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**Town of Brookline
Board of Appeals Public Hearing
Re 500 Harvard Street**

Remote Zoom

Wednesday, March 10, 2021

7:00 p.m. - 9:55 p.m.

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A P P E A R A N C E S

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Board of Appeals
Jesse Geller, Chairman
Johanna Schneider, Board Member
Kate Poverman, Board Member
Randolph Meiklejohn, Board Member

Clifford Boehmer, Architect
John Harding, Architect
Jennifer Dopazo-Gilbert, Attorney
Danny Danesh, Applicant
David Danesh, Applicant

1 P R O C E E D I N G S

2 MR. GELLER: Good evening, everyone.
3 This is Jesse Geller. Before we begin, I'll
4 confirm that all members and other persons
5 anticipated to participate on the agenda are
6 present and can hear me. Members, when I call
7 your name, please respond in the affirmative.
8 Kate Poverman.

9 MS. POVERMAN: I am here.

10 MR. GELLER: Randolph Meiklejohn.

11 MR. MEIKLEJOHN: I also am here.

12 MR. GELLER: Johanna Schneider.

13 MS. SCHNEIDER: Present.

14 MR. GELLER: Staff, when I call your
15 name, please respond in the affirmative. Maria
16 Morelli.

17 MS. MORELLI: I'm here.

18 MR. GELLER: And we have nobody else
19 from staff, I assume?

20 MS. MORELLI: That's right.

21 MR. GELLER: Great. Thank you. All
22 speakers should identify themselves by name
23 prior to speaking. This hearing of the ZBA in
24 open session is being conducted remotely, and in

1 a manner that is consistent with Governor
2 Baker's March 12, 2020 executive order
3 concerning the current state of emergency in the
4 Commonwealth due to the outbreak of the COVID-19
5 virus.

6 In order to mitigate the transmission
7 of COVID-19, we have been advised to practice
8 physical distancing, and the requirement of the
9 open meeting law that public bodies such as this
10 conduct their meetings in a publicly accessible
11 physical location has been suspended.

12 The governor's order, which is posted
13 with agenda materials for this hearing,
14 authorizes this body to meet entirely remotely
15 so long as adequate public access is provided.
16 Adequate public access does not include public
17 participation, unless such participation is
18 required by law.

19 This hearing will feature public
20 comment. For this hearing, the ZBA is convening
21 by video conference via Zoom, as posted on the
22 town's calendar, which identifies how the public
23 may access the hearing. Be advised that this
24 hearing is and that some attendees may be

1 participating by video conference. Accordingly,
2 please be aware that others may be able to see
3 you, and take care not to screen share your
4 computer. Anything that you broadcast may be
5 captured by the recording.

6 All supporting materials that have
7 been provided to members of the body are
8 available on the town website and attached to
9 this hearing invitation. The hearing will
10 follow the agenda, unless I note otherwise.
11 Finally, before turning to the agenda, I will
12 cover some ground rules that will permit clear
13 and effective conduct of our business and help
14 to ensure accurate hearing minutes.

15 I'll introduce each speaker on the
16 agenda. After they conclude their remarks, I'll
17 invite each member, by name, to provide any
18 comment, questions, or motions. Please hold
19 yours until your name is called. Please also
20 remember to mute your phone or computer when you
21 are not speaking, and to speak clearly and in a
22 way that helps generate accurate minutes.

23 Before responding, please wait until
24 the floor is yielded to you, and state your name

1 before speaking. If members wish to engage in
2 sidebar comment with other members, please do so
3 through me. Finally, each vote taken in this
4 hearing will be conducted by a roll call vote.

5 For the public comment component of
6 this hearing, I will ask members of the public
7 who wish to speak to identify themselves by name
8 and address only. I'll call on each by name.
9 Please enter your name into the chat section.
10 You can find the chat icon on the bottom of your
11 screen. Click on this icon, and the chat window
12 will appear on the right. Our host, Maria, will
13 cue members in the order in which requests are
14 received. Additionally, we will ask if members
15 of the public who are calling in would like to
16 speak in favor of or in opposition to the
17 project.

18 Tonight's agenda. As people will
19 recall, our last hearing was February 17. At
20 that time, the applicant presented revised
21 materials that were the result of discussions in
22 the meetings that took place with staff, and
23 there were a number of changes. There were other
24 issues that, frankly, the board had significant

1 concerns about, consistent with prior concerns
2 that were raised, and ultimately, at the end of
3 the hearing, the board has done -- I think in the
4 last two hearings gave a charge to the
5 developer. And again, I think there was a
6 significant amount of continuity in the request
7 by the board members.

8 Tonight's hearing will be similar in
9 content in many ways to the last hearing. We
10 will see what iterative changes have been made
11 to this project. Hopefully the proponent has
12 made changes per the board's request.

13 I'm going to steal Maria's thunder. I
14 understand that the deadline for this hearing to
15 close is now April 7.

16 MS. MORELLI: Correct.

17 MR. GELLER: And there are strict
18 guidelines under Chapter 40B that we need to
19 follow, and therefore, we're very conscious of
20 the deadline in which we have to close the
21 hearing and render a decision, and Maria has
22 been on top of that and has gotten extensions
23 where we've needed them. What else, Maria?
24 Staff report and also administrative details,

1 please.

2 MR. MORELLI: Yes. I'll launch into
3 the staff report. So I just thought I would
4 spend just a minute or two to go over the ZBA's
5 charge, and I'll just go over the overall
6 comments and not individual comments, unless you
7 want that --

8 MR. GELLER: I do not.

9 MR. GELLER: -- entered into the
10 record. So overall, the board felt at the
11 February 17 hearing that the applicant still
12 needs to eliminate volume on the upper floors to
13 meet the ZBA charge to improve the scale and
14 relationship to the surrounding neighborhood,
15 especially the Kenwood neighborhood.

16 The ZBA did not say either bring
17 retail back or lose the retail space on the
18 ground floor. Ms. Schneider said see if
19 residential units could be moved to the ground
20 floor to reduce height and massing. Mr. Geller
21 said play with the program to reduce massing.

22 Ms. Poverman and Mr. Meiklejohn
23 thought losing the sixth story would improve the
24 scale. Ms. Poverman said it "makes me wonder if

1 this building can be reduced from six stories to
2 five stories," and she referenced the
3 applicant's other project at 455 Harvard. She
4 said, "Cliff's recommendation that setbacks on
5 Floors 5 and 6 should be heeded." Mr. Meiklejohn
6 said, "When it comes to mass, it would be better
7 if the building were not six stories, or at least
8 a partial sixth story."

9 Mr. Geller, Ms. Schneider, and Mr.
10 Meiklejohn said that the arcade does nothing to
11 improve scale or bulk of the building. Mr.
12 Geller noted stepbacks on the fifth floor at the
13 420 Harvard 40B on the fifth floor facing one-
14 and two-story neighborhood on Fuller Street.

15 Mr. Geller wants to see how a
16 reduction in massing improves impact on Kenwood
17 at the next hearing. In other words, he wanted
18 to see massing studies, whether they work
19 proportionately or not. Mr. Geller and Mr.
20 Meiklejohn were fine with concentrating mass at
21 Harvard, as long as massing is meaningfully
22 reduced in relationship to the Kenwood one- and
23 two-family neighborhood.

24 So the working group that we had was

1 held on March 4, and we reviewed revised plans
2 that the applicant submitted. We also had a live
3 sketch-up model to play with to look at
4 different volumes chunked out, and we also
5 looked at analytical tools, whether it's street
6 sections, view sheds, different perspectives
7 from different viewpoints. And the question was
8 is the impact due to scale on the area most
9 affected, that is the Kenwood neighborhood. Is
10 it being diminished to a sufficient degree that
11 can measurably -- can that improvement be
12 measured.

13 So again, we did look at some massing
14 studies, which I've asked the applicant to
15 provide. So it would be those interim studies,
16 as many as we looked at in the March 4 working
17 group, as well as earlier working groups.

18 The other analytical tools will be a
19 person -- a pedestrian at 9 Kenwood at the ground
20 floor and at the upper floor, what is their view
21 of the building, as well as standing across the
22 street across from the driveway, what is the
23 perspective of the pedestrian on Kenwood looking
24 at the building.

1 Street sections, iterations of the
2 project over the progression of the public
3 hearing, and I've even asked for street sections
4 of those projects that often get referred to,
5 mainly 420 Harvard and 445 Harvard, because
6 there are two-family neighborhoods abutting the
7 rear of those projects.

8 One thing that I guess I will jump to,
9 the applicant will be showing the most
10 significant change, which is a stepback of the
11 upper floor on the west facade by about 18 and a
12 half feet. So that is the deepest stepback on
13 the upper floor that we've seen, and generally,
14 Mr. Boehmer did feel that that was a measurable
15 impact, and it did make a difference.

16 The other changes -- the retail has
17 been introduced. I'm not sure how that affects
18 the program because there is a bunch of things,
19 like that 700 square feet of living area that was
20 reduced as a result of that stepback on the sixth
21 floor. The parking still remains, and no units
22 have been brought to the ground floor. You
23 wondered if those options were going to be
24 considered.

1 With the introduction of retail
2 becomes the issue of intensity of use; for
3 instance, what are the uses that are being
4 planned, and are there going to be amenities on
5 the site that can support that program. So how
6 we're looking at that, it's about 1200 square
7 feet of retail that's included, and I think
8 there is also an amenity space retained.

9 But besides that, the retail space
10 does preclude a commercial kitchen. So some of
11 the intensity of use that would come with
12 ventilation, noise and odors, although those
13 would be on the upper floor, not on the ground
14 floor, a destination restaurant probably would
15 not be part of this program because -- just
16 because of the size, the limited space, you
17 really couldn't accommodate a commercial
18 kitchen.

19 The trash does need to be evaluated by
20 the health department, and so we don't have the
21 report back regarding retail.

22 I do want to note that I did ask for
23 the loading zone that is proposed for Harvard
24 Street to be shown in the perspectives. I'm not

1 sure if they will be, but I do want to just
2 remind you that the transportation board did ask
3 for -- or did okay -- was okay with the loading
4 zone on Harvard Street. With that loading zone,
5 there is no loss of parking spaces or street
6 trees.

7 There is sufficient width, a minimum
8 of four feet, for pedestrians to pass on the
9 sidewalk without needing an easement from the
10 applicant for space to walk on their site, in
11 other words.

12 Now, just turning to Kenwood, the
13 other things that I consulted with staff on, you
14 know, under Section 604, off street loading --
15 excuse me, parking, there does need to be an
16 analysis by the director of engineering of any
17 driveways -- any intersection of driveways with
18 sidewalks, and what is the visibility of
19 pedestrians who are on the sidewalk approaching
20 a driveway on either side. So that would be
21 Section 604.4.F.1.

22 And we did have a diagram prepared by
23 the applicant's traffic consultant that was
24 reviewed by DPW, and that diagram does appear to

1 be -- does appear to meet the standards of
2 Section 04.4.F.1, according to Todd Kirrane, the
3 transportation administrator. He does ask for a
4 few conditions related to audible signals,
5 visual signals, and stop sign on site.

6 In regard to storm water, there was an
7 extensive memo prepared by DPW, and that
8 included water and sewer, as well. It was an
9 extensive memo, and the applicant's civil
10 engineer did respond in a way that was
11 sufficient to DPW. So there are some conditions
12 that would be recommended, and there are other
13 issues that could be relegated to a review set of
14 final drawings.

15 There were a few things that were
16 amended by the applicant. Namely, the
17 infiltration system had been within the building
18 footprint, and that would have required a waiver
19 of the state's plumbing board, and they have
20 rectified that situation. We also will have the
21 fire department take a look at that, as well, in
22 terms of any fire connection and any adequacy
23 from the fire department's perspective.

24 The two other things that still need

1 to be reviewed, in addition to the trash, by the
2 health department would be the foundation method
3 because of its proximity to 514 Harvard to the
4 north, as well as a preliminary building code
5 analysis, which we do for every 40B project,
6 again, because there is that proximity to
7 another building.

8 So I think that is pretty much it in
9 regard to what we reviewed in the working group.
10 There are -- there should be in this
11 presentation a variety of analytical tools that
12 should show how the massing changes were
13 assessed, and the peer reviewer can speak to, in
14 his estimation, how adequately or not those
15 moves make a difference, and then we can also
16 follow up if there's anything that you want peer
17 reviewers to review. I think I would loop the
18 parking peer reviewer to take a look at the
19 parking just in terms of feasibility because of
20 the stackers. We just want to look at the
21 geometry. So that would conclude my staff
22 report. If you have any questions?

23 MR. GELLER: Thank you, Maria. Board
24 members -- Kate, any questions for Maria?

1 You're shaking your head. Is that a no?

2 MS. POVERMAN: This is Kate Poverman.
3 I do not have any questions at this time.

4 MR. GELLER: Thank you. Randolph?

5 MR. MEIKLEJOHN: No, I don't have any
6 questions. Thank you.

7 MR. GELLER: Johanna?

8 MS. SCHNEIDER: I have no questions.
9 Maria, thank you for such a thorough report.

10 MR. GELLER: Thank you, Maria. I
11 think you touched on it, but one thing I would
12 like to see is sort of the iterative
13 presentation, so from the initial building to
14 where we are today. What are the substantive
15 changes in elevation format that have been made?

16 MS. MORELLI: Yes, Mr. Geller.

17 MR. GELLER: Is that what you were
18 referring to?

19 MS. MORELLI: Yeah. That is the
20 expectation. We felt it would be really
21 effective to see side by side how the building
22 did change, and also to see the volume -- not
23 just like stepbacks, just that one metric, but
24 to see really the volume that was removed.

1 MR. GELLER: Great. So next, I want to
2 invite the applicant to present revised plans.
3 Jennifer, I know you're here. Do you want to
4 jump in, or do you want the architect to take the
5 lead?

6 MS. DOPAZO-GILBERT: I would just like
7 to say thank you to Maria for the really thorough
8 report. I think that you will see in this
9 presentation that every single one of the items
10 that she mentioned has been addressed to the
11 best of the team's ability.

12 And also just would like to, you know,
13 remind the board that we submitted this
14 application on October 29, 2019, opened a
15 hearing in December of 2019, and although there
16 were a couple of months where the board wasn't
17 conducting virtual meetings, this has been an
18 incredibly long process. And we have provided
19 the board with many extensions, but are really
20 hoping to stick to the April deadline that was
21 mentioned.

22 So we did see quite a few letters of
23 support come in over the last couple of weeks.
24 So we were really happy to see that. And without

1 further ado, John Harding has a lot to say and a
2 lot of really detailed information to present,
3 so I will turn it over to him.

4 MR. HARDING: Thank you, Jennifer, and
5 Maria, for your report, and thank you to the
6 board. John Harding from CUBE 3 here
7 representing the client as the architect.

8 I'm going to try to keep this
9 presentation much shorter than last time. I'm
10 not going to go into a large analysis of the
11 streetscape of Harvard Street this time. So
12 that was a big component with the last
13 presentation.

14 One thing I am picking up on now from
15 this conversation that isn't necessarily in here
16 is the comparisons back visually to the original
17 scheme. All the comparisons I've done in this
18 presentation are of the last scheme that we saw,
19 which had those comparisons back to the original
20 -- I mean, just on the comparisons from the
21 February 17 submission until now. So you can
22 specifically see the differences from the last
23 charge.

