

In The Matter Of:

BROOKLINE ZONING BOARD APPEALS HEARING

APPEALS HEARING - Vol. 8

June 19, 2014

MERRILL CORPORATION

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Volume VIII

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Brookline Zoning Board of Appeals Hearing

Case Number 20130094

40B Application by Chestnut Hill Realty

The Residences of South Brookline

June 19, 2014 at 7:00 p.m.

Office of Town Counsel

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Appearances

Board Members:

Jessie Geller, Chairman

Jonathan Book

Chris Hussey

Mark Zuroff, Associate Member

Avi Liss, Associate Member

Samuel Nagler, Esquire, Krokidas & Bluestein

Edith M. Netter, Esquire,

Edith M. Netter & Associates, P.C.

Alison Steinfeld,

Planning & Community Development Director

Polly Selkoe, Assistant Director of Regulatory Planning

Representatives of Chestnut Hill Realty:

Marc Levin, Chestnut Hill Realty

Joseph Geller, Stantec Consulting

Theo Kindermans, Stantec Consulting

Steven Schwartz, Esquire, Goulston & Storrs

1 Members of the Public:

2 Anthony Abner, 265 Russett Road

3 Judith Leichtner, 121 Beverly Road

4 Betsy DeWitt, 94 Upland Road

5 Nancy Daly, 161 Russett Road

6 William Pu, 249 Beverly Road

7 Robin Koocher, Beverly Road

8 William Varrell, 45 Asheville Road

9 Ruben Pollard

10 Alisa Jonas

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1 PROCEEDINGS:

2 7:08 p.m.

3 MR. JESSIE GELLER: Good evening, everyone.

4 We are calling this continued hearing. This is a
5 continued hearing for the Residences of South
6 Brookline.

7 Again, to my extreme left is Avi Lis, Mark
8 Zuroff, Jonathan Book, Chris Hussey, my name is Jessie
9 Geller, our legal counsel, Sam Nagler, Edie Netter, who
10 is also assisting us.

11 A few pieces of information. Earlier in the
12 week -- or actually, this morning there was an effort
13 to hold a site visit. As you may recall, at the last
14 hearing we announced that -- somebody made the terrific
15 suggestion that maybe it would be a good idea if we
16 held a site visit in something other than seven degree
17 temperatures.

18 I fully applauded the suggestion, and every
19 effort was made to try to accommodate people's
20 different time frames and requests, and I understand
21 there was a scheduled time and date for this morning.

22 Unfortunately, not everyone was able to
23 receive adequate notice and we thought that it would be
24 more advantageous for everybody if we rescheduled that

1 site visit and we will do that. At the end of this
2 hearing, we will try and figure out a date where all of
3 our schedules will allow for it.

4 Tonight's hearing, as you may also recall from
5 the last hearing, is going to focus on an initial stab
6 from our peer reviewer who has been engaged. This is
7 Ted Touloukian. And I understand that this evening he
8 will give us, preliminarily, parameters for what his
9 peer review will entail.

10 I understand that there remains outstanding a
11 number of plans that would enable him to speak more
12 fully, so we will have Ted speak to us again about the
13 parameters and a little bit about his process.

14 The ZBA may want to ask some questions about
15 that, which they will have an opportunity to do. We
16 will then, as we have in the past, offer the public an
17 opportunity to ask -- if there are questions about
18 process involving the peer review, they can ask me
19 those questions and I'll try and get, as best as I can,
20 answers for you. And we will give the applicant an
21 opportunity as well if they have questions, to pose
22 those questions, if they have a response to testimony
23 that's been given, limited to design review.

24 A few administrative details: The first is,

1 as I believe I made at the last hearing, I would
2 request again that electronic copies of various plans,
3 specifications, and other materials be submitted as
4 quickly as possible, please, so that we can get moving
5 on things that we need to do. I will note that those
6 materials are due by July 3rd.

7 Mr. Swartz, do you have a sense of the status
8 of those materials?

9 MR. SHWARTZ: I'm not sure which materials
10 you're referring to.

11 MR. JESSIE GELLER: I'll give you the list.
12 Well, we'll give it to you writing as well, but we have
13 an electronic model of the revised plan in SketchUp. I
14 assume that means something. Apparently, the model
15 viewed by the peer reviewer and a representative of the
16 Planning Department is not acceptable and, therefore,
17 it's not available to anybody.

18 MR. SHWARTZ: We haven't agreed to do that.

19 MR. JESSIE GELLER: You have not agreed?

20 MR. SHWARTZ: No.

21 MS. NETTER: My understanding is that the peer
22 reviewer needs to see a model, and that you've
23 developed a model, but he doesn't have the software so
24 that in order to see the model he has to come to your

1 office. Also, town staff is not able to see that
2 model, or the public unless they come to your office.

3 Not being particularly knowledgeable about
4 design software, I'll tell you that my understanding, I
5 have been told that SketchUp would be the appropriate
6 software so that everybody can view the model.

7 MR. KINDERMANS: Good evening. My name is
8 Theo Kindermans. I'm a site planner at Stantec.

9 SketchUp is not the appropriate model. We
10 have Studio 3D Max, which is the software that any
11 professional would use. And it's such a complex model
12 because it encompasses the entire terrain and it has
13 all the elevations and it just can't be dumbed down to
14 a SketchUp model because that's what will happen, we'll
15 lose all the context, all the trees will be out of the
16 model. It's just -- it's not possible to have a model
17 that would be useful at all.

18 The buildings themselves, they are in
19 SketchUp. They can be viewed in SketchUp because they
20 are relatively simple and have angles. But the complex
21 model -- complex terrain model, as this is, just simply
22 can't be dumbed down to a SketchUp model. It's like,
23 you know, you have a Mercedes and people are asking for
24 a Yugo.

1 MR. JESSIE GELLER: How do we get a model that
2 can be fully viewed in the hands of our --

3 MS. SELKOE: May I?

4 MR. JESSIE GELLER: Yes. Polly Selkoe,
5 Planning Department.

6 MS. SELKOE: Polly Selkoe, Assistant Director
7 of Regulatory Planning.

8 It has been typical, up to a few years ago,
9 that we would get 3D models. And, you know, the whole
10 purpose of our whole process here is to have
11 transparency and to have the public be able to see the
12 model and certainly the staff to be able to see the
13 model.

14 If they can't provide it in the form that we
15 can see it, it really doesn't do much good, so maybe
16 they want to go back to the old fashioned way of having
17 the old 3D models. I can tell you there are many, many
18 developers that have done them for us and they're very
19 good. You can put them right on the table, you can
20 turn them around, you can see all the different
21 buildings from different angles and the height.

22 MR. HUSSEY: You mean a physical model? Not a
23 digital model, but a physical model?

24 MS. SELKOE: Yes, that's what I meant.

1 MR. HUSSEY: I agree. Because the digital
2 model, unless it's fully interactive, then the
3 developer picks the views and what have you.

