

In The Matter Of:

RE: BROOKLINE ZONING BOARD APPEALS HEARING

PROCEEDINGS - Vol. 1

August 13, 2014

MERRILL CORPORATION

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Volume X
Pages 1-104

Brookline Zoning Board Appeals Hearing

Case Number 20130094

40B Application by Chestnut Hill Realty

The Residences of South Brookline

August 13, 2014 at 7:00 p.m.

Office of Town Counsel

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1 Proceedings

2 7:07 p.m.

3 MR. JESSE GELLER: Good evening, everyone.

4 Welcome back to the continued hearing for the
5 Residences of South Brookline. My name is Jesse
6 Geller; Christopher Hussey, Jonathan Book, Mark Zuroff,
7 and Avi Lis, consecutively to my left.

8 Tonight's hearing, we will first have a
9 summary on working session, then we will have a
10 presentation of modifications from the applicant. We
11 will then ask whatever questions we may have. That
12 will be followed by a discussion by the ZBA. Then we
13 will open up the testimony to the public. What I would
14 ask is that if you do wish to provide testimony
15 tonight, that you limit your testimony to the
16 modifications that are being presented. The applicant,
17 as we've done in the past, will then have an
18 opportunity to comment, if they so choose, and then we
19 will continue this hearing until the next hearing
20 date.

21 In terms of timelines so that you can set your
22 calendars, after tonight's hearing the next hearing
23 will be on September 8th, same time, roughly 7:00.
24 Following that will be a hearing on September 15th,

1 again, the same time.

2 AUDIENCE MEMBER: Could you repeat that?

3 MR. JESSE GELLER: September 8th will be a
4 presentation of final peer review, September 15th will
5 be final presentation of stormwater and traffic, and
6 then we have scheduled a third date, October 6th, 7:00
7 again, topic to be decided.

8 Again, I would just remind people, if you are
9 offering testimony tonight, please start by giving us
10 your name and your address, speak loudly and clearly
11 into the microphone. And tonight's hearing is being
12 recorded for a record.

13 Ms. Steinfeld, do you want to speak to the
14 staff, the working sessions?

15 MS. STEINFELD: Thank you, Mr. Chairman.
16 Alison Steinfeld, planning director.

17 Town staff from the Planning and Building
18 Department and from the Office of Town Counsel; ZBA
19 member, Chris Hussey; peer reviewer, Ted Touloukian; as
20 well as your facilitator, Edith Netter, met with
21 Chestnut Hill Realty, including its architect, to
22 discuss site and building design.

23 Chestnut Hill Realty will be presenting to you
24 tonight its response to the recommendations and

1 observations raised in the peer review on site and
2 building design. Thank you.

3 MR. JESSE GELLER: Thank you.

4 Mr. Schwartz, presentation?

5 MR. SCHWARTZ: Marc Is going to do the
6 presentation, but we're just thinking that maybe we
7 might want to dim the lights a little bit so that
8 people can see.

9 MR. LEVIN: Good evening, Chairman Geller,
10 boards members, planning staff. I'm Marc Levin,
11 Chestnut Hill Realty.

12 Over the past several months, we've heard many
13 suggestions to the refinements to the design of our
14 plan from the planning staff, the ZBA, the design peer
15 reviewer, and the public. We incorporated many of the
16 suggestions to make what we think is an even better
17 plan.

18 First off, we've shifted the location of the
19 apartment building, which has enabled us to preserve
20 more of the large rock outcropping at the east end of
21 the building along with the mature trees located
22 there. We've also refined the design and exterior of
23 the apartment building. We've modified the exterior of
24 the infill buildings. We've also revised the floor

1 plans of the infill buildings to address egress
2 concerns. Lastly, we've reduced parking by 51 spaces
3 to meet the minimum required by zoning.

4 Later Joe Geller will address the other
5 specifics of Mr. Touloukian's peer review.

6 This is the five-story building before we
7 began modifying it.

8 This is the new design. At the suggestion of
9 Ted Touloukian, we've moved the apartment building back
10 10 feet, which created many benefits. By saving more
11 of the rock outcropping and the associated trees, the
12 building has a much lower profile. The view from the
13 road that runs along the front of the building is
14 improved as well, with the potential to save even more
15 trees. This will become evident when we put the new
16 model into the animation. Overall, the building
17 becomes more integral to the rock outcropping itself.

18 We also set back the fifth floor of the
19 eastern end, as suggested by Mr. Hussey and
20 Mr. Touloukian. This reduces the scale of the building
21 in the area closest to the Russett Road abutters. And
22 that's up here.

23 And, as suggested by Mr. Touloukian, we've
24 begun design work on the exterior of the building to

1 break up a linear scale by articulating the exterior
2 and incorporating more variations in use of materials
3 to create the feeling of separate buildings.

4 The five-story plan from 2012 has evolved into
5 what you are seeing today. When we added the fifth
6 floor to the four-story building to accommodate the
7 units taken from the S7, we started with the design of
8 the 2012 plan.

9 This is a refinement to the design of the
10 infill building. At the suggestion of Mr. Touloukian,
11 we've created a second rendition so that the four-unit
12 infill building can vary. Please keep in mind that
13 these buildings are so far apart now, with the
14 exception of one instance, that they are not seen at
15 the same time.

16 Mr. Touloukian rightly pointed out that there
17 was some egress issues. We have adjusted the floor
18 plans to address those issues. I won't go into the
19 nuance of the changes, but the building inspector will
20 be reviewing them.

21 This is a before floor plan of the four-unit
22 building. This is the after. It complies with the
23 egress code. This is the previous floor plans for the
24 L-shaped building, and this has been modified to comply

1 as well. There are no egress issues with the
2 eight-unit building on the east side of Independence
3 Drive.

4 As I previously mentioned, we've eliminated 51
5 parking spaces, and parking now meets the minimum
6 zoning requirement of 369 spaces.

7 Here's a rendered site plan of lot E1 on the
8 east side. There are 44 parking spaces and 12 units.
9 Here's a parking analysis of that lot. It shows that
10 there are 24 parking spaces required and we're
11 providing 44 spaces for a surplus of 20.

12 Here's a rendered site plan of lot E2. There
13 are now 52 surface spaces and 144 spaces in the garage
14 for a total of 196 spaces. We've eliminated 20 spaces
15 from the previous plan. There are now 140 units on lot
16 E2.

17 In the analysis, you see that there are 280
18 spaces required. We're providing 186 for a deficit of
19 84. Lot E2 is clearly underparked. We anticipate that
20 residents of the apartment building will park on Lots
21 E1 and E3.

22 Here's a rendered site plans of E3. Here
23 there are 58 parking spaces and 12 units. And here's
24 the analysis. There are 24 spaces required, 58 spaces

1 provided, for a surplus of 34.

2 Here's a rendered site plan for the west, Lot
3 W1. We have reduced the parking here by 31 spaces. We
4 now have 71 spaces and 20 units. These units are
5 mostly three-bedroom units and two-bedroom units with
6 lofts. They will generate significant parking demands
7 since they are large luxury units that will be occupied
8 by residents that oftentimes have more than two cars.
9 It's essential, from a marketing perspective, that
10 future residents are assured that they will have a
11 space to park when they come home.

12 Here's a parking analysis for the west side.
13 The requirement is 41 spaces. There's 71 spaces
14 provided for a net surplus of 30 spaces.

15 Here's a summary of parking in the aggregate.
16 As you can see, the 30-space deficit on the east side
17 is matched by a 30-space surplus on the west side. our
18 plan now currently meets zoning. This will ensure that
19 future residents can find a space to park when they get
20 home at night. It also ensures that there won't be any
21 parking spillover onto the neighboring streets.

22 Although there's a surplus on the west side, we felt it
23 was more important to preserve the green space that we
24 created on the east side where there is a deficit.

1 And so here you see, if you were to try to
2 equalize and take 30 spaces from here, you could always
3 place them over here to at least bring Lot E2 in closer
4 compliance. It'll still have a deficit, but we felt as
5 though this green space is very valuable on this side.
6 And given the amount of green space we were able to
7 create on the west side, we thought it was best to
8 leave it as it's shown.

9 I'll now turn the presentation over to Joe
10 Geller who will talk about many of the other aspects
11 that the peer reviewer raised.

12 MR. JOE GELLER: Thank you, Marc. Joe Geller,
13 Stantec Consulting.

14 So as Marc points out, we did remove a number
15 of parking spaces on the plan. And what I'm going to
16 do is go through all of the comments that
17 Mr. Touloukian made. We'll do it this way: We'll show
18 the comments that were made by Mr. Touloukian, and then
19 we'll show what we've done to address those comments.

20 So there were a number of questions on this
21 first slide: saving more trees along the public ways;
22 consider the building placement to minimize tree loss;
23 the question of the minimum size of existing trees that
24 qualifies it on the plan. This was with the existing

1 trees shown on the plan, and basically the surveyor
2 showed all the significant trees that weren't within
3 wooded areas. I think I explained that last time. So
4 it's generally a four-inch or higher caliber, or six
5 inches or higher in caliber, but each one of the trees
6 were shown on the survey that you have with the caliber
7 size.

8 And then Mr. Touloukian did question about
9 whether we can grade outside the 40B lot limits, which
10 made us actually take a look at the NCD requirements.
11 And it was a good point. And we realized that you
12 cannot work in the NCD area if you're grading more than
13 three feet of grade change, so that did make some
14 adjustments to the plan to reflect that. So anything
15 we're doing outside of the lot line is -- we have no
16 more than three feet of grade change -- or less than
17 three feet of grade change.

18 And because of that, there were some areas
19 where we had shown walkways which we now can't install
20 because they would be grading more than the three foot
21 of grade change. So it did modify the plan in that
22 regard, and I'll actually talk about that again in a
23 minute.

24 So what we've done to respond to those

1 comments -- buildings are already placed to minimize
2 the impact on the trees, and the reality is that because
3 of the grading and the requirements for drainage and
4 other things on the site, which I'll get into later, we
5 really have -- really can't move the buildings too much
6 to save any more trees. I think that we've saved as
7 many of the trees as we can given the buildings and the
8 requirements that we've had on the site design. And as
9 I said, the maximum grade change allowed on the side of
10 the 40B is three feet.

