

July 8, 2019

Jesse Geller (Chair) and Members
Brookline Zoning Board of Appeals

Dear Board Chair and Members,

Many thanks for your continued and diligent attention to the significant safety risks posed by the 40B project at 1299 Beacon Street. The land in question has many assets, but also two obvious liabilities: a small lot size and an awkward shape. Under the guise of Ch. 40B, the developer aims to realize maximal commercial value while pushing those liabilities onto Sewall Avenue residents, workers, shoppers, and visitors. Underlining this cynicism, the Construction Management Plan shifts nearly all burdens of excavation and construction onto this busy and narrow street. This logic *should be inverted*: The developer must own the parcel's deficiencies and *scale the project accordingly*.

As we have previously illustrated with photos, traffic on Sewall Ave stalls routinely and the east sidewalk is often used to park postal and delivery trucks. Abutters have therefore long asked where cranes and excavators will stand and how postal, temple, and residential needs will be sustained during construction. Related questions pertain to the locations of a construction trailer, toilets/parking for building crews, and circulation and queuing plans for excavation and transport trucks. The Construction Management Plan (CMP) proposes to limit Sewall Ave traffic to a 12-foot corridor for two years. *The resulting burden on residents and public services is impractical, unsafe, and unconscionable.*

1. Even under the best traffic conditions, we and the residents of 30 Longwood Avenue will find it difficult to enter/exit our only driveways.
2. CMP claims notwithstanding, *emergency vehicles' access to our and other homes will be severely hampered.*
3. Unable to pass other vehicles, *drivers will abuse the sidewalks and driveways even more than our previous photos already attest.*
4. USPS regulations may limit postal staff from participating in your hearings, but *problems with movement and loading of mail trucks* are predictable. These will only be compounded by placing jersey barriers on a narrow street.
5. It is unclear how large construction trucks will navigate those barriers without creating *significant and unsafe traffic jams or driving on the sidewalk.*
6. Snow removal, already a challenge on Sewall Ave, will be even more difficult.

Therefore, we respectfully petition the Board to restrict all construction activities within property boundaries, with rare spillage (only when absolutely necessary) onto Sewall Ave's west sidewalk, *but not the street.*

The current constraint on this solution is that the full lot will be excavated to accommodate minimal setbacks for the building and none for the underground garage. We suggest *reducing the excavated area* so that construction equipment and trucks *occupy the property, not Sewall Avenue.* The project should be influenced not only by profit calculations but also by the land's intrinsic limits. The developers *should first determine* how construction will occur *on the property* (considering office space, toilets, truck circulation and queuing, etc.)

and how many parking spaces it can reasonably accommodate with a reduced excavation footprint. The building size should *follow from that determination*.

Not surprisingly, this logic will address the project's central issue of massing and intensity-of-use, while providing the developer with profits that reflect *both* the land's location *and* its inherent, inescapable liabilities. To meet the project's circulation needs in the context of Sewall Ave traffic flows, you and many abutters have suggested a full 2-lane driveway. The developer's confidence in residents' heavy use of rideshare vehicles highlights that need. When the building is finished, the smaller building footprint and the space dedicated for construction equipment will make way for this imperative 2-lane driveway.

Construction-related safety concerns on Sewall Ave. differ markedly from those elsewhere in Brookline. For example, current construction at JFK Crossing takes up only a sidewalk's width, and Harvard St. accommodates the temporary loss of a short parking lane without compromising safety. In contrast, the proposed project and construction plans materially jeopardize the residences and busy grocery store, post office, and temple on Sewall Avenue.

In the last 2 or 3 hearings, you signaled unequivocally that the proposed building is too large. The developer's response (to remove 1 residential story and 2 levels of underground parking, leaving the footprint largely intact) is inadequate. *The claim that further reduction in project scale will make the project economically unviable is specious and ignores the lot's inherent limits.* As you, Town safety officials, and the Transportation Board have all noted, *the land simply cannot accommodate the project's ambitious scale and use intensity.* Every communication from Town officials has stressed this point, starting with the Select Board's opposition in 2016 and 2017 letters to the Housing Finance Agency. All abutters welcome affordable housing in our neighborhood, but *the developer must not jeopardize public safety by shifting wholly avoidable construction (short-term) and traffic (long-term) burdens onto a busy, narrow one-way street that services the Town's entire postal demand.*

The development and consulting team is on record that the project was viable with 4 levels of underground parking. The latest iteration, with parking reduced to 2 levels, will avoid the water table and save the developer millions in construction costs. These savings and the reductions we suggest in size of the parking garage will easily offset further reductions in the amount of residential and/or commercial space. *The developer must understand and accept that any resulting decline in profit stems wholly from the parcel's inherent limitations and not from unreasonable constraints suggested by abutters or imposed by the Town.*

In summary, we respectfully submit that by every measure (intensity of use, circulation, parking, lot limitations, impact on Sewall Ave, fair profit), the appropriate scale for this project is:

1. A smaller excavation that allows *all construction to occur within property lines,*
2. Residential/commercial use and a building footprint *commensurate with the construction demands and reduced parking capacity,*
3. A *two-lane driveway to improve circulation* and increase the Sewall Ave setback.

