

In The Matter Of:

Brookline Zoning Board Appeals Hearing

PROCEEDINGS - Vol. 3

March 5, 2014

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Brookline Zoning Board Appeals Hearing

Case Number 20130094

40B Application by Chestnut Hill Realty

The Residences of South Brookline

March 5, 2014 at 7:00 p.m.

Office of Town Counsel

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Brookline, Massachusetts 02445

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Reporter: Kristen C. Krakofsky

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<p>1 Appearances</p> <p>2 Board Members</p> <p>3 Jessie Geller, Chairman</p> <p>4 Jonathan Book</p> <p>5 Chris Hussey</p> <p>6 Mark Zuroff, Associate Member</p> <p>7 Avi Liss, Associate Member</p> <p>8</p> <p>9 Kathryn Cochrane Murphy, Esquire, Krokidas & Bluestein</p> <p>10 Edith M. Netter, Esquire,</p> <p>11 Edith M. Netter & Associates, P.C.</p> <p>12 Joslin Murphy, Town Counsel</p> <p>13 Alison Steinfeld,</p> <p>14 Planning & Community Development Director</p> <p>15 Polly Selkoe, Assistant Director of Regulatory Planning</p> <p>16 Paul Ford, Brookline Fire Chief</p> <p>17 Daniel O'Leary, Brookline Police Chief</p> <p>18 Peter Ditto, Director of Engineering and Transportation</p> <p>19 Pat Maloney, Assistant Director of Public Health,</p> <p>20 Chief of Environmental Health</p> <p>21 Betsy DeWitt, Chairman of the Board of Selectmen</p> <p>22 Jim Batchelor, Chairman of the Preservation Commission</p> <p>23 Kate Bowditch, Chairman of the Conservation Commission</p> <p>24 Mark Zarrillo, Chairman of the Planning Board</p>	<p>1 PROCEEDINGS</p> <p>2 7:27 p.m.</p> <p>3 MR. GELLER: Good evening, everyone. I</p> <p>4 apologize for the delay. Unfortunately, the way it</p> <p>5 works is that if we lose a zoning member by his not</p> <p>6 being here, then they are lost for the rest of the</p> <p>7 proceedings and we'd rather have everybody available if</p> <p>8 necessary. So I appreciate your patience.</p> <p>9 One request that I have, we received a number</p> <p>10 of packages and a variety of materials through all</p> <p>11 sorts of sources, and I would ask that for record</p> <p>12 purposes that if there are future submittals, that they</p> <p>13 go via the Planning Department and in that fashion we</p> <p>14 can make certain that whatever is submitted gets copied</p> <p>15 and circulated to all appropriate parties.</p> <p>16 The second item for discussion is a question</p> <p>17 that we received earlier in the week and this is with</p> <p>18 respect to the applicant's request for waivers. The</p> <p>19 matter of granting of waivers is a matter that is</p> <p>20 within the jurisdiction of the Board. It will be</p> <p>21 discussed and will be deliberated at a public hearing.</p> <p>22 I think that the intent of prior conversations about it</p> <p>23 is simply limited to the extent there were some</p> <p>24 technical details, that those technical details might</p>
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<p>1 Roger Blood, Chairman of the Housing Advisory Board</p> <p>2 Alan Morse, Chairman of the School Committee</p> <p>3 Steven Schwartz, Esquire, Goulston & Storrs</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p>1 be addressed so that we could have a coherent</p> <p>2 discussion at the hearing.</p> <p>3 Next item, I'd like to introduce Alison</p> <p>4 Steinfeld, Planning Department head. Allison, I</p> <p>5 understand there's been a preliminary meeting or</p> <p>6 meetings?</p> <p>7 MS. STEINFELD: Yes. I'm pleased to report</p> <p>8 that the town staff and Chestnut Hill Realty met on</p> <p>9 March 2nd to discuss whether or not work sessions would</p> <p>10 be productive and if so, how it would proceed. Edie</p> <p>11 Netter facilitated the meeting on behalf of the Town.</p> <p>12 Chestnut Hill Realty provided a brief history of the</p> <p>13 project and explained that the lot lines were drawn to</p> <p>14 avoid creating any new nonconformity. Town staff will</p> <p>15 be reviewing that zoning analysis.</p> <p>16 It was agreed that the meeting was productive</p> <p>17 and that we would meet again on April 2nd to discuss</p> <p>18 various design issues including the lot lines.</p> <p>19 The intention of town staff is to have the</p> <p>20 urban design peer review consultant on board and</p> <p>21 available to participate at the April 2nd meeting.</p> <p>22 Town staff recommends that the town team be</p> <p>23 expanded to include a representative of the Board of</p> <p>24 Selectmen. Town staff further recommends that the next</p>

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1 public hearing, specifically on March 26th, focus on
 2 traffic and public safety in order to give the urban
 3 design consultant sufficient time to complete his
 4 report. Thank you.
 5 MR. GELLER: Thank you. Board members, I'd
 6 like to take up a discussion about the order in which
 7 we hear the three focus points. They are design,
 8 traffic, and safety, and also drainage. Comments?
 9 Thoughts?
 10 MS. BLANCHARD: I'd say, simply, just to make
 11 everything a little easier and flow, that if traffic
 12 and safety needs time, to extend it through the
 13 March 26th just to give them the time needed and meet
 14 in order of -- which makes more sense for each peer
 15 review to have their time to give us their opinion.
 16 MR. GELLER: Mr. Hussey?
 17 MR. HUSSEY: I'm glad to hear that we got a
 18 peer review consultant on board.
 19 MR. GELLER: But we don't.
 20 MR. HUSSEY: We don't. But they will be on
 21 board by the meeting on the 2nd of April; is that
 22 right?
 23 MR. GELLER: Yeah. I think this is an
 24 important point, that in order to get somebody on

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1 board, they need time in order to give them the
 2 opportunity to adequately review what exists. The
 3 suggestion has been made that we -- if you remember the
 4 discussion we had was that we would pursue design first
 5 and then off of that everything else would flow. I
 6 think the sense is that, given the time constraints,
 7 that we move design to the second of the three focused
 8 hearings and start the process with traffic and safety,
 9 then go to design, and then go from there to drainage.
 10 Now, the fact is that there is potential for
 11 some level of inconvenience. It's obvious. The
 12 inconvenience is that to the extent that there are
 13 changes, then we may have to revisit, you know, traffic
 14 and safety.
 15 On the other hand, there is the practical
 16 reality of giving peer review an adequate opportunity.
 17 MR. HUSSEY: Also, I was wondering as well, is
 18 it possible to have traffic and drainage peer review
 19 reports in the same evening? It seems to me they're
 20 going to be fairly technical. I don't know how deep
 21 into that technical business we're going to get, but if
 22 that was possible, then we could have the design
 23 consultant at the end of that.
 24 MR. GELLER: Yeah. I think I'd rather hear

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1 each one separately because they will be technical.
 2 MR. HUSSEY: All right. The point I wanted to
 3 raise tonight has to do with the terms that we've been
 4 using, "architectural design" and "planning." And I
 5 want to make clear that I think that the architectural
 6 elements, which are really the looks of the building,
 7 the style of the building, are not as important --
 8 because they are subjective, as it's been pointed
 9 out -- as the planning issues. And I hope the peer
 10 review is going to be devoted primarily to planning
 11 issues, which I think are objective, they're
 12 quantifiable, they do relate to issues that have come
 13 up as questions. But just I wanted to make that clear.
 14 MR. GELLER: Yeah. I don't want to make a
 15 refinement today on what that would -- what would be
 16 involved. Do you want to speak to it?
 17 MS. STEINFELD: The request for quotations is
 18 currently drafted, distinguishing to some degree
 19 between site plan and building design. And because of
 20 the time constraints, the priority initially will be
 21 given to site plan and then we'll go into building.
 22 MR. HUSSEY: So the site plan will involve the
 23 building as well?
 24 MS. STEINFELD: It will address both. Peer

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1 review will address both but just -- we do understand
 2 the difference between site design and building or
 3 architecture design.
 4 MR. HUSSEY: Okay. Thank you.
 5 MR. GELLER: So that's -- anybody else have
 6 any more comments on this -- the hierarchy?
 7 MR. BOOK: Well, I think if more time is
 8 needed for the peer review at least than the urban
 9 design, we need to accommodate that. I think that's
 10 more than -- I think it's critical.
 11 MR. GELLER: So what we're now proposing --
 12 our next hearing date is March 26th. So what we have
 13 been discussing was March 26th would have been the date
 14 dedicated to design, but we bumped traffic and safety
 15 up to that date. And then depending on peer review
 16 status on design, we would follow with design and then
 17 we would roll into drainage. Okay?
 18 Okay. We're going to move on now to the
 19 primary purpose of tonight's hearing which is to hear
 20 testimony from town boards and commissions. I
 21 understand there are a number of presentations.
 22 Let me reintroduce the members of the board so
 23 that if we have questions, you'll have probably no idea
 24 who's asking you the question. Avi Liss, all the way

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<p>1 to the left, Jonathan Book, Chris Hussey, Mark Zuroff, 2 and my name is Jessie Geller.</p> <p>3 When you do your presentation, again, speak 4 loudly and clearly. Start by giving us your name, your 5 title. And we may have questions, so be patient with 6 us.</p> <p>7 Pat, had an order been set up? Who's speaking 8 first?</p> <p>9 MS. MURPHY: Good evening, Chairman Geller, 10 Members of the Board. Joslin Murphy, Acting Town 11 Counsel.</p> <p>12 I'm appearing before you this evening to 13 respond very briefly, I promise less than five minutes, 14 to a number of assertions that the applicant has made 15 to you concerning the ongoing lawsuit pertaining to 16 project eligibility and has been referred to now by 17 both Mr. Talerman and by the applicant's counsel most 18 recently in an email that he sent to you on 19 February 26th. I don't intend to repeat what 20 Mr. Talerman offered at the last hearing, but rather to 21 respond directly to the applicant's assertions.</p> <p>22 First, in a correspondence to you, the 23 applicant's counsel referred to the Superior Court's 24 posture in the ongoing lawsuit. I have two points to</p>	<p>1 the site is not well mitigated.</p> <p>2 In response to the applicant's second and 3 current application which eliminates the green belt to 4 a greater degree than before, continues to propose 5 still inadequate setbacks, and continues to propose a 6 one-story lower but still massive apartment building, 7 MassDevelopment approved this project stating simply 8 that it had made its finding. And you can see the 9 stark contrast between its earlier determination and 10 its determination in the current case.</p> <p>11 We respectfully suggest that MassDevelopment 12 simply failed to meet its burden and its obligation 13 under the regulations and had it done so, this project, 14 as is currently designed, would not be proceeding under 15 Chapter 40B.</p> <p>16 As my final comment, the applicant has 17 referred a number of times to an opinion of prior Town 18 Counsel pertaining to the agreement that was reached by 19 the original developer of the site and the Town in 1946 20 both in its presentation to you and counsel's email to 21 you on February 26th.</p> <p>22 So there is no misunderstanding, Town 23 Counsel's opinion was based on information that was 24 available to her at the time which did not include the</p>
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<p>1 make in this regard.</p> <p>2 First, the Court's sole ruling in this matter 3 to date pertains to the Town's and the abutters' motion 4 for injunctive relief, which I suspect you know carries 5 a heightened standard of proof.</p> <p>6 Second, we believe that the Court's ruling 7 relied heavily, if not entirely, on the 2007 Appeals 8 Court decision in the matter of Marion versus 9 MassHighway and Finance Agency which preceded the 10 current Chapter 40B regulations.</p> <p>11 The issue is very simple. The current 12 regulations require subsidizing agencies to make 13 certain findings in determining project eligibility and 14 to provide detailed reasoning behind these findings. 15 In this case, MassDevelopment simply failed to do 16 that.</p> <p>17 MassDevelopment's failure to substantiate its 18 findings is highlighted in its response to the 19 applicant's initial application in 2012 which clearly 20 and unequivocally stated that the project was not 21 appropriate for the site due to the project's complete 22 elimination of the green belt, the inadequate setbacks, 23 and the massing of the large apartment buildings, which 24 MassDevelopment itself believes is inappropriate. And</p>	<p>1 2011 Appeals Court decision in the Killorin matter. 2 You will note that in the material that the applicant's 3 counsel recently sent to you in late February, this 4 argument was not even addressed in the Court's 5 preliminary decision.</p> <p>6 In conclusion, I respectfully state that the 7 Town is entitled to have this project reviewed fairly, 8 appropriately, and in accordance with the law. And 9 under the direction of the Board of Selectmen, my 10 office will continue to pursue a just result in this 11 regard. Thank you.</p> <p>12 MR. GELLER: Thank you.</p> <p>13 MS. MURPHY: The next speaker is Planning 14 Director Alison Steinfeld.</p> <p>15 MS. STEINFELD: Thank you. Alison Steinfeld, 16 Planning Director.</p> <p>17 The Town of Brookline has a proven record of 18 promoting, preserving, and developing affordable 19 housing. An inclusionary zoning bylaw requires 20 developers to allocate 15 percent of units to 21 households with incomes under 100 percent of the area's 22 median income.</p> <p>23 Sings 1996, 96 affordable units have been 24 created under Section 4.8 of the zoning bylaws. An</p>