4 But a physical model sits here out in the hall
5 and everyone can look at it from whatever direction
6 they want to. So I agree. My preference would be to
7 have a physical model of the project.

8 MS. NETTER: The short story -- and this has
9 to be discussed further -- is that we do need some form
10 of model, whether it's virtual or physical. It's
11 something that the staff, our peer reviewer, and the
12 public has to have accessible to it.

13 MR. JESSIE GELLER: There's also an updated
14 version --

15 MR. SCHWARTZ: Mr. Chairman.

16 MR. JESSIE GELLER: Sure.

17 MR. SCHWARTZ: We'll consider that request.
18 It's not required by the 40B regulations, nor, to my
19 knowledge, is it required by the Town of Brookline's
20 regulations. But we will consider that request.

21 Our understanding was that the computer model
22 was what was requested. At great expense, that's what
23 the applicant has done. And we think this is an
24 extraneous -- an extra request that's not required by

1 the regulations. We will take it under advisement.

2 MR. JESSIE GELLER: Ms. Selkoe, don't we
3 require models?

4 MS. SELKOE: In the zoning bylaws, it is
5 definitely required for any design review project,
6 especially for any major impact project. It's also
7 typical that for a large major project we would have
8 some kind of model.

9 MR. SCHWARTZ: There is a model,
10 Mr. Chairman. 760 CMR requires preliminary site
11 development plans and preliminary scaled architectural
12 plans and those have been provided.

13 MR. JESSIE GELLER: Okay. Next, an updated
14 version of all the information that was provided
15 relative to the original plan to be provided for the
16 new plan. So similar informational request.

17 Additional information not yet submitted
18 relative to the original application, which I think in
19 our first hearing we had run through the list. And
20 staff will assist in outlining what remains
21 outstanding.

22 And lastly, there was a request for data for
23 traffic, stormwater, and design peer reviewers, so I
24 think there was some outstanding data from those

1 reviewers.

2 MS. STEINFELD: The Town actually hasn't
3 requested that yet, but staff will provide further
4 information to the applicant.

5 MR. JESSIE GELLER: Okay. Next agenda item:
6 It seems to me that given the status of the information
7 that we received, I just want to note that at some
8 point we will be seeking an extension of the time, so
9 there will be some discussion about that. Obviously,
10 we would need full plans, and any delay in receipt of
11 those will impact time.

12 MR. SCHWARTZ: I just want to go on the
13 record, Mr. Chairman. We'll consider a request when it
14 comes. We feel we've submitted everything that's
15 required by 760 CMR.

16 MR. JESSIE GELLER: So noted.

17 MR. NAGLER. I'd just like to comment on that
18 briefly. The regulation is very clear that you cannot
19 require more or different than what would be similar
20 for a similar non-40B development, but I don't read the
21 regulations as saying you must ask for less than what
22 is required for a similarly situated market
23 development.

24 MS. NETTER: And I think, as Attorney Schwartz

1 is well aware, you provided a revised plan but you
2 haven't provided a full plan set to accompany that
3 conceptual site design that you've done.

4 MR. SHWARTZ: I think if there are details, as
5 Allison said, that we have not provided in terms of
6 that full plan set, that actually -- that may be the
7 case and we can provide that.

8 As far as what you just said, I think the
9 purpose of 40B is provide preliminary plans, not
10 engineered plans. I think we've provided above and
11 beyond what's required here. I think this model issue
12 is illustrative of the fact that we were acting in good
13 faith and now we're being asked to do something above
14 and beyond what we contemplated, at great cost.

15 And if it's in the context of well, you
16 haven't given us everything we need, so we're going to
17 need more time, we'll consider that. But I just wanted
18 to go on the record. I believe we have given
19 everything that's required under 760 CRM.

20 MR. NAGLER: But if you're using the
21 Yugo/Mercedes analogy, if you have a beautiful Mercedes
22 but it's parked in your garage and nobody can see it,
23 it doesn't do anybody any good.

24 MR. SCHWARTZ: Well, I don't know what to say

1 about that. I think people can see it at our
2 consultant's office and I think -- I'll leave it to
3 them to say, but it doesn't sound like the software
4 that's being used here is all that unusual.

5 MR. HUSSEY: Mr. Schwartz, you said somebody
6 requested the digital model, I believe?

7 MR. SHWARTZ: It was our understanding -- and
8 correct me if I'm wrong -- that that was what was being
9 requested of us, the digital model.

10 MR. HUSSEY: By who? Could you be specific
11 about that? Because I would have been surprised
12 myself.

13 MR. SCHWARTZ: I don't want to misspeak. I
14 believe it was by the peer reviewer.

15 MR. TOULOUKIAN: We did request a 3D model,
16 and we did request it in multiple formats.

17 MR. JESSIE GELLER: Introduce yourself,
18 please.

19 MR. TOULOUKIAN: My name is Ted Touloukian,
20 and I am the peer reviewer for the project.

21 Just to clarify, we have requested a 3D model
22 in multiple different digital formats of which the
23 digital format that they have would be acceptable. If
24 they send it to us, that's fine.

1 MR. HUSSEY: Okay. Thank you. That answers
2 that question.

3 MR. JESSIE GELLER: I would ask that the
4 applicant and the staff discuss the details about the
5 additional information submittals and continue that
6 discussion. And also about the time line and potential
7 extensions.

8 We had intended to have, on July 10th, a
9 hearing that was going to be dedicated to final peer
10 review. Unfortunately, given where we are in terms of
11 receipt of plans, we think that that date is not going
12 to be achievable and therefore we will cancel the July
13 10th date and instead our next hearing will be July the
14 23rd, same time, 7:00, at which time we will hear a
15 presentation from our design peer reviewer.

16 MS. NETTER: Assuming the information is
17 provided in a timely fashion that the peer reviewer
18 needs to conduct his peer review.

19 MR. JESSIE GELLER: Thank you. The schedule
20 will accordingly be adjusted, and we'll have an update
21 about that at that time.

22 One last administrative detail: If you do
23 plan on speaking this evening, as I've asked before, I
24 would ask that you listen to what people have to say.

1 If you are speaking, start by -- speak at the podium to
2 my left and start by giving your name, your address,
3 speak loudly and clearly into the microphone so
4 everyone can hear you, and obviously, be courteous.
5 Thank you.

6 Mr. Touloukian?

7 MR. TOULOUKIAN: Good evening. Thank you,
8 Mr. Chairman, members of the board, residents, and
9 concerned citizens. My name is Ted Touloukian. I'm an
10 architect and president of Touloukian & Touloukian,
11 Incorporated, an architect and urban design firm at
12 151 Pearl Street, Boston, Massachusetts. I've been
13 retained by the Town of Brookline and the Zoning Board
14 of Appeals to perform peer review of the Chestnut Hill
15 Realty Residences of South Brookline.

16 This evening I would like to outline our role,
17 the current status of our review, present some initial
18 design principles, and listen to comments from
19 tonight's hearing.