24 So if there's a desire to seek the

1 further history, we can follow up and provide a
2 document that shows all of those iterations. I
3 didn't feel that there was a lot of questions
4 leading back to it when we showed it last time at
5 the February hearing, so we had to hold those
6 out, but I do have statistical comparisons still
7 for you at the end of this. So we can talk about
8 area and volume and that sort of stuff. I just
9 don't have the graphics back to the very first
10 submission.

11 So I am going to share my screen. Can
12 everybody see the screen? Great. Thank you. So
13 I'll just kind of jump in. The takeaways that we
14 had from the charge -- and I won't go into all
15 these things, but the things that we tried to --
16 as Maria just went in depth here -- but the
17 things that we tried to really focus on coming
18 out of the February 17 hearing was to look at
19 only the volume on the upper floors, looking at
20 ways to improve the relationship to the
21 neighbors, playing with our ground floor program
22 to reduce the massing, whether it was retail or
23 residential. I think any adding back program
24 that has rent associated with it allowed us to

1 change other pieces.

2 We heard from the neighbors that there
3 is a real desire for retail here, so we made that
4 the focus of responding to the neighbors and
5 looking at retail versus adding units down
6 there. In the scheme, we have maintained the
7 unit count. We have changed the mix rather
8 significantly to reduce the bed count with the
9 carved out massing.

10 We had comments that the arcade was
11 not being successful, so we've removed the
12 arcade in lieu of adding back the retail and
13 shifting, you know, some of the other
14 programmatic elements around a little bit. The
15 building a more cohesive image. I kind of took
16 this from a few different of the comments, more
17 of the specific comments than the overall ones
18 Maria had brought up.

19 We were talking about the color
20 changes, especially on the Kenwood facade,
21 making it feel like three different buildings,
22 and looking to improve the aesthetics of the
23 blank walls facing the neighbors. So that is --
24 those are kind of pieces that we took away from

1 that that we wanted to try to make sure we
2 addressed for you in this updated design.

3 We did have a very productive working
4 session on March 4. I think that we had a lot of
5 good conversations about the changes that we had
6 proposed, some tweaks to those, and looking at
7 the kind of alternative options, which I'll have
8 on the next slide after this.

9 So looking at those interim studies,
10 looking at multiple view lines along Kenwood,
11 not just the one that we kind of had been looking
12 at over and over, looking at some comparisons to
13 some of the other approved projects, 420 and 445
14 Harvard, and showing some of those additional
15 views from Kenwood.

16 We've identified area and volumetric
17 changes that have been made across the entire
18 process here. We've looked at adding some
19 columnar trees for screening along the 9 Kenwood
20 edge. We've extended the brick bay -- and this
21 was a collaborative conversation. It was not
22 part of our design when we went into the working
23 session. It was something that we kind of worked
24 through on the fly with Cliff and Maria, and I

1 think everybody came out of it feeling much more
2 -- we just all felt like the building has a much
3 better image now, something that's more
4 cohesive, especially from the street sides, and
5 it really helped to break up the issue of kind of
6 it feeling like three buildings, especially from
7 the Kenwood elevation, specifically on the
8 street.

9 And the other kind of takeaway was
10 that the massing adjacent to 514 Harvard was
11 more successful in what we had proposed at that
12 time. So that remains as is.

13 So just kind of going through some of
14 the different studies that we looked at, Study 1
15 was something that Cliff had asked us to take a
16 look at, which was more or less keeping with the
17 aesthetic that we had talked about in the
18 meeting, but raising the parapets, the bays
19 themselves, just slightly to create the railing
20 so that we would eliminate the black railing
21 that you can kind of see in these other images
22 here.

23 We looked at it. I personally don't
24 love it. I didn't like it as much as what we

1 have. Otherwise, I like the texture and the
2 scale of having that railing up there. I think
3 that that talks to a level of activity. But we
4 wanted to look at it. If the board or Cliff
5 thinks it's better, we are absolutely open to
6 going that direction. We just had to pick a
7 horse to move forward with, so we chose to go the
8 direction that you'll see the rest of the
9 presentation.

10 Study 2 involved pulling the fifth and
11 the sixth floors back about ten feet or so from
12 the Kenwood side. So you can kind of see the
13 mass missing from here and what that would look
14 like kind of coming down Kenwood and creating
15 really just a little bit more depth, but you
16 still have the sheer volume of that face of the
17 building.

18 Another option that we looked at in
19 Study 3 was leaving the fifth floor where it was,
20 but pulling the sixth floor back to have no
21 program up to basically the corridor line -- it
22 goes up to where the elevators are in the
23 building -- so really pushing this back. We
24 looked at this live in the working session, and

1 everybody kind of felt -- especially from this
2 angle on Harvard, it just feels really awkward
3 up here. The proportions weren't working.
4 That, combined with the fact that we were losing
5 residential units, the -- like the economics of
6 it don't work, but the aesthetics really don't
7 work. So I think we really -- we looked at that,
8 and we just didn't think that that was something
9 that was worth pursuing.

10 So we were trying to figure out how
11 far back do you push any of these pieces that
12 creates a nice image on -- from Harvard Street,
13 but also from Kenwood Street, and effectively
14 steps the massing, creates that sky plan that
15 Jesse was talking about last time to get light
16 down to the neighbor at 9 Kenwood.

17 So those are the things -- the themes
18 that we took away from this, you know, where do
19 you push to, how far back do you push, and how do
20 you modulate the massing to make that a more
21 effective transition into the neighbor.

22 So going through from here, again,
23 similar to last time, there's going to be an
24 image of the project as proposed and then a side

1 by side comparing against the last presentation.
2 So here you can see kind of the corner image that
3 we've looked at along Harvard looking south.
4 You can see that we've added in the retail base
5 at the ground floor.

6 We had a comment, I believe from
7 Randolph last time, about the color of the base
8 all being light colored and it creating this
9 kind of floating effect that didn't feel quite
10 right with the brick above. So we've brought in
11 a darker brick here that wraps the corner to
12 where the parking entry is. This all kind of
13 aligns now, so where the massing aligns and the
14 retail exists, that's where we have this darker
15 brick creating that heavier base, creating a
16 similar aesthetic to the Tatte at 420 Harvard
17 Street.

18 And then as you transition further
19 down to the residential entrance, we left that
20 bay overhanging, and we removed the columns, so
21 there's no columns underneath it now. It is
22 completely cantilevered, and we left the light
23 color there to create a better transition to 514
24 Harvard.

1 The other major change that you see
2 here is we carried the brick around to the bay on
3 Kenwood, truly creating these two bookends with
4 the bays, both of which don't come to grade and
5 step down from the main mass of the brick
6 throughout the corner element of the facade.

7 I don't know that we've really made
8 any modifications at the top of the building
9 outside of that. Most of it was about the ground
10 plane, removing the arcade and then looking at
11 the colors and the textures in the facade
12 materials to create a more cohesive design here.

13 So just doing a comparison, again,
14 similar to last time, you can see we had the dark
15 gray panel with the bay at the corner, that kind
16 of hard line, the brick from where it kind of
17 bent back, went to a flat section up at the top,
18 so we removed that. So there was a little bit of
19 massing play up there. And then the bay at the
20 far side closer to 514 Harvard went up to the
21 fifth floor. We did step that down, and that's
22 what I was referring to earlier, that that
23 massing move was deemed to be successful at the
24 working session.

1 So it's really been about materials
2 creating that strong base, an active base with a
3 corner entry that goes right out to the
4 crosswalks, really kind of helping to activate
5 that corner, and then just the minor mass
6 modulation over -- further down the street here.

7 Focusing a little more from the side
8 from the TJ Maxx exit, looking back, you really
9 see the step down. This is where I was talking
10 about leaving the railing with the -- and we're
11 showing a little bit of planting up there to
12 really show like where these kind of outside
13 spaces are just as a kind of visual key.

14 You can see the transition of where
15 the retail is versus the residential component,
16 making that distinctly different. There's a
17 little bit more of a setback there, which you'll
18 see in an upcoming image. You can see, Maria,
19 that we did get the loading areas modeled in for
20 these images, so you can see the loading area
21 there, as well.

22 I think we've touched on almost
23 everything else here. Really, the stepping here
24 goes back two versions, two iterations ago,

1 before we brought in the bay aesthetic where the
2 massing is stepping this way, and Cliff talked
3 last time about this being a more successful
4 transition in height from 514 Harvard up and
5 creating that stepping to the mass to the corner
6 and bringing that prominence to the corner of
7 Harvard and Kenwood. There are some minor
8 modulation pieces that we'll get into in the
9 backside of this image, as well.

10 So the comparisons here you can really
11 see. We have tried to highlight in kind of these
12 red dotted lines where mass was removed so that
13 that can be a little bit more apparent for you.

14 Just looking at the Harvard Street
15 experience, along the sidewalk, you see the bay
16 overhanging, the coloration difference here, and
17 then the dark gray comes out to the property
18 line. So the property lines can only run
19 somewhere down the middle of the sidewalk.

20 And just doing the comparison here, so
21 we have the columns previously with the stairs.
22 We've been able to rework the inside, adding a
23 ramp inside of the space to make the connection
24 from the street, the door to the street being at

1 sidewalk level, and making that transition
2 inside the space, once we had reduced the scope
3 of what the amenity space was there.

4 The co-working component that we
5 talked about last time is no longer included.
6 We've instead put the retail space in, hoping
7 that we're going to have an active use in that
8 retail space that could hopefully replicate that
9 -- I guess that kind of amenity and component.
10 The fitness component does remain at the ground
11 floor, and you'll see that on the plans when we
12 get further down there.

13 Again, the entrance -- you know,
14 looking at like a high quality entrance that
15 feels very connected to the sidewalk, very open
16 at this point. Without those columns there, you
17 do get the extra sense of space at the
18 residential entrance, and it does feel
19 distinctly different than the retail component,
20 looking at, you know, how to incorporate some
21 signage, some plantings.

22 Obviously, all this is up for
23 discussion. If you guys hate or love anything,
24 you know, I'm happy to refine some of these

1 details, but I think that the moves that were --
2 that we've incorporated here have really been a
3 little bit more successful.

4 The other thing that I've done is
5 we're proposing to add a little fence back here
6 to screen the bicycles to create -- make that a
7 secure area so you don't get people kind of
8 walking down this alley down into the depth of
9 our building, but also down into the depths of
10 514 Harvard. I think you'll be able to kind of
11 work your way back there otherwise. So trying to
12 help keep the public on the public side of the
13 sidewalk.

14 You can see here the entrance just
15 feels much more engaging, much more connected to
16 the sidewalk and to the street, definitely not
17 separated by, you know, elevation or the kind of
18 implied wall of the columns.

19 This unit, I think, is one that we
20 really spent some time with, looking at the
21 Harvard Street sidewalk on the same side of the
22 street, here trying to really make this
23 elevation feel like one cohesive building and
24 not like three individual buildings. I think

1 that that became even more successful, as I
2 said, through the working session as we talked
3 about bringing the brick around to this bay, and
4 it transitions from that point onto the -- as you
5 go further in, you'll see that that goes back to
6 a siding material.

7 So the brick fronts onto the street
8 facing sides, and the kind of massing moves on
9 the elevation components. I think where
10 we created a little more space up here by getting
11 rid of the brick that kind of came horizontally
12 flat against the wall makes this for a little bit
13 bigger of a gesture.

14 I think that the proportions of that
15 are more successful than the other iteration
16 that we had looked at where we pulled it all the
17 way back, and it got like very tall and slender
18 and kind of like knife bladey looking up there.
19 And we all kind of looked at it, and we said
20 that's not the right solution. It may have been
21 a little bit better for the Kenwood neighbor,
22 but it was much worse for the Harvard Street
23 experience.

24 So looking at the building as a whole,

1 we felt this was the right spot for this
2 stepback. You get to see it here in the
3 comparisons just kind of where we were. It was
4 really kind of a lot of different pieces coming
5 together and a much more simplified design than
6 where we are now.

7 Looking at the kind of view from
8 Kenwood that we've been traditionally looking at
9 throughout this process, you really see how the
10 brick comes around, stops at the bay, makes for
11 that to be a bookend. There's a definite
12 transition at that point as you get to the rest
13 of the bays, adding some additional texture,
14 adding a board and batten kind of base with the
15 column of trees, and then just adding another
16 level of detail here that I think feels
17 distinctly residential and different than the
18 street facing sides talks a little bit more
19 about privacy.

20 The stepbacks that you see up at the
21 top floor. So we pushed the whole sixth floor
22 back about eight and a half feet from where it
23 was previously. We simplified the fifth floor.
24 The last time -- you know, we looked at a couple

1 of different versions in working sessions before
2 the last hearing. One of those involved some
3 shifts of the facade that we had showed last time
4 that weren't deemed to be very successful.

5 In looking at this, we've really tried
6 to simplify the massing of the fifth floor and
7 simplify the parapet line of the sixth floor.
8 One of the -- I guess the reason we chose this
9 location is just kind of as this building came
10 around in making this clean kind of 90 degree
11 corner back to the building closest to 514, the
12 massing moves felt streamlined and intentional,
13 and they just made sense in those locations. So
14 it really worked to create that stepping, open
15 up the sky plane to get the additional light to
16 9 Kenwood. And again, here you can see the
17 comparison of before and after.

18 I guess one other thing. We also
19 pushed back the face closest to Kenwood on the
20 fifth floor about two feet back away from
21 Kenwood. So we reduced the fifth floor away from
22 Kenwood Street, and we pushed the whole sixth
23 floor back, and then I guess -- so this little
24 piece up here did come back out just to create

1 that clean volume again.

2 Looking at the aerial perspective of
3 how the facade kind of wraps around, you see the
4 board and batten that comes around here. The
5 clean kind of fifth floor volume that, you know,
6 reads as part of kind of the stepping of the
7 upper floors, creating a little bit of outside
8 space for the two one-bedroom units that are
9 behind that glass, which used to be two two-
10 bedroom units.

11 And just kind of, you know, cleaning
12 up, creating nice smooth volumes that, you know,
13 this fifth floor relates to kind of the darker
14 gray area below, and then the sixth floor
15 relates to kind of the overall massing and the
16 overall kind of parapet structure of the sixth
17 floor less kind of jogs around. You'll see
18 before, this kind of jogged around, so we pushed
19 this piece back here to really create -- make
20 those volumes feel distinctly different and a
21 little bit cleaner. So you can see that there in
22 the red dotted line.

23 So looking at just a few additional
24 views that we haven't seen before, we tried to

1 come to the other sidewalk on Kenwood, and then
2 we have another view. As Maria suggested, kind
3 of across the driveway from 9 Kenwood. So just
4 trying to give you the perspective of what this
5 building will look like as you're walking down
6 Kenwood, the last view is a little bit further
7 behind us and across the street.

8 So, you know, as you walk down here,
9 there will definitely be a nice visual indicator
10 of the brick turning the corner, creating this
11 bay, creating a definite distinctive line that
12 transitions from that public face to the private
13 face. You see the textures. You see the second
14 bay reveal itself as you're walking down the
15 sidewalk, and you see the massing kind of like
16 stepping up and away. But bringing the brick
17 around here really helps to create an identifier
18 that's in the four-story realm and is a
19 signifier as you're walking down to keep your
20 attention to these lower masses, the lower more
21 detailed masses.

22 So just bringing you to the same view
23 that we had before, you can see it in the red
24 some of the massing that had been changed, but I

1 think this is a much more engaging friendly
2 design solution, honestly, to create this focal
3 point as you're walking down the sidewalk. And
4 you clearly understand that you're leaving a
5 single- and two-family residential neighborhood,
6 and you're entering into the more urban Harvard
7 Street corridor with this kind of terminal.

