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August 1, 2019

Brookline Zoning Board of Appeals  
Attn: Jessie Geller, Chairman  
333 Washington Street  
Brookline, MA 02445-6899

**Re: 1299 Boylston Street**

Dear Mr. Geller:

With respect to the above referenced matter, we represent KS Company Trust, owners of 1309-1319 Beacon Street. My clients have closely monitored this project and believe that it is clear that the applicant is misusing MGL c. 40B to profit and further exacerbate an existing congested area of Brookline. We hasten to note that we support the mission of MGL c. 40B; but believe this project is disingenuous with respect to formation of affordable housing. For this reason, my clients believe that the application should be denied. In the alternative, if the Zoning Board of Appeals is inclined to approve the project as currently revised, we offer herewith a list of proposed conditions to mitigate what our clients believe will be a disastrous situation for them and the neighborhood. A copy of our client's traffic consultant's memo dated July 29, 2019 is enclosed herewith.

**A. CONSTRUCTION CONDITIONS**

1. During construction, there shall be a police detail at all times to coordinate delivery ingress and egress of construction and demolition vehicles.
2. The applicant shall not be permitted to close parking lanes or sidewalks during construction demolition activity.
3. During construction, all abutting properties shall be notified in writing prior to the commencement of any construction activity at least fourteen (14) days before the same occurs.
4. Upon notification from an abutter that the construction activities have caused any type of damage to an existing property, including without limitation the cracking of foundations, all construction activity shall cease until the damage has been assessed by the applicant and its



representatives and insurers and an additional seven (7) days has elapsed allowing the abutter to seek legal redress.

**B. POST CONSTRUCTION CONDITIONS**

5. All delivery truck cueing should be disclosed by the applicant and there should be a condition which prohibits the same from occurring on Sewall Ave, Longwood Ave, Harvard Street or Beacon Street if it shall block or otherwise impede an abutter driveway or sidewalk.
6. All truck access and loading shall occur exclusively on the applicant's premises and there shall be no using of municipal parking lanes or sidewalks on Sewall Ave for truck access and loading.
7. The applicant shall be responsible for enforcing on-site parking for its residents, guests, building employees, retail customers and vendors so as to prevent such parking from using abutting properties. Such monitoring shall include without limitation posting of surveillance video equipment and the applicant shall contact the police regarding the offending activities.
8. The applicant shall erect signs on its premises indicating that all guests, residents employees, retail customers and vendors of the premises must park exclusively on the premises. Such signage shall be approved by the Planning Board.
9. The applicant shall submit to the Zoning Board of Appeals a parking operations plan to ensure safety on site and avoid cueing onto Sewall Ave. Such plan shall indicate site layout, setbacks and address concerns regarding massing. It shall also designate where overflow vehicles will be cued when the garage is temporarily unavailable. No backing out onto Sewall Avenue shall be permitted and parking attendants employed by the applicant shall be charged with preventing the same.
10. Any retail use or change of use of the premises shall be approved by the Zoning Board of Appeals to be consistent with low vehicular traffic intensity. The applicant shall designate ten percent (10%) of the parking spaces to be allocated for visitors and tradespeople. Such designation shall be clearly marked with signage and other designations approved by the Planning Board. Further, given the conversion of the residences to predominantly two bedroom units the applicant shall achieve a ratio of .90 spaced for each unit and an additional .10 for guests.
11. The applicant shall advise the Zoning Board of Appeals as to the contractor it engages to remove trash and recycle. Such vendor shall remove trash and pick up recycling at least two (2) times per week during non-peak traffic hours as so designated by the Zoning Board of Appeals. There shall be no outdoor storage for trash/recycling receptacles.
12. The applicant shall install some type of acceptable device to be approved by the Zoning Board of Appeals to alert pedestrians when vehicles are entering and exiting the site so as to ensure pedestrian and bicycle safety.

13. The applicant shall indicate on its plans a passageway (egress fifty (50) feet away from the building) to a public way to bring the non-conformity of 1297 Beacon Street into compliance with the State Building Code.