20 As the peer reviewer, we are not the design
21 architect for the project, but an independent reviewer
22 of the design. In general, we understand the intent of
23 our peer review role is to provide a transparent
24 opinion of the conceptual design for the proposed site

1 of the building within the neighborhood context.

2 Over the past eight weeks, we have been
3 introduced to the project and have met with the town
4 staff members, the applicant, and members of the design
5 team. We have had an exchange of information and a
6 productive and informative conversation. We have
7 download and reviewed the report of the Brookline
8 Neighborhood Conservation District Commissions on site
9 eligibility of the Hancock Village 40B proposal, the
10 Cecil Group Handbook, "An Approach to 40B Design
11 Reviews," and letters to the ZBA from the town boards
12 and departments and the general public.

13 During this process, the applicant has also
14 intermittently presented rendered site plans, schematic
15 floor plan options, elevation studies, and conceptual
16 3D maps and proposals. And as of last week, we have
17 received a revised conceptual site plan and other
18 documents from the applicant.

19 Currently, we have not yet received a complete
20 design package and as a result, we have not yet been
21 able to provide a peer review for the project at this
22 time. We have requested, through the Town's office,
23 additional information in order for us to provide our
24 peer review and to date we have not received a day when

1 final documents will be provided to our office.

2 As in any complex project, there are multiple
3 layers to review that are necessary for gaining an
4 understanding of the appropriateness of the project
5 design within the neighborhood context. A thoughtful
6 design review begins with an understanding of the
7 existing context and neighborhood characteristics.

8 Our initial overall impression is that the
9 proposed site mediates between the garden village model
10 of housing and a green belt adjacent to the residential
11 neighborhood fabric. There is a beautiful, natural
12 topography that exists on the site. Mature trees and
13 light-filter canopies intermix within the residential
14 neighborhood. The garden village model is clearly
15 conveyed on the site and there is a respect for the
16 natural and topographical character, separation of
17 pedestrians from the automobile traffic, and a clear
18 relationship between the living space away from the
19 street and towards the green belt.

20 There is a defining scale and a clear
21 hierarchy between the architecture and landscape. This
22 context seems to embody a balance between the natural
23 characteristics and the residential fabric, a
24 recognition in the balance between the natural

1 resources and the built form that extend into the
2 neighborhood.

3 Our objective is simply to understand not only
4 the past and future intent, but the quality and
5 experience of the existing context, a sense of place so
6 that we can be responsible and make responsible and
7 informed opinions of the appropriateness of the
8 proposed project.

9 We have established some initial design
10 principles. Understanding the existing context is the
11 foundation for our peer review, and we will pair this
12 with some initial design principles throughout our
13 review process. These are parameters and questions
14 that we will study relative to the applicant's pending
15 proposal, and these principles may expand as we are
16 presented with more information. They are as follows:

17 To begin with, we want to understand the land
18 use guidelines, review the underlying zoning
19 dimensional regulations of maximum height, setback from
20 adjacent properties, open space, and floor area ratio;
21 understand these properties and parameters relative to
22 the proposed design, but also recognize that the
23 fundamental function and relationship of setbacks and
24 other dimensional regulations to the surrounding

1 neighborhood context are not simply a matter of land
2 use requirements, but how they create appropriate
3 dimensional setbacks that are consistent with the
4 neighborhood context.

5 We want to evaluate how the proposed project
6 integrates access into the neighborhood. The site
7 perimeter has a private, residential, and green
8 character that should be taken into account at the
9 maximum extent possible. There is an embodiment that
10 public and private space coexist between the trees and
11 the streets and the pedestrian walkways.

12 Site access to the applicant's property to the
13 maximum extent possible should include appropriate
14 landscape screening and respect for adjacent property
15 edges. Point of entry should not be abrupt, but
16 integrate with the existing pedestrian, vehicular, and
17 bicycle patterns of movement. And site lines and views
18 such as this at Asheville and Russett into the property
19 edges should maintain, to the maximum extent possible,
20 the existing character. There is a long-established,
21 mature character along the edges that is beautiful in
22 the residential character and should be considered in
23 the proposed design.

24 Another principle, as we had described earlier

1 in the conversation, is that the site already has an
2 amazing existing natural character. There are
3 beautiful, mature landscapes that cannot be recreated.
4 Earlier examples of how landscape can be woven
5 successfully between a built environment should be
6 maintained to the maximum extent possible. There are a
7 majority of existing trees, landscape canopy, and rock
8 outcroppings that support the natural character of the
9 site and balance with the architecture.

10 Parking: Proportion of green space to
11 impervious surfaces. The project should assess the
12 circulation patterns of how vehicles enter the site;
13 screening vehicles and spacing automobiles with tree
14 islands to provide canopy and screening to adjacent
15 properties; orienting automobiles in a manner to
16 preserve privacy from headlights shining into adjacent
17 properties and lighting up the sky; and locating
18 automobiles in an area that minimizes the impact to the
19 natural setting.

20 The site, as we all know, is rather large and
21 there are many edges and adjacencies and there will be
22 many moments for how that landscape edge should buffer
23 the adjacent properties with either techniques with
24 landscape such as larger trees, shrubs, and green

1 spaces, and fencing materials of different heights and
2 scales that understand how privacy can be maintained
3 without creating hard divisions between properties.

4 Another challenge in the design will be how it
5 blends with the existing development patterns. You may
6 refer to it as "building placement." How do the
7 proposed buildings mediate the existing garden village
8 model and the residential vernacular of the
9 single-family homes; how the design creates comfortable
10 distances between the applicant's proposed building and
11 the neighborhood properties; understanding depth of
12 setbacks in proportion to the height of buildings and
13 site lines from abutters not only at an immediate
14 distance but also from longer, larger views deeper
15 across the site.

16 Solar orientation: An effect of shadow not
17 only on the property itself but also the open space,
18 the public way, pedestrian walkways, and the natural
19 vegetation of the adjacent sites. These are all things
20 that should be considered to the maximum extent
21 possible in building placement.

22 Building massing: Relative scale and
23 proportion to its context. Are the height of the
24 proposed buildings in keeping with the character of the

1 neighborhood; what is the impact of the scale of the
2 proposed buildings relative to the neighborhood; and to
3 instill a continuity between the building footprints
4 and the roof line with the existing residential
5 character. There are many lessons in this fabric
6 between the rolling landscape and the stepping of the
7 building volumes and the natural setting that should be
8 understood to the maximum extent possible.

9 And lastly, at our initial level, is employing
10 architectural detail; encouraging building materials
11 and details in keeping with the neighborhood context.
12 Taking lessons and clues from the existing residential
13 character between the siding and the masonry and the
14 roof lines and the window fenestration and the light
15 and shadow that falls on the surfaces is a very large
16 part of making architecture feel alive in its own
17 context -- in its context of the natural setting.

