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Town of Brookline
Board of Appeals Public Hearing
Re 217 Kent Street

Remote Zoom

Wednesday, June 2, 2021
7:00 p.m. - 7:15 p.m.

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Board of Appeals
Mark Zuroff, Chairman
Johanna Schneider, Board Member
Randolph Meiklejohn, Board Member

Robert Allen, Attorney
Jennifer Dopazo-Gilbert, Attorney
Stephen Sousa, Architect
Sassan Zelkha, Owner Representative
Dennis Greenwood

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P R O C E E D I N G S

MR. ZUROFF: Good evening,
everyone. My name is Mark Zuroff. I am
sitting this evening as chair of this
particular meeting. This meeting is devoted
solely to the matter of 217 Kent Street, which
is a 40B project being put before the board
for consideration.

Before we begin, we will confirm
that all members and staff and other persons
anticipated to be here will identify
themselves for the record.

I remind everyone that this meeting
is being recorded, and so when you are
speaking during this meeting, I ask that you
speak clearly and distinctly. So members,
when I call your name, please respond in the
affirmative if you're here. If you're not
here, don't respond. Randolph Meiklejohn.

MR. MEIKLEJOHN: I am here.

MR. ZUROFF: Johanna Schneider.

MS. SCHNEIDER: Yes.

MR. ZUROFF: And for the town, we
have Maria Morelli.

1 MS. MORELLI: Here.

2 MR. ZUROFF: And then we have the
3 applicant's representatives here. Just
4 briefly, and I'm not going to read the whole
5 thing, this meeting is being conducted on
6 Zoom according to the Governor's order of
7 March 12, 2020, which is why we are meeting
8 virtually on Zoom, as opposed to meeting at
9 town hall.

10 The instructions for Zoom meetings
11 are on the town website, and all of the
12 supporting materials for this particular
13 meeting have been posted on the town website
14 for those who are interested.

15 Some ground rules I'll go over.
16 Each speaker, when called upon, should
17 identify themselves clearly for the record,
18 as we want to make sure that there is a good
19 transcription available on the recording.

20 If you are recognized by the
21 coordinator of the meeting, which I guess in
22 this case is Maria, she will promote you to
23 speaker when you raise your hand or when we
24 call upon you.

1 If there is public comments, and I
2 don't think there will be tonight, but if
3 there is, you will be called upon after you
4 raise your hand in the section at the bottom
5 of your screen, and you will be promoted, as
6 needed, by Maria. So I think that
7 summarizes the procedure.

8 So once again, we are here for the
9 matter of 217 Kent Street, and I understand
10 that Mr. Allen is the representative, along
11 with his associate, Jennifer Dopazo-Gilbert,
12 and other representatives. Before the
13 applicant explains it, Maria, do you want
14 to go over the overview of tonight's
15 meeting?

16 MS. MORELLI: Sure. So just to
17 back up a little bit, we opened the hearing
18 April 28. About two weeks later, the board
19 did have a site visit, and the architect,
20 you know, for the applicant was there. That
21 is typical.

22 And then usually for the second
23 hearing, I provide an overview. I gather
24 town department's comments, and I really do

1 basically a design analysis of the plan of
2 record, as well as provide a framework for
3 site plan and design review for the hearing
4 so that anyone new to the process really
5 understands the components of that review.
6 It's a very comprehensive review, everything
7 from architecture, site circulation, storm
8 water and so forth.

9 So I visited the site several
10 times, and rather than go into a really in
11 depth analysis, I do want to point out,
12 especially since we know how much work the
13 applicant has done vetting another plan with
14 the community, I feel that reviewing the
15 plan of record, which, as you recall,
16 there's the existing building, three-story
17 building, and then a six-story building that
18 would be behind it.

19 Really, that configuration is
20 highly deficient, and there are serious site
21 circulation problems that really have to do
22 -- I'm not an engineer. I'm not going to say
23 that it doesn't meet a standard of safety. I
24 would just say that it's such a deficient

1 plan, I recommend that the board ask the
2 applicant if the applicant would like to
3 submit another plan so that we don't have to
4 do peer review on two plans.

5 And I do want to provide some
6 basic testimony. Really, there is no
7 separation of pedestrian and bike and
8 vehicular access. The width of that
9 driveway doesn't really even meet zoning.
10 There is the proximity to the T, but even if
11 there were only ten cars on that site, the
12 fact that there really -- it's just really
13 one lane for exit and egress.

