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HEARING OF BOARD OF APPEALS
445 HARVARD STREET
Wednesday, April 17, 2019 at 7:35 p.m.
Brookline Town Hall
333 Washington Street
Sixth Floor
Brookline, Massachusetts 02445

Reporter: Jennifer A. Doherty, CSR

1 APPEARANCES:

2 Johanna W. Schneider, Chairwoman

3 Jesse Geller, Board Member

4 Lark Palermo, Board Member

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6 Polly Selkoe, Assistant Director of Regulatory

7 Planning

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9 Victor Sheen, AURA Properties, Development Manager

10 Dartagnan Brown, EMBARC Studio, Architect

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

2 CHAIR SCHNEIDER: We are going to
3 call to order this evening's public hearing on the
4 445 Harvard Street comprehensive permit application.

5 My name is Johanna Schneider. I'm
6 the chair of these proceedings. My fellow board
7 members on this project are Jesse Geller to my left
8 and Lark Palermo to my right. This is the third
9 hearing that we have held on this project. And just
10 to refresh everybody's recollection, the proposal is
11 to construct a five-story building with 25
12 residential units, 4,380 square feet of commercial
13 space and 20 parking spaces in a subgrade garage.

14 Our first hearing was held on January
15 16, and we did review a proposal and plans at that
16 time.

17 There was a second hearing that was
18 on March 6. That hearing was continued without any
19 testimony until tonight, and what we have as our
20 main agenda item for tonight is a presentation of
21 what I understand are revised plans.

22 The way that we're going to conduct
23 the hearing is that we will have the presentation
24 from the development team with particular focus on

1 changes from the design that we saw in January, and
2 the board will ask the development team any
3 questions that we may have. After that we will have
4 a public comment period, and we will also provide
5 some comments on the plans.

6 Following that, we will provide some
7 guidance to the development team in terms of next
8 steps, and we will announce the next hearing date,
9 which I can tell everyone now is going to be
10 Wednesday, May 29th at 7 p.m. in this room.

11 So without further adieu -- oh, I
12 should note for people who don't recall our general
13 procedure is that these hearings are being
14 transcribed, so anyone, including the applicant and
15 his team who wish to speak should speak loudly,
16 clearly into the microphone and slowly so that all
17 of your testimony can be captured.

18 Mr. Sheen?

19 MR. SHEEN: On behalf the 445 Harvard
20 Street development team.

21 So just to recap, so we were charged
22 to re-examine the design of the building primarily
23 given some of the current challenges that we are
24 experiencing as part of the 420 Harvard Street

1 development, that to the extent that we can minimize
2 underground disturbance that would minimize --
3 again, disturbance to abutting properties so we
4 don't have it underpin the buildings that we did at
5 420.

6 So with that, what we have done is
7 to -- I'll just go to the first floor. What we've
8 done is eliminate the entire underground parking
9 level altogether and brought -- and with that, that
10 eliminated the needs of an elevator for the
11 automobile going down to the basement level parking.

12 In its place will be -- what we have
13 done is to elevate all of the parking to the ground
14 floor with a mechanical parking system that is
15 similar to what was approved for 455 Harvard Street
16 and it will be a fully automated system. Dartagnan
17 can go into the system in more detail, but
18 effectively what it does is it has three levels of
19 parking. So it will be one level at grade, one
20 level elevated, and then one level -- it's sunken
21 down to essentially a car storage pit. So the
22 underground portions of the work is limited to the
23 extent of essentially those seven parking spaces
24 that you see over there.

1 Effectively the system would act as a
2 shuffling system that the tenants or the users would
3 essentially be able to pull into their space without
4 the need of having another person move their car
5 first, so respectively it becomes a non-tenant
6 parking situation. This system has been used in
7 other projects and has demonstrated success in the
8 northeast market.

9 Because the parking has been elevated
10 to the ground floor area, what it also does is it
11 reduces the amount of retail from what we had
12 previously. It was a little over --

13 MR. BROWN: Little over 4,000.

14 MR. SHEEN: -- 4,000 square feet and
15 now we're down to about eighteen thirty square feet.
16 For us it is still important to maintain that street
17 continuity of retail on Harvard Street, so the
18 portions of -- the reduction of the retail spaces is
19 primarily taken from the interior of the building
20 rather than from the exterior light.

21 MS. PALERMO: Can you show where that
22 is on this plan?

23 MR. BROWN: It is the area in blue
24 with the idea that we have a display depth with some

1 sort of presence that would wrap around the corner
2 to the residential lobby.

3 Just to get high level coming off of
4 Thorndike Street there's about a thirty-foot curb
5 cut that we would be infilling so it continues to
6 the sidewalk here along Harvard Street; similar
7 thing, we would infill that and have a temporary
8 loading zone for the building. So coming around the
9 corner, that all gets infilled.

10 We narrow up the entry into the
11 garage. As you pull into the garage, this -- and I
12 have drawings that I could give you but it's dashed
13 in blue, are just two isolated pits seven feet deep.
14 It's away -- fifteen feet away from -- sorry, ten
15 feet away from any of the properties in terms of the
16 pit that we have to go down into versus before kind
17 of a full basement.

18 We have our handicapped accessible
19 spot, bike storage, direct access for utilities.
20 Trash and recycling would come down into the
21 building into a trash and recycle room and brought
22 up to the curb or picked up. I think we can talk
23 more about that. And then the second means of
24 egress comes out and again all in blue here is the

1 retail along here, corner entry.

2 MS. PALERMO: I have another question
3 while you're on this topic. Eliminating the
4 below-grade parking, you apparently encountered an
5 issue with your project at 420 Harvard Street in
6 having to underpin the --

7 MR. SHEEN: So one of the challenges
8 that we face in an urban site such as this is that a
9 lot of the buildings are built to the property line.
10 For example, the retail, the one-story retail
11 building on Harvard Street, for example, and also
12 the property immediately behind that which is
13 currently a residential single family in a
14 commercial zone. So they took advantage of the zero
15 lot line abutting a commercial property, zoning
16 property so they are also on the property line.