11 Consider the building alignments with Hancock
12 Village; consider the corner building open to reduce
13 perceived building mass. We didn't feel that
14 separating the building in this corner was something --
15 actually, it was something that we did talk about,
16 whether that would make a difference, and we just felt
17 it didn't really actually decrease the building mass.
18 Actually, pulling it apart actually made it feel like a
19 bigger mass, so we felt that that wasn't something that
20 we wanted to do. And then again, the buildings placed
21 to minimize the impact on trees.

22 The question was asked about -- consider
23 adding tree islands and then also where trash was going
24 to be located.

1 One of the things I want to point out now is
2 parking, here, here, and this whole edge of the side
3 was eliminated. One of the things we did do was add a
4 trash pick up location here for this whole side of the
5 site. So that's been added. We did add tree islands,
6 a number of tree islands along the way here to break up
7 that parking. That was some of the parking that was
8 reduced as well.

9 And then there was a question of -- consider
10 adding paths from each one of the courtyards, the
11 arrows across.

12 There are no courtyard pathways in the rear of
13 the courtyards now. All of the rear courtyards are
14 just private patio areas behind the units, and there's
15 no walkways or anything. So we did consider connecting
16 there. And where we had -- on this side of the site,
17 where we had connections into these courtyards, because
18 of that grade change issue, we actually had to remove
19 them.

20 So then there was a question about this raised
21 berm along the parking edge. Why is that there? You
22 can see the grade that Mr. Touloukian has shown on the
23 plan. And then another question about standing water
24 and the retention basin, average standing water.

1 So the reason the grading -- and this was
2 actually pointed out at the last hearing -- the reason
3 the grading is where it is is really for stormwater
4 management. We had to raise the grades in these areas
5 because of the separation between the water table, a
6 high water line, and the bottom of our drainage
7 structures. So we actually took that down to the
8 lowest possible point we could.

9 As a result of that, we cut into this side of
10 the site and we actually still cut in on that side of
11 the site. So we've lowered it as much as we could.

12 What we did do was to sort of feather the
13 grades along that edge. So instead of it being --
14 Mr. Touloukian termed it a "berm," or a very steep
15 slope and sort of exaggerated. We tried to feather the
16 grades out so it's a much gentler and more natural
17 grade in those areas where we could do that.

18 In other areas where we were trying to save
19 trees, we actually maintained that grade so that we
20 would save the trees. So there's a balance there
21 between saving trees, cutting down trees, or having the
22 grade change.

23 As far as the basin is concerned, there would
24 be water in the basin after a significant storm but it

1 would be empty within 14 hours. So there wouldn't be
2 standing water in that basin 14 hours after the storm.

3 Then the question of the grade and how the
4 berm would be abutting the single-family homes and the
5 impact and what that meant.

6 We've gone back and -- all of the parking
7 areas on this side of the site will have hedges,
8 evergreen hedges at the ends of the parking lots, so
9 four-foot evergreen hedges that would be -- so when the
10 car pulls into the parking space, it would shield
11 headlights. Then we added evergreen screening behind
12 here as well at the property line.

13 And then where we had a fence that had a
14 lattice topper on it, we now have a solid board fence.
15 We added a foot to that fence. It's a seven-foot high
16 solid board fence.

17 And then we've added a lot the deciduous trees
18 as well.

19 So the question was: Are trees shown at size
20 when planted? Consider additional landscape
21 buffering -- that's what I just explained that we did,
22 added landscape buffering -- and then how the vehicle
23 headlights would impact the neighborhood.

24 So trees now are shown as -- at planting

1 size. We've increased the size of the some of the
2 plants, particularly the evergreen trees. And then we
3 added the evergreen hedge at the edge of the parking.
4 We don't believe that there's going to be any
5 headlights protruding. Given the fencing, the hedging,
6 the evergreen screening, we really don't believe that
7 that's going to be an issue. And, again, we added
8 evergreen trees and increased the height of the fence.

9 The question about consider reversing the
10 orientation of parked cars and additional landscape
11 buffering.

12 Again, we addressed this by changing the fence
13 height, adding more evergreen tree screening, and
14 adding the evergreen hedge. And this is -- you can see
15 that even with the grades the way they are, there's
16 no -- you can see the top of the cars and then these
17 evergreens would fill in eventually and would be a very
18 tall screen up in here. It will grow. But even at
19 planted height, they would screen any car headlights
20 that are coming through here. And this sort of shows
21 that happening in there, so you can see what the
22 headlights do and where the evergreen screening would
23 mitigate that impact.

24 Another question came up about guardrails

1 needed at the retaining wall locations, and there are a
2 number of tree wells on this side of the site. And
3 also a question about how the remaining trees are
4 impacted by the grading.

5 We have revised the grading to not have an
6 impact on the trees. And because of the location of
7 the tree wells, they're not adjacent to the walkways
8 and they're not of the height that would require --
9 because of that, would require any kind of guardrail.

10 And then, again, what we did was we added a
11 tree well in this location to protect these big trees
12 in this location and maintain this edge. And we
13 actually put one tree well, continuous tree well, so it
14 was sort of a more elegant tree well as opposed to what
15 we had shown originally.

16 Again a question about minimizing privacy and
17 visibility at raised berms. Again, we increased the
18 height of the fence and added more evergreen.

19 Consider egress points at different elevations
20 to minimize berming and create better connections to
21 landscape.

22 That's really a question in the architecture.
23 And, as Marc said, we did look at the architecture,
24 revised some of the access points. But given what we

1 could do and couldn't do with the grading, we decided
2 we really couldn't address that and that we had
3 addressed the issue by regrading the edges and the
4 landscaping and all the work that we're doing there. I
5 talked about regrading the parking is really the
6 function of a drain system.

7 Consider reevaluating parking layout and
8 distribution of cars to minimize the berms.

9 We did reduce the parking on this side and
10 then we added the landscape. And, you know, parking
11 really has been located to protect as many trees as
12 possible.

13 And then the grading is really dictated by DEP
14 stormwater requirements. And we can't adjust the grade
15 on this side of the site because of the distance
16 between the groundwater and the top of the site. So
17 that's the west side of the site.

18 On the east side of the site, some of the
19 concerns were, consider repositioning the building to
20 minimize grades of existing trees lots; consider
21 additional screening at parking; consider tree islands;
22 good preservation of the natural resources of views.
23 At this point of the site, there's no impact at that
24 point.

1 So we did, again, increase the height on this
2 side, as well, of the fence and we make it a completely
3 opaque fence. We added additional evergreen trees at
4 this point. The only -- the cars coming into the site
5 turn -- when they turn, this is where they turn, so we
6 added evergreens at this point to really reduce the
7 impact on that. We reduced the grade both in this
8 parking lot and this parking lot. I'll get into that
9 in a minute. And then we did add islands in the
10 parking lot as suggested.

11 Again, this is Mr. Touloukian's slide about
12 considering lowering the grades. So what we did here,
13 we were able to -- we do have a drainage system under
14 this side, protection of this side which we couldn't
15 really reduce. But again, cars coming this way,
16 there's a pretty significant screen there.

17 This area of the parking lot we were able to
18 lower two feet to get that down lower, closer to the
19 grade. And then at this parking lot, we were able to
20 reduce the grades to three and a half feet across that
21 side of the parking lot. And then we added islands in
22 here.

23 And this actually shows you, I think, pretty
24 dramatically what we did in changing that parking lot.

1 So this was the grade that was shown originally in
2 Mr. Touloukian's slide, and this is the grade on the
3 new plan that we just revised. So we really feathered
4 the edge. Again, when I was talking about feathering
5 the edge, instead of having this very steep berm area
6 here as suggested, we actually graded out a little bit
7 farther where we could and don't have this steep slope,
8 so it looks more natural and fits into the grading
9 better.

10 Consider adding paths to make better
11 connection to landscape. Again, the challenge there
12 was the grades were too steep to add paths. That was
13 more of a question of accessibility.

14 And then as pointed out here, we have a
15 significant setback from the property line here, a good
16 setback from the abutting family homes, and good
17 alignment of our path systems that connects up to the
18 existing Hancock Village development.

19 There's also a question about grading the road
20 to minimize existing trees loss.

21 The challenge there is that -- you see the red
22 dots are trees that Mr. Touloukian was suggesting that
23 we might be able to save. If we push the road this
24 way, then we're losing these trees; if we push the

1 building this way, it would be those trees. We really
2 did try to weave the parking and the road into this
3 site. We have a wall -- one wall that we have on the
4 site beside the tree well is behind these buildings and
5 it's there to preserve and protect these trees. So we
6 think we've done as much as we can to try to protect
7 some of those trees.

8 Consider smaller parking lots to minimize
9 existing tree loss. Reevaluate the drainage in order
10 to minimize tree loss.

11 Again, I'm not sure that there's a way to
12 actually do that and meet fire requirements for fire
13 access that the fire chief required.

14 Consider tree islands. And then consider
15 repositioning the building to minimize tree loss.

16 So what we did on this side of the site was --
17 we really couldn't, as I said, relocate the road in any
18 meaningful way, so it's where it was before. The
19 building location on the 40B lot really does minimize
20 the trees loss and that's -- we've been able to
21 preserve these trees and all the trees in these areas
22 here. The parking, as Marc said, is required by zoning
23 for the whole site. The hammerhead here is one of the
24 things that we worked out with the fire department, so

1 we weren't able to make any changes to that. And then
2 the accessible paths are really not possible.

3 The question was about considering additional
4 landscape buffering, additional screening, and lowering
5 the grades at parking locations to minimize the berms.

6 So we did add additional screening, evergreen
7 screening, as I said, here, additional evergreen
8 screening here, we were able to preserve a couple more
9 trees in here, and the roadway width is per the fire
10 department, we really couldn't reduce that any further.

11 And then this is really a comment about the
12 abundance of rock outcroppings, trees, and other
13 natural resources. And then the question was: Does
14 the survey show existing trees?

15 This is the area where the survey had showed
16 just a wooded edge to this whole area here because
17 that's where all the existing trees are.

18 Then there was a question about why so much
19 parking on this side of the site. Marc addressed some
20 of the parking issues, but I'll talk about what we've
21 done there to change that.