8 Looking from across the street at some
9 of the changes that we're doing here and seeing
10 kind of the separation of the existing 9 Kenwood
11 house, they have their driveway with the garage
12 in the back and the massing changes. You can see
13 -- as you get closer here, like the sixth floor
14 really starts to disappear behind the fifth
15 floor, and as you get further, obviously, it
16 gets even -- disappears even more.

17 But it really like brings us to be a
18 five-story feel, looking at Kenwood with the
19 four-story datum with the bays that come around
20 and wrap the corner. And just looking at what
21 that was before and the comparisons, you can see
22 there's clearly much more volume looking into
23 that space, so pulling this back that eight and a
24 half feet really has made quite a difference to

1 the openness and the feel of that edge against
2 the neighborhood.

3 I'm going to get into some of the site
4 sections, just comparisons, and then we're going
5 to get into looking at some of the other
6 projects, 420, 445 and 455 Harvard and their
7 relationships to neighbors, as Maria had asked
8 us to do, and I think it helps to really tell the
9 story of some of these changes being meaningful.

10 So the first one is just kind of the
11 section through Kenwood you'll see here. So
12 this is where we were last time. The ground
13 floor is all leasing and amenity space, the
14 units in the upper floor, and you can see that we
15 have this overhang on the left side.

16 As we go, and see what we're doing
17 now, we filled in that overhang on the ground
18 floor, added in the retail, have a small fitness
19 space, and next to the lobby, that gets you kind
20 of basically lobby, mail, the building, you
21 know, main functions there, still maintaining
22 the units above, still maintaining the stepback
23 of the upper floors as the brick wraps around the
24 corner.

1 And this is the much more telling
2 story here. I think of what we -- of the
3 meaningful changes that we had been making. At
4 the ground floor level, you'll see the parking
5 and the leasing. That leasing space is going to
6 go away. This bottom right corner is going to
7 fill in as I flip to the next one. This will
8 change to the retail component, and you'll see
9 up in the top left corner the exterior wall is
10 going to push back that eight and a half feet,
11 and you'll see the overall dimensions go from
12 46 1/2 feet to 55 feet from the kind of line of
13 where Kenwood -- 9 Kenwood's house line is, so
14 looking at kind of the relationships of the
15 existing building to the new building.

16 We've also looked at from the first
17 floor, second floor, and third floor windows,
18 you know, to the best that we could do with all
19 of these kind of what the angle of view is over
20 the top of the building. So you see here like we
21 kind of range from about 43 1/2 degrees to 55
22 degrees looking over that peak, and this is
23 where we were at the February 17 design. So
24 moving that building back, we're able to

1 increase that from about 40 1/2 to 52 degrees
2 between the three floors.

3 So you'll see in the next few slides
4 here this image compared with the other
5 projects, and you can see direct number
6 comparisons. You don't have to try to memorize
7 these numbers as we move forward. The top floor
8 from the property line is about 18 feet back,
9 with the -- you know, the average about seven
10 feet. The property line does kind of angle so
11 that those numbers do change a little bit. But
12 up here kind of where the house is, these are the
13 accurate dimensions. So you can see, especially
14 that -- you know, we really tried to highlight
15 what those skylines were of how this opened up.

16 So now, we'll look at 420 Harvard --
17 sorry. Let's see if I can get it to stay. One
18 second. I'm just going to go through these ones
19 in this screen, and then hopefully, it will go
20 back. So we go from here with 420 Harvard
21 Street. We have a picture of the built condition
22 related to the house that's next door. This
23 section is from its approval documents, and
24 then, again, our section here on the right.

1 So you can see they were about 23 1/2
2 feet from the neighbor, where our building is 44
3 feet. Their viewing line went from 41 to 61.
4 We're about 41 on the top floor and 52. So the
5 lower the number, the better exposure to light
6 and sun you're going to be getting. So we want
7 to try to get --

8 MR. MEIKLEJOHN: John, could you hit
9 the magnifier a little bit just to -- in the
10 bottom right corner?

11 MR. HARDING: Yes. So the goal here is
12 to try to get these numbers, as I was saying, as
13 low as possible to get the -- you know, the lower
14 you get, the flatter that line, and the more
15 exposure you have to light. So compared to 420,
16 41 to 61. We're now at about 41 to 52.

17 Going to 445 Harvard Street, they're
18 only about 18 feet or so from the existing
19 neighbor, and their angles are 47 to 68 degrees.
20 I'm trying to get light over the kind of closest
21 point of the building. Obviously, this one is
22 not built, so there's no existing image. Then
23 455 with the neighbor on the backside, it's
24 actually even more 45 degrees down to 82 degrees

1 for those lowest windows trying to get in the
2 view line or light in here over the top of that
3 building.

4 So I think the takeaway here is we
5 think that we've made some meaningful changes to
6 the stepback up here, increasing what was
7 probably already one of the better conditions
8 compared to these other buildings, but we think
9 this is an improvement and something that we
10 believe in and we've bought into, and we'll get
11 into some of the metrics changes at the end of
12 this here shortly.

13 So the floor plans -- you can see --
14 just to talk about, you know, some of the things
15 that change, it's really kind of this corner
16 here coming into a little lobby. A ramp that
17 goes up to the inside lobby makes those height
18 changes. The trash is still exactly the same as
19 it was. If anything, we have some flexibility to
20 make it a little bit bigger, and we'll evaluate
21 that, as needed, with the review that's
22 happening there.

23 The retail space taking up the whole
24 corner, all the way kind of back to the point

1 where the dark gray volume bends, and the
2 fitness is kind of -- just a space -- our
3 intention is to have a little more glass between
4 the fitness and the ramp, make that lobby and
5 hallway and everything feel very open and
6 active, but that space is kind of -- you know,
7 the amenity is left over to service the
8 residents and keep a little bit more activity on
9 this edge. Nothing has changed with the parking
10 or the kind of utility spaces.

11 Going up, no real changes on Levels 2
12 through 4. You can still see the bays along the
13 9 Kenwood side, the main corner bay out on the
14 corner of Kenwood there. There's some slight
15 shifts in square footage over here as we try to
16 play with the proportions and the massing of the
17 brick as it came around the corner. So there's
18 some, you know, minor adjustments in this
19 general area here.

20 This kind of -- the thinner portion
21 here between the stair and exterior wall was a
22 little bit further over before, so that's just
23 kind of slid over. Really just working out the
24 proportions more than anything else.

1 As you go up, as I said before, we
2 pushed this edge back on the fifth floor, and we
3 also took and got rid of the balcony -- or added
4 the balcony over here, pushed the bay down one
5 floor. So this A5 unit used to be two bedrooms,
6 so we've lost one bedroom from that spot, and
7 then going to the sixth floor, you see the major
8 push back here. The A7 and A8 units both used to
9 be two bedrooms, and they're now the one
10 bedrooms with access to kind of an exterior roof
11 deck here to there.

12 So we played around with both
13 proportions on the exterior with that drive.
14 Our process with the developers was don't tell
15 me any metrics, let me go and see what looks the
16 best and makes the most sense here, and then
17 let's figure out what we can do to fill that with
18 program and reassess the program to work for
19 their pro forma. So with the addition of the
20 retail, we did lose three bedrooms through this,
21 but the unit count remains the same.

22 So I think this is my last slide. This
23 is -- here, all the comparisons from the
24 original submission that was looked at back in

1 December of 2019. Skipping a few iterations to
2 the last version that we all looked at about a
3 month ago on February 17, and then the current
4 one, so overall residential -- just looking at
5 the residential area, so that's Levels 2 and up.
6 We've reduced the square footage overall by
7 about 2800 square feet, and since the last
8 version, we've reduced it by about 556 square
9 feet.

10 The overall area is reduced by about
11 3300 square feet from the initial submission.
12 It's only about 121 square feet difference from
13 the last iteration, because we did add a lot of
14 volume and space at the ground floor of the
15 retail. So where we carved away, we kind of just
16 reappropriated it to that different active use.

17 The volume. So I only looked at
18 residential volume because that felt like the
19 right kind of comparison focusing on what we've
20 subtracted volumetrically from the upper floors.
21 I'm not really kind of focused on what has
22 happened on the ground floor. Overall, we've
23 lost about 30,000 cubic feet from the initial
24 submission and almost 6,000 cubic feet of space

1 carved away since the last iteration that you
2 saw. So a lot of that is on that sixth floor
3 being pulled back, and then on the fifth floor
4 where the bay is closest to 514 Harvard.

5 The unit count overall, as we all have
6 known, reduced from 30 units to 25 units, no
7 change since the last submission. The bedroom
8 count had originally been 43 bedrooms with the
9 30 units. We had gone to 42 bedrooms with the 25
10 units in the last scheme, and now we're down to
11 39 bedrooms with the 25 units, probably back
12 more towards a similar mix or closer to the mix
13 of the original submission, more smaller format
14 units.

15 And the retail overall is about 500
16 square feet smaller than where we started, but
17 it's 1200 square feet better than where we were
18 last time. So I think everybody is happy to be
19 able to bring that back as a neighborhood
20 amenity, and I'm hoping that a lot of the
21 residents who spoke up last time will be happy to
22 hear that we incorporated that.

23 And I think that that is it, so I'll
24 leave that slide up for now and open it up to any

1 questions.

2 MR. GELLER: Thank you for your
3 presentation. I want to call on Kate Poverman
4 first. Kate, questions?

5 MS. POVERMAN: Actually, no. At this
6 -- well, the question I have right now is I still
7 don't entirely understand the rationale for
8 changing materials going around the corner to
9 the Kenwood facing property.

10 I know that the gray -- the purpose of
11 the gray is to present a more residential feel,
12 but I have to admit I don't really understand
13 that because there are so many brick buildings
14 in the area, and it would be a smoother
15 transition to keep the brick. But I'd be
16 interested in seeing what our architect has to
17 say about that.

18 I do like to see the way the Kenwood
19 facing side is articulated now. Rather than
20 having a blank wall, it has a much more
21 residential feel. Right now, those are my only
22 comments. I reserve the right to raise my hand
23 later.

24 MR. GELLER: Great. Thank you, Kate.

1 Randolph?

2 MR. MEIKLEJOHN: Just a few questions
3 for now, and the comments I'll save for later.
4 Let's see. I want to ask about the sixth floor
5 balconies. John, if you could just step back a
6 couple -- there were some views of the -- you
7 know, up to the -- you know, that's actually
8 fine. The section on the right is kind of what I
9 was going to ask about.

10 This and the next question might be
11 things that were discussed -- yes, perfect -- in
12 the working group. When I saw the balconies of
13 the sixth floor -- and I don't remember a
14 discussion about balconies, and possibly there
15 are some -- the balconies are not -- have some
16 negative aspects for the neighbors who will
17 imagine new neighbors, you know, dozens of feet
18 up in the air outside, looking down at yards and
19 so on.

20 But for how the balconies got there,
21 it looks to me like they were sort of created by
22 the push back of the sixth floor; is that right?
23 I mean, are they just sort of a byproduct of the
24 massing?

1 MR. HARDING: Yes, definitely. I
2 mean, when we push that back, you create roof
3 area, and our intention was -- I guess it's
4 really no different than over the top of the bays
5 at both corners. We had talked about balconies
6 at both of those, and also the balcony that was
7 created in the back space here. Whenever we've
8 created roof space right outside, we've -- it
9 would be nice to offer that as an amenity to
10 those residents.

11 MR. MEIKLEJOHN: Can we go around to
12 the other side, the Harvard Street side, and I'm
13 still looking at the upper floors of the
14 building on Harvard. I want to ask about the
15 stepping down of the fifth floor as you approach
16 514.

17 MR. HARDING: I'm looking at the TJ
18 Maxx exit image now.

19 MR. MEIKLEJOHN: Yeah, that's good.
20 Can you talk about the -- when I see the brick
21 stepping down from the fifth floor to the fourth
22 floor at this northeast corner, I know that
23 there's a bookend -- or I understand there may be
24 a bookend idea at work here that as you go around

1 the other corner, then you've got a three-story
2 brick volume there, too. But in the working
3 group, did you discuss whether that was strictly
4 necessary to step that down here, and I'm coming
5 back to my comments at the last hearing about --
6 speaking for myself, favoring, you know, more
7 mass at the Harvard Street side. Was there a
8 discussion about that?

9 MR. HARDING: There was. So one of the
10 comments that Cliff had made at the last hearing
11 was that he did not feel that -- let's go to the
12 comparison slide. He did not feel that the
13 massing approach on the Harvard Street side was
14 as successful as it was in the previous scheme,
15 where we did have a stepdown that was very
16 similar to what we're proposing now.

17 So I guess they specifically asked for
18 us to look at that in this area, and so we did.
19 In the working session, we did talk about it, and
20 the takeaway from that was that this was
21 preferred and perceived to be better than where
22 we were last.

23 MR. MEIKLEJOHN: I don't dispute that
24 -- I mean, I don't question Cliff's assessment

1 of it in an overall way, but I'm just mindful of,
2 you know, if mass is taken away there, does it
3 restrain our ability to request that it be taken
4 away elsewhere instead? But that's fine.
5 You've answered my question.

6 The last one is about the -- it's
7 about the brick bay over the garage, and I want
8 to ask what's holding it up, if you can get to a
9 view of that. Yeah, is there a view without the
10 bush in the way? Well, that's pretty good.

11 So on the left side of it, there's
12 this sort of tuning fork thing with two columns,
13 and is there a right (?) side of it that's just
14 hanging in the air, or is it resting on a
15 structure of some kind? I just couldn't quite
16 ever see that on the drawings.

17 MR. HARDING: Yeah, it's hard to see
18 in this angle.

19 MR. MEIKLEJOHN: It's sort of hanging
20 over the garage opening, I guess.

21 MR. HARDING: Yeah, so it does -- the
22 transition of the bay is over the opening, and
23 we're proposing to have a couple of kind of
24 columns that are aligned with this kind of front

1 or side parallel face. So those two columns come
2 down. There's a little bit of an implied beam
3 there, or maybe real, and then we have a couple
4 of kind of beams that go back to the brick facade
5 and on the other side of the drive aisle. But, I
6 mean, there's a structural podium that's going
7 to be here, either structural steel or cast in
8 place concrete that's going to be underneath
9 that. So all of those -- all the components of
10 that are going to be structurally supported
11 through one of those two systems.

12 MR. MEIKLEJOHN: Right. I mean, I
13 just wanted to make sure I was understanding it
14 right. I think it's a bit of an exception to,
15 you know, where the -- the way that the brick
16 mast, I'm going to say, appears to be supported,
17 because the arcade is gone, right, and it's
18 basically sitting on a solid base, except for
19 this one place where it's sort of hanging in the
20 air. I'll talk later in the comments about how I
21 think that's actually, working now that the base
22 is all dark. So that's as far as I'm going to go
23 with the question for now.

24 MR. HARDING: I just want to add one

1 more thing for you, Randolph. We did look at
2 that as a solid wall instead of those two
3 columns. We felt like it restricted the visual
4 ability of somebody leaving the garage in a car
5 to be able to see to the sidewalk. Although it
6 does still -- it would still meet all the
7 requirements that Maria talked about before, we
8 just liked it better having some transparency
9 there from a safety standpoint.

10 MR. MEIKLEJOHN: While we have this
11 drawing up, John, can you talk about the
12 columnar trees that were proposed for along
13 Kenwood Street? It wasn't clear to me whether
14 those were proposed as street trees that you
15 were working on with the town or whether those
16 were to be planted on -- oh, they're not on the
17 -- they're there. They're not on the sidewalk.
18 They're along the side of the building.