14. The applicant shall demonstrate to the reasonable satisfaction of the Zoning Board of Appeals that the trunk lines in Beacon Street and Sewall Avenue have the capacity to handle the drainage flow from the premises. Such report shall detail the treatment systems proposed so that the stormwater management system can achieve the water quality treatment alleged in the Nitsch memo “to remove eighty percent (80%) of the average annual post construction load of total suspended solids for all proposed vehicular access areas”.

15. The applicant shall not have more than twenty five percent (25%) of its parking spaces be designated for compact vehicles.

16. All driveway entrances on the site shall not be depressed but must be at the same elevation as the sidewalk to minimize impact to pedestrians and bicycles.

17. The applicant shall use the City of Cambridge bicycle parking guide as a best practice for sighting, dimensions and rack styles for bicycle racks employing at least the minimum ratio set forth therein.

18. By way of mitigation, the applicant should reimburse the Town of Brookline for two (2) years’ worth of meter parking revenue for all meters removed or temporarily unavailable during construction of the project. Further, the applicant should pay for the cost to develop intersection improvements at Longwood Avenue and Sewall Avenue.

19. The applicant should also pay for the cost to construct a curb extension/wide sidewalk between Longwood Ave and the first driveway curb cut for the purpose of locating a year round BlueBikes Station with a funded commitment for the cost to purchase and operate the station for two (2) years as provided for by the Planning Department.

20. There shall be no tandem parking at the premises.

21. The grade of the slope in the parking garage shall not exceed 7.5 percent.

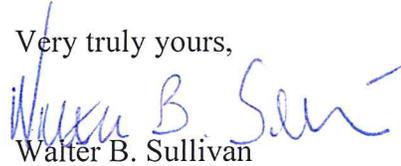
22. Traffic signs identified in Jack Gillon’s memo to the ZBA dated July 29, 2019 on page 2 shall be installed at the base of the garage ramp.

23. There shall be a requirement that the owner of the premises apply an epoxy-based paint in the center of the garage to remind motorist to stay in their proper lane.

24. The pavement width in the garage shall be at least 28 feet in length through the 90 degree curve.

We thank the Board and all of the Peer Review Consultants for their careful analysis and critique of this proposal. Our opposition to this proposal has been well documented but we are thankful to the Board for the comprehensive and respectful manner in which they have reviewed the application. We understand that the Board will have its own potential conditions, but we would ask that it consider the ones that we have submitted herein. We also anticipate that we will have additional suggestions regarding the environmental concerns once Geotech data comes available.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Walter B. Sullivan", is written over the typed name.

Walter B. Sullivan

WBS: jeg

Brookline zba-sydney 40B 072219



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July 29, 2019

Jesse Geller, Chairman  
Zoning Board of Appeals  
Town of Brookline  
566 Washington Street  
Brookline, MA 02445-6899

Reference: Traffic Study Peer Review **MEMO #5**  
Chapter 40B, 1299 Beacon Street  
Zoning District G-1.75, Precinct 10

Dear Chairman Geller and Board Members:

At the request of my clients, Roberta Sydney and Kyle Spellman, on behalf of KS Company Trust at 1309-1319 Beacon Street, I am providing this brief memorandum to clarify our differentiation between convenience and safety with our desire to improve the subsequent operation of the proposed parking garage.

As you are aware, I have stressed the four design elements at the ramp intersections on the westerly end of the facility will result in less than safe operations. While any one of these physical elements can be rationally explained and accepted, it is the culmination of these four and interaction between them that is of paramount concern. Again, we believe a safe and efficient operation will maximize the use of the parking facility while a poorly designed and/or inefficient design may very well result in slower turn-over operation or even worse, some motorists choosing to park on public streets or in adjacent surface parking lots.