22 Snow storage was a question.

23 Question: Which is entry and exit? There
24 actually is only one entrance to the building here.

1 There is a turn-around, but there's an entrance to the
2 lower parking level here and an entrance to the upper
3 parking level at this point.

4 Is the fence set at a safe height and distance
5 from the ledge drop? I'll address that.

6 Why is the building so tall? It's a
7 building.

8 Consider the tree islands, I'll address that
9 again.

10 Consider saving existing mature trees. As
11 Marc said, one of the things that we looked at and
12 thought was a really great suggestion was, well, we had
13 to eliminate parking. Bringing the drive in at this
14 location and maintaining the existing trees and the
15 ledge here, as you can see from that rendering, really
16 did have a significant impact on the visibility in this
17 corner of the building, which is the most significant
18 part of the building that people will see. So that was
19 a really great suggestion.

20 Consider improving the grades and eliminate
21 retaining walls. Consider setting the building back
22 from the street edge.

23 So we did look at all those things. And
24 again, as I said, I think the most significant change

1 on the site, from my perspective, really was this one
2 thing, which by maintaining the ledge here and
3 maintaining trees in this area, we really will have a
4 major impact. And while we lose parking close to the
5 building, we do have a reasonable access and we were
6 able to maintain the parking access to the back -- I
7 mean the fire access to the back of the building with a
8 grass meets the fire lane.

9 We did add islands in this parking lot as well
10 to add landscaping and add trees to the edge of the
11 parking lot.

12 We moved the parking away from the property,
13 so we actually were able to push the parking -- by
14 grading it to this side of the site, we were able to
15 push the parking as far away from the neighboring
16 abutting properties as we could.

17 As I said, we eliminated and realigned the
18 parking.

19 The fence will comply with building code and
20 safety code requirements and will be placed in a way to
21 protect people from here -- falling into that side of
22 the site.

23 Excess snow will be removed from the site.
24 Chestnut Hill Realty does remove snow from all of the

1 Hancock Village properties today and will continue to
2 do it on this part of the property as well.

3 We saved the rock outcropping, and then
4 incorporated the rock outcropping into the landscape.
5 So instead of the walls that we were proposing as big
6 retaining walls, we actually use stone from the site to
7 build the retaining walls.

8 And then, as Marc pointed out, we pushed the
9 building back 10 feet from the previous location to
10 allow us to get more landscape and edge treatment to
11 the front sides of the building as well and provided
12 additional screening in front of the building.

13 There's a question of how mechanical systems
14 would be screened, also how we clarify the height of
15 the building, consider less rock excavation.

16 The mechanical systems -- we're still working
17 on this -- will be set back to the middle of the
18 building to avoid visibility of those systems from the
19 ground and from other vantage points.

20 The evaluation is an approximate elevation of
21 252 to the top of the building.

22 And rock excavation will be minimized. It was
23 one of the benefits of moving the building back a
24 little bit and also saving that large outcropping in

1 the front will reduce the amount of ledge that will be
2 removed from the site.

3 Consider stepping the building with sloping
4 grade. Consider more mature trees for increased
5 landscape buffer.

6 We went out and we looked at sort of where the
7 trees are and we got the height of the existing trees.
8 And so these trees are sort of -- they're not pictures
9 of these trees, but they're models of what the trees
10 would look like if they were existing today in that
11 corner of the site. If we went out there today, this
12 is sort of the height of the trees that you would see
13 there. We added significant evergreens on this edge of
14 the site. This edge of the site sort of framed the
15 entrance going into the site so you won't see as much
16 as you'd be seeing in the previous proposal --
17 renderings.

18 So a summary of what we've done: We shifted
19 the location of the apartment building. That enabled
20 us to preserve more of the large rock outcropping on
21 the east end of the apartment building along with the
22 mature trees located there.

23 Refine the design and exterior of the
24 apartment building, we're still working on that.

1 We modified the exterior of the infill
2 buildings.

3 We revised the floor plans to address egress
4 concerns.

5 We reduced the parking by 51 spaces to meet
6 the minimum required by zoning.

7 We increased the landscape buffer to shield
8 from headlights.

9 We added tree islands at various places along
10 the parking areas.

11 We made a solid board fence instead of the
12 lattice that we had, and we added one foot in height to
13 the fence to ensure that we don't have any impact on
14 the abutting neighbors from light spillage.

15 We've lowered the grades in the select parking
16 lots where we could.

17 We adjusted the grades wherever we could to
18 blend into the existing topography.

19 So I think that's where we're at at this
20 point. I'm happy to answer any of your questions.

21 MR. JESSE GELLER: Mr. Geller, could you run
22 through the parking explanation one more time?

23 MR. JOE GELLER: I'd rather have Marc run
24 through the parking.

1 MR. JESSE GELLER: I don't blame you.

2 MR. LEVIN: Which aspect?

3 MR. JESSE GELLER: The calculation. Not
4 through the entire presentation, but move a little more
5 slowly for those of us who are a little slower.
6 I'm most interested in the locations where you have
7 less than the number of required spaces and shifting to
8 locations where you have surplus. If you could run
9 through that.

10 MR. LEVIN: As I indicated, we now comply with
11 the zoning. And I started with Lot E1. This is the
12 first area on the east of Independence Drive, and we
13 have 44 spaces and 12 units. Here's the analysis that
14 goes with that. So in the center column you see that
15 there's 24 spaces required, based on the multiplier and
16 the number and types of vehicles. We have 44 spaces.
17 It gives us a surplus of 20. So that's this lot here.
18 Thornton Road is right here; Independence Drive is
19 right here.

20 Here is Lot E2. It houses the large apartment
21 building of 140 units, and there we have 52 surface
22 spaces over here and 144 spaces in the garage for a
23 total of 196 to service those 140. We eliminated, as
24 Joe mentioned, the 20 parking spaces right here to take

1 advantage of shifting the building back.

2 So here's the analysis. You are required 280
3 spaces by zoning, we're providing about 196, for a
4 deficit of 84. I'll show you the -- on the large plan
5 where that deficit would, at least in part, be made up.

6 Here's the rendered site plan for Lot E3.
7 This is the VFW Parkway, and here there are 58 spaces
8 and 12 units. The analysis in the middle column
9 required by zoning is 24, we have 58 provided, so you
10 have a surplus of 34.

11 MR. JESSE GELLER: Let me interrupt you for a
12 minute and ask a question.

13 So you've got a surplus in E3 which offsets
14 the deficit in E1 and E2?

15 MR. LEVIN: There's only a deficit in E2.
16 There's surpluses in E1 and E3. So here you see E1 at
17 the top has a surplus of 20. That was the first
18 image. That's right along Independence. E2 has a
19 deficit of 84, E3 has a surplus of 34, so between the
20 two, E1 and E3, you have a surplus of 54 spaces to
21 offset the deficit of 84 spaces, ergo the net deficit
22 of 30.

23 MR. JESSE GELLER: And are there paths leading
24 from surplus to units where there's a deficit?

1 MR. LEVIN: Yes, there is.

2 MR. JESSE GELLER: They are accessible?

3 MR. LEVIN: Yes, they are.

4 MR. JESSE GELLER: And the calculations are
5 based upon our current zoning bylaw requirements?

6 MR. LEVIN: That's correct.

7 MR. JESSE GELLER: That's how you get your --

8 MR. LEVIN: Yes.

9 MR. HUSSEY: I have one question. Does that
10 include a possible reduction of the affordable units,
11 reduction in the parking requirement?

12 MR. LEVIN: No, it doesn't.

13 MR. HUSSEY: Okay. Thank you.

14 MR. BOOK: Are you expecting that the people
15 on the east will walk over to use the parking on the
16 west or -- one of the things I heard you had said
17 earlier is that you were expecting that because of the
18 size of the units on the west, there may be a need in
19 excess of what's required for -- by zoning. They're,
20 you know, big luxury units. Some of those units will
21 require more than two spaces. And so is it -- are you
22 expecting that people from the east are going to walk
23 to the west, expecting those excess spaces on the west
24 really will be for the west.

1 And then I guess that leads to the question --
2 we're also creating large luxury units on the east.
3 Won't there be a similar need or a desire by those
4 residents for more spaces?

5 MR. LEVIN: Well, the spaces on the east --
6 the units on the east are obviously concentrated in the
7 big building with 140. Those are not -- although they
8 are certainly luxury, they are not as large. They're
9 only ones and twos. There are no three bedrooms in the
10 large building, nor are there the lofts.

11 But to answer your first question, there's one
12 scenario where the west would provide parking for the
13 residents of the east side, and that is that as this
14 gets filled up by the units -- well, this lot in
15 particular gets filled up by the demand from the
16 apartment building, then there might be circumstances
17 where the residents here would park over here. It's
18 certainly no further than what residents today are
19 walking to get to their parking spaces from their unit.

20 MR. BOOK: Is it -- I'm sure you looked at
21 it. It's not possible or practical to create more
22 parking under the building itself?

23 MR. LEVIN: If you're referring to the
24 apartment building --

1 MR. BOOK: I'm sorry, yes.

2 MR. LEVIN: -- right now we have two levels of
3 parking and, you know, we've done a lot of very fancy
4 engineering to be able to do it in such a manner that
5 by building it into the hill, we've tried to minimize
6 the blasting. To go down yet another level is
7 probability feasibly very, very difficult.

8 MR. BOOK: Okay. Thank you.

9 MR. ZUROFF: Joe, I think this would be
10 something you would handle. You've moved back the
11 apartment building by 10 feet, and you've told us that
12 that will significantly reduce the amount of rock
13 outcropping that will be removed. Have you done a
14 qualitative study of how much less --

15 MR. JOE GELLER: We haven't done that yet.
16 And I would say that we're doing less ledge removal
17 because we're going to try to save in that 10-foot area
18 and the area between the building and the roadway as
19 much of the existing ledge as we can. I think the more
20 significant savings in the outcropping is the area
21 where the 20 parking spaces were. It's not a huge
22 amount, but it is definitely a reduction.

