

September 17, 2019

Dear Chairman Geller and honorable members of the Zoning Board of Appeals,

Many thanks for your diligent review of the 40B project proposed at 1299 Beacon Street. We agree with many involved in the process that this project remains untenable for the location and pushes undue burdens onto the street and sidewalks while the developer's financial benefits well exceed the intent of the regulations. This represents a flagrant abuse of Ch. 40B and, as you know, while you and abutters raised many concerns about massing and public safety, the developer eventually responded by *reducing the number of affordable units* and essential parking spaces. Most importantly, the project still introduces countless safety risks. As you deliberate the conditions necessary to keep this project safe, we kindly request you to consider imposing the following:

1. Parking and circulation:

- A. Adequate allocation of garage parking spaces for residents' visitors, caregivers, and tradespeople. The current request for waivers allots only 6 visitor spaces, which will create safety issues related to those drivers either searching endlessly for parking in the dense neighborhood or blocking abutters' egress points. Plans for tandem parking in certain garage spaces remain a concern and require a waiver.
- B. As recommended by the Town's Transportation Administrator, satisfactory mitigation for the loss of 5 public parking spaces on Sewall Avenue and up to 2 spaces on Beacon Street.
- C. Concierge or other front-door service to accept deliveries for building residents. Without this condition, when delivery trucks encounter a busy driveway, drivers will park illegally on the street while they bring packages to units on high floors.
- D. Adherence to the parking plan detailed in the final proposal: Garage entry must occur by passes issued in advance or alternative means that avoid vehicular queuing on Sewall Avenue. A satisfactory plan must stipulate how visitors, caregivers, and tradespeople will access the garage without delays that affect Sewall Avenue traffic.
- E. Adherence to the trash/recycling plan detailed in the final proposal: in light of the expected volumes of commercial and residential waste, all barrels must be staged and removed from inside the property line (not the sidewalk) during periods of low street traffic.

2. Construction plan

- A. Construction activities must preserve adequate and safe pedestrian access, exclude vehicular traffic and parking from sidewalks, and at all times allow emergency, delivery, and snow removal vehicles to access Sewall Avenue without hindrance.
- B. Presence of police details at each end of the affected portion of Sewall Avenue during construction hours, to enforce the conditions of the building permit and to ensure pedestrian and vehicular safety.

- C. Prior to the start of a construction: mutual agreements with the US Postal Service and Temple Sinai for safe circulation, loading/unloading, and parking of mail vans and the vehicles that transport children and elderly persons to Sewall Avenue. If temporary bidirectional access is permitted, road signs must be updated in advance and the private detail must monitor traffic.
- D. Developer must assume responsibility for interrupted delivery of utilities (natural gas, electricity, water, sewage, cable) caused by construction activities. Construction must be suspended until an affected utility service is restored. [We urge the Town to take the opportunity to shift electric supply cables underground.]
- E. Cranes must not be positioned on public property or pose undue risk to abutters and passers.
- F. As ground conditions in the proposed underground parking lot are unknown, our home and curbside brick wall at 51 Sewall Avenue are at risk for structural damage from vibrations or ground movements during excavation and construction. We respectfully request that our home be included among the properties that the developer is required to monitor. In the event of objective damage, construction should cease immediately until independent professional authorities adjudicate responsibility, fair compensation, and a plan to prevent additional damage.

3. During and after construction

- A. No activity during or after construction should interfere with abutters' ability to access their homes or have refuse and snow removed from their properties on a reasonable schedule. The Town's ability to clean Sewall Avenue, remove snow, and haul waste must not be hindered. Safety risks from Post Office activities must not increase beyond current, well-documented levels.
- B. Abutters and police must have 24-hour mobile phone access to a project manager (during construction) or building superintendent (after occupancy) with the authority to respond to safety concerns and halt or modify unsafe activities.
- C. Installation of permanent bollards on the southern sidewalk along Sewall Avenue, to prevent construction, postal and other vehicles from driving and parking there. To avoid shifting problems from one part of the street to another, bollards should span the full length from the Longwood Avenue to the Charles Street intersections.
- D. Enforceable adherence to Town ordinances regarding noise (including construction, garage alarms, trash removal, and heating/ventilation/air conditioning) and other encumbrances on public welfare and safety. Considering the disruptive scale of the project in a residential neighborhood, we do not believe it merits waivers for construction to occur outside the windows of time currently allowed in Brookline.
- E. Requirement to plant trees (as depicted in the architectural plans) that adequately mitigate the anticipated removal of a large tree currently located near the property line at Sewall Avenue.

Please also consider the substantial concerns outlined in the Police Department's memo dated 7/2/18, the Building Commissioner's letters dated 7/10/18 and 9/5/18, and the Transportation Administrator's memos dated 7/11/18 and 11/27/18. From the latter, for example: "Constantly circling vehicles throughout the day, double & triple parking, etc. caused when the demand far outweighs the supply poses more of a safety threat than not meeting AASHTO site lines standards for a driveway. Eliminating it, without any plan to offset the loss, to benefit access to this development is a concern for staff. Therefore, if the ZBA takes the recommendation of the Peer Review consultant and votes to remove parking to meet AASHTO site lines we would recommend that an equal amount of spaces be made available in the garage for use by the general public"

The developer originally petitioned the Town for permission to construct a hotel at 1299 Beacon Street (the Economic Development Council unanimously rejected this proposal on the grounds of traffic circulation and safety along Sewall Avenue). In the process for both the hotel and 55+ housing, the developer's repeated prevarication and failure to engage constructively with abutters are on record. Abutters are accordingly concerned that some conditions you attach to the comprehensive building permit may be ignored. Therefore, we respectfully urge you to draft the conditions in language that is firm, unambiguous, and enforceable.

Thank you again for your kind and voluntary service to the Town.

Sincerely,

Ramesh and Lisa Shivdasani
51 Sewall Avenue, Unit B