18 So as you stated, these are just initial
19 design parameters and our initial understanding of the
20 existing context. We're here tonight to present them
21 and to listen to comments from the hearing itself but
22 also, when we receive the documents that are at their
23 complete state, provide a full peer review that we can
24 provide an opinion on the project for you. Thank you

1 very much, and I look forward to further comments.

2 MR. JESSIE GELLER: Questions? Mr. Hussey?

3 MR. HUSSEY: No.

4 MR. JESSIE GELLER: No?

5 Are there any questions about process as
6 explained?

7 (No verbal response.)

8 MR. JESSIE GELLER: Applicant? Questions?

9 MS. JONAS: I'm just wondering what the role
10 of the -- I'm sorry. Alisa Jonas. I'm a Town Meeting
11 member from Precinct 16. The impact of the
12 Neighborhood Conservation District, is that part of
13 your responsibility to consider or also --

14 MR. JESSIE GELLER: Actually, let me jump in.

15 (Multiple parties speaking.)

16 MS. JONAS: -- or is that someone else?

17 MR. JESSIE GELLER: Mr. Nagler, Neighborhood
18 Conservation District?

19 MR. NAGLER: It could be of some guidance in
20 terms of planning, but the purpose of a comprehensive
21 permit overrides all local zoning, including -- all
22 local rules, including local zoning.

23 MS. NETTER: That's not correctly stated. But
24 what did you -- let me find out what you wanted to

1 say.

2 MR. JESSIE GELLER: I want to respond to the
3 question and make sure that we understand the parameter
4 in which the peer reviewer is going to operate while
5 addressing the question. The only place I'm going
6 was -- the question was whether the peer reviewer, as
7 part of peer review, will consider this ordinance.

8 MS. NETTER: I think we should probably
9 clarify. In terms of the relationship between the
10 Neighborhood Conservation District or any regulation,
11 zoning or otherwise, they provide a framework. The
12 applicant can seek waivers from that framework and then
13 it's up to the Board to decide whether to grant those
14 waivers or not. So there's not an automatic override
15 of all zoning regulations.

16 On the other hand, they don't function as they
17 would in a non-40B environment.

18 MS. JONAS: I'm wondering what role they have
19 in considering those factors like the historic
20 preservation aspect, or if that's not part of that peer
21 review part of it. That's all.

22 MR. JESSIE GELLER: If I understand your
23 question, it's whether, as part of peer review, the
24 peer reviewer considers the content of our local

1 bylaws, whether it's the NCD or whether it's the
2 zoning. I think that's your question.

3 MS. JONAS: And the elements of historic
4 preservation.

5 MR. JESSIE GELLER: The innate bias within the
6 code. Is that --

7 MS. JONAS: No. Not even within the code.
8 Just generally issues that play a role with the design
9 of the current makeup. Is that something that peer
10 review addresses, the design peer review, or is there
11 another entity that addresses that?

12 MR. JESSIE GELLER: Do you understand the
13 question?

14 MS. NETTER: I'm not sure I get it.

15 MR. HUSSEY: Let me try.

16 MR. PU: Could I ask a related question?

17 MR. HUSSEY: Can we finish with this question
18 first?

19 MR. PU: Well, it might clarify her question.

20 MR. HUSSEY: Okay.

21 MR. PU: I'm Bill Pu. I'm a Town Meeting
22 member, and I'm an abutter.

23 You mentioned part of your review would
24 incorporate a review of how this project would fit

1 within existing land use guidelines. And I think what
2 Alisa Jonas is mentioning is that land use guidelines
3 here are not restricted to the zoning but include the
4 principles embodied in the Neighborhood Conservation
5 District. So we're not talking about needing waivers
6 or not waivers, but about the guidelines for
7 development that are part of that NCD document. And we
8 think that those are land use principles specific to
9 this area that probably should be included in the
10 review.

11 MS. JONAS: And also the historic elements,
12 the garden village, the Olmstead --

13 MR. PU: Right. So also the historical
14 context of it, which I think also dates back to the
15 historical 1946 agreement which the reviewer should be
16 aware of that established the context of the entire
17 development.

18 MR. TOULOUKIAN: The information that is being
19 referred to is on the website of the Town of Brookline,
20 and in our peer review we will review public documents
21 as a part of our review.

22 MR. NAGLER: Let me take another stab at it
23 since I apparently wasn't that clear once again.

24 The 40B process is a balance between a

1 regional need for affordable housing and local rules.
2 Not just zoning rules, all local rules. It's a
3 balancing test. And so it would be appropriate for the
4 peer reviewer to know the kind of regulatory lay of the
5 land, local regulatory lay of the land to guide the
6 peer reviewer in that inquiry. It doesn't mean you
7 have to rigidly adhere to every rule, but it's
8 relevant.

9 MR. ABNER: Anthony Abner.

10 Having said that, I am interested in knowing
11 what is the charge to the Zoning Board of Appeals. Is
12 it their responsibility, your responsibility to try to
13 interpret 40B regulations, or is it simply to rule on
14 Brookline Zoning standards?

15 MR. JESSIE GELLER: For purposes of this
16 hearing, we are not applying to local standards, local
17 ordinances. We are subject to 40B requirements.

18 Having said that, it is obviously subject to
19 testimony that we receive from a variety of individuals
20 including the applicant, the public, and consultants
21 and peer reviewers. The content that they utilize in
22 the process of providing testimony may include things
23 like considerations of local ordinances.

24 MR. ABNER: May include.

1 MR. JESSIE GELLER: Well, we don't create
2 their testimony.

3 MR. NAGLER: Well, there's a requirement in
4 the regulations to identify waivers from all local
5 rules.

6 MR. JESSIE GELLER: That's later in the
7 process.

8 MR. NAGLER: Well, it's part of the
9 application, so it's -- knowledge and understanding of
10 the local rules and regulations, including zoning, is
11 important. This is not a conventional zoning hearing
12 where, you know, if you are one foot into a sideline
13 requirement, you absolutely need a variance, you're
14 going by variance standards. The 40B overlay has its
15 own set of rules, but it doesn't tell you to ignore,
16 just ignore, throw in the trash, whatever, all the
17 various local rules. You take it into consideration.

18 MS. DEWITT: That's the way you're doing it.

19 MR. JESSIE GELLER: Raise your hand, announce
20 yourself.

21 MS. DEWITT: My name is Betsy DeWitt. I'm a
22 member of the Board of Selectmen. I understand this
23 property is national register eligible. That would
24 normally be subject to a Section 106 review process.

1 Who will request that clarification on
2 that? It's a federal regulation. It's nothing to do
3 with local zoning or other regulations.

4 We need to know the answer to that question.
5 We cannot let it be ignored. This is a planned garden
6 community of historic significance and national
7 register eligible.

8 MR. NAGLER: The Board cannot deny or
9 condition a comprehensive permit -- it cannot deny a
10 comprehensive permit based on the failure to obtain a
11 state or federal permit. It can condition it on
12 obtaining a permit, but it cannot deny it based on
13 that. It can --

14 MS. DEWITT: I do not understand your answer
15 to my question.

16 Will someone request, officially, a
17 Section 106 review of a national register eligible
18 property that is under consideration by the Zoning
19 Board of Appeals?