23 MR. ZUROFF: Well, I know there's concerns
24 about how much trucking will be done, so ...

1 MR. JOE GELLER: We'll have that number.

2 MR. JESSE GELLER: Did you explore options of
3 stepping back the building, particularly on the
4 corner?

5 MR. JOE GELLER: Stepping back the height of
6 the building. We actually did step back the building,
7 so the fifth floor now is stepped back.

8 MR. JESSE GELLER: By?

9 MR. JOE GELLER: Twelve feet.

10 MR. JESSE GELLER: And is it all the way
11 around the building or just at that --

12 MR. LEVIN: It's on three sides.

13 MR. JOE GELLER: If you extended that edge of
14 the building straight across, on the fifth floor it
15 goes straight and it's 12 feet back from this back
16 corner here, this end here, and then 12 feet on the
17 sides. So instead of it going all the way out to the
18 bulge of the building there, it follows the line of the
19 existing -- of the rest of the floors.

20 And then it's designed in a way that -- the
21 materials are a much -- the contrasting quality of the
22 materials, the color and all that, the material itself,
23 we really fade back into the building so that you --
24 that's why that image -- you sort of didn't see the top

1 floor, because it's set back and, actually, we're
2 losing that whole fifth floor on that part of the
3 building.

4 MR. HUSSEY: Can I amplify on that a little
5 bit? I think you may be responding to my suggestion at
6 the last hearing that it might be possible to reduce
7 the number of floors on this side of the building and
8 add floors on this side of the building. Is that
9 right?

10 MR. JOE GELLER: Uh-uh.

11 MR. HUSSEY: Well, there is an answer to that,
12 and I think the architect should respond to it. We've
13 touched on it during the working sessions.

14 MR. LEVIN: Right now, by virtue of adoption
15 of the International Building Code, you're now
16 permitted to build five stories of wood frame over a
17 podium. If we went to a sixth floor at any part of
18 that building, we would have to go to steel
19 construction and it obviously raises the cost of
20 construction substantially.

21 MR. JESSE GELLER: But the impact of a wood
22 structure means that --

23 MR. HUSSEY: Well, it means that if he goes --
24 what I suggested is taking some units off the floors,

1 some of the floor off on one end, add it to the other
2 end, which would make it more than four to five
3 stories, which is allowed now with wood. Go to six or
4 seven stories. If that happens, the building --

5 MR. JESSE GELLER: We're going to have
6 structural issues. Okay.

7 MR. HUSSEY: -- structural steel, et cetera,
8 and that's clearly an economic issue.

9 MR. JESSE GELLER: Okay. I understand.
10 The -- I'm sorry.

11 MR. BOOK: No. That was actually my
12 question. I wanted to ask about the stepping back of
13 the east end of the building. So he jumped in.

14 So the building is -- I'm sorry. Just to
15 pursue this, so 12 feet around is set back on all three
16 sides of that corner?

17 MR. LEVIN: Yes.

18 MR. BOOK: So it really is quite skinny?

19 MR. LEVIN: It's the same width as this
20 section of the building. So if you can imagine the
21 width of this section continuing straight and then
22 lopping off the end. Let me see. The image -- so what
23 you see here and then across and then on the backside
24 is a setback of the fifth floor by 12 feet.

1 MR. BOOK: Okay.

2 MR. JESSE GELLER. Where we're seeing gray?

3 MR. LEVIN: Yes. This gray here, up here.

4 Now, when we finish modeling this, we'll put
5 it into the animation and maybe you'll get a better
6 feel for the impact that it has from Asheville Road in
7 particular.

8 MR. JESSE GELLER: And looking at this, will I
9 see a mechanical tower --

10 MR. LEVIN: No.

11 MR. JESSE GELLER: -- if it's placed in the
12 center? It will not pop up in that --

13 MR. LEVIN: I will tentatively say no. We're
14 working that out. I do not believe there will be any
15 mechanical seen.

16 MR. JESSE GELLER: Okay. In terms of the
17 grade and the berms, the suggestion was made at the
18 last hearing that the grade reflect the undulating form
19 of the landscape. Recognizing -- I understand from
20 your comment that you need some degree of raising the
21 grade so that you can install the kind of drainage
22 system that you want to install. Is it possible to
23 follow the grade, so to speak? Do you understand my
24 question?

1 MR. JOE GELLER: So where we could, we tried
2 to follow the grade as much as possible.

3 MR. JESSE GELLER: I mean even with -- even
4 assuming the raise --

5 MR. JOE GELLER: Yeah. That's why -- where I
6 showed you that very different change in grade where we
7 were able to reduce it three and a half feet, that was
8 really -- in looking at that, we had a better
9 separation of the water table and we were able to
10 actually follow the grade much more closely with the
11 drainage system. Actually, it requires us to do more
12 ledge removal in that area. That's actually a place
13 where we've actually added ledge removal so that we can
14 push the grade down.

15 On the other side of the site, it's pretty
16 limiting because the water table sort of flows down at
17 that grade. So we really couldn't follow that sort of
18 undulation.

19 But what we ended up doing is basically
20 cutting at the Hancock Village building side of the
21 site, cutting in as low as we could and then trying to
22 grade that down and feather that grade out a lot better
23 to the extent we could.

24 But then if we did more of that, we'd be

1 losing more trees, so it really became a balance of
2 that as well as the grades. We wanted to be sort of
3 consistent with the grades as opposed to trying to
4 grade like this, because that would even be more
5 jarring. So we tried to have the grading very
6 consistent and then balance out.

7 I think when it's done and all the trees are
8 in and all the plants are in, that actual grade is
9 going to be much less visible because you're not --
10 there's very little place where it's actually exposed.
11 Most of it is covered with planting and trees and
12 landscaping. So, you know, I think with the other
13 things we've added, we've actually mitigated that
14 issue.

15 MR. JESSE GELLER: So it will not have the
16 appearance of essentially a raised bed?

17 MR. JOE GELLER: Yeah. I never thought it
18 did. So I think that, you know, my sense of it was
19 that the grades -- where we could, the grades were
20 feathered as much as possible.

21 Where they weren't, you know, we would plant
22 those edges as much as possible so that you really --
23 it would take the curves off of any of that grade, so
24 it wouldn't feel that steep at the edge, particularly

1 since -- you know, where we saved all those large
2 trees. There was a significant expanse between the
3 edge of the parking lot and the fence line so that it's
4 taken up in a very large area. I really don't think
5 you're going to have that -- experience that the way
6 the -- and I think sort we sort of showed that in this.

7 MR. JESSE GELLER: I would say that, although
8 I appreciate Mr. Touloukian's comment, I think the
9 notion is that in existing Hancock Village you've got
10 multiple -- what appear to be multiple structures of
11 party walls, you know, in sort of that townhouse style,
12 whereas in the revised plan, you've got individual
13 structures, so that sense of, you know, different
14 structures, different heights following the gradation,
15 it takes a little off of that issue.

16 MR. JOE GELLER: Yeah. I think it's really
17 challenging to try to do that with the type of building
18 that we have, for sure. And you're still going to see
19 that in the existing Hancock Village, though. So as
20 you drive into the site, you're still going to see that
21 grade change, still going to see what's happening in
22 the undulating part of the site, so you're not losing
23 that context, which I think is part of why we did it
24 the way we did it.

1 MR. JESSE GELLER: Other questions?

2 (No audible response.)

3 MR. JESSE GELLER: The list of questions,
4 somebody want to kick me under the table?

5 The questions that have been raised to date by
6 both the public, the questions that were raised by the
7 ZBA, we have been keeping track. I just want to make
8 sure that we have gotten the answers to the questions
9 raised.

10 MR. NAGLER: Well, one member of the public
11 asked at the last hearing whether there would be an
12 actual study that assessed the impact of the lights on
13 the surrounding property. That was discussed today.

14 MR. JESSE GELLER: Will there be a --

15 MR. JOE GELLER: I think that animation that
16 we showed you is a pretty accurate animation that shows
17 what the light impacts are, so we'll show that in the
18 final animation that we present.

19 MR. JESSE GELLER: And when you show that, is
20 that based on whatever the science is that engineers
21 use to achieve this?

22 MR. JOE GELLER: Yeah. Well, it's kind of
23 interesting because the sciences of this are a little
24 intricate. I don't think they're as defined as you

1 might think. But we've actually used this technique
2 that we use for modeling, and we've been able -- we can
3 to show the accuracy of how that model was created.
4 And then we used the height of the car headlights and
5 the car itself is moving in, so it's built as a car,
6 and we used -- the accuracy can be authenticated.

7 MR. LISS: I think I know the science behind
8 it. The headlights are here and then there's shrubs
9 which would prevent one layer of light and then a
10 fence. And then, you know, if the calculations are
11 correct, meaning the fence height is high enough and
12 that the drawings are accurate, then I think it just --
13 the science is simply math, that the lights wouldn't
14 penetrate through the fence provided that the fence is
15 higher than the cars. That's my interpretation.

16 MR. JOE GELLER: I think that was shown in the
17 sections that we showed and --

18 MR. LISS: Yeah. As long as the calculations
19 are accurate where the fence is and where the lights
20 are, I don't think that there would be further studies
21 necessary.

22 MR. JOE GELLER: Was the question about just
23 lighting on the site, or was it just for headlights?

24 MR. JESSE GELLER: The question that was

1 asked, it was both.

2 MR. LISS: It seemed like the major concern --
3 if I'm addressing the public's comments -- was that the
4 light from parking cars or traveling cars in the lanes
5 would splash into their living rooms or private
6 backyards or just invade their privacy. So I think
7 that, you know, by putting up a barrier or a fence, if
8 it is -- again, if it's higher than the vehicles, you
9 would -- and it's a non -- you know, it's not an opaque
10 structure and it's a wooden or graded -- some type of
11 structure that stops light from going through, as long
12 as it's higher than the vehicle's lights, it seems to
13 accomplish its goal.

14 MR. JOE GELLER: And that's what we showed in
15 that image.

16 AUDIENCE MEMBER: That's the view from the
17 same level, not the view from the second floor of a
18 house.

19 MR. JOE GELLER: I think in terms of the
20 light -- the rest of the lighting on the site, I think
21 Mr. Touloukian commented on the adequacy of the light.

22 MR. JESSE GELLER: He did.

23 The question was asked, would there be a
24 presentation of the 3D model perspectives without

1 leaves? And I think, Mr. Levin, you actually answered
2 that question.

