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Town of Brookline
Board of Appeals Public Hearing
Re 1800 Boylston Street

Remote Zoom

Wednesday, October 7, 2020
7:00 p.m. - 7:20 p.m.

A P P E A R A N C E S

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Board of Appeals

Mark Zuroff, Chairman

Kate Poverman, Board Member

Lark Palermo, Board Member

Raj Dhanda, Applicant

Robert Engler, Consultant for Applicant

Rashna Balakrishna, Attorney for Applicant

P R O C E E D I N G S

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3 MR. ZUROFF: Good evening, ladies and
4 gentlemen. My name is Mark Zuroff. I'm sitting
5 as the chairman of the Zoning Board of Appeals
6 this evening.

7 This evening's agenda consists solely
8 of a hearing to modify a comprehensive permit
9 issued for 1180 Boylston Street under a Chapter
10 40B procedure. The applicant is here to seek a
11 modification of the special permit.

12 This meeting is not going to be
13 conducted under any particular predetermined
14 format, but what we will do is we will hear from
15 the applicant, I believe, first, explaining the
16 modification that they are seeking. Then we
17 will hear from Maria Morelli from the planning
18 department for the staff reaction to that.

19 During the procedure, which is being
20 recorded, we will be able to ask questions
21 during the process. This is a meeting and not a
22 hearing, so the public is not part of this. This
23 is solely a determination as to whether the
24 application for modification is substantial or

1 insubstantial and whether it requires a hearing
2 to go forward. So the board will determine
3 whether it is substantial or insubstantial, and
4 then we'll go from there.

5 So I guess that the first order of
6 business is to hear from the applicant. Tell us
7 who you are and why you are here, and you can
8 explain the modification that you're seeking.

9 MS. BALAKRISHNA: Thank you. My name
10 is Rashna Balakrishna. I'm the attorney on
11 behalf of the applicant, which is Chestnut Hill
12 Investments. And we have just a few different
13 modifications, which I hope you'll agree are all
14 minor. I outlined them in the memo dated
15 September 17, and I can just quickly summarize
16 what they are.

17 There's one condition, Condition
18 Number 13, from the comprehensive permit
19 decision of last year, last November, regarding
20 the driveway with which we realized recently, in
21 the process of applying for a permit from
22 MassDOT, that Condition 13 does not reflect the
23 plans that were attached to the decision and
24 that were approved by the zoning board last

1 year.

2 The plans that were attached showed a
3 driveway width of 27 feet, and Condition 13,
4 which is essentially a holdover from the
5 original permit that we got in 2017, states that
6 the project's driveway -- the new curb cut on
7 Boylston Street for the project's driveway
8 should be no less than 30 feet wide to
9 accommodate three driveway lanes, and both the
10 size of the driveway and the design of the garage
11 changed significantly. And so we would like to
12 have the condition language updated to reflect
13 the size of the driveway on the plans.

14 MR. ZUROFF: Could I ask a question at
15 this point?

16 MS. BALAKRISHNA: Sure.

17 MR. ZUROFF: So the original plan had
18 provisions for, I know, valet parking, and
19 that's no longer part of the plan?

20 MS. BALAKRISHNA: Correct.

21 MR. ZUROFF: So the rear driveway,
22 which had, I guess, three lanes, is now being cut
23 down to a two-lane driveway, which is
24 understandable, that there won't be cars waiting

1 in line anymore. But the possibility was always
2 there that that rear area, the driveway area,
3 could be used for deliveries or Uber pickups and
4 the like, and that's no longer going to be
5 allowed; is that correct?

6 MS. BALAKRISHNA: Right. We got
7 approval for a loading zone on Hammond Street.
8 So the plan -- the project is designed with the
9 idea of deliveries and drop-offs and, you know,
10 the type of things that you mentioned would
11 happen at that loading zone.