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1 additional 7 units are currently under development.
 2 The bylaw has also generated \$6.4 million in
 3 contributions to the affordable housing trust fund.
 4 That trust fund was created by the Town to invest
 5 municipal funds to affordable projects and to lend to
 6 private development to create new units.
 7 Since 1997 the fund has received \$11 million
 8 in revenues. The Town's free cash policy directs us to
 9 contribute municipal funds whenever the fund balance
 10 falls below \$5 million. During this fiscal year alone,
 11 the Town deposited \$555,000 to comply with that
 12 policy.
 13 We also historically have allocated a
 14 significant portion of our annual federal allocation of
 15 both the Community Development Block Grant and HOME
 16 Funds to expand affordable housing opportunities,
 17 improve existing units, and fund a housing office in
 18 the Planning Department. That housing office
 19 identifies opportunities to increase the affordable
 20 housing supply and works closely with the Housing
 21 Advisory Board.
 22 We have formed successful partnerships with
 23 private developers to create new subsidized units. The
 24 Olmstead Hill Project created 24 affordable units, the

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1 St. Aidan's Church Project created 36 affordable units,
 2 and the Dummer Street Project, beginning to enter into
 3 construction, will create 32 low-income units and
 4 rehabilitate an existing housing complex. Projects
 5 such as the Olmstead Hill Project, St. Aidan's, and the
 6 Dummer Street Projects are examples of how affordable
 7 housing can be developed in a manner that is compatible
 8 with sound planning and design principles.
 9 Polly Selkoe, Assistant Director of Regulatory
 10 Planning, will discuss the proposed site design and how
 11 it fails to meet those principals.
 12 MS. SELKOE: Polly Selkoe, Assistant Director
 13 of Regulatory Planning.
 14 At the last hearing on Hancock Village, the
 15 applicant made an assertion that design review is
 16 subjective. I disagree with that statement and believe
 17 that there is a set of design principles that most
 18 planners and design professionals agree on. Even the
 19 State has issued design guidelines for 40B projects
 20 which you see here on the slide. This project does
 21 not -- as the town counsel has said, does not even meet
 22 those state guidelines.
 23 The two-and-a-half-story buildings have been
 24 located on the part of the site that was meant to serve

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1 as a buffer zone between the garden-style development
 2 and the adjacent single-family homes. Instead, this
 3 green swath of land with many mature trees on it will
 4 be replaced by 12 new residential buildings. Some of
 5 the buildings are 100 feet wide. And although the
 6 buildings are much larger than single-family homes, the
 7 setbacks that they're providing are much less than what
 8 we have for a single-family home which would be
 9 required to have a 50 percent greater setback.
 10 Unfortunately, due to the setback area, the
 11 width of it, it will be impossible for the developer to
 12 plant large trees to screen and mitigate the new
 13 buildings. This is because the width is not very great
 14 and because of the grade of the setback, or the berm
 15 that they're proposing as well.
 16 The apartment building, too, is out of scale.
 17 It ranges from 400 feet to 530 feet long. Imagine, for
 18 a minute, a football field. And half of that football
 19 field would be taken up by this proposed building.
 20 It's also situated on a sensitive
 21 environmental spot, on a puddingstone outcropping and
 22 on the highest point of the site. From the lowest
 23 grade on Asheville Road, it will be 74 feet tall and it
 24 will be served by a narrow access driveway, Asheville

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1 Road, which is only 18 feet wide. Cars from 116 more
 2 units will now be using Asheville and then accessing
 3 Russett Road and the traffic on Russett Road will
 4 double.
 5 Because of the placement of the building, the
 6 circulation of the site is poor. There are dead ends
 7 and a hammerhead at the end of a long driveway, and
 8 this will impede emergency access. The fire chief,
 9 police chief, and director of traffic and engineering
 10 will comment tonight on this further and there will
 11 also be a consultant who will address these issues.
 12 It's interesting to compare the development
 13 patterns and the amount of green space of the existing
 14 garden-style buildings to that of the proposed project.
 15 Here we have the existing development. This is just,
 16 of course, one part of the existing development. And
 17 here's the proposed development. And you can see that
 18 the open space of the existing development is much
 19 greater than that in the proposed development.
 20 And I would just like to explain that under
 21 our bylaws, useable open space has a minimum dimension
 22 in each direction of 15 feet; the idea being that that
 23 means that both residents and children can play on that
 24 space. Landscaped open space is different. That can

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1 be less than 15 feet. So we can see here that there's
 2 very little useable open space.
 3 The loss of mature trees not only impacts the
 4 ability to screen the project, but it also impacts the
 5 stormwater retention, and 50 percent of the site will
 6 either be impervious or not widely tested pervious
 7 surfaces, and this will also adversely affect the
 8 drainage on the site.
 9 In conclusion, the site is poorly designed and
 10 will have many adverse impacts. The following speakers
 11 will speak more specifically to safety, traffic,
 12 health, and environmental issues.
 13 Fire Chief Ford will speak next on emergency
 14 fire access.
 15 MR. FORD: Good evening. Paul Ford, Fire
 16 Chief for Brookline.
 17 I'd like to speak mainly with the response and
 18 the risk that's being taken with this new development.
 19 I'm charged with the protection of life safety and
 20 property for all the citizens of Brookline both current
 21 and future, and that also includes the safety of my men
 22 as they're on the scene of an emergency.
 23 The new project, in a nutshell, adds 12
 24 buildings -- two-and-a-half-story buildings -- some

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1 four-car garages, a four-story apartment building with
 2 144 underground parking spaces. They'll have 192
 3 additional units, 402 additional bedrooms. And just as
 4 an example, if we have an average of 1.5 persons per
 5 bedroom, we're talking about 600 new residents in that
 6 neighborhood. This presents an increased life safety
 7 problem for the fire department.
 8 The buildings themselves, as has already been
 9 noted, the setbacks are very small. That green space
 10 that is there currently offers a nice buffer for
 11 exposures. Radiant heat is the number 1 cause of
 12 exposure fires, one fire burning from a building to the
 13 next building. We're going to have much tighter areas
 14 between buildings, large structures, and we're going to
 15 have more problems with exposure fires.
 16 The tenets of firefighters throughout this
 17 country are first and foremost life safety. The second
 18 thing that we consider when fighting fire is exposure
 19 protection. That comes first. And we are going to add
 20 that problem to our needs and our emergency scenes
 21 here. We're going to have a problem with exposure
 22 protection. That takes manpower. It takes men right
 23 off the bat to stop this. So it is going to increase
 24 our workload and our problems in protecting these

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1 citizens.
 2 The NFPA has a standard on the response that
 3 is geared towards limited personnel and timeliness.
 4 Fires today can double in size in as little as 30
 5 seconds, so time is of the utmost that we get on
 6 scene.
 7 One of the standards -- one of the main tenets
 8 of the standards is having four men on the scene in
 9 four minutes, and we do that very well in Brookline.
 10 In fact, we averaged last year three minutes and thirty
 11 seconds on all of our runs. We can do that in this
 12 development, and you'll see a map in a minute that
 13 shows distances we have to travel and time lines. We
 14 can have the four men on the scene in four minutes.
 15 The next major tenet of that standard says
 16 that I should have a full alarm assignment on the scene
 17 in eight minutes. Our full alarm assignment consists
 18 of eight engines and two ladder trucks and a deputy.
 19 The first ladder company and the third engine are 3.87
 20 miles away and have a travel time of ten minutes.
 21 So someone might think ten minutes, eight
 22 minutes, it's not a big deal. I would recommend to
 23 anyone to Google the NFPA's Countdown to Disaster. You
 24 will see a video clip of what happens in two minutes in

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1 a fire scene. I would recommend you do that.
 2 So our first ladder and our third engine are
 3 already out of the time frame and the distance. Our
 4 second ladder truck is coming from 4.25 miles away.
 5 It's twelve minutes away.
 6 Ladder companies are charged with forcible
 7 entry, ventilation, and search and rescue. That is
 8 their primary job, search and rescue. So the residents
 9 of this development -- of this proposed development --
 10 they're going to be waiting ten minutes for the first
 11 company on the scene that's charged with their rescue.
 12 That's a long time in a fire.
 13 The ISO, Insurance Service Office, which also
 14 creates standards for the fire departments in
 15 municipalities, they recommend a one-and-a-half-mile
 16 radius from the fire station for engine response and
 17 two miles for ladders. Again, on the next slide we'll
 18 see what that means in this development.
 19 I would like to point out that we went for a
 20 tour of this facility, of the location, earlier in the
 21 fall sometime, and one of the representatives of the
 22 applicant -- excuse me. In the letter that he wrote,
 23 in the rebuttal that he wrote to the Town, "The
 24 applicant understands that the Town has a number of

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1 options for ladder locations."
 2 I would say to you that for them to think that
 3 we should re-adjust our department and our deployment
 4 of companies to fit their needs would be
 5 inappropriate.
 6 On this map you can see, these are our five
 7 different stations. The development in question is
 8 right here on this corner. Station 6 has engine 6.
 9 This is their one-and-a-half-mile circle. They're well
 10 within the distance of getting there, that first
 11 engine.
 12 My first ladder truck is coming from this
 13 station here, and this green line is the two-mile
 14 radius of that ladder truck. As you can see, it's
 15 quite a distance from Hancock Village -- the Residences
 16 of South Brookline.
 17 The second ladder truck has to come from
 18 Station 5. Their two-mile radius is all the way up
 19 here. So by ISO's standards, they are well out of
 20 position for the protection of this area.
 21 Now, another comment that I heard -- I heard
 22 firsthand when we were doing that walk-around and I
 23 brought this up -- was what about other structures in
 24 the area? There are other large developments, the

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1 development at hand, the original development. There
 2 are other locations there too. But I would say to you
 3 that those are there. They were built. We don't need
 4 to add to the fire problem. We don't need to make our
 5 concerns worse and our protection more of an issue.
 6 When we talk about the facility itself or the
 7 proposed development in this area, this first portion,
 8 we have a turnaround area that I was told is in place
 9 for fire apparatus as they'd be able to back up into
 10 it.
 11 Well, first off, I have five apparatus coming
 12 to a reported fire in this building. They're all going
 13 to come down here and get all stacked up. I'm going to
 14 have a ladder truck right in the front of this
 15 building. That's our operation. And ambulance is
 16 going to be in first, a ladder truck, another engine.
 17 When this fire is brought under control -- or
 18 this emergency. Maybe it wasn't even a fire. We got
 19 there and it was something minor and the deputy
 20 releases the last two companies. Those two companies
 21 are going to be stacked in here. They can't get to
 22 this turnaround. They're going to have to back up even
 23 with this. This requires apparatus to back up.
 24 Now, something has happened all over this

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1 country that I can speak firsthand to in the City of
 2 Fall River. A firefighter was killed when an apparatus
 3 backing up ran him over. An adult, conscious of what
 4 was going on, was run over. If we go to an incident
 5 here with all our lights on and the excitement of
 6 what's going on, we're going to have children all
 7 around us. I don't want my men backing up apparatus
 8 with children all around. It's a very dangerous
 9 situation.
 10 But we're going to have to back up to get out
 11 of here. Apparatus aren't even going to be able to get
 12 to this location. Those apparatus that the deputy
 13 releases, they may get called immediately to another
 14 scene, to your house, and they're stuck, stacked up in
 15 this area.
 16 The same goes for almost all of these
 17 locations. Here we're coming into Independence Drive.
 18 Again, if we're all the way to this back building, my
 19 apparatus is stacked up in there. I'm not sure what
 20 the radius is around this or if they can make it with
 21 parked cars. Even if some go around, I'm going to have
 22 apparatus blocking this way. Again, getting out is
 23 going to be a problem, and I don't want apparatus
 24 backing up.