20 MS. NETTER: The 106 review process is not
21 within the Zoning Board of Appeals' jurisdiction in the
22 context of this process. I would respectfully submit
23 that whether it's counsel to the Zoning Board or counsel
24 to the Board of Selectmen, to review that process.

1 It's been many years since I was involved -- actually,
2 only one for the 106 review process. But it would be
3 something that's independent of this process.

4 MS. DEWITT: Actually, it's not, because a
5 national registered property should be reviewed under
6 Section 106. It's a federal regulation, and you have
7 no right to ignore it.

8 MR. NAGLER: Just reading from the
9 regulations, it says, "The Board, in its decision, may
10 make a comprehensive permit subject to the securing of
11 the approval of any state or federal agency with
12 respect to the project which the applicant must obtain
13 before building, provided, however, that the Board
14 shall not delay or deny an application on the grounds
15 of any state or federal approval that has not been
16 obtained.

17 MS. DEWITT: Someone needs to request a
18 Section 106 review in order to know if approval has or
19 has not been obtained.

20 MR. HUSSEY: If I may, this question was asked
21 at one of our earlier hearings, as I recall. And the
22 lawyers at that time said that we do not fall under the
23 statute that required Mass Historic Commission to rule;
24 that that would have to be done, but it would be done

1 under a separate statute under a separate process. Is
2 that not correct, Sam?

3 MR. LISS: I think what you're speaking about
4 is -- and you are correct. At the time, we were
5 talking about whether, essentially -- just because
6 you're eligible for something, does that mean that
7 you're protected by it as opposed to actually being
8 protected by it? So you're eligible for national
9 historic, but you're not actually a national historic
10 site. And I think that's what you were talking about,
11 but not what Ms. DeWitt's question was.

12 MS. DEWITT: All right. Well, given the fact
13 that you can't answer my question, I would urge you --
14 if you don't, I will -- find out exactly what
15 application this has to this process and this project.

16 MR. NAGLER: Well, again, I would say if it's
17 a federal permit, the grant of a comprehensive permit
18 can be conditioned -- it can be one of the conditions
19 set forth in the grant of the comprehensive permit.

20 We'll discuss it further internally.

21 MR. JESSIE GELLER: Thank you.

22 MR. HUSSEY: I guess I do have a question.

23 So you do not have enough material to finish
24 your peer review, I think is what you were saying. I

1 guess I'd like to know in some detail what would be
2 required.

3 I would hope that we would not have to have
4 peer review of traffic and drainage and public safety
5 in order for you to complete your peer review, which is
6 limited to site design and building design. Is that
7 correct?

8 MR. TOULOUKIAN: Maybe I can answer it this
9 way: As of last week, I received a revised site plan
10 and partial elevation studies, some 3D massing that was
11 admittedly incomplete by the applicant. And at this
12 point we have not received a final design.

13 And so what we would be looking for is an
14 understanding of what the final design is, not just at
15 the site plan level, but in terms of a three-
16 dimensional aspect of each of the buildings, the
17 height, the dimensions, square footages, the
18 information regarding the site relative to the existing
19 topography and the proposed topography, lighting,
20 et cetera. And we have put a request of this
21 information to the Town's office and it's really just
22 at this point a very -- it's an incomplete design.
23 It's just not been completed.

24 MR. HUSSEY: I understand that. But I want to

1 make sure that the applicant understands what is
2 required.

3 By "lighting," you mean site lighting?

4 MR. TOULOUKIAN: Site lighting, solar studies,
5 solar design studies in terms of shade and shadow.

6 MR. HUSSEY: Okay. Is that clear --

7 MR. TOULOUKIAN: Demonstration patterns on all
8 facades, materials on all facades in their complete
9 form.

10 MR. HUSSEY: Okay. I'd like to ask the
11 applicant if that's clear. I don't want to have this
12 go to another meeting and still not have complete
13 information. Mr. Schwartz or Mr. Geller?

14 MR. SCHWARTZ: I think we need to understand
15 in some more detail, which hopefully we can do through
16 town staff, exactly what more is needed. That's the
17 best I can answer that question right now.

18 MR. HUSSEY: Okay.

19 MS. STEINFELD: Allison Steinfeld, Planning
20 Director. And if I may respond on behalf of staff,
21 we're happy to do that and fully expect to do that.

22 MS. NETTER: I know our peer reviewer has said
23 this, but some of the information Mr. Touloukian got,
24 he just received it, so he really hasn't had a chance

1 to focus on everything. Staff certainly -- I mean,
2 this is all, I don't know, a couple of days ago. This
3 is all very recent. And there will be more
4 conversation between staff and the applicant specifying
5 what's needed within the context of 40B so it's done in
6 a fair and complete manner. And I don't think
7 Mr. Touloukian is saying that he's going to wait -- he
8 must wait for the stormwater and the traffic review.

9 But also, so you understand, the only thing
10 that's been obtained in terms of a site plan is two
11 sheets and I think our peer reviewer has styled that as
12 a conceptual site plan, so we don't have a full set of
13 documents, a full plan set.

14 MR. HUSSEY: Okay. But I wanted to tie down
15 what is meant by "a full plan set."

16 MS. NETTER: What you got originally in the
17 original application. The set of plans that you got.

18 Is that correct, Mr. Touloukian?

19 MR. TOULOUKIAN: Yes. We had discussed that
20 previously. I think the example in the previous
21 submission is an example of a more complete package
22 than what we have received to date.

23 MR. SCHWARTZ: I think it's important that we
24 put this in some context, at least from our point of

1 view, which is, it took a long time, many weeks and
2 many months to put together the level of information
3 that was required both for the project eligibility
4 letter as well as for the initial application.

5 There have been discussions that have been
6 going on for the last few months that have led to a
7 revision in the planning which was presented to the
8 Zoning Board at the last session of the hearing. So
9 we're doing our best to come up, on an expedited basis,
10 with more detail that will be helpful to the peer
11 reviewer and to the Town.

12 But I'm concerned about the potential -- the
13 people potentially seeing this as that we're not being
14 forthcoming in providing information when I think
15 that's really not the context of what's happening
16 here. And I hope that the Board appreciates that and I
17 hope -- I suspect that the staff and peer reviewer do,
18 but I just want to make sure for the record that people
19 really understand what it is that we're talking about
20 here.

21 MR. JESSIE GELLER: Let me say, Mr. Schwartz,
22 that it was not my intent that my tone or the manner in
23 which I said things was in any way accusatory. I
24 understand that this is -- you know, these revisions

1 and the iterations of revised plans take time and
2 people are moving as quickly as possible. I think
3 we're simply trying to work within the scope as best as
4 we can and address timing and address sufficiency of
5 information.

6 MR. HUSSEY: If I may, Mr. Touloukian, you
7 understand that generally the first cut on projects is
8 conceptual and then there's schematic design and then
9 there's design development and then there's contract
10 documents.