17 So what it allowed us to do is to
18 minimize the excavation, therefore, the underpinning
19 of --

20 MR. BROWN: To support.

21 MS. PALERMO: I understand from what
22 you told me that you've encountered an issue at 420
23 Harvard. Do you have any evidence that says that
24 your work in developing this property so that you

1 would have underground parking would cause the same
2 sorts of structural problems for the bordering
3 property? Is this one of those questions,
4 circumstances where it's once burn, twice shy, I
5 don't want to look, but I don't want to deal with
6 that again?

7 We need concrete evidence. You're
8 making -- this is a substantial change to what you
9 originally proposed, and I need to be convinced that
10 you've got enough evidence to support the notion
11 that this isn't going to happen again.

12 MR. SHEEN: Partly is also a sort of
13 methods-and-means issue for us that we are
14 relocating the 20 parking spaces from below-grade to
15 essentially at-grade with pits. There is no -- what
16 is important to understand is there is no loss of
17 parking in this situation. It's a substitution of
18 the location of the parking space itself.

19 The reason that we elected to amend
20 our design to this is because our experience dealing
21 at 420 just look -- it just took too much -- much,
22 much longer for the construction.

23 MR. BROWN: So what Victor is
24 alluding to is beyond the kind of structural

1 impacts, a very similar condition to what we have on
2 Fuller and Harvard with the adjacent building and
3 the Butcherie.

4 We're in that similar situation here,
5 but by being able to maintain the parking lifted out
6 of grade, we're also dramatically minimizing the
7 excavation work on the site which does impact the
8 direct abutters while this is in construction.

9 MS. PALERMO: During construction,
10 but not necessarily to the extent you need to do
11 repair to the adjoining properties' foundation.

12 MR. BROWN: That's correct.

13 MS. PALERMO: And I recognize why you
14 want to avoid that, but correct me if I'm wrong, and
15 I easily could be because I sit on so many cases,
16 did you have mechanical lifts for parking in your
17 original design when you had --

18 MR. BROWN: No.

19 MS. PALERMO: That is a huge
20 change.

21 MR. BROWN: Yes.

22 MS. PALERMO: That is a major change
23 and I need to personally be convinced that you have
24 the evidence, and this is objective evidence from

1 engineers.

2 MR. GELLER: Let me ask the question
3 in a different way, because it seems to me -- well,
4 let me take it two different ways.

5 Do you have an objection to ground
6 floor parking per se?

7 MS. PALERMO: Not unless it includes
8 the mechanical parking.

9 MR. GELLER: That's a separate issue.
10 Do you object to a reduction in retail space?

11 MS. PALERMO: No.

12 MR. GELLER: Okay. So then the
13 question becomes: Is there a change of methodology
14 of parking vehicles, does it present issues? So the
15 question is: Does the mechanical system present an
16 issue from the perspective of noise and vibration or
17 safety?

18 CHAIR SCHNEIDER: Or visual
19 screening. Why don't we let them move on. I think
20 we all know what the issues are.

21 MS. PALERMO: I wanted to make a
22 point. I don't want to assume that you can sort of
23 gloss over the fact that you have made -- again, I'm
24 talking as a construction professional in my own

1 regard.

2 You've made a major change to this
3 project by eliminating subsurface parking -- major.
4 I need to be convinced that you need --

5 MR. BROWN: We're definitely going to
6 follow up. If I can understand what Jesse was
7 asking a question on mechanical parking in its use
8 or in its visibility in connection with the context,
9 because one thing we are from an architectural
10 perspective -- this is fully enclosed. You never
11 see it from the outside. So coming in here -- and I
12 have some info. We can bring on the parking
13 consultant. It's a 33-second retrieval time. It's
14 extremely quiet. It is fully enclosed so you'll
15 never perceive it from the outside. The building
16 looks the same, essentially, from the outside.

17 We just thought that the overall pros
18 of getting away from a massive basement excavation
19 underpinning both in terms of dealing with the other
20 buildings, the abutters. The system itself is
21 definitely a more costly system to put in in terms
22 of parking.

23 MS. PALERMO: It's not more costly
24 than doing subsurface parking. You'd have to

1 convince me of that.

2 MR. SHEEN: Part of it is financial,
3 you're right.

4 MS. PALERMO: I understand.

5 MR. SHEEN: So from the
6 constructability standpoint and also from the
7 delivery of the project to be able to predict the
8 delivery of a project given the construction time
9 frame.

10 I think the questions regarding the
11 mechanical system itself in terms of safety, in
12 terms of noise, sort of the impact comparing to the
13 underground parking system, I think that's a fair --
14 we'll dig into that in more detail as we go, but I
15 think in our mind this is actually -- it minimizes
16 potential construction impacts and it allows us to
17 improve the overall sort of design of the building
18 in our mind because the underground parking, it
19 wasn't a very efficient layout and it required a
20 lift. So I think for 420 we were able to do it with
21 the ramps.

22 In this case we just don't have the
23 length to achieve the type of efficiency that we
24 were looking for in an underground structure. It's

1 supporting uses that existed before now that you
2 don't have that additional space?

3 MR. SHEEN: Supporting uses?

4 MR. GELLER: Bike racks --

5 MR. SHEEN: Part of reduction --

6 MR. GELLER: I see trash.

7 MR. BROWN: I think we actually
8 picked up a little bit of back-of-house space
9 because we have this entire length here for 20
10 bikes, utilities, trash recycle, and I can pull up
11 the old plans or we can do this in the next hearing,
12 the differences, but I think the overall
13 back-of-house function got a little better because
14 we're not taking trash down to the basement and then
15 back up.

16 MR. SHEEN: I think it's important to
17 recognize that it is an existing gas station. It
18 has three wide curb cuts on Harvard Street and two
19 on Thorndike Street, and we are proposing to enclose
20 two of the curb cuts to close them. So from a
21 pedestrian standpoint, I think one wouldn't -- as
22 one walks down Harvard Street, you wouldn't have to
23 walk across multiple curb cuts and entering and
24 exiting vehicles.