To reiterate, these four design elements include 1) the 23-foot wide access pavement width, 2) the 12 percent down slope, 3) the 23-foot pavement width through the 90-degree turn, and 4) the concrete wall restricting motorists stopping sight distance from the parking level through the 90-degree turn to the straight-away section of the ramp. This parking ramp access configuration comprised of both a vertical and horizontal curve with an extremely tight pavement width exacerbates the single concern of each individual element.

The 23-foot access pavement width is acceptable both in the Zoning-By-Law and as a practical matter above ground in a surface parking lot. However, when concrete walls are introduced underground, a sideline obstruction is introduced which tends to make some drivers nervous especially when combined with less than optimum lighting or a wet pavement surface. A typical new roadway would have two twelve-foot travel lanes with a two-foot offset or edge line on each side underground for a twenty-eight foot pavement width. The ramp itself proposes a 23-foot aisle width but ITE suggests the two-way aisle should be in the range of 26.5 to 29.5 feet. Although I would prefer a twenty-four foot minimum cross section width, I would understand the Board accepting the 23-foot Zoning-By-Law width within the straight-away section of the ramp.

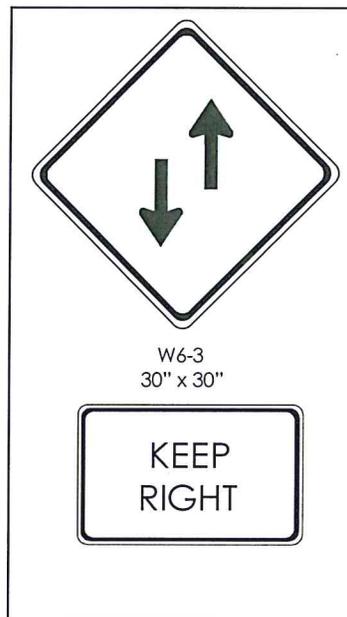
The 12-degree down slope on the straight-away section is steep since ITE has indicated the straight-away access ramps typically range between eight and ten percent when the ramp does not serve adjacent parking. Obviously, an access aisle could range between zero and fifteen percent with the median at 7 ½ percent. Coincidentally, this is where the ITE feels the maximum

grade should be. My particular concern here is carrying the twelve percent down-slope through the narrow 90-degree turn.

More often than not, structured parking garages do have 90-degree turns or curves. However, The ITE Traffic Engineering Handbook suggest for turns within a ramp or at the end of a ramp of 90 degrees (such as here), the minimum radius to the inside edge of the inside lane is typically 15 feet increasing to between 30 and 45 feet of the outside lane, thus, yielding a curved ramp width of about 30 feet in this curve area. The proposal calls for only 23 feet from the straight-away section right through the 90-degree curve. Again my experience in the public sector required designing, operating, and maintaining parking structures and the proposed pavement width of only twenty-three feet through the curve when combined with the steep grade suggests this will be a problem.

The concrete walls inside ramp wall will constrict stopping sight distance to approximately 52 feet from the parking level toward the east. This SSD is only adequate for vehicle speeds up to about eleven miles per hour. Typically motorists will negotiate a ninety degree at about 18 miles per hour. Moreover, the required stopping sight distance of 52 feet is only for slopes of three percent or less and this slope of 12 percent would be safe for operating speeds less than eleven miles per hour.

Since motorists leaving the parking levels cannot see more than a few feet, the following signs should be installed for them to see prior to entering the ramp.



Moreover, since a double yellow center line tends to wear out quickly in a garage with sand falling off of cars and a ninety degree turn, a more permanent line material solution, rather than yellow paint, should be installed. Perhaps an epoxy-based paint applied annually could help motorist recognize the urgency of staying on their own side of the ramp.

1299 Beacon St. Memo #6  
July 29, 2019 p. 3

I truly believe the 90-degree pavement section should be re-worked the **decrease** the slope in this short length and the pavement width should be **increased** from 23 feet to at least 28 feet through the 90-degree curve.

Sincerely,  
GILLON ASSOCIATES



John T. Gillon, P.E.