11 Now, I would call this -- you've seen this
12 package, I'm sure. I would call this design
13 development. It's in really great detail. But I'm not
14 sure that we need to subject the applicant to quite a
15 complete set of drawings as this is. My sense is that
16 somewhere between schematic design and design
17 development -- in order for us to sort of move it
18 along, if you could clarify that a bit. Not now, but
19 later in consult with the Building Department.

20 But I think this is beyond what we probably
21 need in order to get a reasonable response from you
22 relative to the peer review on architect and planning.

23 MR. TOULOUKIAN: I would like to just add to
24 that comment. I support what you're saying. I think

1 there needs to be a little clarification in terms of
2 "incomplete" and what the nature of that meant.

3 It meant more that there had been, from my
4 understanding, some changes to the site plan,
5 footprints to the building, and in turn, the heights of
6 the buildings and, in fact, the elevation. So without,
7 actually, an elevation that shows us where windows are
8 and where the limits of the materials are, that's what
9 we're referring to as incomplete.

10 And to Counsel's point about that they're
11 moving quickly in this, we have had conversations about
12 it, as we noted in the earlier part of our
13 presentation, and I believe there is a lot of good
14 faith. So "incomplete" is not looking towards a
15 greater amount of information such as construction
16 documents. It's more of what is the design, not at
17 just a two-dimensional level, but a three-dimensional
18 level and how does that design work with some of the
19 more environmental aspects that coexist on the site.

20 MR. HUSSEY: One other comment I'd like to
21 make is that it's been referred in terms of the
22 historical information and matrix, the garden village
23 aspects of this design. Now, the -- of the original
24 design, the Hancock Village design. This design, both

1 the original and this latest iteration, has some
2 concepts, as I'm sure you're aware, of garden city
3 design which really predated the garden village
4 design. So I'd like to have you comment on that when
5 you get to that -- your final review.

6 MR. TOULOUKIAN: We will include that in our
7 presentation at your request.

8 MR. HUSSEY: Thank you.

9 MR. JESSIE GELLER: Thank you.

10 Any other questions? Mr. Pu?

11 MR. PU: Thank you. One is that we talked
12 about the three-dimensional plan. It seems like
13 Mr. Touloukian has the software to do the plan, but
14 none of us do, so that problem has not been resolved,
15 how the public will be able to review the plan.

16 The second question is: Mr. Schwartz
17 indicated that they're doing everything they can to
18 provide the information as soon as they can, which we
19 understand. But at the same time, the time pressure is
20 self-imposed, so I feel like we should not be
21 pressuring the peer reviewer to rush to judgment on
22 incomplete information because of time pressure. The
23 applicant has control of the time pressure and they
24 should be pressured to adjust the timing based on how

1 quickly they can produced the data.

2 MR. JESSIE GELLER: I think we've made
3 comments about that and I think --

4 MR. HUSSEY: I agree. And I want to refer to
5 the model, the digital model. I assume at some
6 point -- you say that we have to go to your firm but,
7 in fact, can't you take snapshots of the digital model
8 and present it as everything else here?

9 What I would like to suggest is if somebody
10 from the neighborhood can, with the help of the
11 Planning Department, for instance, take this plan and
12 indicate on it what views you would like to see of the
13 development. And then the applicant can freeze those
14 views on his program and they can be shown, they can be
15 printed, or they can be projected on the screen, I
16 believe. Is that not correct?

17 MR. JOE GELLER: Joe Geller, Stantec
18 Consulting. Maybe I can make a suggestion that would
19 sort of respond to that comment.

20 What we can do when we've got the model all
21 done is that we can do a fly-through through the model
22 from various locations. So we can sort of take it and
23 we can work with the peer reviewer to determine where
24 we want to have this fly-through and then we can come

1 and present this fly-through so that everybody can see
2 the model.

3 MR. HUSSEY: Okay. Thank you.

4 MS. LEICHTNER: Judy Leichtner, Town Meeting
5 member, Precinct 16.

6 Just a question for Joe. It sounds like you
7 can put some kind of presentation together. But my
8 question is, then it won't be seen until -- by anybody
9 else other than the peer reviewer until the meeting at
10 the end of July. So, again, if people are being asked
11 to make any kind of comments, we won't have that
12 information. Or did I not understand that correctly,
13 Joe?

14 MR. JOE GELLER: Well, I think it's a question
15 of -- as we go through the peer review, we're modifying
16 things in the peer review so that we get the
17 information to Ted that he needs. So I think we'll get
18 it as soon as we can get it done and make it available.

19 MR. JESSIE GELLER: The question is about
20 how. How will it be distributed --

21 MR. JOE GELLER: We'll have to figure that
22 out. I'm not sure. I don't know. I'll have to figure
23 out how to get it to everyone.

24 MS. NETTER: But the goal would be that if the

1 hearing on July 23rd were on design, that you would try
2 to figure out -- this is a question, really not meant
3 to be a statement -- how to make something publicly
4 accessible so that the public can be prepared before
5 that hearing on the 23rd.

6 MR. JOE GELLER: I don't know if we'll have it
7 by then, but if we can, I guess we'll try to do that.
8 But if not, then at worst case we'll have it for that
9 hearing so people can respond to it at the hearing and
10 respond to it after they've had a chance to review it
11 because we can post it.

12 MR. ABNER: I object. How are we supposed to
13 be able to make any kind of rational assessment if we
14 can't see the plans? I believe that you have the right
15 to specify what is going to be available by the
16 July 3rd deadline. That has to include the emergency
17 access, drainage, parking, and a complete sketch of
18 what this is going to look like. And I don't see why
19 that can't be done as a PDF format or something else
20 that can be put on a town website, as was done for the
21 initial proposals.

22 MR. JESSIE GELLER: So noted.

23 MR. VARRELL: William Varrell. I'm a resident
24 of 45 Asheville Road. I'm also a PE. And I can say

1 that we do these 3D models all the time at my job. It
2 will be easy to make a wave motion video for these
3 fly-throughs, but the concern I have is -- because we
4 do it all the time -- that the person that's going to
5 make the video is going to cherry pick the views and
6 show the project in the best light for them.

7 So I think there needs to be several videos,
8 several angles put on them, and allow the public to
9 have an opinion to say where they should be looking
10 from and what angle, because I know that this
11 perspective -- you can have flyovers way up high, you
12 can have it at ground level, you can change the
13 lighting, you can do anything you want.

14 And I also want to know how these surrounding
15 buildings are going to be modeled. I mean, is this
16 going to be a block format? These details -- like I
17 said, I've done these many times for my job. They
18 should be and can be extremely detailed. So I don't
19 know what kind of criteria this model maker was given
20 to show it. Are we going to see red blocks, and are
21 trees actually going to be the trees that are on the
22 site, or is someone just going to take them as a
23 general memo and input trees generally?