3 MR. LEVIN: And the answer is still yes. We
4 just wanted to wait until we got the new building
5 modeled out so we can insert that as well as the
6 changes that Stantec has done.

7 MR. JESSE GELLER: Great. Thank you.

8 There was question asked -- I believe this was
9 by a member of the public -- which is, the bioretention
10 basin is not represented on the 3D model animations.
11 Why not? This was drawing L540, the west parcel near
12 building 4.

13 MR. JOE GELLER: Actually, the grades of the
14 retention basin were shown. It just wasn't shown -- it
15 was shown as a lawn area because that's what it will
16 look like the majority of the time when there isn't
17 water after a storm. So we can make it much clearer as
18 to where that is on the animation when we respond.

19 MR. JESSE GELLER: Please.

20 And lastly --

21 MS. NETTER: To number four, how much standing
22 water will accumulate in the bioretention, what I
23 understood that you said was that the water -- for a
24 significant storm, there will be water and that the

1 water will be gone within 14 hours.

2 MR. JOE GELLER: And that's a 100-year storm.

3 MS. NETTER: That's the next question.

4 MR. JOE GELLER: And I think the -- and the
5 engineers will review this with the peer reviewer for
6 engineering and storm water. There is freeboard in the
7 basin, as much as, I think, three feet of freeboard.
8 But I don't think it's intended to go the entire three
9 feet. So that's something that they can review
10 together.

11 MR. JESSE GELLER: And then the last one that
12 I have is -- and again, this was a question raised by a
13 member of the public. Drawing A7 shows a date of
14 January 25, 2012. Is this the plan that was rejected
15 previously by MassDevelopment? Is this -- let me
16 rephrase the question.

17 Is this the same plan? And if not, can you
18 briefly identify major differences?

19 MR. LEVIN: The footprint of the building is
20 the same. When -- as I mentioned in the presentation,
21 when we put units -- moved units from the S7 to the
22 fifth floor, we were working off of that plan for 2012
23 because that was the same footprint only now it was
24 five stories.

1 Subsequent to that, we've done two things:
2 One is we've -- well, three things. Shifting it back
3 into the hill was significant in terms of the impact.

4 But in terms of changes to the design of the
5 building itself, we have -- you know, the discussion
6 that I tried to explain in terms of cutting back the 12
7 feet at the end closest to the Russett abutters, and
8 we've obviously done -- with, you know, some
9 encouragement from Mr. Hussey as well as
10 Mr. Touloukian, we've really started to work the skin
11 of the building to, you know, use architectural design
12 techniques to make certain areas to look like three
13 stories, four stories visually by using different
14 materials and different articulation in the building.

15 MR. JESSE GELLER: Let me just follow that up
16 with one other question which is: In that prior
17 iteration in the S7 district -- because what you're
18 saying is we've added height to our building, right,
19 because we've removed housing and opened up S7?

20 MR. LEVIN: Without a doubt.

21 MR. JESSE GELLER: And in that prior
22 iteration, which were the number of buildings that were
23 within S7?

24 MR. LEVIN: S7 previously had 12 buildings.

1 They currently have 10, although they're now smaller.
2 There were more eight unit buildings previously. On
3 the original plan, there was 76 units in the S7. There
4 are now 44.

5 MR. JESSE GELLER: Okay. Thank you. That's
6 exactly what I was asking. Thank you.

7 There was -- I'm not sure who made that
8 request, but there was a request that you provide a
9 perspective -- an Asheville Road perspective within the
10 context of the site.

11 MR. HUSSEY: What does that mean?

12 MR. JESSE GELLER: That's what I'm trying to
13 figure out. I don't think it was a ZBA question.

14 MR. LISS: Are you talking about the drive
15 through?

16 MS. MORELLI: We have a rendering.

17 MR. JESSE GELLER: This is what you were
18 referring to?

19 MS. MORELLI: We have a rendering, so that
20 question is not important.

21 MR. JESSE GELLER: Thank you. Okay. I just
22 want to make sure that we've gotten answers to
23 questions. Okay.

24 Any other questions from the ZBA?

1 (No audible response.)

2 MR. JESSE GELLER: Thank you.

3 Okay. I'd like to move on to start a
4 discussion because I think it's important that -- as I
5 said in the last hearing, we've got to start a
6 discussion about the design elements and we have to,
7 for purposes of this discussion, suspend for the moment
8 the broader decision making because in order to be able
9 to consider all of the options, we obviously have to
10 consider the modified plan and I think we need to give
11 some guidance.

12 So I want to be careful here and be very clear
13 that while we are discussing the elements that we've
14 seen that go into the design, it does not foreclose
15 broader issues that have yet to be decided by the ZBA.
16 Okay? So I want to focus on what it is we've seen as
17 it's been modified, and I'd like everybody to sort of
18 weigh in, what you like, what you don't like, where you
19 see improvement, where you see failure to the degree
20 you know the answer.

21 Mr. Hussey, the resident architect, do you
22 want to --

23 MR. HUSSEY: I'm still getting blank stares, I
24 think.

1 First place, you're talking about site design,
2 massing rather than architectural -- the vision --

3 MR. JESSE GELLER: Right. I'm not talking
4 about visual style.

5 MR. HUSSEY: You're talking about just site
6 design and massing, and you want to know if there are
7 other possible solutions that should be discussed?

8 MR. JESSE GELLER: Before we get to whether
9 there are other solutions, I want to hear which the --
10 I want to hear what are the good things about the
11 proposal as modified that's on the table and what are
12 the bad things.

13 MS. NETTER: Why don't you maybe ask them
14 specific questions or maybe start with your thinking
15 because then you'll kind of stimulate some --

16 MR. LISS: I'll start. It sounded like a
17 major concern, if I'm hearing the comments of the
18 public, were -- one of which was parking, so let's
19 address parking first.

20 MR. JESSE GELLER: Let me be careful here.
21 I'm not proposing what you traditionally would think of
22 as deliberation. I want to know your personal --

23 MR. LISS: My personal opinion?

24 MR. JESSE GELLER: -- view of what we've seen

1 from design to this point.

2 MR. LISS: Okay, from design to today.

3 Parking is acceptable to me. I'm of the notion that
4 two cars per unit in general is very liberal in this
5 town, so I am -- I think that they've made the best
6 accommodations possible given the space and given the
7 amount of units.

8 Is it likely for the east side to walk to the
9 west side? Yes. Is it ideal for the east side? No.
10 But anyone that lives in this town would be sympathetic
11 and understand that you may not have a second car
12 directly in front of your unit or even in remote sight
13 of your unit.

14 Given the land, given the function and design
15 of this, I tried to figure out where they could put
16 more parking to accommodate that but at the same time
17 not sacrifice trees, common area, flow of the design.
18 And again, my personal opinion -- which you asked me
19 for -- is I'm all for less parking. You know, so that
20 is my opinion on parking. I think that the design
21 today as presented -- just, I feel like people will
22 have parking. And if they don't, it'll be the same
23 situation as now. There will always be a need for
24 parking. There will always be a need for parking no

1 matter where you are in this town.

2 MR. JESSE GELLER: Okay.

3 MR. LISS: Did that confuse you?

4 MR. JESSE GELLER: Not at all.

5 MR. LISS: Good.

6 MR. JESSE GELLER: And the -- let's take the
7 smaller buildings, slope, shape, design, location.

8 MR. LISS: I like that the units are in the
9 corners. I think that's a good use of the space, to
10 have them abutting in the west side. They have the
11 unit in the top left-hand corner there, big building in
12 the top right corner. They considered breaking that
13 up. Obviously it didn't make sense. I think that by
14 breaking it up, you actually would have to force it
15 out. So I think that, again, doing the best that they
16 can to get the units that they need and want to have.

17 I like how the west side remains a little bit
18 more simpatico with the current design of Chestnut Hill
19 Realty, whereas the east side -- I mean, the main focus
20 there will be that building and that's the side that it
21 ended up on.

22 You know, you could pick your poison
23 basically. Where do you want to put this building?
24 But I think that where it is, you have modest housing

1 all over this neighborhood, and within Chestnut Hill
2 Realty, this is a -- one big structure, but given the
3 grading and given the input, I just -- to accomplish
4 the goal here, which they are entitled under 40B to
5 accomplish, I don't know and I don't think that we've
6 seen or heard any better suggestions. And I think that
7 the design presented to us as is given -- I'm sure
8 there will be more additions and edits, but this is --
9 you know, it's solid, it's sound, I think, as of right
10 now as far as location of the units, size, and
11 accommodations for --

12 You know, fire and safety was something else
13 they were concerned about originally. I think that
14 they've made a very good effort to accommodate that.
15 You know, is it ideal? Nothing -- it's never going to
16 be perfect, okay, and that's what I've come to realize.
17 But the chief has approved this. And if we can get a
18 truck in and a truck out in that 24 feet or whatever
19 that number was, I mean, that's what it is. It's been
20 approved in this town before.

21 MR. JESSE GELLER: Are you suggesting zoning
22 is a balance?

23 MR. LISS: Not at all. I'm just saying in
24 this particular -- given the authority we have and

1 given the rules and guidelines that we operate under
2 and given -- you know, this has been a lengthy process
3 and we've got very, very good professionals that are
4 working on this right now, on all sides.

5 You know, if you have to take a balancing act,
6 I think that -- I'm okay with this project. I'm okay
7 with the location of the housing right now. This image
8 here that is on here, I mean, this is burned into my
9 brain and, you know, I'm always trying to think of, you
10 know, Sim, building a city, and where would I put
11 things? And I just don't know where else I would
12 possibly put it or how else I would do it, so I have to
13 say that to some degree this is -- in my opinion, it's
14 okay.

15 MR. JESSE GELLER: Okay. I'll jump in, then,
16 if nobody else wants to.

17 Let me say that what they've presented in the
18 most recent iteration is so much better from the
19 initial presentation. I would say, in particular,
20 because you limited -- because of what you reduced in
21 the S7 district and the ability to preserve something
22 of what people are calling the green belt. I can't --
23 I don't know what the green belt is there for
24 initially, and frankly, it's not within my scope to

1 make that decision. But the very fact that you've been
2 able to at least leave a fair portion of it and a fair
3 number of trees I think makes for a better project.
4 The location of the building in the corners I think
5 helps to create streetscape. It makes sense.