Although the details will still need scrutiny, these changes will automatically address many current concerns about massing, inappropriate encroachment on public space, trash and snow removal, and *most importantly, the considerable threat to public safety.*

We should mention that at the start of the July 4 holiday weekend, the developer's team invited us and two other abutters to a July 8 meeting, where they proposed to provide an updated CMP. While we welcome the opportunity to discuss the project in good faith, the notice was too short and did not include many abutters who will be adversely affected by the proposals. We suggested meeting as a larger group soon after the updated CMP is discussed at the July 10th ZBA hearing. Our email reply is attached.

Finally, we have three small requests, irrespective of project size:

1. Please assess the impact of losing 5 public parking spaces along Sewall Ave. The spaces currently serve shoppers, temple visitors, postal staff, and tradespeople well. Archived satellite images indicate that they are almost always occupied during business hours.
2. To mitigate the likely increased abuse of the eastern Sewall Ave sidewalk to park trucks or pass other vehicles (hence jeopardizing pedestrian and bicyclist safety), please consider studying a role for bollards placed along the first ~100 ft. from the Longwood Ave intersection.
3. As our home and brick wall are at risk of damage from the proposed construction, please consider adding ours to the list of properties that the developer must monitor (and compensate for damages if necessary).

Again, many thanks for your dedication and effort. We recognize that your Board activities are voluntary, and we don't take your service for granted.

Sincerely,

Lisa and Ramesh Shivdasani
51 Sewall Avenue, Unit B

Subject: Re: 1299 Beacon Street - Construction Management
Date: Sunday, July 7, 2019 at 7:01:48 PM Eastern Daylight Time
From: Shivdasani, Ramesh Arjun, M.D., Ph.D.
To: Rachna Balakrishna, kyle@spellmanventures.com, rsydney@sydneyassociates.com, lkshivdasani@gmail.com, executivedirector@sinaibrookline.org
CC: Raj Dhanda, Jamie Hass, mmorelli@brooklinema.gov

Dear Ms. Balakrishna,

Thank you for your July 3 email. I am replying at the first opportunity after the July 4 break. In communications since December 2016, we have suggested involving neighbors to help mitigate the significant public safety risks of your project. Your invitation to discuss the CMP is a refreshing change from your inexplicable failure to reach out earlier.

Unfortunately, the notice is too short, the available information skeletal, and the extent of neighbor involvement inadequate for a July 8 meeting to be useful. I suggest that we aim to meet instead, as a larger group, soon after the community has a chance to assess current information objectively at the July 10th ZBA hearing.

1. Your invitation at the start of the July 4 weekend gave insufficient time to reschedule other commitments on July 8. We, and I expect others, will cooperate in finding a time that suits most parties.
2. The latest CMP (June 11) on the project website lacks necessary details. A meeting will be more useful if abutters receive a current, detailed CMP at least 3 days prior.
3. The CMP must consider the extreme burdens and safety risks to *all abutters*. Many neighbors who will be significantly affected by the construction were not invited, e.g., residents of 30 Longwood Avenue, 51A Sewall Avenue, other Sewall Avenue and Charles Street properties, and 11 Longwood Avenue.

I cannot at this time speak for the whole community, but Lisa and/or I will make ourselves available many evenings (even some mornings) after the July 10th ZBA hearing.

With kind regards,

Ramesh Shivdasani
51B Sewall Avenue

From: Rachna Balakrishna <rachna@masonmurphyinc.com>
Date: Wednesday, July 3, 2019 at 5:26 PM
To: "kyle@spellmanventures.com" <kyle@spellmanventures.com>, Roberta Sydney <rsydney@sydneyassociates.com>, Ramesh Shivdasani <ramesh_shivdasani@dfci.harvard.edu>, Lisa Shivdasani <lkshivdasani@gmail.com>, "executivedirector@sinaibrookline.org" <executivedirector@sinaibrookline.org>
Cc: Raj Dhanda <raj9634@gmail.com>, Jamie Hass <hassjamie@hotmail.com>
Subject: 1299 Beacon Street - Construction Management

External Email - Use Caution

Dear Neighbors and Abutters to 1299 Beacon Street:

We would like to have an open meeting for anyone who is interested to meet with us and our Construction Project Manager, Jamie Hass, next Monday, July 8th at 6:30pm onsite. Please pass this on to any other people that you think may be interested in attending the meeting.

We had a staff meeting with various Town departments on Monday to review the Construction Management Plan that Jamie has drafted. We will have copies of our updated CMP at the meeting on the 8th.

I understand that some people may be away but please let me know if you are able to attend. If you are not able to attend Monday evening and you want to meet another day/time, we will try to set up one other day and time for a discussion. On Monday we will meet in the parking lot at 1299 Beacon Street and will go inside the building at 6:45 for the balance of the meeting.

Best regards,
Rachna

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Rachna D. Balakrishna, Esq.
Vice President/General Counsel
Mason & Murphy Inc.
166 Harvard Street
Brookline, MA 02446
PLEASE NOTE THE CHANGE IN ADDRESS FOR OUR OFFICE.