19 MR. HARDING: Right. Trying to create
20 a little bit more screening and a little bit more
21 -- like another level of texture, I would say, in
22 that -- in our setback along there.

23 MR. MEIKLEJOHN: Right. You don't
24 have a straight on elevation drawing of the west

1 side in this presentation, do you?

2 MR. HARDING: I don't.

3 MR. MEIKLEJOHN: That's all right.

4 Thank you. Jesse, no more questions for me for
5 now.

6 MR. GELLER: Thank you, Randolph.
7 Johanna, do you have any questions for John?

8 MS. SCHNEIDER: Just a couple.
9 Thanks, John, for the presentation. My first
10 question is can you just tell us what the new
11 unit mix is?

12 MR. HARDING: I had it open before.
13 There's still three -- let's see. I could
14 probably work my way back into it. I think that
15 there's seven two-bedrooms, three three-
16 bedrooms, and the rest are one-bedrooms.

17 MS. SCHNEIDER: Any studios?

18 MR. HARDING: We only had one studio
19 last time, and like it just wasn't -- it was
20 going to basically be a one-bedroom, so we just
21 called it a one-bedroom at this point, the way it
22 was lining up.

23 MS. SCHNEIDER: My next question has
24 to do with plantings on the balconies, the new

1 balconies. I actually find that they do provide
2 some nice visual interest and relief, and I'm
3 wondering who will be responsible for
4 maintaining the greenery on those balconies.

5 MR. HARDING: So I don't know that we
6 were anticipating that being -- it was more of a
7 graphical effort to show that we anticipate that
8 the residents there would be able to do
9 something out there and to show that they're --
10 you know, this is kind of an occupied area. We
11 haven't talked internally about those actually
12 being a design element, because those would be
13 on people's private balconies.

14 MS. SCHNEIDER: Right. That's why I
15 asked, and, you know, I think that we've heard
16 the comments about this project in the past that
17 there is so little green space, and so I was
18 happy to see some greenery, but it sounds like
19 it's not really -- thank you.

20 MR. HARDING: I think we could have a
21 conversation about maybe providing planters
22 there that the tenants would be able to use, but
23 I can't guarantee that somebody is going to
24 plant in them.

1 MS. SCHNEIDER: That's all I have.

2 Thanks.

3 MR. HARDING: Thank you.

4 MR. GELLER: Thank you. John, I
5 actually like the simplification that you've
6 done in the back, but I want to circle back. I
7 think it was a comment that Johanna had made a
8 couple of hearings ago. As you -- and this
9 elevation is fine for my purposes, but as you
10 look to the base, ground floor level, where it
11 appears you just have -- I'm not sure what the
12 cladding is that you're installing there, but
13 there was some discussion of the possibility of
14 a green wall or something to improve what's
15 going on there. Has there been any discussion to
16 that effect?

17 MR. HARDING: So we didn't talk about
18 it being a green wall. I guess we took that
19 comment and thought it was to add more greenery.
20 So that's kind of where the columnar trees came
21 from, something that would be able to grow up and
22 out, something just a little bit more vertical,
23 because there's not a lot of setback there, so
24 trying not to impede on the neighbor, but create

1 that vertical.

2 I think the base itself where -- and
3 just fitting that to be like a board and batten
4 feel, fiber cement, but like exposed trim, not
5 like reveals in the panels or anything like
6 that, something a little bit more traditional in
7 its aesthetic. So each of those kind of
8 individual lines there is, you know, a raised
9 trim piece that would be on a panel to create a
10 much more textured facade. But we haven't
11 talked about actual green wall along there, just
12 additional trees and bushes or whatever you want
13 to plant back there.

14 MR. GELLER: Thank you. Anything else
15 for the project architect? Anybody? No, okay.
16 I want to call on our peer reviewer, Cliff
17 Boehmer, to give us his updated review comments.
18 Cliff, are you with us?

19 MR. BOEHMER: I think so. Hi,
20 everybody. I've been paying close attention,
21 and I think it's really interesting that all
22 four of you made comments that are I think really
23 important and relevant.

24 If I could ask John to go to one of the

1 street level perspectives, I think from the
2 south on the opposite side of Harvard Street.
3 And that's from the north, right, so from the
4 south -- there you go.

5 Obviously, there's been a lot of work
6 done, and I think the -- I appreciate the rigor
7 of the analysis. I think it really is meaningful
8 to look at the other developments along Harvard
9 Street that have been already been approved to
10 their full size physical model so we can all go
11 look at and see how they turned out in real life.
12 And I think that's very useful, because we've
13 spent a lot of time in the discussions about that
14 relationship on Kenwood Street.

15 I think this view for me summarizes a
16 lot of the thinking that I've been doing, at
17 least, which is the challenge -- a kind of
18 statewide challenge of 40B developments, in
19 general, is creative ways of introducing more
20 density, new density into areas that aren't used
21 to that density.

22 Sort of the nature of 40B is how do you
23 do that. And good developments do come up with
24 creative ways of doing it, broadly defined

1 creative ways of doing it that we in Brookline
2 certainly believe involves a huge measure of
3 respect for neighbors and mitigation of scale.
4 But we all know it's an exercise of scale, of
5 introducing larger scale.

6 I think what's interesting about this
7 image is where this project has landed at this
8 point. I think if you can edit out in your
9 mind's eye that the light colored top stories in
10 focus strictly on the part of the building
11 that's rendered as masonry, I think you'd be
12 hard pressed to say that this isn't something
13 that looks very familiar in Brookline. It's,
14 you know, Brookline masonry, traditional
15 aesthetic.

16 It's almost -- it's Brookline's
17 version of the Ferdinand building, and for those
18 of you who are familiar with Nubian Square, the
19 Ferdinand building was a large historic
20 furniture building that I think was very
21 creatively redone in a fashion very similar to
22 what this proponent is trying to do with an
23 entirely new building.

24 So if you don't know the Ferdinand

1 building, I'd recommend looking at it. It was
2 looked at by thousands of people before it was
3 ever approved in the City of Boston, and this
4 really is the little sister of the Ferdinand
5 building I think in its current incarnation.
6 And for the reasons that the Ferdinand building
7 was -- there was a huge pressure to preserve the
8 Ferdinand building was about context.

9 So I think that it's very clear to me
10 that the developer has made a concerted effort
11 to work with context, and I think all of the 40Bs
12 that we've worked together on along Harvard
13 Street have had different constraints on them.
14 Some have two abutters, some have one abutter,
15 one actually has three abutters. This one has a
16 really unusual streetscape on the Harvard side
17 with no -- with nothing on the other side of the
18 street.

19 And I think that, to me, is really
20 important, combined with the rigorous analysis
21 of impact. And I think for me, the pressure
22 was about redistributing, and I think all of you
23 touched on this in different ways.

24 I think Randolph specifically talked

1 about lowering the bay on the north corner of the
2 building, understanding that that was, in a
3 sense, a kind of lost opportunity of moving even
4 more of the massing onto a broader street that
5 can generally absorb massing more than a smaller
6 wood frame building to the west. But having said
7 that, I think that the -- I want to address one
8 of Kate's comments that -- I think Kate pointing
9 out that the building might work better,
10 perhaps, if that entire west elevation were
11 wrapped in brick, as well, and as far as I'm
12 concerned, that's -- I know we talked about it.

13 I don't remember if we actually looked
14 at it in any of the working sessions. But I
15 think what is as important as anything, whatever
16 the material is, it's -- I think that gesture of
17 carrying a very strong horizontal line across at
18 that level, given the distance to the
19 neighboring building, does work for me as a
20 legitimate mitigation strategy on a transitional
21 site, like this one is.

22 I think that the way that it's been --
23 the mass has been redistributed, I think, has
24 been thoughtful. Certainly moving the upper

1 level, massing that additional amount towards
2 the east, to me, made a significant difference,
3 both from an analytical perspective, but I think
4 from an aesthetic perspective, it really helped,
5 even essentially that four-story horizontal line
6 that runs north-south on the west side of the
7 building.

8 And also, I would say that returning
9 the retail use was another gesture that I think
10 helps the neighborhood. I think it was a good
11 move for the neighborhood. I think there are --
12 what is generally the case in a design process,
13 you make some changes, you fix some things, but
14 it calls other things into focus.

15 I think where this is at for me at this
16 point is about the ground level perception of
17 the building. I think it's doing much better on
18 the public realm from this kind of view, this
19 kind of distant view. I think I'm still
20 believing that that tie-in with its neighbor --
21 its masonry neighbor to the north was critical,
22 and to Randolph's point, that's really what that
23 was about, in my mind. Lowering of that bay,
24 there was -- to me, did engage the building to

1 the north better and a real density of context.
2 It was working with context. A gesture works
3 with the available context to tie it in.

4 I have a lot of other comments, and
5 smaller detailed comments, but for me, the --
6 getting back to that notion of a creative way of
7 introducing density. So if you believe that by
8 taking away those top floors, you essentially
9 have a building that a lot of people might not
10 even notice because it does appear to be so
11 Brookline like, the treatment of those top
12 levels of that method of introducing the density
13 is -- really comes into focus, and I think it's
14 better now than it's been.

15 Whether this is exactly the right
16 pattern for the panels, whether the top cornice
17 detail should be bigger, you know, things like
18 that, to me, are in that realm of -- just look at
19 the Ferdinand building. Look at other examples
20 of buildings that have taken on this kind of task
21 of marrying two kind of very different
22 aesthetics for the same goal, which is getting a
23 higher density in a place that's really not used
24 to it.

1 I think the areas that for me are
2 extremely important to look at, and we have
3 talked about it in the sessions -- and I think
4 they haven't thought about it not because they
5 didn't want to, I think it was just a time issue
6 -- that west wall along the neighbors, I think
7 that I'm convinced by the analysis that there
8 has been a good bit of attention paid to how this
9 setback and stepbacks work on that west side.

10 But that ground level elevation. The
11 current drawings have an annotation that
12 indicate gas meters on that side of the
13 building, and that entire lower elevation is
14 actually very visible to pedestrians on Kenwood
15 Street as they're approaching Harvard Street.
16 So really careful attention to that.

17 The obvious simple solution would --
18 and would make many, many Brookline residents
19 happy, is make this an all-electric building,
20 eliminate the gas meters. It would help
21 tremendously. And even though Brookline didn't
22 succeed with the all-electric mandate, it may
23 come back, maybe by the time you pull your
24 building permit.

1 So to me, that really matters. I'm
2 not convinced that plantings there are going to
3 do the job. I really think you need to look
4 carefully at that west elevation. It's what the
5 neighbors and pedestrians will look at every
6 day. I thought Randolph's observation about
7 what's holding up that bay -- you know, the
8 garage door -- I don't know if it's better to try
9 to do some screening there.

10 You do have to be sensitive to
11 pedestrians and maintain that co-division of the
12 street, but that's not my favorite view of the
13 building. And then, of course, working on the
14 details of the storefront really matter. It's
15 not -- they haven't done that. That's
16 understandable at this scale of design.

17 So I think the -- oh, and I also
18 appreciated Johanna's comment about the
19 greenery, because I think it really does enhance
20 the building, and I wish there were a way to make
21 that work. You know, whether it is some kind of
22 installation the management does take
23 responsibility for, I think it does a very nice
24 thing for the building.

1 I'm looking through my highlight
2 notes. I apologize that I just did not have time
3 to review these materials. We just saw them late
4 last week. I think after all of the discussion
5 about the arcade, I think the move of -- moving
6 density into that space and eliminating the
7 arcade, I think it is a better building for that.
8 It is tied to the ground more successfully.
9 Between that, and the color change I think
10 works.

11 I certainly think that the building is
12 -- has a more coherent reading than it had when
13 it was subdivided on that south elevation. I
14 think it's working much better as something that
15 has its own presence, while still making those
16 gestures to accommodating context.

17 I think those are my big points. I
18 have my same old points about opportunities
19 related to energy savings and where the
20 accessible units and the kind of standard last
21 building code review, etcetera, but I think
22 that's where I'm at at this point, but I'm way
23 open for questions.

24 MR. GELLER: Thank you. Kate, do you

1 have questions for Cliff?

2 MS. POVERMAN: I still don't really
3 understand why the gray is appropriate. Is it
4 because it's -- is it that the material is more
5 reminiscent of the wood that is used in the
6 neighboring houses? And I actually would like
7 to get some feedback from the neighbors if they
8 are available as to what they think of that
9 aspect, if they prefer the masonry or the slats.
10 I'm sorry, I'm not going to have the right words.
11 I had another question, but I honestly cannot
12 think of it now.

13 Oh, okay. This may sound out of left
14 field, but in terms of the windows, one of the
15 things which is representative of a lot of
16 Brookline houses, the over houses is a more
17 complex design in the windows. I don't know if
18 it's 3 over 1, 6 over 1. And I'm wondering if it
19 would make any sense to have a design that echos
20 the more traditional Brookline designs in the
21 windows here. So I'm just throwing that out, and
22 it may look terrible, but it's something that
23 occurred to me, and I wanted to see what people
24 thought. That's all.

1 MS. SCHNEIDER: May I jump in with a
2 related question for Cliff? I think it's very
3 similar to Kate's question, and maybe he can
4 answer both of them together. I had a similar
5 question about the dark gray, both at the street
6 level on Harvard, and then also, you know, the
7 wrap around to the Fuller neighborhood. To me,
8 it did seem a little bit disjointed.

9 And Cliff, I wondered if you had any
10 specific alternatives that you could offer to
11 the applicant, you know, as a way of
12 reenvisioning this. I mean, I agree with your
13 comments that the masonry, you know,
14 particularly as it wraps around the corner, does
15 look very traditional Brookline, and it is a
16 vast improvement over what we've seen
17 previously, but it is a little, at least to me,
18 visually jarring to have the very dark red at the
19 street level and then on the backside of the
20 building, and I just wondered if you had
21 thoughts about what they could do instead that
22 might be less of a dramatic contrast.

23 MR. BOEHMER: Excellent question. I
24 don't disagree. I don't have any specific -- you

1 know, there may be dark masonry that isn't quite
2 as dark or -- but I agree, it does look a bit
3 abrupt, and I don't think that -- I guess the way
4 I would put that is I would recommend looking at
5 alternatives, including the studies of what the
6 actual storefront system looks like, because
7 it's just roughed out in this drawing.

8 I don't think there would really be
9 glass going all the way down to the sidewalk, I
10 doubt. So I'd support Johanna's question about
11 looking at other options. To me, it's not the
12 strongest part.

13 And, you know, one discussion that we
14 had during a session was the fact that -- I think
15 once you start getting the massing working well,
16 when things start coming together, generally,
17 buildings get simpler, they don't get more
18 complex. And I think this building has been
19 steadily moving in that direction of being
20 simpler and reinforcing that kind of coherent
21 view of the building as a singular whole.

22 So to the degree that changing colors,
23 thoughts about materials on the ground level
24 could push that further in that direction, I do

1 support it. And again, I'm sorry, I don't
2 remember if they -- if in realtime we looked at
3 that idea of rendering the entire west side in
4 brick or not. I probably asked the architect to
5 speak to that exact issue.

6 But to me, again, the critical thing
7 on that side was that four-story, the really,
8 really strong four-story reading, whether that's
9 reinforced by continuing the same material all
10 the way around, or breaking out that piece, as
11 they did in this current version. I don't really
12 have an opinion without really looking at it,
13 looking at the options.