1 CHAIR SCHNEIDER: Are you going to
2 have one lane in and one lane out from that one
3 remaining curb cut?

4 MR. SHEEN: That's right. So
5 currently it's a very wide curb cut currently, so we
6 are looking to narrow that into two lanes versus --
7 I think currently it can park I think three cars
8 wide, and that's what the service station currently
9 uses for its station, if you will, for service
10 vehicles.

11 So the primary change with our
12 current proposal to the previous one had to do with
13 really the underground level as well as the first
14 floor level, the circulation patterns, elevator
15 vertical stacks, they remain in the same or similar
16 locations. We did reduce the residential lobby area
17 as well. It used to go much further beyond the
18 current sort of large square that we see over there.

19 The unit mix did not change. The
20 unit mix and average size did not change. We have,
21 I believe, a design review section that sets up with
22 the town design reviewer, Cliff Boehmer, next
23 Wednesday, so we anticipate that we will be talking
24 about the building design in more greater detail at

1 that session.

2 MR. BROWN: I think we also added
3 some additional information in terms of setbacks
4 from our condenser units to the abutter at 164
5 Coolidge. So we're a little bit over forty feet on
6 that. And in terms of the building itself, so the
7 upper floor, sixteen-foot-seven, so we added more
8 information just in terms of overall distances that
9 was asked by the abutter.

10 In terms of -- just jump to this. In
11 terms of aesthetics, we're starting to build a
12 pallet. We meet with Cliff next week. So a similar
13 sister building approach to 420. That was kind of a
14 lighter body with darker bays in more of a gray
15 scale tone. We're looking at this as more of earth
16 natural colors so kind of a mid-tone being the mass
17 of the building with lighter bay elements.

18 The ground floor retail. This will
19 be the two entries into that retail corner, coming
20 down the residential entry, and that single garage
21 door at the end. Those are really the high level
22 updates since last time.

23 We have included the shadow studies
24 for summer, fall, spring, and winter done at -- and

1 this is in the packet, 9, 12 p.m. 3 p.m. 6 p.m. So
2 the gray is the existing shadows and then the blue
3 is the added shadows as a result of our building.
4 So you can see at 9 a.m. in the summertime it's
5 falling onto Harvard and Thorndike, and midday when
6 the sun is the highest it has very minimal impact to
7 the left of us on Thorndike. As we move to the
8 afternoon, we can see as the sun is starting to set
9 down, it's casting in the back. And then at 6 p.m.
10 towards the end of the day where there's a lot of
11 existing gray, the added is very minimal, relative
12 to the existing conditions.

13 Similar to the fall and spring, so
14 again the blues added at 9 a.m., 12 p.m., 3 p.m. and
15 then by 6 p.m. virtually all dark.

16 And then lastly the winter when the
17 sun is the lowest, this is the most impact in terms
18 of coming across the street to 455. Again the blue
19 is the added shadow here. Three p.m. and at 6 p.m.
20 at the latest just a sliver through here that's
21 already casting across.

22 This, I think, was at the last time,
23 just high sections along Harvard Street here. So
24 445, our building, and 445, and the adjacent

1 structure further down.

2 AUDIENCE MEMBER: You show 445
3 abutting Coolidge Street, but it doesn't.

4 MR. BROWN: Maybe that's a typo.
5 Sorry about that. We'll fix that. This is the city
6 lift information. So this is the system we're
7 looking at right now. We will definitely get more
8 into engineering on this, but they're all sized for
9 the largest platform. So there is no limit on the
10 car size. They do have different sizes.

11 What's shown on the drawing is all
12 based on what's called the extra large. It doesn't
13 limit what you can put in, and in terms of the
14 system itself, this is the -- there is always one
15 spot that's vacant, so if you were to pull up to the
16 building, call your car, if it was up there, this
17 car would slide across. This car will come down.
18 So this spot right here is empty. If you came home,
19 that's your spot. These two slide across. Yours
20 comes down and the gate goes up.

21 This is all the specs in terms of the
22 30-second retrieval time and some other information
23 there which, again, we'll go into more detail.

24 So what we're showing here, this line

1 where it turns up right here, where the red is, that
2 would be essentially the garage slab, so that's the
3 first floor. This one car is an isolated pit just
4 at the locale. So imagine here this was at three
5 would be just your drop-down so you can receive the
6 car and then the two are tucked up above it. Same
7 thing, shuffle system. If you came in and your car
8 was here, it would -- this one would come down, move
9 across and come up.

10 Landscape plans, which we had before
11 but again showing the closed-in curb cuts, so post
12 and fill along Harvard and Thorndike, narrow up the
13 entry into the garage. Then some of the bikes. So
14 in addition to the indoor bike racks we're putting
15 in the corner here, front retail, residential entry
16 and the street tree plantings.

17 CHAIR SCHNEIDER: Can I ask you to go
18 back two slides to the overall landscape plan for
19 the property? That sort of grayish area up at the
20 top, is that a paved surface? Is that some sort of
21 open space?

22 MR. BROWN: Correct.

23 CHAIR SCHNEIDER: That space is
24 between the edge of the building and the edge of the

1 adjacent structure.

2 MR. BROWN: Correct.

3 MS. SELKOE: Could he also maybe go
4 over what the setbacks are?

5 MR. BROWN: We have five feet
6 typically. Along here it switches to ten feet. At
7 this corner it's ten feet and then this goes down,
8 the minimum five feet here. I'll go back to the
9 architectural plan. One second. So at ten feet it
10 doesn't get any less than five feet here, and five
11 feet along here. Along the front carrying along
12 Harvard Street and there's some setback here. We
13 can add additions but this steps back roughly four
14 feet at each of the corners. The property line kind
15 of bows out here and curves along maintaining a
16 straight line along Thorndike.

17 CHAIR SCHNEIDER: So a comment we
18 received from a member of the public that has to do
19 with the mural that's on the side of the next-door
20 building. It's the next building down Harvard. And
21 I'm curious. I see there is a setback between the
22 proposed edge of the project.