24 MR. HUSSEY: I think Mr. Touloukian has

1 already specified that he needs to have detailed
2 elevations as part of the model.

3 And I agree with you, the model views should
4 not be just sort of fly over. They should be
5 street-level, pedestrian-level views of the project
6 from various points within the project but also right
7 outside the project on Asheville Road, for instance.

8 MR. VARRELL: One of the other things is, all
9 these views, it seems like there's so much up in the
10 air, whether there will be access from the VFW Parkway,
11 the parking. So he's going to be looking at a model.
12 If someone comes back and the drainage causes them to
13 change all the parking and access, the issue still
14 wasn't resolved, then what is he really reviewing? Is
15 the model that he's reviewing going to be the final
16 as-built approved thumbs up or thumbs down or are they
17 still going to have an option?

18 MR. JESSIE GELLER: We'll allow
19 Mr. Touloukian, who is our peer reviewer, to make these
20 discretionary determinations. I think that's why he's
21 been engaged.

22 Mr. Shwartz, is there anything that the
23 applicant wishes to add at this point?

24 MR. SCHWARTZ: No, thank you, Mr. Chairman.

1 MR. JESSIE GELLER: I want to thank everyone
2 for their comments.

3 Before we close the meeting, I want to speak
4 to the possibility of trying to establish a time, a
5 date for a site visit. I've been provided with the
6 suggestion of next Tuesday, the 24th.

7 MR. HUSSEY: That's all right by me. I'll be
8 in Canada.

9 MR. JESSIE GELLER: Okay. That date will not
10 work. Two of five will not be around. So alternative
11 dates?

12 MS. STEINFELD: June 23rd could be a
13 possibility, although the Town would not be able to
14 provide 48-hour notice.

15 MR. JESSIE GELLER: Mr. Hussey is in Canada.

16 MS. STEINFELD: Okay.

17 MR. JESSIE GELLER: Can we look at the
18 calendar for July?

19 MR. LISS: 7/2 is a Wednesday.

20 MR. JESSIE GELLER: 7/2 is a Wednesday. Can't
21 do that.

22 Where are we on the schedule?

23 MS. MORELLI: So the 10th you don't meet, and
24 the 23rd would be the next hearing.

1 MR. JESSIE GELLER: Thursday, July 10th? Is
2 that a possibility?

3 UNIDENTIFIED: What time?

4 MR. JESSIE GELLER: 8:00.

5 My understanding was also that it was
6 requested that the property be staked based on the new
7 revisions.

8 You're shaking your head. Can't be done.

9 MS. STEINFELD: Just by way of clarification,
10 the Town has not requested that.

11 MR. JESSIE GELLER: Ah, okay. Then it's my
12 error.

13 MR. HUSSEY: So the 10th of July at 8:00.

14 MR. JESSIE GELLER: One other matter. I would
15 request that the working sessions, which seem to be
16 constructive, continue.

17 Applicant? Ms. Steinfeld?

18 MS. STEINFELD: Yes, certainly.

19 MR. JESSIE GELLER: Question, ma'am?

20 MS. KOOCHEER: Robin Koocher, Beverly Road. I
21 have two questions.

22 One, will the, I believe, 86 trees which are
23 suppose to be left there be circled with something
24 other than the yellow ribbon so that you can see for

1 yourself which ones will be in place and not removed?

2 MR. JESSIE GELLER: Good question.

3 MR. JOE GELLER: Sure.

4 MR. JESSIE GELLER: The applicant says yes.

5 MS. KOOSHER: Thank you. And the second
6 question is: Who else from the town will be attending
7 the site visit, please?

8 MR. JESSIE GELLER: Well, anybody is permitted
9 to attend the site visit, but I would note that the
10 site visit is an opportunity for us to walk the site
11 and ask whatever questions we may have of the
12 applicant.

13 It's not, actually, an opportunity for
14 testimony. We're not taking testimony on the site.

15 MS. KOOSHER: I understand all that. But my
16 question is: Will you be in contact with other
17 commissions and committees to tell them of this meeting
18 and walk-through?

19 MR. JESSIE GELLER: Well, it's publicly
20 noticed so that everyone has an opportunity to come to
21 the meeting -- to the site visit. And the -- it will
22 be posted; correct?

23 MS. STEINFELD: Yes.

24 MR. JESSIE GELLER: So it will be fully

1 posted.

2 MS. KOOCHER: Okay. So no notification goes
3 out to all the different --

4 MR. JESSIE GELLER: What's your process?

5 MS. STEINFELD: We'll be happy and we fully
6 intended to send out a notice to all departments,
7 boards, commissions. The only department I can
8 guarantee will be present will be -- someone will be
9 there from the Planning Department.

10 MS. KOOCHER: Thank you.

11 MR. JESSIE GELLER: Thank you. Any other
12 comments? Questions? Yes, ma'am.

13 MS. JONAS: Alisa Jonas.

14 The borings that were supposed to be done in
15 April to determine the water levels, I heard that they
16 have not been done. Could someone clarify whether they
17 have or not and whether they've been peer reviewed?

18 MR. JOE GELLER: They will be addressed during
19 the peer review discussion with the stormwater
20 engineer.

21 MS. JONAS: I'm just wondering if it's been
22 done.

23 MR. JOE GELLER: They were done. The question
24 is about whether the water table --

1 MR. JESSIE GELLER: We'll pick that up at the
2 review -- at the next time that we review that.

3 MS. JONAS: One other question. I'm sorry.

4 The waivers, originally there were 17. Two of
5 them included modular walls, or whatever you call them,
6 which apparently they're not going to be there. At one
7 of the prior meetings, you said that all of those
8 waivers will be discussed at a future meeting, and so
9 when does that happen in the process?

10 MR. JESSIE GELLER: That will get -- the issue
11 is -- it will happen later in the process. The exact
12 date, obviously, we don't know because our schedule is
13 in flux. But there will be a full discussion about
14 waivers that have been requested by the Board. It will
15 be at a public hearing.

16 MS. JONAS: Thank you.

17 MS. LEICHTNER: A follow-up to your
18 question -- Judy Leichtner, Town Meeting member
19 Precinct 16 -- about staking the property. Allison,
20 you said you haven't requested that. Is there a reason
21 why this won't be staked, or they haven't requested
22 it? Or are you planning to request it? Because I
23 think it will be helpful.

24 MS. STEINFELD: We certainly hadn't requested

1 it for this morning's site visit because clearly there
2 wasn't time. That was clearly up to the Board if they
3 would request that -- wanted to request that. But at
4 this point I think it might be premature, but maybe the
5 applicant could respond better to that or the Board can
6 address it.

7 MS. LEICHTNER: Why is it premature if there's
8 going to be a site visit where we're going to see where
9 things are?

10 MS. STEINFELD: Then I would direct the
11 question to the applicant, if staking could be done --
12 I don't even know the date we picked.