14 MS. MORELLI: If I could just step in,
15 Mr. Chair, we did look at all brick on the west
16 facade. It was just a matter of expense, I
17 think, that's why it was just to wrap around.
18 But it was very attractive, and I think that
19 maybe the project team might have considered a
20 different material, but closer in value and
21 color.

22 MR. GELLER: Yeah, yeah.

23 MR. HARDING: I guess if I could just
24 add, we hadn't offered up -- prior to the working

1 session, regarding the documents that we had
2 sent for -- we never actually talked about it
3 during the working session. I think we ran out
4 of time. But we had sent out -- before the brick
5 made its way over to the corner here, I think we
6 looked at three or four different color options
7 for this, like a maroon, there was a blue, there
8 was a green, and a gray. The gray that we have
9 is much lighter in tone than where we were last
10 time.

11 So we did make changes to the gray on
12 the side. I think that the aesthetic of the
13 development team just leans towards the gray,
14 which is, you know, why we kind of ended up back
15 there. But we did look at other options, and I
16 think we are open to exploring that further. The
17 gray doesn't have to be the gray on the
18 neighboring side.

19 And even the base along the ground
20 floor. We were responding mostly to the comment
21 that the light color wasn't appropriate, so we
22 went in the opposite direction, and we tried to
23 find -- you know, our thought there is it's like
24 an iron spot brick, and we saw that that was

1 successful at 420 Harvard, and so we were kind of
2 trying to draw off of some of the other projects
3 in the area for how we got to that material.

4 MR. DANESH: This is Danny Danesh. I
5 just wanted to ask -- I would like to ask what
6 Randolph thought about this, because this was a
7 little bit of a response to his comment that the
8 building was kind of floating, and that's
9 something that we discussed during the working
10 session. So I know Randolph, you know, is very
11 talented, so I'd like to hear, if I could, his
12 opinion.

13 MR. MEIKLEJOHN: Danny, can I do that
14 when I get to the comments, because I do have a
15 comment about it, and it's a positive comment,
16 but I think we're trying to just get through
17 questions with Cliff first.

18 MR. DANESH: Sorry about that.

19 MR. BOEHMER: Maybe a response to
20 Johanna is that maybe part of the reason that the
21 grade looks a little abrupt on the bottom, it
22 might be that it's just too broad. The
23 horizontal part might be too broad compared to
24 that last banding of brick where it meets, that

1 maybe if the gray were narrower and the brick --
2 more traditional brick color goes down through
3 that first layer. It could be that. It could be
4 just the height of that gray area is too much.
5 But anyway, it's a specific thing to look at.
6 I'd probably look at that, as well.

7 MR. GELLER: Great. Anybody else have
8 questions for Cliff?

9 MR. MEIKLEJOHN: Jesse, I actually do
10 have a question. It wasn't what we were just
11 talking about now, but it's a separate --

12 MR. GELLER: Go ahead, Randolph.

13 MR. MEIKLEJOHN: Cliff, I'll try to
14 make this at least come in the form of a
15 question. With respect to the west elevation --
16 and this is reconnecting to the discussion by
17 Johanna and Kate about what is the material of it
18 and so on -- within the framework that you played
19 out for us about -- and my shorthand for it is,
20 you know, an avenue building turning the corner
21 into a side street building, and how does it
22 transform. When you get around to that third
23 side, the west side here facing Kenwood, because
24 we're -- and this is thinking about it as that

1 familiar, you know, bearing masonry building
2 fabric. Even the proportions of the windows are
3 really emphasizing that.

4 You know, as several people have said,
5 it's a familiar thing in Brookline. And what the
6 west elevation made me think of -- I wanted to
7 get your opinion about this -- it's starting to
8 look like the transitions that you see on some of
9 those masonry buildings, especially with bays
10 where the material changes, and suddenly the bay
11 is made of sheet metal or copper or something
12 like that, or wooden porches, nice ones, on the
13 side or the rear of a masonry building within
14 that kind of, you know, design vocabulary, can
15 you feel like the -- what's your thought about
16 how that --

17 MR. BOEHMER: That's a great thought.

18 MR. MEIKLEJOHN: -- as a guiding
19 development for where this west side is going?

20 MR. BOEHMER: Yeah. No, that's a
21 great thought. I think that would suggest turn
22 those interstitial areas into masonry, and treat
23 the bays, as you said, metal bays. It's a very
24 typical South End treatment, actually. It's

1 masonry based with metal bays -- metal plate
2 bays.

3 MR. MEIKLEJOHN: I mean, I wasn't
4 going quite that far, but I was just trying to
5 find a thinking basis for the change of material
6 from brick to this something else that has -- you
7 know, we're seeing a lot of shadow lines on it,
8 and it's obviously three-dimensional because it
9 has the bays, and I think it has some reference
10 points in traditional architecture.

11 MR. BOEHMER: Yeah, I totally agree.
12 I think that's a really good thought.

13 MR. MEIKLEJOHN: Thank you. That's it
14 for me, Jesse.

15 MR. GELLER: Thank you, Randolph.
16 Anybody else have questions for Cliff Boehmer?
17 No, okay. So as we have done in the last two
18 hearings, we are now going to open up the hearing
19 to members of the public. We're going to start
20 with people who want to speak in favor of what
21 has been presented this evening.

22 I want to remind everyone of the
23 ground rules. Start by giving us your name and
24 your address, focus on the details of this

1 evening's hearing, and to the extent that you
2 agree with comments from someone who came before
3 you, you need not repeat those comments, but
4 simply say I agree with the person that preceded
5 me. That will make for a more efficient process.
6 Maria, do you have people lined up?

7 MS. MORELLI: Yes, Lee Biernbaum. I'm
8 going to promote him. Lee, I've promoted you,
9 and you can unmute and share your video, if you'd
10 like. There are actually two Lee Biernbaums.

11 MR. GELLER: Really?

12 MS. MORELLI: Yes.

13 MS. MORELLI: Lee.

14 MR. BIERNBAUM: I don't know how there
15 are two of me here. So I just wanted to speak
16 broadly in favor. The re-addition of retail is
17 amazing and wonderful. I'm definitely going to
18 miss having that next door, and I'm very happy to
19 see that back.

20 The design improvements, they're nice,
21 but really it's time to get this thing moving.
22 We need more housing in Brookline, and this is an
23 important part of that, along with all the other
24 projects, and it's just -- I've been coming to

1 these meetings for a very long time, look
2 forward to welcoming new neighbors in the
3 neighborhood. I want to welcome new neighbors
4 to the neighborhood as soon as possible. This is
5 how we address our problems. So I'm going to
6 speak vehemently in favor of the project. Let's
7 get moving.

8 MS. MORELLI: Thank you. I'm going to
9 promote Matti Klock.

10 MS. KLOCK: Am I audible?

11 MS. MORELLI: Yes.

12 MS. KLOCK: Matti Klock, 5 Verndale.
13 I am stoked that the retail is back. The designs
14 look great. Please build this. That's all.

15 MS. MORELLI: Thank you, Matti. I
16 don't see -- hold on a second. I think there are
17 a few people speaking -- who would like to speak
18 in opposition. I don't think there's anyone
19 else lined up to speak up in favor.

20 MR. GELLER: So we will take those in
21 opposition now.

22 MS. MORELLI: We'll start with Judith
23 Vanderkay. I'm going to promote -- Judith, you
24 have been promoted. Judith, you've been

1 promoted, and you can unmute and share your
2 video.

3 MS. VANDERKAY: Oh, I knew there was a
4 reason I should have washed my hair today.
5 Sorry. I'm Judith Vanderkay. I live at 16
6 Columbia Street, which is a couple of blocks up
7 from this site. I'm a town meeting member and a
8 library trustee.

9 I agree that the design is somewhat
10 improved, and I'm happy to see that, especially
11 the addition of more brick to it. I agree with
12 other people who have felt that the gray part was
13 too dark, and I hope there can be some remedy for
14 that.

15 Let me look at my notes. Sorry. I
16 just don't understand why the top part has to be
17 so ugly. It looks so brutalist. It looks like a
18 prison. Could not it be softened? The architect
19 talked about clean design, but to me, it just
20 looks stark and minimalist, brutalist. So
21 that's part of what I object to in the particular
22 design.

23 But again, it's just too big. And
24 again, I find it disingenuous that the project's

1 architect uses as examples other 40Bs in our
2 neighborhood that have been shoved down our
3 throats against our objections and against a lot
4 of good advice from the ZBA and the planning
5 department.

6 That's really rubbing salt in our
7 wounds, and it leads me to my next point -- oh,
8 and I guess my reaction to that overall is two or
9 even three wrongs still doesn't make a right.
10 And it leads to my next area of concern, which is
11 the big one of context. I've read the guidelines
12 for how a 40B development should be done.

13 The 40B materials, and I don't have
14 them in front of me -- they're on my other
15 system, sorry -- make a big point out of
16 developments having to respect the context that
17 they're in. And this development and the other
18 two that were shown as examples of something do
19 not respect the context that they're in at all.
20 The fact that they overshadow the abutting
21 houses, the fact that this one in particular is
22 twice the size of any building for blocks
23 around, I just don't see how that could be
24 considered to be taking the context of the site

1 into account.

2 And maybe that's a bigger question for
3 somebody other than the people here, like people
4 at the state level, but I feel strongly that
5 these buildings are not fulfilling the
6 requirements of a 40B regulation, and they are
7 certainly not addressing the concerns of the
8 majority of the neighbors. Thank you.

9 MR. GELLER: Thank you.

10 MS. MORELLI: Thank you. I'm going to
11 promote Vitaly Veksler next.

12 MR. VEKSLER: Can you see me?

13 MS. MORELLI: Yes.

14 MR. VEKSLER: Thank you so much. It
15 was an interesting process. So I would like to
16 mention several things that we talked about
17 since the last meeting.

18 So developers claimed that it's
19 absolutely impossible for them to make money on
20 anything less than a six-story building. It
21 became a topic that the neighbors laugh around
22 our park in the conversations. If this were
23 true, there would be probably -- I don't know how
24 many, ten buildings in all of Brookline, maybe

1 15 buildings. You know, it's -- I don't know
2 what it is.

3 You know, we all have friends in the
4 real estate community, and when people tell you
5 that you cannot make money on a five-story or a
6 four-story building, that's -- I don't know. I
7 don't want to say bad words here, but that's, you
8 know, not the truth.

9 Now, when you see the building -- and
10 I'm glad that Mr. Clifford Boehmer talked about
11 this today -- it does remind the Ferdinand
12 building, and it's similar in height -- in terms
13 of height, at least, it's very similar to this
14 building. The difference between these two is
15 that the Ferdinand building is in Dudley Square
16 in a very urban environment. This building is
17 proposed to be built on an intersection off two
18 very narrow streets -- well, a two lane and
19 actually a one-way street, which brings the next
20 very important point for all of us here in the
21 neighborhood who live here.

22 The building seems like an occupant,
23 the intruder. The half working tooth, that's
24 how it was described, the design. It has -- from

1 the safety concern -- there is a serious safety
2 concern because it's like -- the reason I
3 mention that it's like an occupant, you put a
4 design that was -- maybe it could have been good
5 for a much bigger site, and you plunk it into a
6 very narrow site.

7 So the sidewalks become very narrow on
8 both sides, on Harvard and on Kenwood, and the
9 architect -- I mentioned this during the last
10 call, that the architects did not put the
11 benches for Bus 66 on this -- on the picture, and
12 I sent pictures to Maria, which she kindly put on
13 the website, showing that there was one lady
14 with bags sitting there on the bench of the Bus
15 66 stop, and she was complete blocking this
16 road. So if you made this building any wider on
17 Harvard Street, there will be no people passing,
18 you know, in line, as depicted on Slide Number 5
19 from the developer's architectural slides.

20 And then one topic that is of extreme
21 importance to me is that -- we kind of stopped
22 talking about this, but there is construction
23 going on right now in our neighborhood, so cars
24 are allowed to drive in the wrong direction on

1 our street, on Kenwood Street. It's going to
2 last maybe for a week. But with this building,
3 we will have this permanent danger on the
4 intersection of a one-way street where the cars
5 will be -- there is no parking space on Harvard
6 Street.

7 The cars will be idling. Servicing
8 the building, they will be idling on Kenwood
9 Street, and they will be -- based on the driving
10 patterns that we see right now, you know, that so
11 many cars -- even now, they moved back. You
12 know, they're driving the wrong direction.
13 There will be many cars that will choose to drive
14 back to Harvard, and that's creating the danger
15 of a collision at this intersection.

16 As the father of two little kids, I'm
17 concerned with this, you know. And maybe I
18 offered a solution in one of the write-ups that
19 was put on the website that maybe if developers
20 -- developers said that they will put a stop
21 sign. I don't think it will help anybody, the
22 stop sign. There is a stop sign right now. It
23 doesn't help. You know, the cars still go in the
24 wrong direction.

1 So maybe if developers are confident
2 in putting this big, you know, building, maybe
3 they will have to pay, you know, a \$500 fine
4 every time a car that is getting out of the
5 garage or is servicing the building moves in the
6 wrong direction. You know, maybe we need -- it
7 cannot be that only we get the costs of this
8 project, and they get the benefit, you know, of
9 building this oversized building on such a small
10 site.

11 Also, one last thing. I mentioned
12 this in my message to Maria today. We get a very
13 interesting -- there is an overwhelming support
14 against -- overwhelming opinion against this
15 building in the neighborhood, and we collected
16 more than 100 -- 110 signatures representing I
17 don't know how many, 200, 300 families in the
18 neighborhood.

19 But with all the support for this
20 building, except for very few people who
21 support, you know, time after time, you know,
22 one or two people -- two people supporting in our
23 neighborhood -- most of the support comes from
24 somewhere from Summit Street, you know, people

1 who live on Summit Street, some people where
2 they don't face -- they don't have any negative
3 externalities of this building, you know, and
4 it's very easy, you know, if somebody would
5 propose a building on Summit -- for me, it would
6 be very easy to say, oh, build them a nuclear
7 power station or whatever you want, you know,
8 it's far away from me.

9 You know, we need -- when you live in
10 this area, we consider both good and bad things
11 from this building, and we want you, if you
12 could, to look at them also. And we are asking
13 to build a smaller building, a three or four --
14 you know, four per regulations, a four-story
15 building. Well, I don't know whether it would
16 happen, but, you know, that's the will of the
17 people, and I appreciate your time and listening
18 to our concerns. Thank you.

19 MR. GELLER: Thank you.

20 MS. MORELLI: I think there's one more
21 person who would like to speak in opposition,
22 and that is Michael Maso. Michael, you've been
23 promoted, so you can unmute and share your
24 video, Michael. You have to unmute, Michael.

1 MR. MASO: Sorry about that. Just a
2 couple of things. I'm Michael Maso, and my wife,
3 Lisa Cody and I live at 12 Kenwood Street across
4 from the proposed development.

5 A couple of things. One is, like many
6 people, I do think the design keeps improving.
7 It, you know, takes baby steps each time, but
8 baby steps are good. That's how we grow
9 children. You know, I appreciate the work
10 that's been done.

11 Specifically, a number of -- the board
12 members have commented on the preference for
13 brick to go around the back -- we certainly share
14 that preference -- to remove the gray, to put the
15 brick on. Despite the expense, it's what we will
16 all look at, and certainly, I hope that that can
17 be accommodated.