23 MR. SHEEN: I think the mural you're
24 talking about is along this edge.

1 CHAIR SCHNEIDER: Is that still going
2 to be visible from Harvard Street or is this project
3 effectively going to cover that up?

4 MR. SHEEN: The property is -- the
5 building is set back I think by five feet along that
6 edge.

7 MR. BROWN: It's going to change. It
8 will.

9 CHAIR SCHNEIDER: I think while we
10 are -- it's just a convenient plan to ask you
11 questions on, and I didn't mean to interrupt your
12 flow.

13 There is a residential structure that
14 has a roof deck that abuts the property. Is that
15 roof deck still there? What is your step back from
16 that roof deck?

17 MR. SHEEN: I think we added a
18 dimension so --

19 MR. BROWN: The main building jogs
20 from -- the roof deck is literally on top of the
21 full edge, so it will be anywhere from ten feet at
22 the high level because the building, again, the mass
23 of the building steps back ten feet. It's only the
24 ground floor that's at the five feet. You can see,

1 this is all at ten feet with two bays that pop out,
2 but it's anywhere from ten, to the upper level it's
3 sixteen.

4 MR. SHEEN: Sixteen feet seven
5 inches, and the mechanical screening is further.

6 MR. BROWN: 40 foot, one and a half

7 MR. SHEEN: I think it's important to
8 recognize that 64 Coolidge is in -- even though it's
9 a residential building, it's in a commercial zone.
10 So based on the existing zoning bylaws in Brookline,
11 if you were to do a commercial building, we are
12 going to have a zero lot line against that property
13 line.

14 CHAIR SCHNEIDER: I think this board
15 can still ask questions about mitigating impact on
16 that property.

17 MS. SELKOE: Actually, though, in our
18 bylaw, there is a setback if you have a commercial
19 building next to a residential building. It's a
20 greater setback.

21 MR. SHEEN: Even though it's in a
22 commercial zone?

23 MS. SELKOE: Yes.

24 CHAIR SCHNEIDER: Do you have

1 anything else? Do we have any more questions for
2 the development team right now?

3 MR. GELLER: I don't at the moment.

4 MS. PALERMO: Not right now.

5 CHAIR SCHNEIDER: Okay. Thank you.

6 Polly, did you have something to add? You look like
7 you had something to add.

8 MS. SELKOE: No.

9 CHAIR SCHNEIDER: Not to put you on
10 the spot. Thank you. We will next hear from
11 members of the public. If there is anybody here who
12 wishes to speak, I'll ask you to come up and start
13 by giving your name and your address.

14 MS. VANDERKAY: Hello, is this
15 working? Okay. Judith Vanderkay, town meeting
16 member, precinct 9 and library trustee, and I live
17 at 16 Columbia Street and I can see the 455 building
18 going up from my kitchen and other places in the
19 back of my house, and this one is going to take an
20 even bigger patch of sky away from me. I will try
21 not to go into the anger and resentment that I and
22 most of my neighbors feel about the encroachments
23 upon our neighborhood and the diminishment of our
24 quality of life.

1 So going to specifics, I was out of
2 town so I didn't make the last two hearings. Has
3 the development team told us how they're going to
4 mitigate the contamination on the site?

5 CHAIR SCHNEIDER: This is actually
6 only the second hearing that we have had -- I'm
7 sorry, the second hearing with any testimony, and so
8 we will have at a subsequent hearing hear about
9 environmental management at the site.

10 MS. VANDERKAY: Okay, good. That's a
11 concern. The parking is an issue. The traffic is
12 an issue. I want to ask -- I didn't see it on the
13 plans. Is the opening for cars now -- how does it
14 relate to the opening for cars on 455 Harvard? Are
15 people going to be crashing into each other on poor
16 little Thorndike Street?

17 MR. BROWN: We can certainly do a
18 diagram to show the juxtaposition of the two.

19 CHAIR SCHNEIDER: Are they directly
20 across from one another?

21 MR. SHEEN: We don't believe so.

22 MR. BROWN: Because the
23 proportions -- if we go back to where it's coming
24 off of here, it's I think further back. Go back to

1 the area here. So we're exiting here. I believe
2 they're back down here.

3 CHAIR SCHNEIDER: If this something
4 you can pin down for a future hearing, that will be
5 helpful.

6 MS. VANDERKAY: I have one more area
7 I wanted to ask about, which is, my understanding is
8 that the operator of the gas station has quite a few
9 years to go on his lease. How is that going to be
10 handled? He didn't want to stop his operation.

11 CHAIR SCHNEIDER: I think that
12 unfortunately -- I think, you know, at the first
13 hearing we discussed how sad many members of the
14 community are going to be to losing that operation,
15 but I think that whatever lease arrangement or
16 operating agreement the developer has with the
17 current occupant is beyond the scope of what we're
18 here to review.

19 I know that you mentioned and I don't
20 mean to put you on the spot, but I know you
21 mentioned you have concerns about parking and
22 traffic, and I'm wondering if you have anything more
23 specific on either of those things? It will help us
24 asking the right question about this.

1 MS. VANDERKAY: No, other than in
2 general contributing to more traffic in the area and
3 with -- I know it's a gas station down there.
4 There's lots of traffic going in and out, but that's
5 limited in times of the day, whereas an apartment
6 building will have people coming and going all the
7 time and deliveries and Amazon and whatever, so
8 we're concerned that adding 25 more apartments, even
9 if people ride bicycles, they're going to get things
10 delivered.

11 Adding that many new housing units is
12 going to add an unbearable amount of traffic along
13 with what's going to happen at 455.

14 CHAIR SCHNEIDER: Thank you.

15 MS. RUDNICK: Leslie Rudnick. I live
16 at 39 Thorndike Street with my husband. So we have
17 not attended the previous meetings. I didn't. I
18 was not able to attend them.

19 So I'm just hearing a little bit and
20 now I have some questions. You mentioned -- the
21 developer mentioned there are systems being used
22 currently, parking systems. Can you please tell us
23 some addresses, because I would really like to go
24 and observe those places? I'm told they get

1 dysfunctional, that they're not 30 seconds to
2 retrieve a car. You know, I would like to know
3 about noise level and this sort of thing.