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1 The next location, same thing. You have to
 2 come down this road, drive all the way in here past
 3 these garages. We're all stacked up in here, and
 4 there's no turnaround. How are my apparatus and my men
 5 going to get out of there? They're going to have to
 6 back up.
 7 In this last scene, we have the same situation
 8 now here where we have to drive all the way down and
 9 it's down a big grade. I'm not sure if we're going to
 10 be able to make it around this little circle. All the
 11 same problems of backing up with our apparatus stacked
 12 in there.
 13 Now, the last comment I will mention that I
 14 heard when I brought this up -- I brought that
 15 hammerhead up on the location and I was told, "We've
 16 done that before many times in developments."
 17 Well, I would say to you, the fire department
 18 used to use horses and we don't do that anymore. If
 19 you drive down Route 24 and you get off the exit to 44
 20 in Taunton, you will find an extremely tight radius
 21 existing. You really have to slow down a lot, or
 22 you'll go right off of it. That's the way they built
 23 them 40 years ago. That was the standard. And we
 24 don't build them like that anymore. Times have

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<p>1 changed.</p> <p>2 I would say to you that a hammerhead-type</p> <p>3 turnaround where my men have to back up apparatus in a</p> <p>4 development like this that's going to be loaded with</p> <p>5 children is dangerous and I'm absolutely against that</p> <p>6 situation.</p> <p>7 And with that, I'd like to introduce the</p> <p>8 Police Chief of Brookline, Chief O'Leary.</p> <p>9 MR. GELLER: Does anybody have any questions?</p> <p>10 MR. LISS: With the laser, could you show me,</p> <p>11 with the existing structures, what is the protocol for</p> <p>12 a response now?</p> <p>13 MR. FORD: These structures here?</p> <p>14 MR. LISS: Yes.</p> <p>15 MR. FORD: Well, there's no -- I believe</p> <p>16 there's no access right here. That's green space.</p> <p>17 They have to come down to the driveway, come around,</p> <p>18 and drive in. Are they going to get in there and</p> <p>19 stacked up and have to back up? Absolutely.</p> <p>20 MR. LISS: So it's an existing problem?</p> <p>21 MR. FORD: It's an existing problem. I don't</p> <p>22 want to add to that. I would say that, you know, we've</p> <p>23 learned some things in the past. And apparatus are</p> <p>24 bigger than they ever were before, much longer, much</p>	<p>1 Independence Drive. And I'm sure all of us have been</p> <p>2 up and down Independence Drive on many occasions and we</p> <p>3 know that there's parking on both sides of the street,</p> <p>4 that there's a traffic single at Beverly Road and</p> <p>5 Independence, but then you don't get another one until</p> <p>6 you get all the way down to Independence and VFW</p> <p>7 Parkway. So there's a long stretch that is flat, it's</p> <p>8 level, and a lot of cars go up and down it all hours of</p> <p>9 the day.</p> <p>10 It's an area where we've had a lot of</p> <p>11 complaints today, as is, with the roadway and the</p> <p>12 volume of cars that are on it, the volume of people</p> <p>13 that are trying to cross it, and the volume of cars</p> <p>14 that are turning into and out of the development. I</p> <p>15 think when we start adding 500, 600 residents, families</p> <p>16 into the area with cars and more people walking around</p> <p>17 and young children, we're going to have many more</p> <p>18 concerns and many more complaints of the cars speeding</p> <p>19 in the area there.</p> <p>20 I think one thing that's critical is the</p> <p>21 location of the crosswalks that are currently there. I</p> <p>22 don't think that they're in the best places when the</p> <p>23 construction, if it's approved, gets completed.</p> <p>24 And one area I'd like to point out is the road</p>
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<p>1 larger. I would say, again, we've learned from the</p> <p>2 past. We used to do things that way, but I would not</p> <p>3 promote that we continue to do things that way.</p> <p>4 MR. LISS: Thank you.</p> <p>5 MR. GELLER: Anything else?</p> <p>6 (No response.)</p> <p>7 Thank you.</p> <p>8 MR. O'LEARY: Good evening. I'm Dan O'Leary,</p> <p>9 the Police Chief of Brookline. I listened to what</p> <p>10 Chief Ford had to say, and I think I'd just like to add</p> <p>11 one thing on the stacking and the boxing in. It's that</p> <p>12 a lot of our responses not only have the fire</p> <p>13 department going by themselves, it has the police and</p> <p>14 ambulances. And I think it's critical that an</p> <p>15 ambulance that has somebody injured in it has free</p> <p>16 access into and out of some of these spaces. It's not</p> <p>17 good when you get apparatus and vehicles blocking in an</p> <p>18 emergency vehicle like an ambulance that has to make a</p> <p>19 quick exit and get to a hospital. So that's another</p> <p>20 concern on the part of his presentation.</p> <p>21 When I took a look at this, I looked at the</p> <p>22 fact that we were adding potentially 600 new residents</p> <p>23 to the area and what that impact would have on some of</p> <p>24 the streets that abut Hancock Village, especially</p>	<p>1 that would be going in opposite -- just about opposite</p> <p>2 Gerry Road. If you were going to come out and use that</p> <p>3 crosswalk, that new proposed road, they will come out</p> <p>4 and they will be right at the crosswalk. I think that</p> <p>5 any kind of study that has to be done has to take into</p> <p>6 account the best locations to have their residents</p> <p>7 there cross the street.</p> <p>8 I think when you take a look at the crosswalks</p> <p>9 or the crossings that are there now, they are no longer</p> <p>10 going to be adequate. I think anybody that is going to</p> <p>11 do any kind of work up there is going to have to look</p> <p>12 to install signals at those intersections. You would</p> <p>13 have cars not only entering onto Independence Drive,</p> <p>14 but you would also have them exiting off. You will</p> <p>15 have a lot of people crossing, including children going</p> <p>16 to the Baker School, and I think all that has to get</p> <p>17 taken into consideration and crosswalks alone will no</p> <p>18 longer be safe for people to walk across the street.</p> <p>19 I think one other thing that has to be taken</p> <p>20 into account is that now is the time to take a look at</p> <p>21 the parking that's up there with the addition of</p> <p>22 roadways going into the development. You're going to</p> <p>23 have to eliminate some of the parking that currently</p> <p>24 takes place along Independence Drive. They're going to</p>

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1 have to make sure that there's enough site lines for
 2 cars entering and exiting out of their development, and
 3 you have to make sure that the people that are going to
 4 be using the roadway across the street can do it in a
 5 safe manner.

6 Finally, with the volume of potential children
 7 going to the Baker School, we have one crossing guard
 8 now that works the intersection of Beverly and
 9 Independence Drive. That one person probably will not
 10 be sufficient. I think it's difficult, and I know
 11 we've had that experience in other locations in town,
 12 that people will pick the most convenient place, not
 13 necessarily the most safe place to cross. And I think
 14 an addition of a crossing guard in one of these
 15 proposed crosswalks getting people across Independence
 16 Drive will be a necessity during the school season.

17 And that's all I'd like to add at this point.
 18 And if there's no questions, I'd like to introduce the
 19 next speaker which is Peter Ditto to talk about the
 20 traffic and stormwater.

21 MR. GELLER: Thank you, Chief.
 22 MR. DITTO: Good evening. My name is Peter
 23 Ditto. I'm the Director of Engineering and
 24 Transportation, and first off I'd like to thank you for

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1 giving us this opportunity to express our concerns.
 2 I've got four bullet points with respect to
 3 traffic that I'd like to address, the first one being
 4 the history of accidents on Independence and the
 5 potential for more. Independence Drive is a four-lane
 6 urban peninsular arterial which currently serves
 7 somewhere between 13 to 15 thousand vehicles per day,
 8 and that's based on interior traffic counts.

9 There are two existing crosswalks across
 10 Independence Drive which serve pedestrians connecting
 11 between the two sides of Hancock Village. Pedestrians
 12 must cross approximately 50 feet across four lanes of
 13 traffic which has an 85th percentile speed of 30 miles
 14 per hour. And, again, that's taken from internal data.

15 Brookline Police accident data indicates more
 16 traffic accidents have occurred between 2009 and 2011
 17 at all the intersections along this corridor.
 18 Specifically, the accident data indicates that there is
 19 a pedestrian safety issue at the existing midblock
 20 crosswalks that serve Hancock Village.

21 Bullet 2: Two to three times increased
 22 traffic volume on Asheville and Russett Roads. Both
 23 Asheville and Russett Roads are classified as local
 24 roadways. Local roadways typically have low volumes

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1 and low speed since they are primarily used as access
 2 to abutters' property. Again, based on internal data,
 3 Russett Road has a current average daily trips, ADT, of
 4 400 vehicles per day.

5 Currently Hancock Village has 143 parking
 6 spaces which only access is Asheville and Russett
 7 Roads. The proposed development will add an additional
 8 234 parking spaces for a total of 377 vehicles parked
 9 on-site. With the potential of two trips per day, one
 10 in and out, that is an increase of 468 vehicle trips on
 11 Asheville and Russett Road. This does not include
 12 visitors, trades men, and additional trips per vehicle.
 13 That 468 additional vehicles trips amounts to almost a
 14 100 percent increase of the average daily trips.

15 Bullet Number 3: Traffic calming measures
 16 required to ensure pedestrian and traffic safety. The
 17 proposed project calls for uses of two additional curb
 18 cuts on Independence Drive but ingress and egress for
 19 residents of Buildings 1 through 7.

20 Updated data provided by the Brookline Police
 21 Department includes 31 reported motor vehicle accidents
 22 between 2009 and 2013 on Independence Drive and Grove
 23 Street from the town line to South Street, 52 percent,
 24 16 of 31, occurring in the vicinity of existing curb

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1 cuts by Hancock Village.
 2 Staff is concerned that additional access
 3 points will result in increased motor vehicle
 4 accidents, and at a minimum the development should be
 5 required to provide mitigation and changes to
 6 Independence Drive to be approved by the Transportation
 7 Board for the Town of Brookline to ensure vehicular,
 8 cyclist, and pedestrian safety on Independence Drive.

9 Similar to Independence Drive, at a minimum,
 10 the developer should be required to provide mitigation
 11 and changes to Russett Road to be approved by the
 12 Transportation Board for the Town of Brookline to
 13 ensure, again, vehicular, cyclist, and pedestrian
 14 safety.

15 Required transportation demand management with
 16 monitoring, the last bullet there. The traffic
 17 consultant indicated that in order to reduce the impact
 18 of a new development, the new residents will have to
 19 access the existing transportation demand management
 20 programs currently in effect including shuttle service
 21 to the MBTA station and up to two Zipcar locations
 22 on-site. There's no intention stated to increase the
 23 amount of frequency of these services.