13 UNIDENTIFIED: July 10th.

14 MS. STEINFELD: -- by July 10th.

15 MR. LEVIN: Mark Levin, Chestnut Hill Realty.

16 To stake out the site would require a surveyor
17 to do weeks' worth of work, and we don't have that time
18 frame or the inclination.

19 MR. JESSIE GELLER: Thank you for your candid
20 response.

21 MR. GALLITANO: Tom Gallitano, Town Meeting
22 member, Precinct 16.

23 What steps, if any, will be taken to permit
24 those on the site visit to see the projected height of

1 various buildings including, especially, the planned
2 five-story building in the southern part of the
3 property?

4 MR. JESSIE GELLER: Mr. Levin, Mr. Geller, do
5 you have a response? Is there some mechanism by which
6 you could indicate --

7 MR. LEVIN: I think we need to think about
8 that.

9 MR. JESSIE GELLER: It would be helpful.

10 MS. DALY: Nancy Daly from the Board of
11 Selectmen.

12 I just want to make sure -- some of us made
13 some substantive comments last time about the revised
14 plan, and I assume all of that information is going to
15 be provided to the peer reviewer. Am I correct in that
16 assumption?

17 MR. JESSIE GELLER: You are correct.

18 MS. DALY: Thank you.

19 MR. JESSIE GELLER: You're welcome.

20 Board, any other questions, comments?

21 MR. ABNER: Last question for me. I promise.

22 Is there a July 3rd deadline for the plans to
23 be submitted?

24 MS. NETTER: Right now -- correct me if I'm

1 wrong -- I don't think there's a specific deadline. I
2 think we have to work with the applicant, let the
3 applicant know what it is the Town needs for the
4 various peer reviewers from the Zoning Board's
5 perspective and see when the applicant can provide the
6 information.

7 At that point, we have to think through, what
8 do we do with the schedule. So it's a little bit of a
9 moving target, and this is not too unusual. We just
10 have to have enough time to review their information
11 once they give it to us.

12 So there is no specific deadline, and
13 hopefully in the working sessions we can work some of
14 that out. And we're glad to let everybody know exactly
15 what we know and what we're doing.

16 MR. POLLARD: Ruben Pollard. I'm an abutter
17 to the project.

18 I'm not clear on the next walk-through. If
19 there is not time to stake out the site so that the
20 Board can see where the buildings lie, then should we
21 be rescheduling -- not rescheduling since we haven't
22 really scheduled it. Can we push the walk-through out
23 another week or so and give them time to be able to do
24 this work?

1 MR. JESSIE GELLER: Mr. Hussey, is there a
2 compelling reason why we should insist on staking? I
3 mean, we didn't have it the last time.

4 MR. HUSSEY: No, we didn't have it the last
5 time.

6 It's a hard question. It's not -- I don't
7 think I need it, but I understand the neighbors, people
8 who are not visually experienced in reading drawings
9 and what have you -- it probably would be helpful to
10 have it generally staked out.

11 I think the applicant is right. To have a
12 formal stakeout requires a surveyor to actually spot
13 locate down to the nearest inch where each building is
14 and each corner of the building is. And that degree of
15 specificity I do not think is required.

16 But if there could be a general stakeout as to
17 where the locations of the buildings are in general, I
18 think that might be useful.

19 MR. JESSIE GELLER: Don't they do that by
20 walking the site with us and saying -- I mean, when we
21 were there the last time, they basically were showing
22 us and indicating where each of the improvements were.

23 MR. SHWARTZ: I just want to point out, this
24 is also -- it's not just the second site walk. It's

1 the third, because there was a site walk as part of the
2 project eligibility letter. So at neither of those
3 prior site walks were these buildings staked.

4 MR. BOOK: The site walk in the winter, I
5 mean, they showed us where the corner of this building
6 would be, the corner of this building. I thought I had
7 a good sense of, you know, roughly where the buildings
8 would be sited.

9 MR. LISS: Maybe this will clarify: If
10 there's a question along the walk, the site visit, of
11 specificity of where the site lines are, will someone
12 from Stantec or from the applicant be able to, within
13 reason, point out where a corner or where an end line
14 would be?

15 MR. JOE GELLER: So the answer is no terms of
16 staking it out.

17 MR. LISS: I think the answer is no because,
18 as the applicant just said, this will be the third site
19 visit. They haven't been provided before, and the
20 Board has decided that with proper guidance by the
21 applicant -- and if you're there you can ask any
22 question you'd like -- we feel that the explanation
23 will be sufficient.

24 MR. POLLARD: So for the visual review of --

1 is it just for the Board or is it --

2 MR. LISS: It's an open-site visit.

3 MR. POLLARD: It's an open-site visit. So you
4 think that everyone is going to be able to understand
5 the layout of these buildings without having some
6 visual cues?

7 MR. LISS: If you have a question, I believe
8 there will be a representative from Stantec there to
9 answer any and all questions.

10 MR. SCHWARTZ: I just want to clarify that.
11 The purpose, as I understand it, at the site visit --
12 it is to answer the questions of the Board.

13 I think others are -- we're making the site
14 available for others to attend. We're not going to
15 require, you know, people to sign waivers or anything,
16 as I've seen before. Everybody can come. But my
17 understanding is that we will be responsive to the
18 Board's questions.

19 MR. HUSSEY: I think, relative to the height
20 of the building, really the only thing that's going to
21 have -- give you any serious view of what it's going to
22 be like is going to be the model, the digitized model
23 and the viewpoints taken from those models.

24 So I reiterate, you can get a copy of one of

1 these plans on the Web and indicate -- I mean, this is
2 informal, I know -- and indicate where you would like
3 views, within reason. You know, not 1,000 of them, a
4 half dozen or so. The developer should be able to
5 generate that view from pedestrian height views.

6 MR. GALLITANO: Tom Gallitano, Town Meeting
7 member, Precinct 16.

8 I've seen on past projects the use of balloons
9 that are, you know, lifted to a certain height so that
10 anyone on the site visit, yourself and others, can see
11 visually, without having to guess about it, what the
12 height the projected building is.

13 MR. HUSSEY: I don't think that would be
14 sufficient. It's not just height. It's the massing of
15 the building. It's all the physical components of the
16 building that tell you what it's going to look like.
17 And the 3D view, if properly done, is going to be as
18 close as you get and it's going to be much better than
19 balloons no matter how many balloons you put up.

20 MR. JESSIE GELLER: I want to thank everyone
21 for their input and good questions, I want to thank
22 Mr. Touloukian for his peer review, and again, I want
23 to repeat that the site visit will be July 10th at
24 8:00 a.m. We are meeting -- location -- will it be the

1 same location as what was proposed today?

2 MS. STEINFELD: Outside the offices of
3 Chestnut Hill, 300 Independence.

4 MR. JESSIE GELLER: And the next hearing will
5 be July 23rd at 7:00. Thank you, everyone.

6 (Proceedings suspended at 8:23 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 1st day of July, 2014.

9 _____

10 Kristen Krakofsky, Notary Public

11 My commission expires November 3, 2017.

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