4 MR. GELLER: Victor, would you please
5 forward a list to Polly and Polly can circulate
6 that?

7 MR. SHEEN: We'll do that.

8 MS. RUDNICK: We live very close to
9 the intersection of Thorndike and Harvard. And I
10 can say when we just want to cross our car over,
11 it's a juggling game. It's easing in. It's a
12 problem. There's going to be a lot of traffic
13 impact there. There already is. It's challenging.

14 I know that when I've been taking my
15 car to the site for work on my car or buy gasoline
16 and coming out, you almost need the entire Thorndike
17 Street just to drive off the driveway. So it's a
18 narrow street. And with that other big development
19 I would be curious to know how that's going to be
20 managed because it's very, very small. It's narrow.
21 I mean, if you got cars -- any cars parked along
22 there, one car can pass. I mean, you know, you're
23 juggling that. That's another concern.

24 Also, in terms of moving vans,

1 delivery trucks, we see what happens on our own
2 street. It's a two-way street right now and really
3 it's only enough for one car. So people are
4 constantly juggling, moving into driveway areas to
5 allow cars to pass.

6 Those are some of my concerns that
7 came up today. I'm getting familiar. I find it
8 like horrifying that this building is going to be
9 even higher than the one that's currently being
10 developed right across the street.

11 I'm concerned about the aesthetics of
12 the building, not just -- you know, it's kind of a
13 box, and you know, we've lived in Coolidge Corner
14 because of the beauty of it and it's -- I don't see
15 anything in the pictures that really shows anything
16 especially aesthetically pleasing. That's all I can
17 think of right now, but maybe if other people have
18 questions.

19 CHAIR SCHNEIDER: Thank you. And I
20 do want to assure you we're still early on in this
21 process. We will have a subsequent meeting where we
22 will be having the town's own peer reviewer talk
23 about design issues. We will have another meeting
24 where transportation issues, transportation safety,

1 traffic, all of that will be studied. It will be
2 presented in more detail by the applicant but also
3 from the town's peer reviewer.

4 MS. RUDNICK: I appreciate that.
5 Thank you.

6 CHAIR SCHNEIDER: Thank you.

7 MR. LEPSON: Hi, my name is Bob
8 Lepson. I live at 36 Thorndike Street and also a
9 town meeting member in Precinct 9. I'm also -- I
10 noticed this is a 40(b). I'm also on the fair
11 housing committee, and affordable housing is
12 extremely important to me. In fact that's one of
13 the reasons I started to become -- ran for town
14 meetings, so please understand that my perspective
15 is also factoring in the importance and incredible
16 need in this town for additional affordable housing.
17 I want to put that out there.

18 So can I toggle this, if you don't
19 mind? I think one of the things I want to just
20 point out is -- wasn't there a larger version of
21 that photo?

22 MR. BROWN: If you keep going the
23 other way, a couple more.

24 MR. LEPSON: There we go. So when I

1 look at this and then I look at the reality, the two
2 are very, very different. If Thorndike Street
3 looked like this in terms of how wide it was -- it
4 is and how much space and how airy and everything
5 else, it's one thing.

6 This is an incredibly misleading
7 drawing no matter how elegant it happens to be. The
8 perspective is just so far from what the reality of
9 the situation is, and that's very, very important
10 because it looks like there is lots of space. There
11 is one -- it's great, fabulous, but the reality is
12 very, very different. So that's one thing I wanted
13 to point out.

14 The second thing that I wanted to
15 point out having to do with the lack of space, and
16 it was mentioned -- I want to get the overhead. So
17 when looking sort of -- when a person is trying to
18 come out of Thorndike Street, you see that line
19 right there, that's where the car is supposed to
20 stop. Cars have to pull out past the crosswalk at
21 this point in order to be able to determine if there
22 are cars coming from the direction of Allston up
23 Harvard Street, because the visual sight line that
24 used to exist doesn't exist anymore because of the

1 new building that's going up.

2 And now here when you're looking to
3 the left as you're pulling out, you can see because
4 the gas station is open, right, you have a lot of
5 open space and you can see what is coming down from
6 the Coolidge Corner area, right? When both of these
7 buildings are up, I mean there's just no way. You
8 literally will have to be out in the middle of
9 Harvard Street in order to determine whether or not
10 it is safe to make a right turn, a left turn, cross,
11 continuing on Thorndike Street.

12 I also -- so I live over here, and I
13 come up and I try to cross this street here, but
14 forget about it. It's so incredibly dangerous now.
15 Cars are flying and this is just going to exacerbate
16 the whole traffic problem.

17 So when this building is being
18 constructed, the first floor went up, you can see.
19 The second floor went up, okay, not too bad. Third
20 floor went up, okay, maybe a little bit high, but
21 still tolerable relative to the other buildings that
22 were around. The fourth floor went up, it's like
23 there's this giant thing that is so out of place.
24 You folks are proposing a fifth floor on top of

1 that, which is unconscionable in my opinion. It's
2 just -- we're just like two large buildings are
3 going right in that spot where it was open before,
4 where was -- and now it's just -- I'm not quite sure
5 what to say about it, but the scope and the scale of
6 those buildings pushing to the edges of the lot
7 lines is ridiculous in my view. So yeah, so it's
8 traffic, it's scope and scale, it's the misleading
9 drawings that make it look like it's so airy. All
10 these items here, and the environmental impact which
11 I guess we'll hear from in the future.

12 You mentioned with the parking
13 things, the lifts. Apparently, I think you said
14 they're quiet. From my understanding is that
15 they're far from quiet, but I would like to hear. I
16 would love to get that address. I would like to
17 hear them in action to see what they actually do
18 sound like.

19 So yeah, it's -- I know 40(b) exists.
20 I know our town has to deal with it and it's a
21 statute and we need affordable housing. To me, this
22 feels like a luxury apartment building with a few
23 affordable units being put in because that's the way
24 around the zoning regs. That's what going on and

1 it's really unfortunate. That's all I can say.