14 There's no curb control with a lot
15 of our 40B projects or major impact
16 projects. More and more we're giving
17 attention to curb control, whether it's a
18 loading area or a drop off area on the site,
19 or there's a public benefit in the public
20 way. There really isn't that accommodation
21 on the site, and there isn't really any area
22 on Kent Street, which, as you know, is
23 single lanes going one way and the other
24 way.

1 For that reason, it's really hard
2 to think of the existing building as
3 providing adequate site circulation and
4 safety as it is. I will say that I'm the
5 last person who recommends demolition for a
6 lot of reasons. I like to see adaptive
7 reuse, and one of the biggest ones is for
8 environmental reasons and conserving
9 embodied carbon. But here, it's the site
10 configuration that is so problematic.

11 I would just like to ask the board
12 if the board would ask the applicant if
13 there would be another plan to submit before
14 we get into peer review.

15 At this point, I do want to say I
16 have been in this situation before with
17 other projects, and while sometimes
18 people wonder does this mean a new Pell is
19 triggered, in my experience working with
20 Mass. Housing, which is the subsidizing
21 agency for this project -- and Jennifer can
22 also summarize the diligent conversations
23 that she's had with Jessica Malcolm, who's
24 the attorney there -- as long as the

1 applicant is submitting that plan to the ZBA
2 and not to Mass. Housing, it's not going to
3 trigger a comment period and a new clock.
4 The clock won't start over on the Pell
5 process.

6 Mass. Housing always reviews
7 projects that go under all kinds of
8 iterations during a public hearing.
9 After the ZBA renders it and files its
10 decision, there is a period where they will
11 be looking at final drawings, and that's
12 when they look at the feasibility of the pro
13 forma, and the applicant understands there's
14 always that risk, no matter what occurs --
15 what changes the project undergoes during
16 the public hearing.

17 So at this point, if there are any
18 questions about the legality of this, we
19 could loop in Ms. Dopazo-Gilbert or the
20 board can discuss this proposal that I've
21 presented you with.

22 MR. ZUROFF: Well, I think from
23 the board's point of view, we are open to
24 submission of a supplementary or a

1 substituted plan, but I'm not going to speak
2 for my other members. We could take a vote
3 on that and then proceed.

4 So personally, I've seen the other
5 plan that is being proposed. I've looked at
6 the first plan that was being proposed, and
7 my preference is to allow the applicant to
8 submit the second plan and proceed with our
9 hearing process on that basis. Board
10 members? Johanna?

11 MS. SCHNEIDER: I agree with you,
12 Mark. I think it would be a waste of time
13 for the review to be focused on the first
14 plan.

15 MR. ZUROFF: And Randolph?

16 MR. MEIKLEJOHN: Yeah, I agree
17 with Maria's comments about the site layout
18 deficiencies. I'm also very familiar with
19 this street and its traffic levels, and I
20 think the original design that we've got I
21 think would exacerbate the traffic that's
22 already there, and I think there's a
23 potential for safety problems. I don't
24 think it's a good start.

1 MR. ZUROFF: From a procedural
2 standpoint, then, I think it's clear that
3 the board is in favor of allowing the
4 applicant to proceed on the submission of
5 Plan B without having to start all over
6 again.

7 MS. MORELLI: So I just want to
8 say, Mr. Zuroff, I would just turn it over to
9 the applicant just to see -- just to confirm
10 and not make assumptions about how they
11 would address my comments. So we want them
12 to volunteer submission of the new plan.
13 This is not about the ZBA choosing one plan
14 over the other. So I would just ask that we
15 turn it over to the applicant's attorney.

16 MR. ZUROFF: That's fine. I
17 didn't mean to assume anything. So we will
18 hear from the applicant on what their
19 proposal is.

20 MS. DOPAZO-GILBERT: Thank you.
21 Jennifer Dopazo-Gilbert here this evening on
22 behalf of the applicant. Thank you, Maria.
23 Thank you, board members, for the comments.

24 We certainly believe that the

1 regulations, and based on our discussions
2 with Mass. Housing, that submitting revised
3 plans at the direction and taking the
4 feedback into consideration, both from the
5 staff reports that Maria has received, as
6 well as the board, that the applicant is
7 absolutely willing to revise the plans, as
8 we discussed at the first hearing.

9 We believe that by submitting a
10 revised set and then beginning peer review
11 on that revised set that there are at least
12 nine areas that we'll be able to address
13 that have been raised as concerns, including
14 the single lane parking access site
15 circulation, the width of the driveway, the
16 grading of the driveway, the delivery and
17 drop off area and ride share area,
18 separation between vehicles, pedestrians and
19 bikes will be improved, area for refuse and
20 recycling pick-ups, increased open space,
21 increased setbacks at the rear of the
22 building to remove it out of the flood
23 plane, setbacks at the upper floors to
24 reduce the massing, and just simply a more

1 cohesive design and site access.