12 MR. ZUROFF: So all the residents will
13 be informed of that?

14 MS. BALAKRISHNA: Yes.

15 MR. ZUROFF: And it will be marked
16 clearly that there's no standing in the
17 driveways?

18 MS. BALAKRISHNA: Yes, correct.

19 MR. ZUROFF: Thank you. Any other
20 questions on that particular issue? Board, no?
21 I'm sorry to interrupt. Please go on.

22 MS. BALAKRISHNA: So that was the
23 first request for modification. The second
24 request for modification related to Condition 55

1 of the decision, which states that the applicant
2 shall install a generator or backup power system
3 to maintain ventilation of the underground
4 garage during power outages.

5 Our design team has done a number of
6 buildings and thought this may not be necessary,
7 but we've gotten some feedback from the building
8 department that they do think it's necessary.
9 So I would say on that request, we'll follow the
10 guidance of the building department. So we are
11 withdrawing that request for modification.

12 MR. ZUROFF: Thank you.

13 MS. BALAKRISHNA: And then the next
14 one is Condition 27(vi) of the decision, and it
15 reads, "Prior to the issuance of a building
16 permit, the applicant shall submit a
17 transportation access plan for reducing the
18 number of vehicular trips to and from the
19 project," and then there's a number of items
20 listed, and it says, "Mitigation measures shall
21 include the following."

22 And the one in particular that we
23 wanted to modify is the one that says,
24 "Installing transit screens in the building

1 lobby for use by residents, visitors, and staff
2 to display the on-time arrival of nearby MBTA
3 buses and trains."

4 Our architect gave us some information
5 on a website, the transit screen website, that
6 provides the same information that you can pay
7 to subscribe to and make it available to
8 multiple users on their phones. And, for a
9 variety of reasons, we thought this would be a
10 better option than having the transit screen
11 installed in the lobby.

12 The mobile transit screen, which I
13 shared with the planning department and the
14 transportation department, will provide easier
15 access, and can also be used not just by
16 residents and people who work in the building,
17 but also people who are tradespeople, which we
18 will be managing, since the building is all
19 rentals, any other regular visitors or
20 caregivers that could be coming.

21 It will also be better, as we've all
22 dealt with the, you know, challenges of Covid
23 from a public health perspective, allowing each
24 person to access the transit information on

1 their phones. Rather than having people stand
2 near each other in the lobby to look at the
3 transit screen, you know, gives a better option
4 from a public health perspective.

5 And finally, the access to the
6 residential lobby will be limited to residents,
7 and retail employees will not be entering that.
8 So it would be hard for them to view the screen.
9 So we, you know, want to make this a very transit
10 friendly building and would like this to be --
11 this transit screen option to be allowed instead
12 of the screen installed in the lobby.

13 MR. ZUROFF: Would you be providing
14 the application to the residents? Is that it?

15 MS. BALAKRISHNA: We would provide the
16 web -- access to the website to the residents and
17 to other people that are regular visitors to the
18 building.

19 MR. ZUROFF: And this is related to
20 the bus service or to the --

21 MS. BALAKRISHNA: Yeah, to the bus and
22 the T. It would be for both.

23 MR. ZUROFF: Thank you. Any other
24 questions?

1 MS. POVERMAN: Well, how would people
2 access, or know to access this app?

3 MR. BALAKRISHNA: They would -- we
4 plan on having an app for the building. So we
5 will have -- and we will also have people sign in
6 or can be communicating with them if they're
7 regular visitors, like tradespeople. So
8 residents, we will be communicating with, and
9 we'll send them the link to use this transit
10 screen website, and they can similarly share it
11 with people that are coming, such as caregivers.
12 We would -- as the building managers, we would be
13 communicating with tradespeople and could share
14 it with them, and also with retail employees by
15 email through the building management.

16 MS. POVERMAN: If there were a screen
17 instead of the app, would retail customers be
18 able to use it? Would they be able to access it?

19 MS. BALAKRISHNA: No, because the
20 lobby is -- will be limited to people who live
21 there and their guests.

22 MS. POVERMAN: What is the cost
23 savings for doing the app instead of the screen?

24 MS. BALAKRISHNA: I'm not sure,

1 actually, what the exact cost savings are, but
2 there is a cost, either way, you know, in either
3 case.