2 CHAIR SCHNEIDER: Thank you. Anyone
3 else?

4 MS. KATES: Hi, my name is Beth
5 Kates. I'm a town meeting member, Precinct 9, and I
6 concur with what Bob has said. I have to say I
7 was -- we talk about the Route 9 gateway and all
8 that planning that went into creating an entrance to
9 Brookline to signal you're coming to Brookline.
10 Well, from Allston you're coming into Brookline
11 because of these massive buildings. Now there are
12 going to be three massive buildings.

13 And when I look towards Allston, I
14 see, you know, lots of three-story buildings,
15 two-story buildings. There's a continuity to
16 Allston that is now lost. And it's like welcome to
17 Brookline. Here's the massive concentration of, you
18 know, building and concentration of
19 commercialization of Brookline.

20 And to also speak about the danger of
21 traffic in this area, I've called -- I've asked Todd
22 Crane for a meeting because all of these streets are
23 narrow and now we have 420 on Fuller Street.
24 They're way too narrow, and you can't get by other

1 cars, so we're going to have to look into changing
2 the entire traffic pattern of this neighborhood to
3 accommodate these four 40(b)s basically at Williams
4 and at Thorndike and at Fuller because it's so
5 unsafe now for cars, for pedestrians, for our lovely
6 scooters now. So this is a huge issue.

7 And I know that Marty Rosenthal had
8 talked about site control. I don't know whether
9 this has been resolved or not, and it does have to
10 do with the lease of the gas station property beyond
11 the term in which they would have to build their
12 40(b) in order for them to still be eligible. And I
13 think that he's talking to the state about, you
14 know, they had said yes, that they did have site
15 control, but I think there's some questions about
16 them still.

17 CHAIR SCHNEIDER: We did run that by
18 the state subsidizing agency and they confirmed that
19 there is site control for purposes of 40(b), so I
20 don't think that's an open issue anymore.

21 MS. KATES: Well, these are my
22 concerns.

23 CHAIR SCHNEIDER: I want you to know
24 that concern had been vetted. We looked into it

1 after you had raised it the last time and we have it
2 addressed.

3 MS. KATES: This whole neighborhood,
4 the town is now having to deal with safety issues in
5 this neighborhood because of development of these
6 buildings. Thank you.

7 CHAIR SCHNEIDER: Thank you. I'm
8 sorry, can you provide us your address.

9 MS. KATES: 105 Center Street.

10 MR. FELDMAN: I'm David Feldman, the
11 owner of 64 Coolidge Street which is the abutting
12 building behind this. Issues I would like to see
13 the town engage with the developer on, first of all,
14 I think the shadow studies aren't done at the
15 relevant times of day given that critical things
16 what happens at the beginning and end of the
17 daylight section of the day in different seasons, so
18 the time selected by the developer don't reflect
19 that this will probably take the first sixty or
20 ninety minutes of light or the last sixty or ninety
21 minutes of light in different seasons away from the
22 neighbors.

23 I would like to know why the rooftop
24 equipment isn't included in any of the plans. My

1 understanding is there's another layer above the
2 fifth floor with compressors, right? Is the height
3 shown? Okay. Why isn't the height of that
4 included -- is it included in the shadow studies?

5 MR. BROWN: It's included in the
6 shadow --

7 MR. FELDMAN: Great. Can we get the
8 height of that?

9 MR. BROWN: It's a four foot. We can
10 add -- that's a four-foot acoustical screening.

11 MR. FELDMAN: I'm concerned about the
12 noise that comes from those two compressors. It's a
13 pretty big building. I notice there is no
14 information about that on there.

15 Also, on the information in the
16 parking section there is absolutely no information
17 given about the amount of noise that the parking
18 machinery makes. Does it make any loud clicking or
19 banging noises when it starts and stops? What is
20 the general noise level? I think that needs to be
21 studied in detail.

22 The average noise over 30 seconds
23 isn't relevant if you live next door and the thing
24 starts with a big clunk. My kitchen already shakes

1 every morning when the truck delivers to the
2 Butcherie, but big engines can have an impact. I
3 would like to know about how that's going to work.

4 Trash, where is this building's trash
5 going to be stored? Are there going to be issues
6 based on the direction the wind is blowing. I
7 didn't see anything on here. So that's inside the
8 building?

9 MR. BROWN: Right.

10 MR. FELDMAN: Where does it get put
11 out for pickup?

12 MR. SHEEN: It's going to be private
13 pickup, so we can arrange to have it picked up where
14 the loading zone is going to be.

15 MR. FELDMAN: So the loading zone out
16 on Harvard Street? Okay. Cool. I'm concerned
17 about the privacy of my backyard and my deck. Kids
18 play back there. I think we will have three or four
19 stories of apartments all staring down into that.
20 So those are some issues I would like to see
21 addressed. Thank you.

22 CHAIR SCHNEIDER: Thank you.

23 MS. KATES: Beth Kates again from 105
24 Center Street. I have one more thing I would like

1 to add. Are there any restrictions on the retail of
2 this building?

3 CHAIR SCHNEIDER: I'm sorry, when you
4 say restrictions, what are you specifically talking
5 about?

6 MS. KATES: I'm saying this because
7 at 420 Harvard Street there were restrictions put on
8 mainly to deal with food deliveries and the trucks
9 that would bring them, and originally when that
10 building was permitted, it was said there couldn't
11 be food establishments because the delivery trucks
12 would have caused too much disruption, and then
13 surreptitiously in the summer there was an
14 additional ZBA meeting in which those restrictions
15 were lifted, and I was not aware that that was going
16 to be the subject of that meeting.

17 And I think that maybe neighbors
18 considering this was an issue enough to put a
19 restriction on it, you know, neighbors were not
20 aware that this was going to be the subject of the
21 ZBA meeting, and since we're dealing with the same
22 people here, I want to know if there is going to be
23 restrictions and if they're going to be, you know,
24 lifted after the fact, like a bait and switch.