6 I have concerns about the amount of pavement,
7 I have concerns about the amount of parking, but I,
8 like you -- there is a debate in Brookline about
9 whether you've got more or whether you have less
10 parking. Traditional zoning codes were all about
11 making sure there's parking because otherwise we'd wind
12 up with a problem. And lately, the motivation has been
13 to reduce the amount of parking to make cities for
14 people.

15 I'm admittedly skeptic of that viewpoint
16 because my viewpoint is people who want parking -- who
17 want cars are going to buy cars, they're going to use
18 cars. And if don't provide them with parking spaces,
19 they'll find them elsewhere. Whether that's in front
20 of your house or somebody else's house, they'll find
21 it.

22 So the number of spaces -- if I take it in the
23 aggregate, and assuming the calculation is correct, the
24 number of spaces that matches the code, that makes

1 sense to me. The question about where you allocate and
2 how you allocate and whether people will walk from one
3 side to the other side, it's interesting to me.

4 Your response was a typical North Brookline
5 response because in North Brookline there is no
6 parking. You're willing to walk all the way across
7 town just to find a space for your car. I don't know
8 that that's the case in South Brookline.

9 But assuming that is the case, then they have,
10 again, in the aggregate, provided a number of spaces
11 that they seem to feel would be adequate for the number
12 of units and -- which matches up to what our bylaw
13 provides. So I'm not offended so much by the number of
14 spaces, whether, to use Mr. Touloukian's term, the
15 sheets make sense or there's a better way to lay out
16 the sheets. It seems to me we have testimony, at least
17 tonight, that there's no better way to lay out the
18 sheets. I'll be very curious to hear from peer review
19 what his comment is but, you know ...

20 In terms of the larger building, and it is a
21 large building, the size concerns me, but I understand
22 the dynamic. And the tradeoff -- and Mr. Levin said
23 it -- the tradeoff is we reduce the density in S7. But
24 for them to gain the number of units that they feel is

1 economically required for this project, they need to
2 add them somewhere. And they've added them by
3 concentrating them in one building on a high point of
4 the site.

5 I'm not concerned for the puddingstone
6 outcropping. I actually like the fact that they've
7 buried the building into outcropping and therefore
8 you've got essentially two levels that are going down.

9 Frankly, I wish they could figure out a way to
10 add more parking to that building. You're smiling.
11 You probably assumed somebody was going to say that. I
12 wish you could figure out a way, whether it's stackers,
13 so that you could take more of the parking off of the
14 other areas. I think that would be helpful. I don't
15 know that there's a solution. I know you've added, to
16 a degree, a staged facade at the corner, which is --
17 frankly, if we're talking about that building -- we're
18 really focused on that because that's the impact to the
19 third parties.

20 And while I appreciate the fact that it steps
21 back 12 feet -- I think that's what you said -- it
22 would be nice if there was a solution that somehow
23 pushed it back or lowered it further. I'm not an
24 engineer, I'm not an architect. I take it you've

1 explored all options. But I'm trying to be honest with
2 you about issues that are a concern to me, and that's
3 one the them.

4 The mass of the building itself -- recognizing
5 that it's internal -- but the mass of the building
6 is -- it made me think of those pictures you see of
7 these schlosses in Germany sitting on top of the
8 mountain tops, particularly at the curves around the
9 road, and we basically have the retaining wall. I
10 assume you will explore options to break that up and
11 ways in which you can make that appearance less
12 schloss-like. You can quote me on that. I think that
13 would be important.

14 You know, I think it's premature for us to
15 discuss the aesthetics of the design, which you
16 suggested, so I didn't even want to go into that.

17 The issues about hammerheads verses
18 turnarounds seems to me to really spin off of safety,
19 accessibility and safety. And if our fire department
20 has reviewed the turnaround and the width of the
21 parking areas and has said these meet his requirements,
22 then I think that's the most important factor here.
23 And if our fire department has said, we want access to
24 the rear of the building, and that has driven your

1 addition of a drive to the rear of the building and now
2 you've modified that by pushing it in, removing some of
3 your parking, and the sort of side benefit to that is
4 that you can push the larger building in, that's
5 great. I'm particularly interested in the fact that
6 the fire department has looked at it and said, this is
7 safe or this meets our needs.

8 Have I missed anything?

9 MR. HUSSEY: No. I think not. I think the
10 requirement that the team would develop around the site
11 work, the grading, the saving of trees, and moving some
12 buildings to retain more green space and to eliminate
13 some more parking -- which actually, we even picked up
14 a little bit more at the last working session. I
15 thought they eliminated even more parking. They have
16 eliminated a few. And now that they're bound by what's
17 required by the zoning, I guess I don't know if I can
18 push for any more. We worked out a whole scenario
19 where were riffing off of the BETA formula of 1.5
20 ratio, parking ratio of 1.5, where it got down to be
21 341 instead of the 369 that we have now. I think if
22 they met with the zoning, I'm not sure we can push that
23 too far.

24 MR. JESSE GELLER: I saw him taking notes.

1 He's thinking about stackers.

2 MR. HUSSEY: But anyway, I think the apartment
3 building -- absent a drastic reduction in the program,
4 I think we've pushed -- they've pushed to define that
5 building as much as they can. The only other thing to
6 do would be to take units out of that building, a whole
7 floor or half a floor of the east end and redistribute
8 them into the other buildings, infill buildings
9 around. I'm not sure --

10 MR. JESSE GELLER: You mean the S7?

11 MR. HUSSEY: The S7.

12 MR. JESSE GELLER: Yeah. That's a major
13 tradeoff here.

14 MR. HUSSEY: Right, exactly.

15 MR. JESSE GELLER: Again, buying into the
16 notion of the number of units and the economics of it,
17 that's the tradeoff.

18 MR. HUSSEY: I think -- I want to, at some
19 point, make some remarks about overall design and other
20 possible options. I'm not sure they're feasible, but
21 it would be interesting to discuss them at some point.

22 MR. JESSE GELLER: Do you want to weigh them
23 now?

24 MR. HUSSEY: Well, no. Let's stick with your

1 agenda for the moment, and then perhaps at the end --

2 MR. JESSE GELLER: This is my agenda.

3 MR. HUSSEY: Okay. The neighbors have been
4 pretty adamant about retaining -- as I understand it
5 from both what they said and other people have told me,
6 about limiting the height of the infill building to two
7 and a half stories. I understand that was part of the
8 original 1947 decision and agreement with the town.

9 I think that -- and the developers have done
10 their best and they've even reduced the height in some
11 cases over this past meeting. What it eliminates,
12 however, is the possibility of trading off height for
13 more green space. And by that, I mean -- and this has
14 not been discussed at the working session or
15 anyplace -- if you took these two buildings, for
16 instance, and stacked them, and you took this building
17 and stacked it here and take these two buildings and
18 stacked them over here --

19 MR. JESSE GELLER: Let's not use technical
20 terms -- added floors.

21 MR. HUSSEY: Yeah. What did I say?

22 MR. JESSE GELLER: Stack them.

23 MR. HUSSEY: Well, increase the height of
24 those buildings. It reduces some of the drainage

1 problems, it gets more units right on the major
2 thoroughfares for fire and emergency access. But what
3 you're giving up is more tall buildings on this site,
4 and I'm not sure that anybody wants to get into that.
5 It will be interesting to explore.

6 The extreme of that, of course, is going to a
7 village -- a garden city rather than a garden village
8 solution, which was tried, evidently, by the developer
9 many years ago on the Boston side of the development
10 and -- which would be -- well, I shouldn't say
11 "ridiculed," but it's been addressed by some of the
12 neighbors and it was addressed by the City of Boston as
13 being a ridiculous solution. But in fact, you know, if
14 you put up a single tower right here, it would be a
15 very interesting solution. You would have your green
16 space and everything. I think we're way past these
17 solutions but --

18 MR. JESSE GELLER: Well, we're certainly past
19 that one. It's not within the confines of this
20 proposal.

21 Anybody else?

22 MR. BOOK: Do we know -- I'm posing it as a
23 question. Within the S7 district, within the green
24 belts, is the developer precluded from putting any

1 other buildings at a future date? Are these green
2 spaces now -- what's left of it -- are they green
3 spaces?

4 MS. NETTER: There are a couple of ways to
5 answer that. The only way to absolutely ensure no
6 further development is through a restriction.

7 The other answer is that whatever you should
8 decide, any changes subsequently, they have to seek an
9 amendment. But in terms of a permanent change, it's
10 through restriction.

11 MR. BOOK: Even within the confines of a 40B
12 lot?

13 MS. NETTER: Correct. Because that way you've
14 got to say -- you've got two lines of control. One is
15 the regulation decision and the other is a restriction
16 on the deed.

17 MR. BOOK: Okay.

18 MR. ZUROFF: To clarify that, normal procedure
19 for a 40B proceeding is for the board to add its
20 option, impose restrictions within the context of
21 that --

22 MR. NETTER: No. I think perhaps you were
23 deliberately rephrasing. I didn't say that.
24 Certainly, there are discussions with an applicant with

1 respect to whether the applicant is willing to impose a
2 restriction.

3 MR. ZUROFF: But it's part of the process.

4 MR. NAGLER: There's a difference between
5 restriction and a condition. A condition is, you know,
6 we grant the comprehensive permit subject to your doing
7 A, B, C, D, E, F, and G.

8 A restriction is like a legal agreement
9 entered into that gets recorded at the Registry of
10 Deeds by the developer separate and apart from the 40B,
11 if they're willing to do it, and say, I hereby agree --
12 it could be a conservation restriction or whatever type
13 of restriction -- they say, I hereby agree not to
14 develop this area any further.

15 MR. ZUROFF: But it's within the purview of
16 this proceeding that we can discuss, request,
17 negotiate.

18 MS. NETTER: But I think you understand the
19 difference between a zoning condition -- a regulation
20 and a deed restriction. And the question is: Can you
21 impose a condition that requires a deed restriction;
22 correct?

23 MR. ZUROFF: Yes.

24 MS. NETTER: And my recommendation is: That

1 would be a conversation, I think, and it could be part
2 of this process.