24 In order for the transportation demand

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1 management services to be effective, they must be
 2 convenient and available when residents want them. The
 3 increase of 192 units of one, two, three, and four
 4 bedroom units and the anticipated increase in usage
 5 will diminish the effectiveness of the existing TDM
 6 services.
 7 Zipcars' internal policy is to increase the
 8 number of vehicles at a location where the utilization
 9 exceeds 40 percent. With respect to the two current
 10 vehicles on-site, the utilization rate is 30 percent
 11 with a projected TDM of -- I'm sorry, the projected
 12 increase in residents -- the developer should be
 13 required to double that number of on-site vehicles to
 14 four and locate them along either Asheville Road or
 15 Thornton Road within the development to make them
 16 easily accessible.
 17 In terms of shuttle service, again, with the
 18 increase in residents, the developer should be required
 19 to increase both the capacity of the shuttle and
 20 increase the frequency throughout the day, especially
 21 during peak commuting hours.
 22 Similarly to the Cities of Cambridge and
 23 Somerville, the developer should have to sign a TDM
 24 agreement with the Town which includes a modern train

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1 program.
 2 That completes the presentation on traffic. I
 3 can stop here and answer any questions or continue with
 4 the stormwater.
 5 MR. GELLER: Questions?
 6 MR. LISS: Real quick. What is TDM, again?
 7 MR. O'LEARY: Traffic demand management.
 8 MR. LISS: Traffic demand management.
 9 MR. O'LEARY: Moving forward with stormwater.
 10 There are two regulations that the Town uses
 11 to evaluate stormwater programs. The first is the
 12 Town's stormwater bylaw, and the second is MassDEP
 13 stormwater management standards. The Town -- the DPW
 14 expects that there will be full compliance with town
 15 stormwater management and MassDEP stormwater
 16 standards.
 17 I'll just briefly go through what all this
 18 means. Some of them are obvious, some of them not so
 19 much. But starting at the top, discharges to the
 20 municipal drainage system. That provides -- the
 21 purpose of that section is to eliminate nonstormwater
 22 discharges to the Town's storm drain.
 23 The second one, erosion sediment control. The
 24 purpose of this section is to eliminate or reduce the

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1 adverse effects of soil erosion and sedimentation in an
 2 environmentally public/health and municipal -- I'm
 3 getting old.
 4 Okay. The purpose of this section is to
 5 eliminate or reduce the adverse effects of soil erosion
 6 and sedimentation on nearby public welfare and health
 7 at municipal facilities.
 8 Postconstruction stormwater management. The
 9 purpose of this section is to establish minimum
 10 requirements and controls to protect and safeguard the
 11 environment, natural resources, and general health from
 12 adverse impacts of the stormwater.
 13 To achieve this purpose, the following actions
 14 must be put in place: Minimize stormwater runoff from
 15 any development, minimize nonpoint source pollution
 16 caused by the stormwater runoff, and provide the
 17 groundwater recharge where appropriate.
 18 Moving on to the MassDEP stormwater management
 19 standards, Standard Number 1, no untreated discharge.
 20 "Treated systems" refers to stormwater management
 21 systems that are specifically designed to achieve
 22 sediment and contaminant treatment removal that
 23 adequately protects groundwater, surface water, and
 24 wetlands.

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1 Peak rate attenuation. Stormwater management
 2 systems shall be designed so that postdevelopment peak
 3 discharge rates do not exceed predevelopment discharge
 4 rates for 2-, 10-, and 100-year 24-hour storms. Best
 5 management practices, BMGs, must be in place to meet
 6 this standard.
 7 Number 3, recharge. Loss of annual recharge
 8 to groundwater shall be eliminated or minimized by use
 9 of environmentally sensitive site design.
 10 Water quality. Stormwater management systems
 11 shall be designed to remove 80 percent of average
 12 annual postconstruction load of total suspended solids,
 13 TSS.
 14 Number 5, land use with higher potential
 15 pollution loads. The land uses with higher potential
 16 pollution loads, source control, and pollution
 17 prevention shall be implemented to eliminate or reduce
 18 the discharge of stormwater runoff from such land use
 19 as the maximum extent possible.
 20 Critical areas. Stormwater discharges within
 21 an internal well here, that's the critical area.
 22 Protection to area of a public water supply requires
 23 the use of a specific source control measure.
 24 Redevelopment. Projects classified as

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1 redevelopment can meet standards at varying levels. In
 2 some cases, it's to the maximum extent possible. If a
 3 project is classified as new construction, the
 4 standards must be met fully. This project here is
 5 classified as a new construction.

6 Number 8, construction period pollution
 7 prevention and erosion and sediment control. A plan to
 8 control construction-related impacts including erosion
 9 and sedimentation during construction activities must
 10 be developed and implemented.

11 Operation and maintenance plan. A long-term
 12 operation and maintenance plan shall be developed and
 13 implemented to ensure that stormwater systems function
 14 as designed.

15 And finally, prohibition of illicit
 16 discharges. All illicit discharges to the stormwater
 17 management system are prohibited. Case closed.

18 And in summary, I'd just like to say, for
 19 utilities in general, DPW expects that the developer
 20 will evaluate the capacity of the existing sewer and
 21 drain's ability to handle peak rate discharges. We
 22 also expect they dye test existing sewer and drain
 23 services for illicit connection detection and finally,
 24 conduct an I&I, that's inflow and infiltration study,

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1 of the sewer on Independence Drive which will include
 2 videoing the line.

3 Thank you. That concludes my presentation.

4 MR. ZUROFF: Mr. Ditto, you have illuminated
 5 all the standards that the developer has to meet, but
 6 have you reviewed their proposal and their design to
 7 see whether they have, at least in theory, met these
 8 standards?

9 MR. DITTO: They did submit a stormwater
 10 study, and I did a preliminary review, and they touched
 11 all 10 standards. And from what I can bring from that,
 12 they're not asking for any variance for noncompliance.

13 MR. ZUROFF: Okay. Thank you.

14 MR. GELLER: Mr. Ditto, do you have a comment,
 15 first in general about porous pavement and second, the
 16 use of porous pavement in this project?

17 MR. DITTO: We did a sample porous pavement
 18 surface in the Fuller Street parking lot. It was a 30
 19 by 30 pilot program, and I observed it last year, and
 20 it functioned fine. I haven't gone back this year to
 21 see what was happening.

22 Concerns with porous pavement are that I
 23 believe they have a limited lifetime. I don't know
 24 what that is but I would say at the very least, as part

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1 of this project, there should be an O&M specifically
 2 for porous pavement and then I think it's going to need
 3 a lot of special attention.

4 MR. GELLER: Other questions?
 5 (No response.)
 6 Thank you.

7 MR. DITTO: I'd like to introduce Pat Maloney
 8 with health issues.

9 MR. MALONEY: Good evening. My name is Pat
 10 Maloney. I'm the Assistant Director of Public Health
 11 and the Chief of Environmental Health for the Town of
 12 Brookline.

13 As the Board should have, previously I
 14 submitted a memorandum outlining the Health
 15 Department's concerns as well as support documents from
 16 our CO control contractor. And basically, two concerns
 17 I'd like to mention this evening and as our engineer
 18 previously noted, stormwater and the water activity is
 19 of concern. And it's of great concern to the Health
 20 Department.

21 We have the challenge of combating mosquitos
 22 during the spring and summer season, and stormwater and
 23 catch basin situations contribute to our challenge in
 24 addressing the mosquitos. The types of mosquitos that

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1 are of concern that are vectors in public health, that
 2 we're concerned about in public health and controlling,
 3 are ones that are associated with standing water
 4 environments associated with catch basins as well as
 5 mosquitos associated with wetlands.

6 And as we see the project here now and the
 7 scale contractor confirms, we're concerned about those
 8 impacts, so it's important to us that what plans are
 9 finally submitted and fine tuned, that they address
 10 these issues. And we have some firm comments of how
 11 they're addressing these so we're not increasing
 12 stormwater issues or having a real challenge with
 13 catch basins. We have over 3,000 catch basins now that
 14 we need to treat, and there will most likely be many
 15 more in this environment. So that's a public health
 16 concern.

17 In this area we have -- we set mosquito
 18 monitors throughout the town and we've had monitors in
 19 this area of town and we have found EEE. So in
 20 previous testing, and we'll continue our testing, this
 21 is an area where we have found the EEE mosquito, so it
 22 is of concern and it's a target focus for us in the
 23 Public Health Department.

24 The other issue is rubbish control. As you

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1 know, we have a large population there now, a number of
 2 dwelling units, a large number of dwelling units, and
 3 we'll be adding more apartments to that. Previously,
 4 the facility was managed with dumpsters. Dumpsters
 5 proved to be a problem. They evolved to add compactors
 6 and the compactors have been much better, not perfect,
 7 but much, much better. They have pickups three times a
 8 week, and it serves the current population there.

9 Adding the additional homes and the additional
 10 dwellings is of concern to us, and we'd like to see
 11 firm plans of what the rubbish management will be, how
 12 it will be handled, what kind of pickups are they
 13 envisioning, where will it be stored, how will it
 14 impact the neighborhoods that are in that area. So
 15 we'd like to see that in -- so that we're comfortable
 16 with it.

17 If rubbish is out of control, it leads to
 18 rodent problems, insect problems, and wildlife issues
 19 and we've had those challenges up in that part of
 20 town. So it's of concern to the Health Department that
 21 these are adequately addressed so that we're
 22 comfortable that they don't become nuisance conditions
 23 and problems for the Health Department.

24 Any questions?

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1 MR. GELLER. Questions?
 2 (No response.)
 3 No. Thank you.

4 MR. MALONEY: Thank you. And next will be
 5 Allison Steinfeld following up.

6 MR. GELLER: Thank you.

7 MS. STEINFELD: Alison Steinfeld, again,
 8 Planning Director.

9 As you can see from the range of departments
 10 providing compelling testimony this evening, a
 11 development proposal involves a network of interrelated
 12 functional areas: public safety, emergency access,
 13 environmental resources, public health, and integration
 14 of a project into the surrounding neighborhood.

15 The extent to which a development plan
 16 supports rather than detracts from that network depends
 17 on the success of the site plan's design. That is how
 18 well the design functions, not solely how it appears
 19 visually.

20 The flaws that we have identified are
 21 fundamental and as a result generate adverse conditions
 22 and impacts that are challenging and perhaps impossible
 23 to mitigate. Simply put, the design of the proposed
 24 project is not appropriate for the site.

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1 In addition, it is inefficient. It uses land
 2 in a way that's inconsistent with the Commonwealth's
 3 sustainable development principles, specifically
 4 principles that promote cohesive, efficient, and
 5 coordinated development that is "compact, conserves
 6 land, protects historic resources, and integrates
 7 uses."

8 Furthermore, the existing environment is
 9 officially eligible for designation in the National
 10 Register of Historic Places. That eligibility is
 11 attributed primarily to the distinctive character of
 12 the site plan.

13 Intrinsic to the existing housing complex is
 14 the respect for the topography, environment, and
 15 residents. Natural resources are integrated into the
 16 plans. Beautifully designed, maintained, and useable
 17 green space is a paramount land use, pedestrian
 18 circulation takes precedence over vehicular
 19 circulation, and a sense of community and livability is
 20 dominant. The site plan before us undermines those
 21 characteristics.

22 That being said, the Planning Department,
 23 under the direction and support of the Town
 24 Administrator and the Board of Selectmen is pleased to

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1 join all appropriate departments to work with the
 2 applicant to develop a design that respects the
 3 applicant's priorities while at the same time
 4 reconciling those priorities with those of the Town.

5 I'm therefore pleased to introduce Betsy
 6 DeWitt, Chairman of the Board of Selectmen, who will
 7 speak to the Board's priorities. Thank you.

8 MR. GELLER: Thank you.

9 MS. DEWITT: Hi. I'm Betsy DeWitt and on
 10 behalf of the Board of Selectmen I want to confirm the
 11 Board's position on Chestnut Hill Realty's application
 12 for a comprehensive permit. And I want to mention two
 13 particular issues; one is affordable housing progress
 14 and the other is site design suitability.