1 CHAIR SCHNEIDER: I guess I want to
2 clarify a couple of things. First, with respect to
3 the 420 project, I think all three of us sat on that
4 and it is my understanding the limitations on food
5 preparation and restaurants had not to do with
6 delivery trucks but had to do with venting and
7 machinery that would be exhausting into the
8 neighborhood, so that was something that was a noise
9 and an air mitigation, not a delivery truck issue.

10 And as far as the modification by
11 which the restrictions were changed, that was a duly
12 noticed public hearing. It was not done
13 surreptitiously. It was done in accordance with our
14 normal, legal procedures.

15 MS. KATES: Excuse me, but when you
16 sent out the notices, you did not indicate what
17 changes they were requesting. So it could be, Well,
18 we like to make, you know, change the unit mix or
19 something very minor, or something very major like
20 this, and you don't know what the subject is.

21 CHAIR SCHNEIDER: We often end up
22 having people call the planning department when they
23 see a notice of a hearing of a modification of a
24 project in their neighborhood that they're concerned

1 thoughts, you are always welcome to submit to us
2 comments by e-mail and writing through the planning
3 department, but there will be plenty of other
4 opportunities to speak. Ma'am, hello.

5 MS. ROSENBAUM: Maryln Rosenbaum, 73
6 Coolidge Street. In addition to everything that has
7 been said that I agree with, I think our other
8 concern is in terms of how this new transportation
9 or new parking system is going to work, what it will
10 be like when cars want to enter, say, in the evening
11 when lots of people are coming in and how quickly
12 they can actually access that, because I could
13 envision cars lining up and really blocking that.
14 And if you have this on both sides, it's just going
15 to be a nightmare.

16 CHAIR SCHNEIDER: That's a very good
17 question, and it's definitely one of the issues that
18 we will be having our parking and traffic consultant
19 taking a close look at.

20 MS. ROSENBAUM: Thank you.

21 CHAIR SCHNEIDER: Anyone else for
22 tonight? Not your last chance to comment but your
23 last chance to comment tonight. Okay. I think with
24 that, I think -- does the board have any additional

1 questions of the development team for tonight?

2 MS. PALERMO: I actually have one. I
3 want to go back to the slide that showed -- it was
4 the view from above of both -- yes, that's the
5 slide.

6 Now, I happen to have an advantage or
7 disadvantage of having sat on 445 Harvard Street, so
8 I've been through both of them or are in the middle
9 of them, and I actually think that the public has
10 made an extremely legitimate point that there is now
11 a confluence of 40(b) proposals within a stone's
12 throw of each other, and we can't ignore that. We
13 spent a lot of time working on 420 to make it more
14 palatable and more reasonable as much as possible.
15 And frankly, I'm committed to doing the same thing
16 with this project.

17 But looking at this particular slide,
18 as you can see, there is -- I'm not going to
19 estimate the number of feet, but there is a
20 substantial amount of sidewalk around 420. Now, the
21 developer didn't start there, but we insisted that
22 there would be that much setback with the sidewalk
23 around that building precisely because of one of the
24 points that was made by -- 455. I'm sorry. And it

1 was precisely because of the point made by one of
2 the residents in this area which is the visibility
3 issue.

4 Now, it looks to me, and you can
5 clarify this, you brought your building right out to
6 the street; is that correct?

7 MR. SHEEN: That's correct. So I
8 think the question of sight line is a very valid
9 concern. I want to make sure that everybody
10 understands, we're not here to create a hazard for
11 the intersection. So we are working with the town's
12 peer review consultant on the traffic side to ensure
13 that there are safe sight line distances coming
14 out -- in and out of that particular part of
15 Thorndike Street, and that's going to get sort of in
16 more detail in peer review. I think the question of
17 sight line probably has less to do with the setback
18 on Harvard Street and a setback on Thorndike Street,
19 but rather is healthy that that particular corner is
20 treated.

21 And initially we have made the -- at
22 least the first attempt to address that particular
23 issue by indenting and offsetting the corner
24 conditions to better address the sight line, but I'm

1 fully aware the issue that you're raising and we're
2 committed to working with the town's peer reviewer
3 to make sure.

4 MS. PALERMO: Beyond the peer review,
5 this is -- it ultimately ends up with us. And,
6 again, having gone through all of the analysis and
7 the peer review on 445, the same thing applies --
8 455, whichever, you know what I mean. And so we had
9 really a number of concerns, and my memory -- and
10 Polly perhaps was --

11 MS. SELKOE: Yes, I was.

12 MS. PALERMO: You may recall, we also
13 had an agreement with the developer that the
14 developer would pay for some of the modifications to
15 the sidewalk.

16 MS. SELKOE: Yes.

17 MS. PALERMO: So it would improve not
18 just where Thorndike Street intersects with Harvard
19 Street on this side but the other side, and the town
20 stepped up to the plate and took on some of the
21 obligations to do a little bit of the improvement
22 as --

23 MS. SELKOE: I would have to go back
24 and check on that.

1 MS. PALERMO: But we basically had
2 four corners and we talked about all four corners,
3 and the town -- my memory is that the town agreed to
4 take on some of the work, but the developer agreed
5 to take on a lot of it. And I'm just going to say
6 having had that experience, I would hope to see your
7 building set back at least as much as 455, and at
8 least the same equal contribution to the sidewalk
9 and reconfiguring the curb in that area from you as
10 we are getting from the developer for 455.

11 So I want to be really up front and
12 clear with that. I also would say I think you need
13 to give really serious consideration as to the
14 height of this building and adding that additional
15 floor. We spend a lot of time talking about the
16 height. And I mean, this neighborhood is
17 legitimately concerned with the fact they are being
18 overburdened by -- you happen to have the
19 disadvantage of being third in line, and that's a
20 reality that I think you need to be able to deal
21 with to make this project feasible. So anyway, it's
22 my piece. Said it.

23 MR. GELLER: Sort of a segue for me
24 to talk about without the advantage of peer review

1 direction.

2 CHAIR SCHNEIDER: I'm sorry, could we
3 have the -- if you need to have a conversation, if
4 you could take it outside. Thank you very much.

5 I think we've heard a lot of very
6 valid concerns from the community tonight. And I
7 want to, for the development team's benefit,
8 highlight those, as Lark has just done, that I'm
9 going to be looking for more attention to and more
10 information on in the hearings that come.

