



Board of Appeals  
Jesse Geller, Chairman

## Town of Brookline Massachusetts

Town Hall, Third Floor  
333 Washington Street  
Brookline, MA 02445-6899  
(617) 730-2130 Fax (617) 730-2442

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**COMPREHENSIVE PERMIT APPLICATION CHAPTER 40B  
500 HARVARD STREET  
BOARD OF APPEALS CASE 2019-000016**

**DRAFT**

**Minutes of the January 16, 2020 (7 pm) Public Hearing**

**Brookline Town Hall - Select Board Hearing Room - 333 Washington Street – Sixth Floor**

**Panel:** Jesse Geller (Chair), Johanna Schneider, Kate Poverman, Randolph Meicklejohn (alternate)

**Staff:** Maria Morelli, Senior Planner, Planning Department

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Chair Jesse Geller called the hearing to order.

The court reporter was not able to attend and no replacement could be obtained. Brookline Interactive Group (BIG) broadcast via cable and live streamed via Youtube. [Because of technical difficulties, BIG does not have a video of the event that the Town can use to create a transcript.]

The agenda consisted of a presentation by Maria Morelli (Senior Planner, Brookline Planning Department, Regulatory Division). A link to the Planning Department slides submitted as testimony to the Board is below:

[https://www.brooklinema.gov/DocumentCenter/View/21067/500-Harvard-Planning-Dept-Presentation\\_0116-2020\\_v2](https://www.brooklinema.gov/DocumentCenter/View/21067/500-Harvard-Planning-Dept-Presentation_0116-2020_v2)

The presentation consisted of the components of the site plan and design review framework that the Town uses to assess impact and mitigation of major impact projects and the standard framework the Board of Appeals applies to all Chapter 40B projects to assess design criteria pursuant to M.G.L.c.40B Sec. 20. The presentation also consisted of Ms. Morelli's design analysis of the Applicant's proposal pertaining to, in part:

- abutting one and two-family neighborhood,
- scale, massing, and sky exposure plane,
- street wall and development pattern on Harvard Street,
- four to five story multifamily context in nearby Allston,
- the characteristics of four c.40B projects on Harvard Street permitted by the Board in the past two years,
- sight line distance and circulation, and
- intensity of use, feasibility, and safety and health considerations.

The Planning Department's design review recommendations submitted as testimony included:

- “Reduce to height consistent with multifamily development pattern (4 to 4.5 stories) and other 40Bs on Harvard
- “Study setback and sky exposure plane (stepbacks) on façade facing two-family; privacy, tree protection
- “Acknowledge the two front yards: Create a welcoming residential/retail entrance
- “Maintain plantings on Kenwood front yard for continuity
- “Introduce some transparency at ground floor at Harvard-Kenwood vertex to “see around the corner”
- “Consider ramping down to below-grade garage to mitigate looming garage door
- “Industrial, factory building does not relate to surrounding context or arch history
- “Consider warm woods to better tie into two-family clapboards; study effective not intrusive use of lighting
- “Reconsider floor to ceiling height windows for better energy efficiency, add more textures to improve regularity of the grid pattern
- “Configure outdoor amenities
- “Study parking demand to better assign parking ratio
- “Study change in traffic circulation and queueing on one-way streets assoc. with reducing driveways from two to one (especially if parking ratio needs to increase)
- “Provide a range of retail uses to fully vet impact of total program (parking demand, peak traffic periods, trash volume and plan, ventilation requirements)
- “Provide a trash/recycling plan” to assess if the site can sustain the intensity of use proposed by the program.

The presentation also included the following excerpt from subsidizing agency Masshousing's January 12, 2019 Project Eligibility Letter (PEL), which outlined the municipality's concerns that the Applicant is expected to fully explore in the public hearing process

*(excerpt follows on page 3)*

Based on MassHousing's consideration of comments received from the Municipality, and its site and design review, the following issues should be addressed in your application to the local ZBA for a Comprehensive Permit and fully explored in the public hearing process prior to submission of your application for Final Approval under the Program:

- Development of this Site will require compliance with all state and federal environmental laws, regulations and standards applicable to existing conditions and to the proposed use related to building construction, stormwater management, wastewater collection and treatment, and hazardous waste safety. The Applicant should expect that the Municipality will require evidence of such compliance prior to the issuance of a building permit for the Project.
- The Applicant should be prepared to engage in dialogue with abutters and address concerns relative to what the Municipality believes are unreasonable setbacks.
- The Applicant should be prepared to discuss concerns relative to the proposed size, scale and architectural style of the proposed multi-family building and its impact on the neighborhood and direct abutters. The Applicant should discuss its initial study and fully describe proposed measures to mitigate these concerns.
- The Applicant should be prepared to provide sufficient data to assess potential traffic impacts on area roadways and intersections, including the safety of proposed site access and egress, and to respond to reasonable requests for mitigation.
- The Applicant should be prepared to discuss opportunities for open space accessible to all tenants.
- The Applicant should be prepared to discuss the proposed use of the stacked parking technology and respond to reasonable requests for mitigation of potential noise associated with the system.

Ms. Morelli also submitted to the Board the supplemental PEL that Jessica Malcolm of Masshousing issued January 16, 2020, to correct a clerical error as follows: "the six (6) affordable units will in fact be restricted as affordable to households earning at or below 50% [not 80%] of the Area Media Income."

Members of the public were in attendance and asked many questions about the process and the presentation.

The public hearing was continued to February 26, 2020.

Submitted,  
Maria Morelli  
Senior Planner