15 Under affordable housing and the strange math
 16 of 40B, the Town's current subsidized housing inventory
 17 count is 2,118 units and there are about 78 more in the
 18 pipeline. Several were mentioned earlier. That's out
 19 of the total number of units in the town as determined
 20 by the 2010 census of 26,200, so that's the
 21 denominator. In terms of the 40B, that's about 8
 22 percent, and the goal from the Town would be 10 percent
 23 under the statute. However, this calculation includes
 24 200 market-rate units, so actually only 1,918 are

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<p>1 really affordable.</p> <p>2 On the other hand, if the inventory included</p> <p>3 additional affordable units that are not counted</p> <p>4 because they serve residents up to 110 percent of the</p> <p>5 area median income and the 300 Federal Section 8</p> <p>6 housing vouchers which are sited in Brookline and</p> <p>7 occupied by Brookline residents are counted, the Town</p> <p>8 would have a total of 2,337 affordable units, no</p> <p>9 market-rates, and would be at 9 percent in the</p> <p>10 statistics as compiled under 40B.</p> <p>11 Under 40B, Brookline would have to create 500</p> <p>12 additional affordable units in order to be compliant,</p> <p>13 and this is just simply not feasible in a built-out</p> <p>14 community. We don't have the available vacant land.</p> <p>15 If affordable was a real goal for this</p> <p>16 project, we would commit to work with the Brookline</p> <p>17 Housing Authority and site as many as possible of the</p> <p>18 additional 300 authorized Section 8 vouchers for</p> <p>19 Brookline and Hancock Village.</p> <p>20 Instead we have a proposal for 153 market-rate</p> <p>21 units plus 39 affordable units that, according to the</p> <p>22 strange math of 40B, will equal 192 affordable units as</p> <p>23 counted by the subsidized housing inventory. And that</p> <p>24 would then give us a new total including 353</p>	<p>1 building massing, impacts on topography, environmental</p> <p>2 resources, inadequate setbacks, and complete</p> <p>3 elimination of the green belt buffer, have remained the</p> <p>4 same.</p> <p>5 As you can see from the image, the footprint</p> <p>6 and ground coverage of the second proposal is virtually</p> <p>7 identical to the first one and contains all the same</p> <p>8 design characteristics and is, quote, not generally</p> <p>9 appropriate for the site, as will be further detailed</p> <p>10 by presentations tonight.</p> <p>11 It is our position that the applicant has had</p> <p>12 the opportunity to correct the design and safety flaws</p> <p>13 that have been identified but has chosen not to make</p> <p>14 any meaningful changes. The selectmen vigorously and</p> <p>15 unanimously assert that the current proposed</p> <p>16 development of Hancock Village is poorly conceived and</p> <p>17 undermines the characteristics and the underlying</p> <p>18 philosophy that in 1946 established Hancock Village</p> <p>19 with the support and cooperation of the Town.</p> <p>20 Hancock Village has been determined to be</p> <p>21 eligible for the National Register of Historic places</p> <p>22 as a planned garden community and has stood for years</p> <p>23 as a testament to a collaborative effort by all parties</p> <p>24 who were involved in the original design with</p>
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<p>1 market-rate units with only 1,957 actual affordable</p> <p>2 units. I cannot do this math.</p> <p>3 Now we're going to move to site suitability.</p> <p>4 A year ago, MassDevelopment drafted a preliminary</p> <p>5 eligibility letter that determined that Chestnut Hill</p> <p>6 Realty's first conceptual proposal design for Hancock</p> <p>7 Village was not consistent with the design requirements</p> <p>8 as mentioned earlier by acting Town Counsel Murphy.</p> <p>9 That letter states, "The design is not</p> <p>10 generally appropriate for the site due to the project's</p> <p>11 complete elimination of the existing green belt buffer</p> <p>12 between the current Hancock Village residences and the</p> <p>13 abutting sing-family neighborhood homes, the project's</p> <p>14 inadequate setbacks, and the massing of the project's</p> <p>15 proposed tall buildings which is generally</p> <p>16 inappropriate for the site and not well mitigated on</p> <p>17 topography or other needs. As a result, the proposed</p> <p>18 design of the project does not integrate well into the</p> <p>19 surrounding development pattern and therefore is not</p> <p>20 generally appropriate for the site."</p> <p>21 Coincidentally, the original application was</p> <p>22 withdrawn and a second application was submitted.</p> <p>23 Somewhat mysteriously, the second application was</p> <p>24 approved while all the original design factors,</p>	<p>1 significant areas of open space, integration of natural</p> <p>2 resources into the site plan, and separation of</p> <p>3 pedestrian and vehicular uses. The applicant has</p> <p>4 chosen the least appropriate locations on the property</p> <p>5 for the proposed new structures.</p> <p>6 The Board of Selectmen is convinced that new</p> <p>7 residential development with additional affordable</p> <p>8 housing can be incorporated into the existing patterns</p> <p>9 of both Hancock Village and the surrounding</p> <p>10 neighborhoods while preserving the very qualities that</p> <p>11 make Hancock Village a prototype for a well-designed</p> <p>12 residential community.</p> <p>13 If the ZBA considers approving the proposed</p> <p>14 development, it should do so only with conditions.</p> <p>15 Accordingly, the Board of Selectmen urges the Board of</p> <p>16 Appeals to provide additional affordable housing and to</p> <p>17 protect the character of Hancock Village by preserving</p> <p>18 community open space and protecting the natural</p> <p>19 resources both within and adjacent to the complex and</p> <p>20 we recommend the following properties to be considered</p> <p>21 for any future development:</p> <p>22 First, that the green belt must be retained as</p> <p>23 open space and mature shade trees must be protected. A</p> <p>24 conservation easement could be easily established that</p>

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<p>1 would eliminate the concern that that land is assessed 2 and taxed and if it could be developed for 3 single-family homes.</p> <p>4 New development must protect rather than 5 destroy the historic architectural and natural 6 qualities of Hancock Village including, but in no way 7 limited to, the puddingstone outcroppings.</p> <p>8 Any new buildings should be well designed and 9 harmonious with the neighboring architecture in both 10 scale and detailing. Any multistory buildings should 11 be sited and articulated to mitigate and minimize 12 visual impact on the existing neighborhood.</p> <p>13 Any and all potential negative traffic 14 circulation, public safety, stormwater, and drainage 15 impact on both Hancock Village residents and abutting 16 and nearby properties and roadways must be identified 17 and mitigated by the applicant.</p> <p>18 And finally, following the goals of 40B and 19 consistent with local needs, at least 53 Federal 20 Section 8 housing vouchers, either site-based or 21 mobile, should be required to be distributed among the 22 existing 350 units at Hancock Village to add affordable 23 units that would be equal to 10 percent for the whole 24 complex and to promote diversity.</p>	<p>1 the Mass. Historical Commission in 2012 based upon the 2 integrity of the site and its outstanding 3 characteristics.</p> <p>4 The first and largest garden village housing 5 development in the region, Hancock Village, built 6 between '46 and '49, is significant in part for the 7 collaborative planning project involving the Town of 8 Brookline, the City of Boston, and John Hancock Mutual 9 Life Insurance Company to provide housing for returning 10 World War II veterans and their families.</p> <p>11 The housing complex represents an important 12 convergence of garden city planning ideals and Federal 13 Housing Authority principles and practices of the 1930s 14 and '40s. It's also an early example of an insurance 15 company owning and developing real estate.</p> <p>16 National and prominent designers and firms 17 such as project manager Gustave Ring, architect Louis 18 Justement, and the Olmstead Associates of Brookline 19 played key roles in planning the housing complex. The 20 planning that underlies the Hancock Village development 21 is historic but beyond being historic, these practices 22 and principles are still at the core of current best 23 practices as demonstrated by much of the testimony here 24 earlier tonight.</p>
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<p>1 The Board of Selectmen stands ready to work 2 with the Board of Appeals and the applicant to assign 3 municipal officials, staff, and resources to efforts to 4 improve the overall design of the project. And if the 5 applicant were to refuse to engage in constructive 6 discussions, the Board will vigorously oppose a 7 comprehensive permit.</p> <p>8 Thank you.</p> <p>9 MR. GELLER: Thank you.</p> <p>10 MS. STEINFELD: That concludes the first 11 component of the Town's presentation. With your 12 permission, I would like to introduce Jim Batchelor, 13 Chairman of the Preservation Commission.</p> <p>14 MR. BATCHELOR: Thank you. My name is Jim 15 Batchelor. I'm a resident of Manchester Road, and I'm 16 the Chair of the Brookline Preservation Commission. 17 I'm also a member of the Neighborhood Conservation 18 District Commission.</p> <p>19 One of the charges of the Brookline 20 Preservation Commission is to identify and protect the 21 Town's cultural resources. We have identified Hancock 22 Village as a resource valuable to the Town and the 23 Commonwealth. It was voted eligible for the National 24 Register and the State Register of Historic Places by</p>	<p>1 The site development principles embodied in 2 Hancock Village were based on functional, safety-based 3 traffic patterns recognizing the growing importance of 4 the automobile and principles of contemporary living in 5 moderate-density communities. Vehicles flow from the 6 major roads like Independence Drive onto secondary 7 roads like Thornton.</p> <p>8 An exception is to the limited set of parking 9 spaces that are accessed from Asheville, which is a 10 small, local road. The new development proposal 11 attempts to turn that small, local road into a primary 12 circulation spine serving an extremely high percentage 13 of the proposed 192 new units. This makes no sense 14 from the viewpoint of safety of pedestrians or drivers 15 in Hancock Village or on the surrounding streets. That 16 traffic pattern should be considered unacceptable. 17 There are other locations within Hancock Village that 18 can better accommodate this traffic.</p> <p>19 Similarly, the green space buffer plays a 20 functional role in the life of the community as well as 21 an environmental role. In this proposal, the buffer is 22 virtually completely paved or built over, ending its 23 environmental and community value.</p> <p>24 In addition to basic sound traffic and open</p>