18 You know, a few people mentioned the
19 time, including the developers, that this has
20 been two years. Certainly nobody can deny the
21 time, and it seems that it's coming to an end,
22 and really that's what I just want to speak to.
23 Over the course of the two years -- we heard the
24 charge repeated today by Maria. The charge is

1 very simple. The charge was to reduce the volume
2 and to lower the floors, and to my mind, the
3 charge continues to be ignored.

4 It is still a six-floor building, and
5 the volume from the last time -- the total volume
6 from last time has been decreased by one third of
7 one percent. That's the reduction in volume.
8 So, you know, I heard the message very clearly
9 from your chairman last time from this group
10 that said the best impact that you can make on
11 this project is to place conditions on its
12 approval.

13 So I just want to urge you to stick to
14 your charge to create conditions consistent with
15 your perception of what would be right and the
16 neighbors' perception of what would be right,
17 which would be a smaller, shorter building, and
18 then we would all be happy to welcome our new
19 neighbors. Thank you.

20 MR. GELLER: Thank you.

21 MS. MORELLI: I'm going to promote
22 Joanna Gallimore. Joanna, you've been promoted.
23 You can unmute and share your video.

24 MS. GALLIMORE: Thank you. I guess I

1 can read the tea leaves. I feel like you're
2 going to approve this building, and so, needless
3 to say, I'm pretty discouraged.

4 You know, I guess I probably have said
5 everything. We've said everything. I agree
6 with Vitaly. I really want that corner looked
7 at, because I know cars and Ubers will idle
8 there, as they do at Tatte on Fuller Street
9 constantly. It will happen, and that will block
10 the driveway and make it unsafe.

11 You know, I just want to point out
12 that we've not had any accurate pictures, even
13 today, of these buildings when compared to the
14 abutters, even though the developer has been
15 asked for that. So if the lawyer wants
16 extensions, you know, I don't really feel
17 sympathetic, since we've never really actually
18 gotten to see what this building looked like and
19 compare it to the abutters. So for them to say
20 they've done everything is not true.

21 I'd just also like to say that the
22 architect, Mr. Harding, basically said to
23 everyone, with a straight face, that he didn't
24 know if there were windows on 514 Harvard

1 Street, you know, and then when he -- which makes
2 me question pretty much everything that comes
3 out of his mouth.

4 I get it, you know, you have worked on
5 the design, and I do think it's a better design,
6 and yet it's, you know, basically I feel just too
7 large for the abutters, and it's too much of an
8 impact on them. At the very least, you could
9 have pulled back, you know, the top stories
10 more.

11 Basically, you've gotten everything
12 you wanted, and you've really given us nothing.
13 And I'm just so discouraged because this
14 developer and his architect can basically say
15 whatever they want that's not true, refuse to
16 provide accurate drawings. I can point out that
17 the Avalon Terrace building, they have an extra
18 window on the drawing, which -- you know, does it
19 matter? It matters to me. It matters to what
20 other people who don't pay attention to the
21 hearings see, and they can look at these
22 drawings that are not accurate and say, oh,
23 what's so bad about it.

24 The fact that they haven't provided

1 accurate drawings makes me realize -- you know,
2 they realize it's a really big building, and
3 they don't want to show people how big it is. I
4 just find that -- you know, it's just
5 infuriating that they can get away with it.

6 I would like to ask why the developer
7 is putting up a six-story building here when he
8 is trying to stop a five-story building next to
9 his building on Thorndike Street. You know, I'd
10 like that developer to speak about that. And he
11 never reached out to the abutters when he's
12 complained about that to the board about other
13 developers not doing that. He never did it to
14 us.

15 You know, apparently, he's hoping to
16 get another 40B with much more parking, and yet
17 he went to the transportation board to say that
18 he's all for no traffic, no cars, no pollution.
19 And that other building is in a very transit
20 oriented part of town. So there's really no
21 excuse.

22 I just can't believe we've lived
23 through four years of so much hypocrisy and
24 lies, and so in our little slice of town with

1 another developer, I'm just so discouraged that
2 he's been so dishonest, and his architect has
3 been dishonest, and maybe the ZBA is used to
4 that. I'm not, and I am just -- yeah, I'm just
5 reeling. It's just -- you know, he should have
6 made more concessions on the upper floors. I
7 mean, that's just the bottom line. I would hate
8 to be an abutter.

9 And the fact that he really hasn't
10 given up very much, I just find astonishing,
11 especially when, you know -- I don't know, he
12 says he wants -- he lives in Brookline. He wants
13 to be a good -- you know, a good citizen of
14 Brookline.

15 You know, I'm just astonished that he
16 hasn't done more when he could, and we've pushed
17 back a lot. We've said -- you know, we -- and
18 I'm surprised at the architect, too, the peer
19 reviewer. I mean, I don't think he's ever put up
20 a 40B that impedes on the abutters as much. If
21 he has, I'd love to see an example because -- to
22 see if Cliff Boehmer has -- one of his 40Bs has
23 impacted an abutter as much as this will.

24 That's all, and I do appreciate your

1 hard work, because I do recognize it's not an
2 easy job, and I know you have asked good
3 questions. I appreciate some of the revisions
4 of the architect, but I just don't think it was
5 enough. Thank you.

6 MR. GELLER: Thank you. Maria, do we
7 have anybody else?

8 MS. MORELLI: No, we don't.

9 MR. GELLER: Thank you. Board
10 members, time for discussion, comment, and
11 direction to the applicant. Let's start with
12 Kate.

13 MS. POVERMAN: I just don't know what
14 to say. I mean, I don't know the economics of
15 why it would be so expensive to have brick go all
16 the way around. I feel like if we're going to
17 have a six-story building, which I would have
18 liked to see lower, the least the developer can
19 do is make the side that faces the neighborhood
20 as attractive as possible. So I am disappointed
21 to find out that -- what the developer says is
22 that it's too expensive to do that.

23 I am not opposed to Randolph's idea of
24 the brick, almost like pillars, the flat pillars

1 going up on the side in between the steel bays,
2 but my preference at this point is that if we
3 can't lose any more volume that the brick at
4 least go all the way around the building. I also
5 have just a practical question. Why is 1200 feet
6 too small for a food establishment? I'm just
7 curious about that. Do you know, Maria or Cliff?

8 MS. MORELLI: I think the applicant
9 can address that. At some point, you might have
10 the applicant respond, I think, to the ZBA
11 charge.

12 MR. GELLER: Is that it, Kate?

13 MS. POVERMAN: Yeah, that's it for
14 now.

15 MR. GELLER: Thank you. Randolph?

16 MR. MEIKLEJOHN: Let me try to do this
17 in a summary way, because I've engaged in
18 discussion -- in some of the questions, and I
19 appreciate the opportunity to do that before.

20 Overall, I think the changes that
21 we've seen since February 17 have been positive.
22 I think they've been responsive to the charge. I
23 don't think they've been responsive to every
24 part of the charge. And, you know, as others

1 have said, I would still prefer a building with
2 one story if you work on it (?), but for the
3 volume of the building proposal, I think they've
4 located the mass in the way that in my opinion is
5 best, and they've resolved the way that it
6 appears as a building in ways that I'm satisfied
7 with.

8 You know, the architect talked at one
9 point when we were looking at the view from
10 Kenwood about -- and this was sort of an
11 experience of the street idea -- the idea of
12 walking out of a one- and two-family
13 neighborhood and turning the corner onto a major
14 street or an avenue. And for me, that connects
15 with this idea that Cliff and I were exchanging
16 thoughts about of the familiar architectural
17 language of the four- or five-story masonry
18 building with bays on it. You know, you see them
19 on Comm. Ave., you see them on Beacon Street.

20 You know, I think having committed to
21 that as a design direction -- and it's not the
22 only possible design, but once they've committed
23 to it, I think they've followed through and made
24 it work. I think getting rid of the arcade,

1 closing the base, having a darker material at
2 the base for this -- what looks like a masonry
3 bearing building with vertical windows, which
4 are also traditional, I think it resolved well.
5 I think the arcade space with a ramp, a stair
6 that you were going to fall on if you come out of
7 the -- coming out of the lobby, good riddance to
8 all of that. A simpler looking lobby door at the
9 sidewalk level, to me, it works.

10 One last comment about the west side.
11 You know, construction cost is real. I think
12 this design includes a different material other
13 than brick and has made a persuasive case
14 through design for how it can be articulated in a
15 way that relates to the language of the overall,
16 you know, brick wrap to the building on the other
17 two major sides. I think it's convincing and
18 attractive, and I think it deserves further
19 development. And, you know, there are many ways
20 to do that without, you know, tumbling to the
21 more expensive brick wall construction.

22 You know, overall, I think that
23 they've made a case for a context for this
24 building that, you know, more clearly at this

1 hearing than at the previous one, includes a
2 context of Beacon Street and Comm. Ave., and I
3 think it's in a family of buildings that you see
4 on Beacon at, you know, Corey Road or St. Mary
5 Street, where you turn from the avenue onto the
6 side street, you transition to frame houses or
7 smaller buildings, and, you know, you see how
8 those buildings change in their materials or
9 they step down or, you know, bays or porches
10 appear on the back.

11 I think they have -- you know, within
12 this language of design they've proposed
13 something that is -- it works in many ways
14 because it is familiar and is recognizable and
15 refined, and I think they are -- as I say, those
16 are -- the individual changes to parts of the
17 charge have -- because they are coordinated well
18 together, the sum is more than the individual
19 parts. Still to resolve, but otherwise a good
20 response.

21 MR. GELLER: Thank you, Randolph.

22 Johanna?

23 MS. SCHNEIDER: Well, I agree with
24 much of what Randolph said. I think that many of

1 the design changes were responsive to our prior
2 critiques. I'm not qualified in the way that
3 Randolph is to provide feedback about the color
4 pallet or the materials. For me, as I said when
5 I was asking Cliff, you know, the dark gray brick
6 at the ground floor doesn't work for me, and I
7 think it worked on the Tatte building at 420
8 because it's lighter materials, and it's a gray
9 and white pallet.

10 This, again, with the reddish masonry
11 doesn't feel like it's quite consistent, and I
12 have those concerns about the gray as it wraps
13 around into the residential neighborhood. So I
14 would like the applicant to perhaps take a look
15 at whether or not there's some sort of different
16 material. It does not -- from my perspective, it
17 would be great if it were masonry, but I
18 understand masonry is expensive, but I know that
19 there are other positive materials, fiber
20 cement, etcetera, that might be available with a
21 different color pallet that might be a little
22 bit less contrasting. It's still too tall. It's
23 still too tall.

24 I guess I also want to reiterate one

1 of my prior comments requesting that the project
2 team look at doing some sort of green wall to
3 better screen the wall along the garage. I know
4 that there are some trees that have been
5 planted. You know, the thing about trees is, you
6 know, some of them grow, some of them don't. I
7 don't know, you know, how wide these trees are
8 going to end up being. So I do think that
9 perhaps you could achieve better screening with
10 a green wall with better coverage, and I think
11 that can be done, you know, without breaking the
12 bank for the project budget.

13 As I said when I was asking John
14 Harding about planters on the balconies, I think
15 anything that provides some sort of additional
16 greenery and additional relief would be nice to
17 have.

18 We are hearing some things from some
19 of the neighbors about the applicant not
20 engaging in sufficient abutter and neighborhood
21 outreach. So I'm hoping that before we go
22 tonight we can understand, Jennifer, either from
23 you or from Mr. Danesh what you have done in
24 terms of meeting with your neighbors. I think

1 it's important for the board to understand what
2 that process has looked like outside of, you
3 know, what's happened -- obviously, folks
4 received notice through the board -- but if
5 there has been neighborhood outreach,
6 particularly to your closest abutters.

7 And then I think the last thing that I
8 would say is we're continuing to hear lingering
9 concerns about traffic, Uber drop-offs, idling
10 on the corner, and I would like the applicant to
11 take a look at what kind of signage might be
12 provided there, I guess in concert with town
13 staff to discourage that behavior, which I do
14 think has the possibility of presenting not just
15 a safety hazard, but also a nuisance factor to
16 the residential neighborhood.

17 MR. GELLER: Thank you. So my
18 comments will be familiar, and what I struggle
19 with is fitting them into the context of 40B. I
20 think that's everyone's struggle here. I think
21 the building is too big. The building is too big
22 for this size lot.

23 I want to say I appreciate the effort
24 that has been made. It looks better. It looks

1 -- I don't think it looks like the Ferdinand
2 building, but I think it looks better. They've
3 neatened up the aesthetic, the cladding, better
4 appearance, the simplification of the bays to
5 the rear. Reduction of the bay along the
6 abutting -- the neighboring apartment structure
7 and reducing it by a floor is an improvement.

8 So I think there clearly has been some
9 effort. I look at the degree to which this
10 project has been reduced, and it's so small. For
11 such an incredibly large building on this size
12 lot, the amount of reduction that's taken place
13 is really very small. And every time there's a
14 reduction, there's an increase somewhere.

15 So our initial charge was pull the
16 building back on Harvard Street, and we wound up
17 with an arcade, which, functionally, really was
18 private space. It didn't achieve the charge. It
19 looks much better now, but, of course, half, if
20 not three quarters, of that facade has now been
21 bumped back out.

22 So while I offer my compliments to the
23 architect and the development team for what is a
24 much improved appearance of an incredibly large

1 building for this location, I have great
2 reservation that the overarching charge that
3 this building is too big for this site -- for
4 this size, and this lot does not sustain a six-
5 story building -- I very much struggle with
6 fitting that into the 40B context.

7 And I don't pretend to have ultimately
8 the final answer to that. I would say I would
9 struggle less with a five-story building. With
10 the appearance, I would feel that it fits better
11 with the lot. I'm not going to design this
12 building. I'm not trying to design the
13 building. I don't object to the gray at the
14 ground level. Masonry is better. So that's my
15 comment about that sort of aesthetic.

16 The notion of adding back in retail to
17 the ground floor, I guess is fine. My comment
18 about it would be I want an understanding of what
19 their proposed uses would be, and they're going
20 to say, well, if anything, we can lease it out
21 for. And I would say, well, given all that we've
22 been through, I would want some limitation on
23 the type of commercial use.

24 I'm not sure it's necessarily true

1 that a 1200 square foot space can't accommodate
2 some form of cooking, and I'm not sure that -- I
3 think our intent would be that a less intense
4 commercial use, a neighborhood use, is what goes
5 in here. I think that's the notion.

6 Let me speak to some things that
7 were touched on, that frankly I think of as not
8 part of the 40B decision, but since they've been
9 mentioned, I think they're important. There
10 appears to be an apparent double standard here,
11 and I think it has rubbed people the wrong way,
12 which is that the developer is apparently quite
13 sensitive to things that other developers have
14 done that they are more than willing to do.

15 So I think it is that apparent double
16 standard that has upset a number of people, and
17 it exists. I don't know that it's relevant in
18 the context of this hearing, but it exists. So I
19 would urge the developer to reconsider that kind
20 of behavior. It doesn't help.

21 Reaching out to the neighborhood, I
22 always urge developers to do it. I don't know
23 the degree to which this developer has done it.
24 I do know that they have complained of other

1 developers not doing it, and therefore, I would
2 urge them, if they have not done so, to speak to
3 the neighborhood. Those are my comments. Where
4 and what charge we give the developer from this
5 point is the question, where we go and what
6 charge. Response?

7 MR. DANNY DANESH: I just want to
8 address the comments that we've heard tonight
9 about the loading zone and cars driving --

10 MR. GELLER: Introduce yourself first.

11 MR. DANNY DANESH: Sorry. My name is
12 Danny Danesh. I'm with the development team.

13 MR. GELLER: Thank you.

14 MR. DANNY DANESH: I just wanted to,
15 you know, kind of set the -- you know, put it out
16 there, something that we have been discussing
17 since the beginning of this project, and it's
18 the topic of the loading zone and cars driving on
19 Kenwood Street.