3 MR. ZUROFF: And it could be part of this
4 process.

5 MS. NETTER: Correct.

6 MR. ZUROFF: So again, I wanted to clarify
7 that as part of a 40B proceeding, we can negotiate,
8 discuss, and then maybe eventually reach an agreement
9 as to that kind of restriction and/or condition.

10 MS. NETTER: Correct.

11 MR. BOOK: And really, I raised it only in
12 that the maximization, preservation of the green space
13 within the green belt -- certainly I wouldn't want to
14 see it further chipped away at a later date. We've
15 moved buildings out of the green belts and added height
16 to the apartment building to address that. And so I
17 guess, in my mind, the idea is that it -- and I like
18 the fact that, you know, there is more green now and I
19 know it's important to the neighborhood. We want to
20 make sure that that is preserved.

21 I guess I'll just -- just to echo in terms of
22 the parking, I mean, I think it's the right amount of
23 parking. This project is not on an MBTA station, it's
24 not really, for all intents and purposes, all that

1 accessible to public transportation. People expect and
2 need cars in this area of Brookline. And so while
3 we're striving, I think, to reduce parking in certain
4 areas, I feel like that that's -- the emphasis on that
5 is areas where -- you know, that are on the Green Line
6 or on a major bus line. So I feel like the parking is
7 the right number.

8 I am concerned about the distribution, that
9 it's in the wrong place. And I suppose -- and maybe
10 people will walk across Independence Drive to get to
11 their parking spaces. I don't know. I would like to
12 see it redistributed to put the parking where it's
13 needed. And I guess I'm actually a little more serious
14 about the stacker idea. I would hope that maybe --
15 that you would look into it to see, is that a
16 possibility that makes sense. And quite frankly, I
17 think people would -- you know, they value being able
18 to walk not too far to their car and not across a
19 relatively busy street.

20 I'm not in favor of stacking the buildings in
21 the S7 district. I think that's going in the wrong
22 direction. And while I'm not an architect, it just
23 seems to me that going from the single-family
24 residences on Beverly and Russett Road into Hancock

1 Village, into these, you know, low garden-style
2 apartments, there should be a transition that makes
3 sense. A four-story building, in my mind, doesn't seem
4 to be right, but I defer to people who practice on that
5 every day. That's not me.

6 I'm pleased by the -- with respect to the
7 apartment building itself. The stepping back on the
8 east side where it is visible from Russett Road, in
9 that neighborhood.

10 The rest of it, I mean, albeit it's a very
11 large building, but it's within -- I feel like the
12 impacts of looking at a large building are going to be
13 felt more by the residents of Hancock Village. And the
14 neighborhood, I think it's been addressed a little bit
15 from the Russett Road neighborhood. They stepped it
16 back. They've left the rock -- the outcroppings, the
17 puddingstone rock outcroppings, they've left the
18 trees. I suppose we'll have a better sense of that
19 when we see it in the 3D model, but it looked like a
20 good -- maybe a good attempt to reduce the visual
21 impact on it.

22 The only other thing I guess I will mention --
23 I don't know if we're getting out of what we're
24 supposed to be talking about, but I would like -- it's

1 important to see -- and I know that there's no
2 certainty that it will happen -- but I would like to
3 see egress directly onto VFW Parkway. And as this
4 proceeds along, I would hope that Chestnut Realty will
5 pursue that with, you know, diligence and really go
6 after it. I think that would be a huge benefit not
7 only to the Hancock Village, but I think it will help
8 with the traffic impacts of people exiting and entering
9 on the east side of the project in terms of the
10 neighborhood.

11 MR. JESSE GELLER: Well, except you have to
12 then motivate people to use that as their means of
13 egress.

14 MR. BOOK: Well -- and so we talked earlier
15 about this, and I realized we were getting off topic --
16 there's certainly things that can be done to the roads
17 to discourage people from using Asheville. And I would
18 think that people would be more interested in getting
19 right on a major thoroughfare rather than driving
20 through neighborhood streets at 10 miles an hour. But
21 things can be done to encourage people not to use
22 Asheville Road. And again, I realize that that
23 certainly is not a certainty that that egress can
24 happen, but I think it's important that the developer

1 pursue it.

2 MR. HUSSEY: I agree with that.

3 MR. JESSE GELLER: Let me ask you a question.
4 How many -- can a parcel be subject to multiple 40B
5 projects?

6 MS. NETTER: Are you asking me?

7 MR. JESSE GELLER: I'm asking anybody who has
8 the answer.

9 MR. NAGLER: You can designate a parcel as a
10 40B parcel. If they want to do something else, they
11 would have to come back to amend the process.

12 MR. JESSE GELLER: They would have to amend
13 the 40B decision?

14 MR. NAGLER: Yes, right.

15 MR. JESSE GELLER: And in amending a 40B
16 decision, is it subject to the same generous parameters
17 the statute provides the ZBA otherwise?

18 MR. NAGLER: Yes. And it also depends on the
19 considered materials or nonmaterials.

20 MR. JESSE GELLER: But it's the same extreme
21 limitations?

22 MR. NAGLER: The same framework, yes.

23 MR. HUSSEY: I'd like clarification. Are we
24 talking about an alteration to the 40B plan within the

1 foreseeable future, or five, ten, fifteen years down
2 the pike? Which are you referring to? Or both?

3 MR. JESSE GELLER: Both. I am riffing off of
4 Mr. book's question, which is: Could there be further
5 development -- let's assume this was approved in what
6 they've presented, which is, you've got -- you know,
7 you've made the tradeoff, which is bigger building,
8 less in S7, and you've got green belt. And let's
9 assume without restriction. Could they then come back
10 to amend 40B either -- they'd have to amend it in any
11 case. But could they resubdivide, decide on another
12 40B within that green belt area, and were subject to
13 the same limiting factors? Use better euphemisms than
14 I'm using. It goes to your issue.

15 MR. ZUROFF: Can I expand that question too?

16 MR. JESSE GELLER: Yes.

17 MR. ZUROFF: The permit is granted under 40B
18 under the current presentation, and they decide to
19 amend. And if the statute was to be amended, is there
20 a grandfathering of what was in existence at the time
21 of the original, which would then be amended, or -- and
22 maybe this depends on a way this could be -- our
23 legislature, in its wisdom, decides to amend it.
24 Assuming they do, would they be able to come back under

1 the original parameters, or would they be under changed
2 parameters?

3 MR. NAGLER: That's a very interesting
4 question, but I would think it would be under the
5 changed parameters. I don't think you get the benefit
6 of grandfathering if you're going to do an entirely new
7 aspect of the --

8 MR. ZUROFF: Of course, it depends on the
9 scope of their amendment request too.

10 MR. NAGLER: Right.

11 MR. ZUROFF: My guess is that there would not
12 be a grandfathering, but I don't know that. Maybe --
13 have you ever seen it? Has there been an amendment to
14 the statute?

15 MR. NAGLER: Oh, to the statute? The regs get
16 constantly -- not constantly, but periodically,
17 regulations get -- as do the guidelines. I don't know
18 if the statute --

19 MS. NETTER: The statute has been the statute
20 since 1969.

21 MR. ZUROFF: But the changes to the
22 regulation --

23 (Multiple parties speaking.)

24 MR. JESSE GELLER: Do you want to comment

1 on --

2 MR. ZUROFF: Do you want my comments? I'm
3 used to going last.

4 But anyway, let me chime in and say that my
5 overall opinion is that I am pleased that the developer
6 has scaled back this proposal significantly. I think
7 it has responded to the peer review in many ways. I do
8 share the concern about parking, but parking is an
9 inevitable part of a development project. I think that
10 the number of spaces is right.

11 And I know that there's a great deal of
12 neighborhood skepticism about whether people will cross
13 the road to get to their cars. I do believe that
14 people will cross the road if that's where they
15 parked. We're talking about a couple of hundred
16 yards. While we are, as a society, heading towards
17 more walking and less driving and more bicycles and
18 more shared rides, I fear the day when we no longer
19 want to walk across the street to get to where our car
20 is, assuming we still have them. I think that if
21 that's where your parking space is, that's where your
22 car is, that's where you're walking to get to it. So I
23 am less concerned about distribution. I appreciate the
24 fact that there's less parking in the less populated

1 part of the development, even if it is supposedly a
2 deficit and it's being used to offset on the plus side
3 where the big building is.

4 And I do appreciate that the major component
5 of this project is the big building. It's an economic
6 necessity, I would assume, in the perspective of the
7 developer to have this number of units to make this an
8 economically feasible project. I realize that the
9 scale is out of character for the neighborhood, but it,
10 as I said, is an economic necessity for this project to
11 be economically feasible for the developer.

12 I think I still have concerns about stormwater
13 drainage, you know, and I think that would be further
14 explored as we get closer to the end of this
15 proceeding.

16 But I think the concerns about traffic have
17 been addressed by our peer reviewer, and I understand
18 that -- 192 units, is it?

19 UNIDENTIFIED: 184.

20 MR. ZUROFF: -- 184 justifies some skepticism
21 about how the traffic will work but, you know, we have
22 a professional study that seems to have substantiated
23 that fact that it's not going to have a major impact.
24 Side streets -- you know, I sympathize with the people

1 that are abutters to this project but I -- you know, I
2 do think that we would -- we've at least heard
3 arguments on both sides of it, and it's been
4 addressed.

5 So overall, my feeling is that there has been
6 a great deal of progress towards a more accessible
7 project. I think design review will have a lot to do
8 with visual impact.

9 MR. JESSE GELLER: There is no design review.

10 MR. ZUROFF: Well, I think we still have an
11 input on design, so I look forward to working out the
12 solutions that Chris may have some input in.

13 And, you know, my overall perspective is that
14 we've seen progress and I'm looking forward to getting
15 this done with the understanding that 40B allows this
16 kind of development whether the neighborhood really
17 likes it or not or whether we really like it or not.
18 So what we're trying to do is direct it in a way that's
19 most acceptable, that the developer can live with and
20 we can accept. So I'm looking forward to moving
21 forward.

22 MR. JESSE GELLER: Thank you. I'd like to
23 now --

24 MR. PU: Can we say something because that was

1 just so ...