4 MS. POVERMAN: Isn't there a free app
5 from the city as to bus and train schedules and
6 how they're going? I believe there is.

7 MS. BALAKRISHNA: Yeah, I think there
8 is, but I think the idea is that we will
9 subscribe to this and make this available to
10 everyone so that they have it easily available.
11 But yes, there are various apps. Some are free,
12 and some are not.

13 MS. POVERMAN: So any idea of the cost
14 savings?

15 MS. BALAKRISHNA: No, I don't know
16 exactly what the cost savings would be. I don't
17 think it's significant. I think the real issue
18 is easier access, and also the problem of having
19 people stand near each other in the lobby to look
20 at it.

21 MS. POVERMAN: I don't have any more
22 questions.

23 MR. ZUROFF: I'm sorry. You can
24 continue.

1 MS. BALAKRISHNA: And then the last
2 item on the list is that in the waivers that we
3 had approved with the decision, we had an
4 oversight where we did not add the building at
5 612-614 Hammond Street, which is there now and
6 needs to be demolished as part of the initial
7 work in the project. We have the other existing
8 structure listed, but not that one. So we were
9 -- our contractor recently applied for the
10 demolition permit, and we were advised to have
11 the waiver amended to include that additional
12 property.

13 MS. POVERMAN: They did all the
14 property at the time you submitted the original
15 waivers?

16 MS. BALAKRISHNA: No, we -- the
17 original permit did not -- we did not own it at
18 that time.

19 MS. POVERMAN: What is the plan for
20 that property?

21 MS. BALAKRISHNA: It will be
22 demolished as part of the site work, as part of
23 the project.

24 MS. POVERMAN: And after that, how is

1 it going to be used?

2 MS. BALAKRISHNA: The structure that's
3 being demolished?

4 MS. POVERMAN: Yeah. I'm just
5 wondering if there's a plan to add onto the
6 existing 40B or anything like that. I just want
7 to make sure --

8 MS. MORELLI: Yeah, just hold on --

9 MS. BALAKRISHNA: No, no, this is just
10 -- sorry. Go ahead, Maria.

11 MS. MORELLI: I'm sorry, Ms.
12 Balakrishna. I just want to -- there was a
13 previous -- so there was the initial comp
14 permit, and then there was modification one.
15 Modification one did consist of adding this
16 parcel as 612-614 Hammond Street to the 1180
17 Boylston parcel, and that modification actually
18 extended the 40B to the 612-614 parcel.

19 So it was the -- the project was
20 increased. It did undergo all sorts of peer
21 review, and furthermore, the garage underneath
22 was extended. So adding that parcel just made a
23 jog in the original lot. It made it rectangular,
24 which greatly improved the 40B project.

1 MS. POVERMAN: This is what happens
2 when you don't get the original people back, but
3 Jonathan Brook (?) is probably very happy about
4 that. Then I don't have any further questions.

5 MR. ZUROFF: Lark, I see you trying to
6 speak.

7 MS. PALERMO: I was going to say, to
8 clarify, I think the only thing it sounds like
9 the applicant didn't do -- because I did sit on
10 one of the modification panels, not the original
11 case, but the modification -- was to just
12 include the demolition of these structures.
13 They were very clear on what they were doing with
14 the land.

15 MS. BALAKRISHNA: Yeah, there was one
16 structure that we neglected to include, and
17 that's the one that we want to be added to the
18 waiver tonight.

19 MR. ZUROFF: And as a member of the
20 board that sat on every hearing matter, I can
21 confirm that the addition of the additional
22 parcel was part of the first modification. So
23 that's not being changed. It just didn't have a
24 demolition addition to the second modification.