20 So the way this building was designed
21 from the beginning up until today is all of the
22 commercial activity is located on Harvard
23 Street. So there is currently a curb cut on
24 Harvard Street, which is about 20 feet wide,

1 which is being removed. So that curb cut right
2 now is where cars exit the site. Deliveries,
3 customers, they exit the site, and they cross a
4 bike lane, and they cross right past the bus
5 stop. So obviously, that -- this is something
6 that we've probably spoke about maybe nine
7 months ago. So obviously, that is not an ideal
8 situation for pedestrians.

9 So that curb cut is being removed, and
10 we are adding a loading zone. That loading zone
11 will be for residents who take Ubers or any type
12 of ride share, and also for UPS, FedEx and
13 deliveries and whatnot, moving trucks. So if
14 someone is coming home with a ride share, they
15 will be dropped off on Harvard Street. There
16 will be no reason for the Uber to take Kenwood
17 and to drive backwards or for us to get fined, as
18 someone suggested.

19 So an Uber would drop off the resident
20 on Harvard Street and continue on their way. A
21 FedEx delivery would come on Harvard Street,
22 park in the loading zone, make their delivery,
23 and continue on their way. They would have no
24 reason to go on Kenwood. That's because the

1 lobby is on Harvard Street.

2 Finally, the trash pickup also is on
3 Kenwood -- sorry, is on Harvard Street. So the
4 trash route was designed to be on Harvard Street
5 outside, so the trash truck would not go on
6 Kenwood. So all the commercial activity for the
7 residential entrance and the trash room is all
8 on Harvard Street.

9 In addition, the retail space is also
10 on Harvard Street, so they don't have any
11 customers driving up and down that whole
12 residential area by the park on Russell, on
13 Verndale, on Kenwood. So all the commercial
14 activity is on Harvard Street. The only cars
15 that will be driving up Kenwood is the parking --
16 the residents who park.

17 We will put a sign out there and make
18 it very clear to residents not to take a left
19 onto Kenwood. But at the same time, we are not,
20 you know, a police department here. This is like
21 -- this is beyond our control.

22 So really to get to the next point is
23 we don't have any issue with 445 Harvard Street,
24 the way the building is designed. We have

1 appealed their project because their residential
2 entrance, their trash pickup is all located on
3 Thorndike Street, across the street from our
4 garage.

5 So I know there's a lot of rumors
6 going around and people talking bad about us,
7 and, you know, it's not really fair because they
8 don't actually understand what is going on.
9 That building has the trash pickup on a two-way
10 street that is directly across from our garage.

11 So yes, we do have a problem with
12 that, and this building at 500 Harvard Street
13 was designed in a way to avoid situations like
14 that. So, you know, we have experience in
15 running these buildings, and we know that this
16 type of -- this system of keeping retail,
17 residential, trash on the commercial street
18 works and having -- imagine if we had a trash
19 room on Kenwood Street. It would be a disaster.
20 Well, that's what was approved at 445 Harvard
21 Street.

22 MR. DAVID DANESH: Can I just say one
23 thing? Actually, a neighbor brought up a great
24 point during --

1 MR. GELLER: Well, say who you are.

2 MR. DAVID DANESH: My name is David
3 Danesh. I'm the developer of the site.
4 Actually, one of the neighbors who was
5 complaining about something that brought to
6 attention was there's -- she compared that the
7 Tatte situation with the cars double parking on
8 the side of Coolidge Street and the amount of
9 traffic on the side street of Coolidge Street.
10 That is exactly the reason why we had a problem
11 with the project on 454 Harvard Street, because
12 we saw exactly what was happening at 420 Harvard
13 Street.

14 If you go to 420 Harvard Street, they
15 put the lobby and one of the entrances to the
16 retail and the garage all on Coolidge Street by
17 intersection. I ask anyone on the board who
18 would like to go there at 12:00 in the afternoon
19 on any day of the week, especially on the
20 weekends, and you can see the kind of mayhem
21 that's going on there.

22 You have Ubers dropping off tenants,
23 you have cars picking up food from Tatte for
24 deliveries, you have people picking up their own

1 food for deliveries, you have people sitting
2 outside having lunch, and the worst part about
3 it is that building, similar to the one that we
4 oppose, doesn't even have trash chutes. So they
5 have a garage -- they have a trash pickup
6 happening four or five times a week because they
7 don't have trash chutes.

8 If you go and walk by the lobby, you
9 can see there's garage cans everywhere, in the
10 garage, right outside the lobby, with garbage
11 even sitting outside of the garbage cans. There
12 are FedEx trucks parked out there. That's why we
13 oppose the project.

14 And the final point I'd like to make
15 regarding the objection of the project is we
16 told the developer who was building that
17 building many, many, many times you can't have a
18 building without trash chutes, because trash
19 chutes take all the trash from every floor, and
20 they put it into a trash room. He does not have
21 a trash room.

22 When you don't have a trash room, you
23 have garbage bins everywhere. When you have
24 garbage bins everywhere, you have mice running

1 throughout the building. When the mice go into
2 my building, that becomes my problem. When
3 their garbage trucks are doing three point turns
4 into my driveway when my tenants are getting up,
5 that becomes my problem.

6 When there are Uber drivers and FedEx
7 trucks double parked by an intersection, and my
8 tenants can't get out of their apartment
9 building, and the neighbors down the street who
10 gave me a difficult time for locating where my
11 driveway was, almost the precise location as
12 someone on the board would remember, we had to
13 even move a tree to make this happen, all because
14 of this situation. That's why I opposed the
15 project. That's it.

16 MS. DOPAZO-GILBERT: David, I think
17 you've made a really good point, and it can be
18 made very short, and the point is that you did
19 not oppose that project due to the height. You
20 opposed that project for safety and health
21 concerns, period. We don't need to talk about
22 that anymore.

23 The only other comment I would have,
24 Mr. Geller, is that the issues raised about the

1 traffic concerns by one of the neighbors on
2 Kenwood, all of the traffic consultants,
3 including the town's own traffic division,
4 didn't have any of the same concerns. We are
5 going to implement all of the recommendations by
6 the traffic division from the town. We went to
7 the transportation board. We didn't have to. We
8 went.

9 We heard what they said, and we agreed
10 to their recommendations. And certainly if it
11 becomes an issue, then you're going to have a
12 police cruiser sitting there handing out
13 tickets, and it's going to stop pretty quickly.
14 So I just wanted to make those points. Thank
15 you.

16 MR. GELLER: Understood. Thank you,
17 Jennifer. Board members, further comment,
18 direction to the developer?

19 MS. SCHNEIDER: I would just like to
20 ask another time if the developer or their
21 counsel could address the outstanding question
22 about what kind of neighborhood outreach they
23 have done.

24 MR. DAVID DANESH: I'd like to reach

1 out. So first of all, I've actually --
2 throughout my time and my family's time, I've
3 actually contributed a lot to this neighborhood,
4 probably more than all the neighbors that are
5 complaining about it. For example, the Chabad
6 that almost went out of business, I was -- I'm
7 the one who gave them a loan to keep them going.
8 I power washed their entire building -- when it
9 was brown, and no neighbor came to their aid or
10 no neighbor stepped up to do anything, I paid for
11 their house to be power washed by myself. I
12 don't want to talk about it because the
13 neighbors keep making it seem like I'm a bad
14 person, but I did that by myself.

15 Ruben's Deli, when we originally
16 bought the property, we were trying to save
17 Ruben's Deli, actually, and unfortunately, we
18 weren't able to. So what happened? What did we
19 do? We had -- The Butchery had a fire. The
20 Butchery had a fire and didn't have a kosher
21 place to serve kosher food, so I let The Butchery
22 use my space. I rented to them for less than the
23 market for as long as they needed to so the
24 Jewish community in Brookline could have a

1 kosher place to get food from because The
2 Butchery had burned down.

3 I did that. They said they needed it
4 for three months. It turned into six months, it
5 turned into nine months, however long it went. I
6 had a tenant that was interested in renting my
7 space. However, because the duration kept going
8 on and on and on, and I was helping them, that
9 ended up not working out for us, and they ended
10 up moving to another location down the street.

11 Now, I've spoken to the Chabad, who is
12 my abutter, and I've spoken to the gentleman who
13 lives behind my house -- behind the building.
14 His name -- he lives in Michigan, actually, and I
15 told him that on many occasions throughout the
16 years that I owned the restaurant, the ?
17 restaurant -- I've spoken to him many times -- I
18 told him that, you know, we're planning on
19 building an apartment building here. I'd like
20 to be on good terms with you. He said I like the
21 fact of you building an apartment here. It's
22 much better than a smelly Indian restaurant.

23 I said okay, no problem. I said how
24 much -- I said I'd like to buy your home. He

1 said okay, you can pay me \$4.4 million for my
2 home, or I have no problem with you building
3 something new because it would be better for my
4 house. I said fine. That's what I did. I've
5 spoken to him many times. So I did some
6 neighborhood outreach. Unfortunately, there was
7 -- the Corona virus prevented me and my team from
8 meeting in person with people. So that's all I
9 have to say regarding that.

10 MR. GELLER: Thank you. Board
11 members, other comments, direction for the
12 developer?

13 MS. POVERMAN: It's Kate Poverman.

14 MR. GELLER: Hi, Kate Poverman.

15 MS. POVERMAN: Hello. I am looking at
16 your letter of June 21, 2019 relating to 445
17 Harvard Street. You had commented that your
18 only quarrel with it had been relating to its
19 trash and loading and things like that, but, in
20 fact, in the letter, you do complain about its
21 height being 58 feet, plus additional feet, with
22 mechanicals. And I am a little concerned that
23 after all you have heard us say about the
24 building needing to be smaller, take up less

1 space, be lower, what you chose to address was
2 the loading zones and then other stuff, which
3 was not relevant to this project.

4 MR. DAVID DANESH: Okay --

5 MS. DOPAZO-GILBERT: David, let me
6 respond to that, please, please, please. So
7 Kate, we're not going to talk about a pending
8 appeal. We've answered the double standard
9 issue that was raised, and we're not going to
10 discuss pending litigation. We've told you what
11 the main issues were, what the building had to do
12 with safety and health, and we're not going to
13 respond.

14 MR. DAVID DANESH: Well, I'm taking
15 these motherfuckers to court.

16 MS. POVERMAN: Well, I'm just going to
17 leave it at -- I do not believe you addressed it.
18 I hold my position, and what Jesse said about
19 there being a double standard, and I'm going to
20 leave it at that.

21 MR. GELLER: Is that it, Kate?
22 Randolph, any further -- I mean, I think we need
23 -- we've told the developer our opinions, and we
24 need to move along with this hearing. My

1 personal request, and you've looked at it a
2 number of times, is that you look to see if there
3 is a viable five-story building, and I have no
4 idea what discussions have taken place, but when
5 I say a viable five-story building, I like what
6 you've done with the existing building, with the
7 exception of the sixth floor. Board members --
8 Randolph, do you want to comment anything
9 further?

10 MR. MEIKLEJOHN: Yeah, Jesse. Just in
11 the interest of clarity of the charge, I'm just
12 going to support what you have said. It's
13 consistent with my own comments, I think,
14 earlier, that there's a big qualifier at the
15 beginning of my comments about how I would like
16 that one fewer story, but I will repeat that I
17 think the -- I would encourage continuing on the
18 design direction otherwise in the ways that I
19 described.

20 MR. GELLER: Yeah, I think, you know,
21 there have been some other comments here, and I
22 don't mean to ignore those. I think there's this
23 question about the ground floor and what
24 cladding it is and the color of the cladding.

1 There's a question about -- that I raised, and I
2 was just living off of Johanna's glow, which is
3 about the green wall to the rear. So there are a
4 number of these questions that I don't mean for
5 the developer to ignore, but there's an elephant
6 in the room, so to speak. Johanna, anything
7 further?

8 MS. SCHNEIDER: Nothing further.

9 Thank you.

10 MR. GELLER: Thank you. Maria, do we
11 have -- what do we have in terms of next dates?
12 I'm mindful of our end date. What do we have to
13 accomplish within our timeline?

14 MS. MORELLI: So as I mentioned in my
15 staff report, there are a few loose ends that we
16 would want to tie up, especially now that retail
17 is being introduced, and we should have the
18 applicant actually speak to the range of uses
19 they're considering. We did discuss that. They
20 do want some (?) use, but they did say there's no
21 way they could see a commercial kitchen fitting
22 in, but I think the applicant should address
23 specifically in a hearing the range of uses
24 they're anticipating so that we can get a better

1 response, a more comprehensive response, from
2 the health department.

3 MR. GELLER: Yeah.

4 MS. MORELLI: And we do need some
5 materials from the applicant, mainly the
6 foundation method, because of the proximity to
7 514 Harvard to the north. And, as we always do,
8 a preliminary building code analysis, again,
9 because there is that facade -- that north
10 facade so close to 514 Harvard.

11 So those are the things that we would
12 have, say, at the next hearing. It depends on
13 what you're expecting. If you're expecting more
14 work from the -- what are you expecting from me
15 in terms of materials to prepare?

16 MR. GELLER: Magic.

17 MS. DOPAZO-GILBERT: That's what it
18 would take.

19 MS. MORELLI: I beg your pardon?

20 MR. GELLER: I'm expecting that.

21 MS. DOPAZO-GILBERT: We can talk about
22 the range of uses tonight. I think there might
23 have been some misunderstanding that we weren't
24 going to have any type of food establishment,

1 but 1200 square feet -- we don't think it's going
2 to be like a destination restaurant with a
3 commercial kitchen, just because of the size,
4 but absolutely would have entertaining a small
5 bakery, a café, sandwich shop, you know,
6 something like that definitely with food
7 product. So I just -- yeah.

8 MR. GELLER: When you say that, are
9 you talking about food prep a la -- you'll
10 forgive me for saying this, but food prep a la
11 Dunkin' Donuts, or are you talking about actual
12 production of foods ovens?

13 MS. DOPAZO-GILBERT: Yeah, I think we
14 could have -- for example, down the street at
15 another one of my projects, we have a small
16 retail space at the To Life (?) project next to
17 KI, and right now, we're looking at a small
18 bakery where they would also have some electric
19 ovens that wouldn't need venting where they
20 would bring partially prepared and then finish
21 off cooking there. So that can absolutely be
22 done, and that's what I mean by that.

23 MR. GELLER: So that's the Dunkin,
24 Donuts model. They just take things on site.

1 MS. DOPAZO-GILBERT: We wouldn't want
2 to have the commercial kitchen that would
3 require venting that would go up and potentially
4 disturb residents.

5 MR. DANNY DANESH: I've heard a lot of
6 -- my name is Danny Danesh. I'm with the
7 development team. I've heard a lot of the
8 neighbors suggesting a coffee shop type use,
9 which we would be thrilled to have there, and
10 someone also mentioned tonight that there's a
11 bus stop there, and a lot of people, you know,
12 waiting around in the cold. So maybe, you know,
13 holding the hot coffee while you're waiting for
14 your bus would be nice.

15 MR. GELLER: Great. Yeah, so I think
16 in that context, we'll want to spell that out,
17 but it sounds like we're on the same page. Go
18 ahead.