11 I'm going take up sort of the height
12 and size issue first, and Polly, this may be
13 something to pass on to Cliff Boehmer as well. When
14 we end up with these larger 40(b) projects because
15 they don't have to comply with base zoning, it does
16 to some extent set a precedent for sort of the
17 character of the area. It sets a baseline for
18 height. It sets a baseline for bulk.

19 I would like Cliff in particular and
20 to the extent the development team is addressing
21 this for future presentation, I would like to hear
22 not just about how this building relates to the new
23 40(b) around this corner, but I would like to hear
24 about its relationship to the older buildings, the

1 older residences and commercial structures in the
2 area. I don't think it's right to be kind of keying
3 off the new wave of development. I think that we
4 need to look at it in the broader context of what
5 was there before the last two years where we've been
6 under siege with larger buildings with 40(b).

7 I think -- and I've said this before,
8 I will say it again -- there is clearly a lot of
9 interest and concern about the parking, the
10 stackers, screening, noise. I don't know if it is
11 possible to get a video from the manufacturer that
12 you can play for us that will indicate how this
13 thing works and what kind of sound it makes and if
14 it makes any sound, what kind of noise buffering you
15 can put into that ground floor of the building.
16 You're going to want to do it for your retail tenant
17 and you're certainly going to want to do it for the
18 neighborhood. I think looking into that and giving
19 us the information we need to evaluate that will be
20 important.

21 The sight line issue of everything
22 that I have heard tonight is the more recent thing,
23 and I understand it's early days. I understand
24 you've made an effort on the corner.

1 somebody is going do it for the residents?

2 MR. SHEEN: That's correct.

3 MR. GELLER: People rolling in who
4 live in these apartments will have to operate these,
5 will have to operate them correctly, and they're
6 going to have to operate them within a certain
7 specified period of time.

8 MR. SHEEN: I understand. So I think
9 what might be helpful as we go through the further
10 hearing process, we actually are going to bring the
11 manufacturer here who can answer more technical
12 questions as part of the peer review. My
13 understanding is if you can operate a remote control
14 for your TV, you can operate one of these. That's
15 my understanding. I've not actually used one
16 myself, but I have a hard time operating my remote.

17 MR. GELLER: I assume they will
18 include -- what I generally found is that of the
19 evils, noise is just part of the equation.
20 Vibration can be worse. It carries through the
21 foundation.

22 MR. SHEEN: So we will address a lot
23 of these sound issues as part of the peer review,
24 and we will get additional information from the

1 manufacturer and get a list of the properties so we
2 can actually tour. It is important to recognize
3 that this is not an open air system. This is an
4 entirely enclosed within the confines of the four
5 walls, if you will.

6 MR. GELLER: And in any scenario
7 you're going to have to comply. This also pertains
8 to the condensers on the roof. They do have to
9 comply with the town's noise ordinance. So all of
10 these need to be compliant and will be tested.

11 MR. SHEEN: In terms of -- so I think
12 from the board we've heard a lot of important issues
13 that we will be addressing.

14 MR. GELLER: Let me just finish
15 before you go into your final wrap-up. I have a
16 significant concern about conflicts between 455 and
17 445. They'll take a look at that. The conflict
18 extends not simply about whether the entry and exit
19 for the respective parking garages is a conflict but
20 also in the parking analysis where they're putting a
21 number of cars that will be placed out on Thorndike
22 to move out right to Harvard burdens what is a
23 narrow street. So I think that their reviewer as
24 well as our peer reviewer needs to really take that

1 into account, not simply the conflict.

2 MS. PALERMO: Cueing in particular
3 because we don't know how long it's going to take
4 for people to use these mechanical systems to park
5 their cars. I'd rather doubt it would be as quick
6 than changing the channel from a remote control.

7 MR. GELLER: My next issue would be
8 the question about sight line safety. I think
9 obviously that's a pretty critical issue, and
10 it's -- let's say it is exacerbated certainly by the
11 desire to push the building to the edge. It somehow
12 needs to be addressed.

13 Let me say my last issue is frankly
14 one that I don't generally focus on, and made a
15 comment a couple of times that this is sort of the
16 twin building to 420. I don't think this is the
17 twin building to 420. It's a different location. I
18 don't see it that way at all, and I think that
19 uncoupling it would be important to me. When I say
20 uncoupling it, I mean height, and generally I don't
21 look at height as a metric. I think that the height
22 is an issue with this building. So I'll just lay it
23 out there. I'll be curious -- peer review will help
24 me form my opinion about it. I will tell you that.

1 But just as a first look or maybe a second look, I
2 was concerned at the first hearing. I'm concerned
3 still. I simply think the building is too tall. I
4 would also note that at 420 in particular after a
5 number of hearings there was a stepped back approach
6 where it came close to the residential neighbors. I
7 would be curious whether you thought about it. If
8 you haven't, I would suggest that you might want to
9 consider something like that.

10 The other thing that I'll say about
11 sort of linking this to 420. I'm not sure that
12 Brookline needs two buildings that look the same.
13 So I apologize to whomever raised the aesthetic
14 comment, one that's not usually raised. I happen to
15 agree with you. So it would be nice to have
16 interesting buildings in Brookline. I don't know
17 that we need them all to look the same. Those are
18 my comments.

19 CHAIR SCHNEIDER: Now you can do the
20 wrap up.

21 MR. GELLER: Go ahead.

22 MR. SHEEN: So I think we heard a lot
23 of good comments and other concerns that obviously
24 our team will go back and take a closer look at

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 56 to be a true,
8 complete and accurate transcript of the testimony of
9 the aforementioned hearing held at the time and
10 place hereinbefore set forth, to the best of my
11 knowledge, skill and ability.

12

13

14

15 IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY
16 HAND AND SEAL THIS 28TH DAY OF APRIL, 2019.

17

18

19 
Certified Shorthand Reporter

20 CSR No. 1398F95

21

22 My Commission Expires:

23 October 19, 2023

24

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