1 MS. POVERMAN: Was that deemed a
2 substantial change? I'm just curious.

3 MR. ZUROFF: That one was, and we did
4 have peer review on that.

5 MS. POVERMAN: Thanks.

6 MR. ZUROFF: So is there anything else
7 from the applicant on this particular meeting?

8 MS. BALAKRISHNA: No, I think that --
9 I'm happy to answer any further questions, but
10 that is the -- that concludes what we wanted to
11 present tonight.

12 MR. ZUROFF: Thank you. Mr. Engler,
13 do you have anything else to add before the board
14 starts asking questions or deliberating or --
15 actually, we're going to hear from Maria.

16 MR. ENGLER: No, I have nothing.

17 MR. ZUROFF: Then Maria, why don't you
18 tell us how the staff feels about this?

19 MS. MORELLI: Good evening. Maria
20 Morelli, senior planner, planning department.
21 In regard to the driveway width, that is
22 absolutely accurate. The plan would be a 27-
23 foot driveway width, which was extensively peer
24 reviewed by Walker Consultants during

1 modification one, and because there isn't the
2 valet service, that third lane for overflow
3 parking is no longer needed, and, in fact, the
4 27-foot driveway width -- it's better than a 30-
5 foot driveway width. We don't really want to
6 have driveways wider than they need to be.

7 So this is simply a matter of making
8 sure the condition is updated to reflect the
9 plans that were approved by the modification one
10 ZBA panel. As you know, the generator, that
11 request has been withdrawn.

12 In regard to Condition 27, the
13 transportation administrator, Todd Kirrane, did
14 review Ms. Balakrishna's proposal and finds it
15 perfect accessible, as long as the condition is
16 updated to make it available to residents,
17 tradespeople, child care providers, elder care
18 providers, basically regular visitors of the
19 project.

20 And the last thing about the demo
21 delay, everything was accurately conveyed. The
22 parcel at 612-614 Hammond was added as part of
23 modification one. So it's simply just a
24 scrivener's error and oversight. It's a matter

1 of updating the waiver.

2 MR. ZUROFF: Anything else, Maria?

3 MS. MORELLI: And that is it.

4 MR. ZUROFF: Excellent. Board --
5 well, maybe I'll start, because I've been on the
6 project since day one. My overview of what is
7 being requested is that there -- it's not
8 substantial. These are just modifications that
9 make the project more viable. It doesn't affect
10 the residents, doesn't affect the neighborhood,
11 and I don't think that it requires any further
12 hearings, and I'm in favor of supporting a
13 finding of insubstantial.

14 MS. PALERMO: I would agree. Having
15 been a participant in one modification, it's
16 clear that these items that are being requested
17 at this meeting are, as far as I'm concerned,
18 insubstantial, and I would agree with you that a
19 hearing isn't necessary.

20 MR. ZUROFF: Thank you, Lark. Kate?

21 MS. POVERMAN: I agree that they're
22 insubstantial changes that are being requested,
23 and I would approve the modification.

24 MR. ZUROFF: Then to the applicant, it

1 is a unanimous finding that your requested
2 modification will be fine, does not require
3 further hearings, and is insubstantial under the
4 CMR definitions.

5 MR. DHANDA: Thank you very much.

6 MS. BALAKRISHNA: Thank you.

7 MR. ZUROFF: Do we have any other
8 business?

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

10 MS. POVERMAN: Best hearing I've ever
11 been to -- meeting, excuse me.

12 MR. ZUROFF: Well, then thank you for
13 coming and participating in our meeting, and
14 we'll see you soon. Thank you.

15 MS. BALAKRISHNA: Thank you.

16 MS. MORELLI: Thank you. Good
17 evening.

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C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss.

I, ARLENE R. BOYER, a Certified Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify:

That the proceedings herein was recorded by me and transcribed by me; and that such transcript is a true record of the proceedings, to the best of my knowledge, skill and ability.

IN WITNESS WHEREOF, I hereunto set my hand and notarial seal this 20th day of October 2020.



Arlene R. Boyer, CVR
Notary Public

My Commission Expires
November 21, 2025

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