighting plan and that there was some title work
18 that was recommended for the assessment of the
19 building foundation. Those things I would recommend
20 be put in process now because I think those things,
21 a lot of those things go to the feasibility of the
22 project.

23 MS. MORELLI: Yes.

24 CHAIRMAN GELLER: Let's go back to

1 the request. Mr. Engler, hopefully you've had an
2 opportunity to talk to your client. We have a
3 scheduled date of October 17. We're good through
4 October 15.

5 MR. ENGLER: The meeting is after the
6 time frame is over? It's not going to work. I
7 don't know what to say because I'm not -- I know you
8 have a very tough schedule. I don't see why we
9 wouldn't need --

10 MS. MORELLI: That's to confirm that
11 you are -- go ahead.

12 MS. BALAKRISHNA: We agree with the
13 request for the extension from the ZBA.

14 MS. MORELLI: So that is from October
15 15, 2018 for January 16, 2019?

16 MS. BALAKRISHNA: Yes.

17 MS. MORELLI: Thank you.

18 CHAIRMAN GELLER: Thank you. Okay.
19 Other questions? Comments? Diatribes?

20 MS. SCHNEIDER: None.

21 CHAIRMAN GELLER: Okay. Maria, any
22 other administrative details in the interim?

23 MS. MORELLI: No, that's it.

24 CHAIRMAN GELLER: Okay. Our next

1 hearing is October 17, 7 p.m. We don't know where
2 yet.

3 MS. MORELLI: It will be here.

4 CHAIRMAN GELLER: You reserved the
5 room?

6 MS. MORELLI: Yes.

7 CHAIRMAN GELLER: I want to thank
8 everyone for your participation and your tolerance
9 while we sort of hash this through. Thanks. We're
10 continued until October 17 at 7 p.m.

11 (Whereupon, the hearing was adjourned
12 at 9 p.m.)

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

2 COMMONWEALTH OF MASSACHUSETTS

3 Worcester, ss.

4 I, Jennifer A. Doherty, Certified
5 Shorthand Reporter and Notary in and for the
6 Commonwealth of Massachusetts, do hereby certify
7 that the foregoing Pages 1 to 83 to be a true,
8 complete and accurate transcript of the testimony of
9 the aforementioned hearing held at the time and
10 place hereinbefore set forth, to the best of my
11 knowledge, skill and ability.

12

13 IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY
14 HAND AND SEAL THIS 15TH DAY OF SEPTEMBER, 2018.

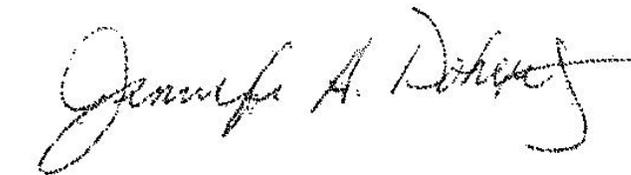
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Certified Shorthand Reporter

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My Commission Expires:

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October 19, 2023

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