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<p>1 space site development principles, the original garden 2 village apartment design provides a carefully 3 constructed relationship between roadways, parking, 4 front entry sequences, the units themselves, and 5 semi-private open spaces out back. All of these 6 qualities contribute to the quality of community at 7 Hancock Village, but they are ignored or damaged in the 8 proposed site plan.</p> <p>9 I want to go through a couple slides. So this 10 is the existing conditions, obviously, with the Boston 11 part showing in white and this is Independence, the 12 primary road down through here. Note, obviously, the 13 green buffer here and the green space in the center 14 which is the location for the new apartment buildings.</p> <p>15 This is what's been proposed and talked 16 about. Notice that all of this area here, as has been 17 mentioned by others, is being accessed through 18 neighborhood streets. There's no reason why this 19 development, if there is an increase in density, should 20 not be accessed off Independence and associated 21 streets. It seems totally logical to make that basic 22 precept of any plan changes.</p> <p>23 So the photograph of the green space buffers, 24 I think you can see, not only do they look good, they</p>	<p>1 apartment building, and there is an attempt to reduce 2 the massing of this apartment building, but it's done 3 with an enormous amount of excavation. This top line 4 is the existing grade. This is the amount of 5 excavation that would have to go on. The height of 6 excavation is greater than the height of the existing 7 buildings. Much of that is puddingstone and will not 8 easily be taken out of the ground.</p> <p>9 I think that there should be consideration not 10 only to preserve the quality of the puddingstone as an 11 amenity but to what would represent a considerable 12 burden on anybody living nearby when this is attempted 13 to be removed or the effect on the roads when the 14 trucks haul this out. So I do think there are lot of 15 impacts in this that need to be carefully looked at.</p> <p>16 Obviously, Brookline is a town that wants to 17 welcome affordable housing. This is a significant 18 piece of real estate. I hope there is a constructive 19 way to proceed. Thank you.</p> <p>20 MR. GELLER: Thank you.</p> <p>21 MR. HUSSEY: Mr. Batchelor, I have a 22 question. Could you go back to the site plan that 23 showed the shades of green?</p> <p>24 MR. BATCHELOR: Sure.</p>
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<p>1 have mature trees on them. And in spite of the fact 2 that you can, in fact, put stormwater drainage in pipes 3 and it can work, this is certainly not in the spirit of 4 the best practices today or the best practices in the 5 1940s. These open spaces provide many functions that 6 pipes alone cannot replace. As you can see, these 7 spaces are also extensively used for community 8 activities.</p> <p>9 This is a nice shot of the entry sequence. 10 Essentially, people park their cars on the principle 11 roads and they access their front doors through a 12 shared open space. Two nice photographs there. And 13 that's a pattern throughout Hancock Village, and 14 there's no reason why that pattern, again, should not 15 be continuable.</p> <p>16 These are on the other side of the units, the 17 semiprivate open space that's on the back side. Again, 18 defined small areas associated with units giving out to 19 larger open spaces that people can use for passive 20 circulation or informal activities.</p> <p>21 I'll jump over this slide. I think Polly did 22 a good job covering it earlier.</p> <p>23 One last slide to point out. This is the area 24 of the apartment building -- this represents the</p>	<p>1 MR. HUSSEY: The first one you had up. And 2 could you explain for the Board -- you've got a variety 3 of different shades of green. Could you 4 differentiate -- I know the buffer is the bright green.</p> <p>5 MR. BATCHELOR: The buffer is bright. I 6 didn't make this map, but I'm going to guess the 7 following: This more olive colored is probably an area 8 that has outcroppings and may not be easily used in an 9 open way.</p> <p>10 The lightest green here I believe represents 11 the access to the front doors.</p> <p>12 The medium green here I believe represents 13 passive areas that are behind the buildings. They're 14 probably, as you saw in the photographs, little areas 15 that people have set up so that they have, like, a 16 private patio and then that essentially blends out to 17 passive open space.</p> <p>18 MR. HUSSEY: Okay. Thank you. And one other 19 question. Has there actually been application made to 20 a listing on the historic site -- on the National Park 21 Service?</p> <p>22 MR. BATCHELOR: Can I get help?</p> <p>23 MR. HUSSEY: There was something in one of 24 these reports that indicated that an application had</p>

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1 been made, but ...

2 MR. BATCHELOR: I can guess at this but if

3 there is someone who is knowledgeable, they should

4 speak up. I see someone standing who might be more

5 knowledgeable than I on this.

6 MR. HUSSEY: Thank you.

7 MR. DeWitt: Dennis DeWitt, member of the NCDC

8 and a member of the Mass. Historical Commission.

9 To the best of my knowledge, a specific

10 application for a listing hasn't been made on the

11 assumption that -- and I could be corrected -- on the

12 assumption that it would be not accepted by the

13 applicant. But the effect is that when something is

14 deemed eligible by the State, that has the same effect

15 in law and -- regulatory law -- as if it was on the

16 National Registry.

17 MR. HUSSEY: Thank you.

18 MS. STEINFELD: Kate Bowditch, Chairman of the

19 Conservation Commission.

20 MS. BOWDITCH: Good evening and thank you.

21 I'm Kate Bowditch, Chair of the Conservation

22 Commission. I'm a resident of Cushing Road, and I'd

23 like to thank the Board for affording the Conservation

24 Commission the opportunity to review and provide you

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1 with our feedback on the application.

2 Our Commission has reviewed the plans with

3 particular focus on the disciplines of engineering,

4 hydrology, and the protection of wetland resource areas

5 under our jurisdiction. I would like to echo some of

6 the comments that you've heard already this evening

7 about stormwater and the concern and importance of the

8 design of the stormwater management on the site to the

9 Town, to the Charles River Watershed, and indeed to the

10 State.

11 The site is of particular importance because

12 it does drain directly into the D. Blakely Hoar

13 Sanctuary. Runoff from the site flows to wetland

14 resource areas which are protected under municipal and

15 state laws. Currently the runoff receives very minimal

16 treatment because of the age and design of this

17 development. So we do, as a conservation commission as

18 well as with the Town working with the engineering

19 department, have quite a bit of historic information

20 about the impact of the drainage on the site.

21 Water and wetland resources at the sanctuary

22 are critical environmental resources for the Town of

23 Brookline, as I mentioned, the Charles River Watershed,

24 and the State of Massachusetts. These resources are to

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1 be protected for their irreplaceable value and benefits

2 including flood protection, water quality, groundwater

3 recharge, habitat, not to mention aesthetics, public

4 health, and the general good feeling about our

5 community. Any new development that discharges

6 directly into the sanctuary is a major concern and

7 requires significant review and analysis.

8 In general, the Conservation Commission feels

9 there are numerous opportunities to reduce the impact

10 of the new development as well as to reduce the

11 existing impact of the existing development on the

12 sanctuary and on those resources.

13 The Commission has several specific concerns

14 which were detailed in our comment letter to you. I

15 would like to note that serving with me as vice chair

16 of the Conservation Commission is Marcus Quigley who is

17 a professional stormwater engineer and a great resource

18 to the Town and to our Commission and he assisted in

19 the review of the project's stormwater design and in

20 preparing the comments that we submitted to you as well

21 as my brief remarks this evening.

22 Two concerns that I would like to mention in

23 particular, one that you've already asked Mr. Ditto

24 about which is the heavy reliance in the proposed

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1 project on porous asphalt for complying with standards

2 and reducing the impacts of the project, particularly

3 with regard to stormwater runoff.

4 The assumption is that the material will

5 maintain its porosity for many years to come. I would

6 like to note, the Conservation Commission is strongly

7 supportive of the use of porous asphalt in certain

8 conditions, so my remarks are not intended to imply

9 that we're opposed to the use of porous asphalt in

10 general.

11 However, we are concerned that the proposed

12 project uses porous asphalt in areas where it may not

13 be appropriate, where it may become clogged and lose

14 its functionality over time. This would be

15 particularly true if there is not rigorous operation

16 and maintenance performed on the porous asphalt. In

17 order to maintain porosity, the pore spaces must remain

18 open. There is general maintenance required, including

19 vacuum sweeping with a vacuum sweeper to remove fine

20 particles that can potentially clog the surfaces.

21 Because the project design currently relies

22 very heavily on porous asphalt to comply with the

23 stormwater requirements and to reduce the impact,

24 having a robust operation and maintenance plan is

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<p>1 obviously critical and -- as well as ongoing monitoring 2 to ensure that the porosity of the surface is intact. 3 There are few opportunities for residents, 4 site managers, or maintenance personnel to know whether 5 the porosity of porous pavement is intact, and if we're 6 losing it, how much we're losing. And, again, as I 7 mentioned earlier, because this property does discharge 8 directly into the D. Blakely Hoar Sanctuary, this is of 9 very high concern for the Conservation Commission. 10 An additional concern that I would like to 11 mention is the addition overall of flow into the storm 12 drain itself which discharges into the sanctuary. This 13 storm drain has been a source of intermittent 14 discharges of sewage and other pollutants which have 15 been identified on and off over the past several 16 years. Until these problems are identified in terms of 17 the source of where these pollutants are coming from 18 and they're corrected and it's been confirmed that a 19 fix is in place, the Commission feels it's 20 inappropriate to add additional flows which would even 21 further adversely impact the wetlands and the 22 D. Blakely Hoar Sanctuary. 23 There are, as we mentioned in our comments, 24 numerous stormwater and environmental permitting</p>	<p>1 it tonight and also in your letter, the storm drain 2 discharge from Gerry Road into the sanctuary. When we 3 took the site visit, there was a pipe in this buffer 4 zone that was in a swale. Is that part of the 5 discharge into the sanctuary? Are you familiar with 6 that pipe? 7 MS. BOWDITCH: I don't know. I'm sorry. 8 MR. HUSSEY: That's okay. I'm not surprised. 9 MR. GELLER: I thought it was on the west. 10 MR. HUSSEY: Over here? 11 MR. GELLER: Yes. 12 MR. HUSSEY: I'm pretty sure it was right in 13 here. That was my recollection, anyway. It was an 14 open pipe. 15 MR. GELLER: I think you're right. 16 MR. HUSSEY: Peter, do you have any idea? 17 MR. DITTO: I think it's a storm drain. 18 There's a spot in Beverly Road right about here. 19 Everything comes down from that point and then comes 20 across and into the site and somehow I think it winds 21 up in Hoar Sanctuary. But the pipe you saw that was 22 coming this direction, that's a storm drain. 23 UNIDENTIFIED: It was constructed within the 24 last 10 years to drain that area.</p>
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<p>1 requirements that will be applicable to this project, 2 and some that may also be applicable to the project, 3 and these are all referenced in our comments. 4 I would like, in particular, to draw your 5 attention to the potential impact from phosphorus 6 pollution which is a nutrient found in stormwater 7 runoffs, especially roadways and parking lots. 8 Phosphorus pollution is a major problem in the Charles 9 River Watershed, and the Town of Brookline has a 10 significant obligation to control and remove phosphorus 11 pollution from stormwater. 12 This site will be required to comply with the 13 total phosphorus daily load or the TMDO requirement. 14 It is a Federal and State requirement that would apply 15 to all large developments in the Charles River 16 Watershed. To our knowledge, there is not a plan 17 that's been presented to date as to how the development 18 will comply with this requirement. 19 I'd like to thank you very much for giving us 20 the opportunity to comment. I'm happy to answer any 21 questions that you may have. 22 MR. GELLER: Thank you. 23 Questions? 24 MR. HUSSEY: I just have one. You mentioned</p>	<p>1 MR. HUSSEY: Who's speaking? 2 MR. UNIDENTIFIED: Rubin (inaudible.) 3 MS. BOWDITCH: It sound like possibly what's 4 called an area drain, which is to drain landscaped 5 area, but I can't say. I haven't seen it myself. 6 MR. HUSSEY: Okay. Thank you. 7 MS. STEINFELD: I should note, of course, that 8 our peer reviewers will be able to respond to the 9 specific questions of that nature. 10 Next is Mark Zarrillo, Chairman of the 11 Planning Board. 12 MR. ZARRILLO: Chairman Geller, Members of the 13 Board, my name is Mark Zarrillo. I live on Copley 14 Street in Brookline, and I'm currently a chair of the 15 Planning Board. 16 The Planning Board would like to thank you for 17 this opportunity to comment on the comprehensive permit 18 proposal by Chestnut Hill Realty for 192 additional 19 units at Hancock Village. The Board is hopeful that 20 during the review process the applicant will make 21 provisions to the site in architectural design, and at 22 that time the Planning Board would like to submit 23 further comments. 24 The Planning Board does not support the</p>