2 So with that direction from the
3 board, we will be submitting those revised
4 plans to Maria, and then agreeing to begin
5 the peer review process as Maria sets up the
6 schedule. We know that we will also need to
7 provide the board with an updated traffic
8 impact based on the revisions to the plans,
9 as well as updated storm water and civil
10 set, and we will get those to Maria in
11 sufficient time for that peer review and
12 further comments from the various town
13 departments. So thank you.

14 MR. ZUROFF: Thank you. So in my
15 estimation, I mean, we're basically starting
16 today going forward on the modification, and
17 so appropriately, I think that the plans
18 should be submitted, that they should be
19 reviewed by town staff, then they would be
20 subject to peer review, and therefore, it
21 probably doesn't make much sense for us to
22 deliberate any further until the revised
23 plan is submitted and viewed by staff, and
24 we can set up a schedule for peer review.

1 So unless the applicant has
2 anything further to say or the board has
3 anything to say, I think that basically we
4 should set up -- schedule our next meeting
5 after the staff has had a chance to review
6 the plans and (inaudible) as well.

7 MS. MORELLI: Sure, and I would
8 also point out that we would allow the
9 public to really -- maybe the next hearing
10 when we provide testimony from the town
11 departments, we also have a public comment
12 on the new plan, just in case anyone, you
13 know, is in attendance.

14 Looking ahead, I know that 500
15 Harvard we have a hearing on the 23rd. I
16 believe, Johanna, you're not available on
17 the 30th?

18 MS. SCHNEIDER: That's correct.

19 MS. MORELLI: So I think the next
20 Wednesday -- since Wednesdays are best for
21 some of you, I would look at July 7 and just
22 want to know if that works for the
23 applicant's team and the board.

24 MS. DOPAZO-GILBERT: Looks good to

1 me, July 7. Unless I hear otherwise from the
2 folks that have the ability to unmute and
3 say that doesn't work for them, July 7 looks
4 good for me.

5 MR. ZUROFF: It works for me.

6 MS. MORELLI: While I have you
7 here -- I do have to consult with the
8 architecture peer review -- but are there
9 any other Wednesdays in July that you would
10 not be available, the 14th, 21st, and 28th?

11 MS. SCHNEIDER: So Maria, I'll
12 just raise the issue that I know that Victor
13 was asking earlier today about board
14 availability for 32 Marion, and I know that
15 several of those dates were also Wednesdays
16 in July, and I don't think a date has been
17 picked yet.

18 MS. MORELLI: I will stay in touch
19 with Victor. So we know that we have to like
20 really juggle, because there's that ven
21 diagram of ZBA members, but while I have
22 Randolph and Mark here -- I'm not sure who's
23 on the 32 Marion panel -- just let me know if
24 there are no dates.

1 MS. SCHNEIDER: I think I'm the
2 only person who's on both.

3 MS. MORELLI: Okay.

4 MR. ZUROFF: Correct. I'm not on
5 it.

6 MS. MORELLI: So I'll assume that
7 everyone is available Wednesdays in July,
8 and I will work with Cliff on that date. So
9 it is okay to continue this hearing to July
10 7, and we'll have testimony from town
11 departments and public comment.

12 MS. SCHNEIDER: Maria, the only
13 thing I would note just for scheduling
14 purposes is that I'm out on vacation on July
15 21. I'm not available actually that entire
16 week, the 19th through the 23rd.

17 MS. MORELLI: Great. Thank you.

18 MR. ZUROFF: Anybody who's here
19 from the public, we appreciate you coming,
20 but it's more appropriate for us to have the
21 opportunity to review the changed
22 submission. So we will have some time for
23 public comment at the next meeting,
24 perhaps.

1 So thank you for coming, and
2 unless we have any other business to attend
3 to, this hearing will be continued to July 7
4 at 7:00 p.m., same way until the town
5 changes its perspective on in person
6 meetings. But I want to thank the board for
7 coming, thank the applicant for coming, and
8 we will see you on July 7, and unless there's
9 something else, this meeting is now
10 adjourned.

11 MS. DOPAZO-GILBERT: Thank you
12 very much. Have a good evening.

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C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS
NORFOLK, ss.

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

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

IN WITNESS WHEREOF, I hereunto set my hand and notarial seal this 14th day of June 2021.



Arlene R. Boyer, CVR
Notary Public
My Commission Expires
November 21, 2025

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