19 MS. MORELLI: So in terms of a public
20 hearing, unless there is going to be another
21 response -- another revision, we would go to
22 waivers and conditions. So I think I just want
23 to specifically -- would you like the applicant
24 team to respond to your feeling about the sixth

1 floor?

2 MR. GELLER: Yeah, I'd like a
3 response. I don't know that those things are
4 mutually exclusive, particularly given time
5 constraints, but yeah. Would I want a response?
6 Yes.

7 MS. MORELLI: Do you want a response
8 now?

9 MS. DOPAZO-GILBERT: If you want a
10 response now, I can give you a response now. The
11 response is that we looked at it, Mr. Chair, and
12 the mass, moving it to the front because the
13 arcade was not viewed favorably and stepping it
14 back both at 5 and 6, that is the response.

15 So if that's not, you know,
16 satisfactory, that's another issue, but that is
17 the response. I don't think that, you know,
18 going another round is going to change. We've
19 got a lot -- I've heard -- I'm hearing different
20 things, but I heard a lot of positive feedback
21 from those measures by the architect on the
22 poll.

23 MS. SCHNEIDER: Jonathan, how many
24 units are on the sixth floor?

1 MS. DOPAZO-GILBERT: John, do you have
2 the floor plan there? I think there's only two.

3 MR. HARDING: This is John Harding.
4 There's five.

5 MS. DOPAZO-GILBERT: Oh, five.

6 MR. GELLER: And if I understand what
7 you said before, John, it's five bedrooms.

8 MR. HARDING: There's five one-
9 bedroom apartments on the fifth -- on the sixth
10 floor. There's five units on every floor.
11 They're all one-bedrooms on the top floor.

12 MS. DOPAZO-GILBERT: John, did we move
13 from the original design, was it 10,000 square
14 feet? What was the number on -- going from the
15 original to where we are now, what is the --

16 MR. HARDING: We've lost it. I'll put
17 the numbers back up.

18 MS. DOPAZO-GILBERT: Oh, maybe ten
19 percent is what I was looking at for the ten
20 percent volume.

21 MR. HARDING: Yeah, of the volume of
22 the original, we've lost roughly ten percent,
23 31,000 compared -- or 319,000 cubic feet of
24 volume. The square footage also is reduced by

1 almost ten percent of the residential area. So
2 the ground floor --

3 MS. SCHNEIDER: Is that for the
4 project overall?

5 MR. HARDING: That's for the
6 residential portion of the project.

7 MS. SCHNEIDER: I understand. I'm
8 asking for the numbers with respect to the
9 project overall, not just the residential area.
10 I think that would be helpful to the board.

11 MR. HARDING: So the residential area
12 is reduced by that, which is the massing on the
13 upper floors. The ground floor has gotten a
14 little bigger where we expanded for parking to
15 go from six parking spaces to ten. Yeah, we went
16 from six to ten on the ground floor, so the
17 ground floor has maximized where we tried to
18 give back more parking and to try to keep that
19 retail active use there, and the upper floor
20 isn't reduced. So that's why the overall area,
21 we've lost 3300 square feet overall from the
22 very beginning, which is probably like eight
23 percent -- eight or nine percent.

24 MR. DANNY DANESH: This is Danny

1 Danesh with the development team. I just want to
2 address Mr. Geller, his question about the top
3 floor. This keeps coming up, so I just think
4 it's best to address it head on. You know, a
5 project like this, you know, six units out of 25,
6 it's a big chunk of the overall building, and,
7 you know, there's people -- you know, also
8 something that was discussed tonight was, you
9 know, there's going to be these huge profits,
10 and everyone in real estate knows that, you
11 know, this is going to be a huge profitable
12 building.

13 But at the same time, when you have --
14 you have these -- there's 40B laws and
15 regulations as to how much income you can make,
16 and, you know, it's a ten percent limited
17 dividend. And these are really, really tight
18 numbers as is. And, you know, addressing
19 another comment that was made tonight about how
20 can, you know, all the other projects at four
21 floors make money and whatnot.

22 And, you know, I don't -- I prefer not
23 to get into the details, but some of these
24 projects, their margins are very, very, very

1 thin, and I know it might not seem like it, but
2 they are -- and six units is -- it makes the
3 project uneconomic is another way of saying
4 that. Thank you.

5 MS. POVERMAN: Hi, it's Kate Poverman.
6 Addressing just what you were talking about, Mr.
7 Danesh, I guess it is a problem I have
8 continuously struggled with, which is how the
9 project across the street that you've developed,
10 455 Harvard, was three and a half stories, or
11 reduced to three and a half stories, and I think
12 it has 17 units and a retail space. And like you
13 said, how could that work at least -- almost at
14 least theoretically and there not be an ability
15 to reduce the size of this.

16 So I just never understood that. I
17 don't know -- I don't remember what the size of
18 the lot is -- I could look it up -- or the
19 overall square footage -- but it's one of the
20 reasons that I have struggled with the height of
21 this, as well.

22 MR. DANNY DANESH: Another great
23 question, Kate, and I know that we worked on that
24 project together. And quite frankly, it's not

1 economic, and we spent, you know, a good amount
2 of time permitting it, we spent a good amount of
3 time developing it, and, you know, I know the
4 numbers, and it's been operating for over a year
5 now. And it's not economic, and there's a reason
6 why we're here today saying that we can't go
7 lower.

8 I wish I could -- I wish it was. I
9 wish that we could lower this building, and
10 everyone would be happy, and we'd walk out of
11 here like heros. But it's not economic, and
12 we're here to -- one thing that was not mentioned
13 tonight at all was we're adding affordable
14 housing.

15 And I know that it's very easy to say
16 that we don't care, but we do, and we have
17 thousands of people -- I'm not going to
18 exaggerate. I have -- there's 500 person -- the
19 waiting list closed at 500. There's 500 people
20 waiting to live in that building, and there's
21 500 people waiting to live at 45 Marion Street,
22 both waitings are closed, and there will be 500
23 people waiting to live in this building.

24 And it's either this building -- I

1 mean, we can talk about color, we can talk about
2 materials. It's either this massing, or there's
3 going to be no project here, and I just want --

4 MS. DOPAZO-GILBERT: I would just also
5 note that there's another -- I believe that the
6 other -- what is now an official 40B at 209
7 Harvard is also proposed as a six-story, I
8 believe. So the economics of that, you know,
9 it's likely similar.

10 MR. DANNY DANESH: And one last thing,
11 Kate. You know, retail has changed since that
12 project. Even since Covid started, the rents
13 have gone way down, I'm sure everybody knows.
14 Construction prices remain high. Lumber prices
15 are way up. I don't know if anyone is aware of
16 that. But just to reiterate, 455 Harvard
17 Street, the building is uneconomic. It was too
18 small, and I just want to like remind everyone
19 that, you know, this -- we had experience doing
20 this, and it's just -- I'm not just pulling out
21 six stories out of a hat. You know, we have done
22 our research. We've literally done this before.
23 So I just wanted to address that for Ms. Poverman
24 and the neighbors.

1 MR. GELLER: Thank you. So let's --
2 Maria?

3 MS. MORELLI: John, could you stop
4 sharing your screen so we could just see the --
5 thank you, John.

6 MR. GELLER: So here's what I think we
7 should do. So the next hearing we can -- I guess
8 the next step is to discuss the waivers request.
9 I think I know the answer to this question. Is
10 the developer's response their final response,
11 or are they going to take the interim period to
12 review the board's request?

13 MS. DOPAZO-GILBERT: And when you say
14 the board's request, you're saying to remove the
15 sixth floor?

16 MR. GELLER: Correct.

17 MS. DOPAZO-GILBERT: We're not in a
18 position to remove the sixth floor for the
19 reasons that Danny Danesh just explained, the
20 project becomes not feasible.

21 MR. DANNY DANESH: However -- this is
22 Danny Danesh speaking again. However, as I
23 asked Randolph earlier, and I know that -- I
24 think we can play with colors, and I think

1 Johanna spoke about it also that she was not
2 convinced by the ground floor color. We can --
3 we're happy to -- if the building looks better,
4 it's better for everyone. So we're happy to talk
5 about colors, you know, maybe some materials and
6 stuff like that. But regarding the massing, I
7 think, you know, we're at the end of the road
8 here.

9 MR. GELLER: Thank you. So Maria, the
10 answer to the question is let's move on in the
11 process.

12 MS. MORELLI: Okay. Well, so Judi is
13 not here, but are you thinking about pro forma,
14 or are you thinking about going just to waivers,
15 and then you'll decide if you want to grant a
16 waiver for the height, I guess?

17 MR. GELLER: I don't know that I have
18 the answer to that question at this moment. I
19 suspect it's one -- unless board members have
20 some input on that, I suspect it's one or the
21 other.

22 MS. SCHNEIDER: I would just weigh in
23 and say that from my perspective, I think we
24 understand the developer's position, and based

1 on my understanding of 40B, I don't think that I
2 would be prepared to request a pro forma review
3 of this project at this time.

4 MR. GELLER: Thank you. So it seems to
5 me that in any case, we need to talk about the
6 waivers.

7 MS. MORELLI: So what I would
8 recommend is on -- I think the project team
9 should prepare the waivers list that reflects
10 your latest offer, your latest iteration if
11 you're not going to do any further work, and it
12 sounds like you're not going to do it. So if
13 this design is baked, then you should prepare
14 your waivers list to reflect the current design.

15 What that means is that the building
16 commissioner and I will need to look at it just
17 to make sure that it is accurate, that there's
18 nothing missing, and we can discuss it off line,
19 but my expectations for a waivers list, as you
20 can see them done for other projects, is that you
21 list what is required for the zoning and then
22 what the delta is. So not just ask for the
23 waiver, but ask for how much beyond zoning you
24 require. So if the height is 40 feet, that's the

1 max allowed, and the height that you propose is
2 68 feet, ask for that differential. That's what
3 I would expect in the waivers list.

4 The other thing I would like as well
5 at the same time -- because I would need the
6 building commissioner to review the foundation
7 method and the preliminary building code
8 analysis. So I would want all of that. Just to
9 be able to give the building commissioner some
10 time, and also to have you respond to any
11 feedback he might give you, I might propose the
12 next hearing be --

13 So this is what I've charted out. We
14 need some time to go through the last few -- the
15 loose ends, as well as the waivers, and that
16 would be one hearing, I would think, and then
17 there would be -- I would like to see two
18 hearings, two public hearings, on the
19 conditions, and that's really hard to do all by
20 April 7. So as I said to you earlier today, I'd
21 like to ask for an extension through April 21, at
22 least, if the ZBA's schedule, you know, aligns
23 for three more hearings.

24 MR. GELLER: Have you officially asked

1 that of the developer?

2 MS. MORELLI: I did in writing today,
3 and I'm also asking again, right now.

4 MR. GELLER: Jennifer?

5 MR. DANNY DANESH: That's fine, that's
6 fine. This is Danny Danesh.

7 MS. MORELLI: So I'm going to --

8 MS. DOPAZO-GILBERT: We can provide
9 that letter.

10 MS. MORELLI: I'm just going to ask --
11 thank you, Jennifer. But while we have the ZBA
12 assembled, so the three hearing dates that I am
13 proposing are March 31, April 7 and April 21.

14 MS. DOPAZO-GILBERT: I am not
15 available the week of April 5. Can we do two the
16 following week?

17 MS. MORELLI: I would not -- I don't
18 think I would want two in one week. I would want
19 -- I mean, maybe consecutive weeks, or maybe we
20 can just go to the end of April.

21 MS. DOPAZO-GILBERT: I'm just looking
22 at the calendar. So what about -- I know Mondays
23 and Wednesdays are usually preferred -- 31, 12,
24 and 19?

1 MS. MORELLI: That works for me. Does
2 that work for the board members?

3 MS. SCHNEIDER: We have outstanding
4 meetings in front of a planning board in another
5 town on Monday nights, so I cannot do Monday
6 nights.

7 MS. MORELLI: So then we'll --

8 MS. DOPAZO-GILBERT: 14 and 21?

9 MR. MEIKLEJOHN: Maria, you've got
10 some of us holding a 217 Kent case for the 12th
11 and 14th and some other dates. Do you see that?

12 MS. MORELLI: Right. I haven't
13 actually finalized that. So we can certainly --
14 you don't have to hold those dates for 217.

15 MR. MEIKLEJOHN: If we choose them for
16 this, okay. Thanks.

17 MS. MORELLI: We should prioritize 500
18 Harvard at this point. So that's March 31, April
19 14, and April 21.

20 MR. MEIKLEJOHN: Maria, could you just
21 say again why there are three more hearings
22 after tonight?

23 MS. MORELLI: Yes.

24 MR. MEIKLEJOHN: I thought at one

1 point, you said two.

2 MS. MORELLI: No, I said that -- so
3 March 31, we would wrap up some loose ends,
4 health department, parking feasibility, might
5 have Walker consultants attend, building
6 commissioner, foundation method, and then
7 waivers. And if I could start conditions, I
8 would, but I think it's just a little hard to
9 have some back and forth with the chair, and also
10 with the applicant on conditions going back and
11 forth. I think there's actually enough to do
12 with getting the materials for the foundation
13 method, building code analysis, and waivers.

14 MR. GELLER: Any other business?

15 MS. MORELLI: That seems to be it.
16 Usually we don't really talk about construction
17 management plan, but we've heard some concerns
18 that abutters have. And the construction
19 management plan is usually a condition, so
20 that's something that would be prepared. I just
21 -- because I've heard that concern of abutters,
22 I just wanted to acknowledge that it would be not
23 necessarily part of the public hearing.

24 MR. GELLER: So should the board grant

1 the comprehensive permit, it would be one of the
2 conditions to that decision, and it's fairly in
3 depth and is consistent with the town
4 requirements.

5 MS. MORELLI: The other thing I think
6 I also -- just looking over my notes, there were
7 some comments regarding the west facade and more
8 detail of the storefront. That's something that
9 can be worked out in the public hearing, as well,
10 so that it's not something that you -- so I would
11 imagine that your expectations would be to see
12 some refinements regarding the design on the
13 west facade and the ground level.

14 MR. GELLER: Yeah.

15 MS. MORELLI: I just want to make a
16 list of things that I'm going to be tracking for
17 the applicant for the March 31 hearing.

18 MR. GELLER: Yeah. Anything else?

19 MS. MORELLI: I think that's it.

20 MR. GELLER: Great. Jennifer,
21 anything further?

22 MR. DANNY DANESH: This is Danny
23 Danesh. I have a quick question regarding the
24 construction management plan. That would be a

1 condition, right?

2 MR. GELLER: Correct.

3 MS. MORELLI: Yes.

4 MR. DANESH: Yeah, because usually a
5 contractor prepares that, and we don't have a
6 contractor yet. Great.

7 MS. MORELLI: It sounds like we're
8 continuing this hearing to March 31 at 7:00
9 p.m., Mr. Geller.

10 MR. GELLER: Yes. So this hearing is
11 adjourned until March 31, 7:00 p.m., and by that
12 point, we should have the transcript from this
13 hearing, and we'll also have whatever materials
14 are available for distribution for that hearing.
15 I want to thank everyone for their participation
16 this evening, and we'll see you on the 31st.

17 MR. DANESH: Thank you.

18 MS. MORELLI: Good evening.

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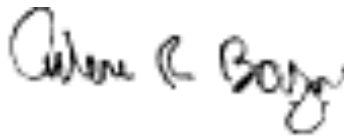
COMMONWEALTH OF MASSACHUSETTS

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 25th day of March 2021.



Arlene R. Boyer, CVR

Notary Public

My Commission Expires

November 21, 2025

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