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<p>1 proposal as submitted and in its opinion believes that 2 it would be possible to have a better layout and design 3 of the buildings and still receive the same number of 4 units.</p> <p>5 Additionally, the natural topography of the 6 site characterized by slow rolling hills, natural 7 outcroppings, and a large green open space with many 8 mature trees is not being respected.</p> <p>9 The proposed plan causes significant changes 10 to the property's topography. Many of these things 11 you've heard tonight. The siting of the smaller 12 buildings makes it necessary to alter the natural 13 grades by 6 feet and more, resulting in hundreds of 14 yards of retaining walls. The parking lots require 15 extensive cut-and-fill operations to allow vehicle 16 movement and drainage. And the higher apartment 17 building obliterates the signature stone outcroppings 18 both in mini and major portions rendering it invisible 19 and altering its natural contour while left exposed.</p> <p>20 Additionally, the developer has located the 21 building in the site's most environmentally sensitive 22 areas. The townhouse-style buildings and garages have 23 been placed on the green swath of land that was 24 originally intended and is still serving as a buffer</p>	<p>1 projects recommends preserving the natural features of 2 the property, and this project has not achieved this in 3 any way. In fact, the proposed project will negatively 4 impact not only the renters who live on the property, 5 but also the owners of the abutting single-family homes 6 by eliminating valuable green space and mature trees, 7 significantly changing the grades.</p> <p>8 The Planning Board has supported many 9 affordable housing projects in the town, including 10 St. Aiden's redevelopment, Olmstead Hill, and the BHA 11 project on Dummer Street but it cannot support this 12 proposal as designed.</p> <p>13 There is nothing keeping the applicant from 14 altering the project to utilize existing space within 15 the existing Hancock Village development. In 16 particular, with respect to the apartment building, the 17 Planning Board is not convinced by the applicant's 18 assertion that revisiting all aspects of the project, 19 in particular the siting of the buildings, would 20 present insurmountable legal or technical issues.</p> <p>21 Moreover, a revamped layout that emphasizes 22 the use of space on the southwest side of the property 23 could lead to a more financially viable project because 24 the applicant would not have to utilize such extreme</p>
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<p>1 zone between the existing garden-style development and 2 the abutting single-family homes. Not only will this 3 beautiful green open space be eliminated, but the many 4 large specimen trees in there will have to be cut down 5 for the new buildings.</p> <p>6 Similarly, the apartment building has not been 7 appropriately located and will be on the puddingstone 8 outcropping in the wooded area on the highest point of 9 the property. The underground parking will necessitate 10 blasting out much of the ledge including the apartment 11 building which will be expensive and this money could 12 be better spent elsewhere on the site.</p> <p>13 Furthermore, the orientation of several of the 14 townhouse-style buildings is awkward. As a specific 15 example, the ABD cluster at Asheville Road creates 16 shading over the A and B buildings by the D building, 17 and the ground plane spaces do not relate well to these 18 buildings. The type B building adjacent to the Baker 19 School is turned sideways as if responding to a 20 street. In fact, it faces the service alley and 21 parking for the Baker School out front and its own 22 parking to the rear.</p> <p>23 The Massachusetts Department of Housing and 24 Community Development Design Guidelines for 40B</p>	<p>1 measures to blast out the underground parking 2 structures for the apartment building.</p> <p>3 If the applicant were willing, the Planning 4 Board believes that the project would benefit both the 5 Town and developer -- a project benefiting both the 6 Town and the developer is achievable. The Planning 7 Board has worked with many developers on design 8 changes, and developers often state that the end 9 product is better due to the collaborative process. 10 The Planning Board hopes that the applicant will 11 consider this and work with the Planning Board to 12 rethink the building placement, land use, circulation, 13 open space, and amenities. Thank you.</p> <p>14 MR. GELLER: Questions?</p> <p>15 MR. HUSSEY: Yes. I'd like to note, in your 16 letter that you wrote to us you said you believe that 17 it would be possible to have a much better layout and 18 design of the building and still achieve the same 19 number of units. And you also said there's nothing 20 keeping the applicant from altering the project to 21 utilize existing space within the existing Hancock 22 Village development.</p> <p>23 And I will not ask for you to go into detail, 24 because I'm sure I would be told it would be an</p>

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1 inappropriate question, but I found those interesting
 2 and I was wondering if you were going to be part of
 3 this meeting that's occurring on the 2nd of April with
 4 the Planning staff and members of the Board.
 5 MS. STEINFELD: There will be a designee on
 6 the Planning Board participating in those meetings.
 7 MR. HUSSEY: Thank you.
 8 MR. ZARRILLO: It might be me, but I have to
 9 go back to the Board and discuss it with the Board.
 10 MR. HUSSEY: Okay. Good.
 11 MR. GELLER: Thank you.
 12 MS. STEINFELD: Roger Blood, Chairman of the
 13 Housing Advisory Board.
 14 MR. BLOOD: Good evening. I'm Roger Blood,
 15 Chairman of the Advisory Board which also serves as the
 16 trustee of the Town's affordable trust fund.
 17 Unlike most of the other presentations you've
 18 heard, I'm not going to speak about the physical
 19 details of the proposed project itself. The main
 20 reason I'm speaking for the Housing Advisory Board is,
 21 first of all, because 40B isn't all about affordable
 22 housing like it's supposed to be, and that the
 23 developer, as a 40B applicant, has characterized the
 24 Town's performance in the area of affordable housing as

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1 somehow subpar, so I think the Town needs to make clear
 2 that that's not what the Town's performance is as a
 3 basis for invoking 40B for this particular project.
 4 I'd, first of all, like to concur with the
 5 remarks made by Chairman DeWitt about the affordable
 6 housing aspects of this proposal and in particular that
 7 unlike most of the town-initiated affordable housing
 8 projects, Chapter 40B uses some really strange
 9 arithmetic, the end result of which is that a great
 10 deal of physical development and new development and
 11 new construction is required to net a relatively
 12 small -- in this case, 20 percent of the total amount
 13 of development in terms of true additions to the Town's
 14 affordable housing supply.
 15 The purpose of Chapter 40B promotes affordable
 16 housing in municipalities and the key needs for
 17 promoting that goal is for the state to directly
 18 authorize affordable housing construction in local
 19 municipalities that are resistant to doing so on their
 20 own. Despite enormous variations in the State's 351
 21 cities and towns, this state imposes rather uniform
 22 measures to determine an individual community's
 23 affordable performance.
 24 Chapter 40B stipulates two uniform statewide

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1 so-called safe-harbor benchmarks for exempting cities
 2 and towns from Chapter 40B's state-imposed permitting.
 3 The first is that 10 percent of the total
 4 housing stock be labeled affordable by the State, or
 5 that a State-approved production plan that increases
 6 affordable housing units by at least one-half of
 7 1 percent of the Town's or the Municipality's total
 8 housing stock per year be approved by the State.
 9 Any community that's not reached at least one
 10 of these two benchmarks may be deemed as deficient if
 11 not recalcitrant in terms of its affordable housing
 12 performance.
 13 One would hope that the implementation of this
 14 law where a safe-harbor exemption does not apply, as is
 15 the case here in Brookline for Hancock Village, that
 16 some discretion rather than the arbitrary application
 17 of a formula might be exercised. In this regard,
 18 Brookline actually has a remarkable record of
 19 promoting, creating, and preserving affordable housing
 20 with over 8 percent of its 26,000-plus housing units
 21 designated as affordable and two more significant
 22 projects in the pipeline that will bring that figure
 23 closer to 9 percent.
 24 Brookline is quite different than many cities

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1 and towns around the state that have only 1, 2, or 3
 2 percent affordable by both our actions and by the
 3 numbers.
 4 Brookline is also very different from most
 5 other Massachusetts towns in another respect. The land
 6 within our borders is not only fully built out, but
 7 it's already designed and developed to a density far
 8 greater than most other locales, including a very large
 9 stock of existing multifamily housing. In this regard,
 10 Chapter 40B benchmarks impose on Brookline, along with
 11 about 15 other built-out cities and towns around
 12 Boston, unrealistic levels of annual affordable housing
 13 production in order to achieve the safe-harbor status.
 14 Now, one-half of 1 percent annual production
 15 per year might seem reasonable and achievable, and it
 16 is so in 90 or 95 percent of all towns and cities in
 17 the state that are not fully built out, but here in
 18 Brookline, half of 1 percent of 26,000-plus units would
 19 produce over 130 new affordable housing units every
 20 year, year in and year out.
 21 With or without Hancock Village, Brookline's
 22 comprehensive plan and its consultants found no
 23 plausible way that our town could produce, either
 24 physically or financially, anywhere near the 100-plus

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1 affordable housing units per year. Achieving the
 2 Town's comprehensive plan, even 25 new affordable
 3 housing units yearly, requires a major financial
 4 commitment by the Town and identification of scarce
 5 potential development sites, of which Hancock Village
 6 certainly is one significant one.

7 We believe, and the Housing Advisory Board
 8 believes, that a significant number of affordable
 9 housing units can be produced as part of a good infill
 10 development at Hancock Village without running afoul of
 11 the other legitimate planning and design concerns
 12 raised by the current proposal that you've been hearing
 13 from the other speakers.

14 But such legitimate concerns do not include
 15 opposition to affordable housing, per se. In that
 16 regard, HAB members -- no HAB members have encountered
 17 any community or neighborhood opposition to affordable
 18 housing either at Hancock Village or anywhere else
 19 throughout the town. So to the extent that Chapter 40B
 20 was designed to overcome the opposition in many
 21 Massachusetts communities to affordable housing,
 22 including so-called exclusionary, Brookline is most
 23 emphatically not one of those communities and never has
 24 been. On the contrary, our inclusionary zoning for

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1 affordable housing is one of several ongoing
 2 initiatives that underpin the Town's commitment to
 3 affordable housing.

4 Other key components of the Town's ongoing
 5 commitment to affordable housing include first, a
 6 municipal level of affordable housing trust which has
 7 raised over \$11 million -- and that's a lot of funds in
 8 it for a town of around 50,000 -- for the production of
 9 and preservation of affordable housing.

10 Also, the Town has a dedicated two-person
 11 affordable housing staff within the town funding as
 12 part of its affordable housing division. We have a
 13 proactive Public Housing Authority which manages over
 14 900 low-income rental units and an additional 300
 15 Federal Section 8 units. And the Housing Authority has
 16 also recently formed a nonprofit housing development
 17 corporation that the Town is supporting with over
 18 \$4 million of assistance funds to construct a new
 19 32-unit development rental project in North Brookline.

20 Next, that the Town has a demonstrated
 21 willingness -- and this is unusual, I think, across the
 22 state -- to recycle valuable town-owned land for the
 23 purpose of creating affordable housing. The Town
 24 recently provided five acres of very highly valued land

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1 atop Fisher Hill for the primary purpose of creating
 2 affordable housing and where over 70 percent of the 34
 3 units built there are permanently affordable.

4 Finally, the Town's commitment of over
 5 \$6 million of municipal funding at St. Aiden's where
 6 over 60 percent of the 59 new units are permanently
 7 affordable.

8 So as you can see, 60 percent, 70 percent is
 9 quite a bit different than 20 percent at Hancock
 10 Village.

11 State officials, including the HCD, have
 12 recognized Brookline's commitment and its results
 13 regarding affordable housing on a number of occasions.
 14 My limited time in speaking to you tonight doesn't
 15 permit a full description of these activities, but an
 16 ample recitation of these things appears in the
 17 August 29, 2013 letter from Selectman DeWitt to
 18 Mr. Anthony Fracasso at MassDevelopment.

19 Thank you for allowing me to speak, and I'll
 20 take any questions that you might have.

21 MR. GELLER: Thank you.
 22 Questions?
 23 (No response.)
 24 Thank you.

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1 MS. STEINFELD: Alan Morse, Chairman of the
 2 School Committee.

3 MR. MORSE: Good evening, Chairman Geller and
 4 Members of the Board. My name is Alan Morse, and I
 5 have the privilege of being the current chair of the
 6 Brookline School Committee, and I thank you very much
 7 for permitting me to speak tonight on behalf of my
 8 colleagues.

9 While my comments may be a bit long, please
 10 bear with me as I believe that all of the information
 11 is vitally important to you and to our community.

12 I'm speaking tonight on behalf of a very
 13 concerned school committee about how the proposed
 14 Hancock Village 40B project could affect the long-term
 15 capital expansion plan for the public schools of
 16 Brookline, a plan developed over the past several years
 17 to accommodate extraordinary growth in our student
 18 enrollments.

19 The School Committee voted for the long-term
 20 expansion plan in September of 2013 after receiving
 21 recommendations from a nine-month community-wide
 22 discussion on the enrollment crisis and the space need
 23 led by the Brookline School Population and Capacity
 24 Exploration Committee, now, thankfully, commonly

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1 referred to as B-Space.
 2 B-Space's work, in turn, built on planning
 3 that began in 2008 when enrollments had been rising for
 4 just two years. At that time, the Town and schools
 5 commissioned a facilities master plan along with a
 6 demographic analysis to help us formulate capital plans
 7 for the next 10 years.
 8 That master plan, provided by MGT of America,
 9 predicted less growth than we subsequently
 10 experienced. In fact, our elementary population has
 11 grown since 2005 by over 1,300 students from 3,886 to
 12 5,228, a 35 percent growth. We now recently anticipate
 13 approximately 874 additional incoming students in the
 14 next five years, even without the additional enrollment
 15 this 40B project would bring.
 16 Even with their lower estimates in 2008, MGT
 17 advised us to move expeditiously to expand all of our
 18 elementary schools. Since then, we have successfully
 19 added space to accommodate a growth of 42 class
 20 sections in the elementary schools, some of which came
 21 from major renovation expansion projects at both Heath
 22 and local schools.
 23 When our kindergarten enrollments continued to
 24 grow, B-Space was formed to consider our options

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1 including continuing to expand current schools, add a
 2 new K-8 school, or reallocate students to different
 3 schools with redistricting.
 4 B-Space's final recommendations reflected the
 5 constraints in Brookline's densely populated northern
 6 corridor. It is very difficult to subsequently expand
 7 school buildings or find an adequate site for a new
 8 structure.
 9 The resulting long-term plan voted by the
 10 School Committee focuses on the expansion of three of
 11 our K-8 elementary schools as well as Brookline High
 12 School. Specifically, the plans include expansion at
 13 the Devotion, Driscoll, and Lawrence Elementary
 14 Schools, all three of which are centered in the area of
 15 the most significant current overcrowding. And then
 16 there's Brookline High School which would grow from
 17 today's 1,800 students to a school of at least 2,500
 18 given the children that are already enrolled in
 19 Brookline.
 20 In order to finance this ambitious expansion
 21 plan, the school construction projects from now through
 22 2022, the Town of Brookline is currently considering a
 23 possible tax override of \$12 million and a capital debt
 24 exclusion override of \$5.6 million to fund the public

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1 schools of Brookline's operating cost and the renovation
 2 and expansion project at the Devotion School. Those
 3 overrides combined represent property tax increases
 4 from existing homes which could amount to approximately
 5 10.6 percent.
 6 None of these plans incorporate the 40B
 7 project now contemplated in the Hancock Village. As
 8 you know, the project plans to create 192 new apartment
 9 units including 28 four-bedroom units, another 28
 10 three-bedroom units, and 70 two-bedroom units with the
 11 remainder as one-bedrooms and studios. The
 12 family-sized units alone could add as many as 200
 13 students to our schools.
 14 What's important to point out, in addition, is
 15 that one-bedroom apartments and even some studios
 16 sometimes house families with children. One-bedrooms,
 17 for example, frequently have another room, either an
 18 alcove or a separate dining area, that, in the
 19 experience of the public schools, could be and have
 20 been used as a bedroom by a family eager for access to
 21 our school system.
 22 The proposed development falls squarely within
 23 the Baker School's attendance district. A recent
 24 review of an expansion of our buffer attendance zones

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1 concluded that there was no rational way to include
 2 Hancock Village in a two-school buffer, so Baker would
 3 have to absorb all the elementary student growth from
 4 this development.
 5 Baker School now serves 754 students,
 6 approximately one-third who come from Hancock Village.
 7 It is already in excess of its capacity when built of
 8 679 students. At 139 square feet of building space per
 9 student, Baker is now the second most crowded K-8
 10 school in our system.
 11 The B-Space report noted that both Baker and
 12 Heath Schools have enough land to add classrooms should
 13 enrollment in South Brookline continue to increase.
 14 The potential increases from the Hancock Village
 15 proposal, however, would require much more expansion
 16 than the B-Space committee contemplated for either
 17 school. Consequences could be so substantial that they
 18 require a new school building entirely, perhaps
 19 splitting the Baker population into two schools,
 20 uniquely eliminating our K-8 structure, which our
 21 citizens have asked us to protect, or significantly
 22 redistricting current students across the town,
 23 destroying our beloved neighborhood school system.
 24 Of equal concern is the potential impact of

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1 these additional students on the plans in place for
 2 Brookline High School. As mentioned earlier, we have
 3 forecasted that by 2022 Brookline High School will have
 4 expanded from its current 1,800 students to 2,500
 5 students.
 6 As with the elementary school planning, we've
 7 been considering different solutions for the high
 8 school for some years. Last year we engaged HMFH
 9 architects to present us with some concepts for how the
 10 Brookline High School site could be expanded. Their
 11 analysis suggests that the Brookline High School campus
 12 could be rebuilt to handle 2,500 students but only with
 13 the loss of some gymnasium space and continued strain
 14 on common areas, neither optimal when we're serving
 15 more students.
 16 Others are concerned that the increased
 17 traffic and parking required by the additional 700 high
 18 school students and the resulting staff increases may
 19 already be impossible to absorb at Brookline High
 20 School's single location. Accommodating 2,500 students
 21 will be a challenge, but should the Hancock Village
 22 development go forward, our estimate of 2,500 will be
 23 too low. That will fundamentally change the
 24 conversation about how Brookline can or would respond.

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1 In particular, it will enforce reconsideration of the
 2 need for a second high school, an option B-Space did
 3 not endorse but one that may have to be back on the
 4 table for consideration along with other options
 5 previously deemed unattractive for Brookline.
 6 Any of the options that would have to be
 7 considered for an even larger Brookline High School
 8 come with significant costs to the Town and the tax
 9 payers, potentially adding millions of dollars more to
 10 the taxpayer burden than even now is contemplated.
 11 Similarly, this would far outstrip any new revenues
 12 generated by the 40B project's residential properties.
 13 More important, however, it will force
 14 dramatic and unwelcomed changes in the configuration of
 15 and local access to our public schools, changes that
 16 touch every family in the public schools, not just
 17 those in the Baker School district.
 18 Surging enrollments have stretched our
 19 district's resources and demand a timely approach to
 20 expansion that we have endeavored to meet with the
 21 plans in place. The additional student enrollment
 22 generated as a result of this 40B project will upend
 23 our long-term expansion plan, rendering it inadequate
 24 at best and compromising financial planning.

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1 In short, the Chestnut Hill Realty proposal,
 2 at a minimum, overburdens our schools and has the
 3 potential to fundamentally disrupt the same school
 4 system that makes this development profitable. On
 5 behalf of the Brookline School Committee and all the
 6 students we serve, I urge you to consider this impact
 7 before allowing this proposal to go forward.
 8 In the alternative, I respectfully request
 9 that appropriate conditions be imposed to reduce the
 10 tremendous burden this proposal is likely to have on
 11 the public schools of Brookline. Thank you very much.
 12 MR. GELLER: Thank you.
 13 MS. STEINFELD: That concludes tonight's
 14 testimony. On behalf of the Town's departments,
 15 boards, and commissions, thank you very much for the
 16 opportunity to comment on this proposal.
 17 MR. GELLER: Thank you. I want to thank
 18 everyone who participated and who offered your words
 19 and your testimony. The Board will certainly take your
 20 comments and your recommendations into account in its
 21 deliberations.
 22 Mr. Schwartz, do you want to speak at this
 23 time?
 24 MR. SCHWARTZ: Thank you, Mr. Chairman, and I

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1 wanted to thank all the members of the various
 2 departments, the planning staff of the town that came
 3 to express their views.
 4 We're not, obviously, at this point going to
 5 attempt to address almost any of those issues in detail
 6 at this point, and we're looking forward to moving
 7 forward with the town officials as well as with the
 8 peer review folks who've been on the process -- who
 9 were retained to work through many of those technical
 10 issues with regards to traffic, drainage, public
 11 safety, design, et cetera. So we're confident that we
 12 can have productive discussions in that regard.
 13 But I do -- and I am compelled to just make
 14 one central point that I think is very important which
 15 really goes to one of the central issues in this
 16 proposal which is the appropriateness of the location
 17 of the buildings and the overall site design.
 18 There's a lot of talk about the buffer. In
 19 our view, that is an appropriate location for
 20 buildings. It is taxed for housing. It has been for
 21 many years. Parts of it have been developed. There is
 22 no legal protection whatsoever with respect to that
 23 space.
 24 And so one can -- I'm quite certain that most

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1 of the people in this room are opposed to development
 2 in that area, and the Board heard many folks say that,
 3 but there is no protection of that area, and we think
 4 it's an entirely appropriate area for development.
 5 Even the now infamous 1946 agreement doesn't
 6 speak to the buffer zone, if you read it. We're quite
 7 confident that the 1946 agreement is no longer in
 8 effect, in any case, in relevance to these proceedings
 9 but if even you look at that agreement, it doesn't talk
 10 about protection of the buffer zone.
 11 Similarly, we believe very strongly that the
 12 area where we've located the apartment building, the
 13 puddingstone, is an entirely appropriate area for that
 14 building. And certainly from a legal perspective,
 15 there's no restriction whatsoever in terms of putting a
 16 building there.
 17 As a related point, and this is something that
 18 we are in the process -- we've explained to the
 19 Planning Board -- we're in the process of doing, as was
 20 mentioned earlier, in the sessions that are ongoing,
 21 one of the prime considerations to where these
 22 buildings have been located is the need, not just the
 23 desire, but the need not to create any nonconformities
 24 with regards to the existing building that would entail

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1 discretionary zoning relief that, frankly, the
 2 applicant is not in a position to pursue at this point
 3 given some of the history here. We don't intend to go
 4 through any of that history again. We don't think it's
 5 productive. But we are very cognizant of the fact that
 6 we really cannot create any new zoning
 7 nonconformities. That's where the process of showing
 8 the Town -- basically showing our work for how we got
 9 here.
 10 And so while we welcome, on the part of the
 11 Town, people working together with us in good faith to
 12 work with us on the design, I think people on the board
 13 need to be very aware of those constraints and how we
 14 arrived at that at this particular site plan.
 15 And with that, I'm happy to answer any
 16 questions but that concludes my rebuttals.
 17 MR. GELLER: Mr. Schwartz, my understanding is
 18 that there is -- you are in the process of reviewing
 19 those nonconformities and you're going to produce
 20 something?
 21 MR. SCHWARTZ: Yes, we are.
 22 MR. GELLER: Okay. Great.
 23 Other questions?
 24 MR. BOOK: I was just trying to -- I take it,

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1 then, that what is fixed is the -- in your discussions
 2 with the Town, what is fixed is the location of the
 3 buildings? When you talk about discussions with
 4 design, you're talking about the aesthetics or --
 5 MR. SCHWARTZ: No. I mean there can be a
 6 discussion of the location of the buildings within the
 7 lot line that has been created. So we're not drawing a
 8 line in the sand with regards to location or
 9 orientation of particular buildings either with regards
 10 to the two-and-a-half-story buildings on the outskirts
 11 of the building, if you would like to call it a buffer,
 12 or with regard to the apartment building itself.
 13 So what we're saying is that the problem is
 14 going to be ideas of totally removing buildings from
 15 where they've been proposed and putting them on
 16 entirely other portions of the site.
 17 MR. GELLER: Because of the issues specific to
 18 zoning?
 19 MR. SCHWARTZ: Zoning issues. Potentially
 20 some NCD issues, but primarily zoning issues, either
 21 creation of new nonconformities, or the need to remove
 22 buildings in order to site buildings elsewhere on the
 23 site.
 24 MR. GELLER: Okay. Thank you. We'll look

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1 forward to that memo on those issues.
 2 Any other administrative details?
 3 (No response.)
 4 Thank you, everyone, again. We are continuing
 5 this hearing until March 26th at 7:00 and at that time
 6 we will, based on our earlier discussion, be picking up
 7 issues pertaining to traffic and safety. We will have
 8 peer review and also discussions. Thank you.
 9 (Proceedings suspended at 9:26 p.m.)
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1 I, Kristen C. Krakofsky, Court Reporter and
2 Notary Public in and for the Commonwealth of
3 Massachusetts, certify:
4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth and
6 that the foregoing is a true and correct transcript of
7 my shorthand notes so taken.

8 Dated this 17th day of March, 2014.

9 _____
10 Kristen Krakofsky, Notary Public
11 My commission expires November 3, 2017.

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