2 MR. JESSE GELLER: Can I finish?

3 MR. PU: Yes.

4 MR. JESSE GELLER: Thank you. I'd like to
5 invite the public now to offer its testimony. And what
6 I'd like to ask is, with respect to the public's
7 testimony, that you focus on things that you've heard
8 this evening, that is the modifications and obviously
9 the discussion. And I think that what we'll do is, as
10 we've done before -- just by a show of hands, again,
11 how many people plan to speak?

12 Okay. So we'll do what we've done before,
13 which is if people would line up on the side and then
14 approach and give us your name. Although, we should
15 know them by now, so shame on us.

16 MR. CHIUMENTI: I have only two comments.
17 I'll be brief. My name is Steven Chiumentì,
18 262 Russett Road, Town Meeting member, Precinct 16.

19 This second project is really the third
20 project. You didn't see -- what was formally submitted
21 was not the first project, but in effect it's a new
22 project with the ten or nine buildings and the five-
23 really seven-story building. It's actually the very
24 first project that was submitted to MassDevelopment.

1 Essentially, MassDevelopment found that first
2 project -- the conceptual site plan was not appropriate
3 for the site due to elimination of the green belt
4 buffer and the massing of the five-story building.
5 They were going to reject the project.

6 And their lawyer in court said, well, they
7 would approve any project that wasn't ridiculous,
8 meaning this project that you are now considering,
9 which is this project, they've gone back to that first
10 project, is ridiculous and it would have been rejected
11 by MassDevelopment.

12 The project they actually first submitted to
13 you was, in fact, the twelve buildings and the four-
14 story. Basically, MassDevelopment asked them to lower
15 the size of the building, which they did. They asked
16 them to include a bunch of four-bedroom apartments,
17 which they did, and they basically got a free pass to
18 come see what they could sell to you.

19 What you're comparing this third project to as
20 an improvement is the second project that
21 MassDevelopment basically gave them a free pass on.
22 This project you're considering now is the first
23 project that MassDevelopment found to be basically
24 ridiculous and was going to reject. And we've

1 submitted this letter to you in materials we've given
2 to you.

3 This is not -- 40B is not a free pass.
4 Basically, they get away from selective zoning to
5 prevent affordable housing, but they're still supposed
6 to meet the legislative standard that the project is
7 appropriate considering the conceptual site plan,
8 building mapping, topography, environmental resources,
9 and integration into the existing development
10 patterns. If they don't do that, you don't have to
11 approve anything. MassDevelopment wasn't going to
12 approve this first project.

13 Basically, then, the only second thing is that
14 I appreciate that you have some impression about what
15 you think you are compelled to do and what you are
16 required. When you do make the decision, obviously, if
17 you think it's a great idea, by all means.

18 But if you think you're making a decision
19 because you are compelled or constrained to do
20 something, I hope you will put that in your decision
21 because it makes it a lot different in how we go to the
22 judge and explain not that we disagree that something's
23 a great idea -- that you thought was a great idea --
24 but merely that we disagree that you are compelled and

1 constrained to approve something ridiculous. So just
2 to be specific about whatever you feel you have to do
3 as opposed to what you want to do when you make your
4 final decision.

5 MS. DALY: Hi. I'm Nancy Daly, a member of
6 the Board of Selectmen.

7 I heard a number of you say that the developer
8 says that this is what they need to make this project
9 financially viable. And I do understand that legally
10 if you oppose conditions that make the project
11 financially unfeasible, that that would not withstand
12 court scrutiny. But my question is: Are you simply
13 going by their word on what is financially viable, or
14 has there been any review done of the pro formas and
15 everything to look at this and see independently what
16 people think is financially viable?

17 MS NETTER: Well, I think the way the process
18 works -- you're correct, but there's a process, as
19 well, where if, in fact, the Zoning Board believes that
20 they can't live with X number of units or whatever
21 aspect of the program they can't live with, then it's
22 within their purview to go to the applicant and say, we
23 can't live with this.

24 And then the applicant's response might be,

1 well, either we can make the change or we can't because
2 it's economically infeasible.

3 At which point, the board would be within its
4 rights, according to the regulations, to request that
5 the applicant provide its pro forma and the board would
6 have a peer review done of that pro forma to determine
7 whether a particular condition or conditions render the
8 project --

9 MS. DALY: Well, I continue to believe that
10 the five-story building is too big and, you know, I
11 think you should challenge that assumption that they
12 must have that many units.

13 Secondly, on the parking, you know, several of
14 you mentioned, well, this is South Brookline, so it's
15 different. But they're putting in a kind of density
16 that's much more like North Brookline, so asking them
17 to consider transportation demand management or getting
18 people to public transportation or whatever so you
19 could reduce the number of parking spaces I think would
20 be quite reasonable.

21 And I know that one of the great concerns I
22 have heard from many of the neighbors is the sheer
23 number of cars that are going to be going onto what
24 are -- I actually drove down Beverly in the morning

1 when people were trying to get their kids to school and
2 it is very crowded, lots of cars, lots of kids, and
3 this is going to be a huge number of cars going out on
4 those roads. And so efforts to reduce the number of
5 parking spaces will reduce the number of cars and have,
6 I think, a salutary effect on the neighborhood. Thank
7 you.

8 MR. JESSE GELLER: Thank you.

9 MR. GLADSTONE: Hi. Scott Gladstone,
10 Precinct 16, Town Meeting member, 383 Russett Road.

11 So I don't want to repeat anything Nancy
12 said. I thought everything she said and what Steve
13 said were excellent.

14 I do want to follow up a little bit, though,
15 on her point about the pro formas. As I understand the
16 answer -- that this can only go in one direction.

17 So in other words, you don't have the ability
18 to say, what are your pro formas now so that you can
19 then look at that and say, okay, you're making this
20 much profit on this many units. Therefore, let's ask
21 them to take out this many units so that we get them
22 just to the edge of profitability. So my understanding
23 is that they cannot do it that way -- I see you
24 nodding. That's correct. They can't do it that way.

1 Then the only way to do this in a sensible way
2 without buying a pig in a poke, which is what we're
3 currently talking about because you're just --
4 actually, you're not even taking their word for it
5 because they haven't said how profitable this proposal
6 is. I mean this could be over-the-moon profitable.
7 There could be a huge margin in this. So apparently,
8 the only way to test that is to say, well, we are
9 considering a condition that's going to conservatively
10 lower the number of units. And you would do it in a
11 way that addresses the concerns you have.

12 So, for instance, Mr. Hussey wanted to see
13 much more setback, wanted to see much -- and everybody
14 wanted to see that large building being much smaller.
15 Ask them rather than -- I heard what they were saying
16 that you can't make three stories nearer to Russett
17 Road and then put those units you're losing there
18 further down the building because then that would then
19 cause steel construction, which is more expensive. I
20 do understand how that may work into a pro forma.

21 But what if they were required to do two and a
22 half or three stories closer to Russett Road and then
23 only have four stories further down and then they have
24 to lose units? Well at that point, we're at this issue

1 where they have to show the pro formas and we could
2 actually do this exercise and not buy a pig in a poke.

3 Similarly, the free-standing units that are
4 not the large units, many of them include the lofts.
5 The lofts, we've said over and over again, are going to
6 be more bedrooms. There's going to be much more
7 density than they're representing that there will be in
8 those units. That may be why they're talking about
9 three cars per unit, although I'm going to address that
10 in a second.

11 But there again, if you would rather see a
12 transition from the two-and-a-half-story existing
13 neighborhood to the more dense units, then require them
14 to do two and a half stories and smaller house-like
15 units in the stand-alone units. And again, they would
16 have to lose some square footage and maybe a unit or a
17 bedroom and they would be in that position where they
18 would have to show the pro formas.

19 But you could do that analysis, which right
20 now, not intentionally, but hopefully is a -- you're
21 punting on it. But hopefully, as a consequence of this
22 discussion, you'll see the benefit of doing that.

23 Also, another possibility is to remove -- so
24 as Mr. Hussey is saying, one way to remove some of the

1 infill from between the corners is to stack. Well, the
2 other way, of course, is to eliminate some of the
3 infill. And again, we're in that pro forma situation.

4 I think that all those things should be
5 requested, smaller building, less infill, smaller
6 free-standing buildings, and then we can get to that
7 pro forma question.

8 Now, the parking -- before we get to that ...

9 Also, the other thing that that may drive,
10 when you do get to that pro forma and you do see what
11 the numbers are and you do see where they say the
12 economic ability is and then we have a peer review to
13 say whether or not it's uneconomical or it's
14 economical, we may get to a point where the margins get
15 a little thinner and it may get a little bit dicier for
16 the developer.

17 At that point, maybe then they would be
18 willing to sit down with us and talk about putting a
19 lot of this density elsewhere on the site where it
20 would require some give and take about Town Meeting
21 action or other things because they may be impacting
22 the 40A site. Right now, they have no incentive to do
23 that, and that's why we are stuck in this -- as I heard
24 a couple of you say before, they're putting the

1 buildings on the worst possible place on the entire
2 development. So I would like to see us get to that --

3 MR. JESSE GELLER: Excuse me.

4 MR. GLADSTONE: Yes.

5 MR. JESSE GELLER: Are you saying that
6 somebody sitting on the ZBA said that?

7 MR. GLADSTONE: Somebody on the ZBA has said
8 that the placement of the buildings on the edge of the
9 property as opposed to more where there's other green
10 areas closer to the Boston line is the worst possible
11 placement for the buildings and it's a shame that other
12 sites could not be entertained because of that impact
13 on the 40A. I have definitely heard that. I believe
14 Chris said it, and Mr. Hussey can correct me if I'm
15 wrong.

16 MR. HUSSEY: I don't recall. We can go back
17 to the transcripts, or maybe you could go back.

18 MR. GLADSTONE: Did anybody not say that this
19 is the worst possible place to put the housing and we
20 wish that there were other available spots on the
21 existing Hancock Village development?

22 MR. JESSE GELLER: I think we haven't said
23 it.

24 MR. GLADSTONE: Okay. I must be delusional,

1 but all right.

2 Parking: The reason that they are
3 insisting -- this is based on the statements they made
4 during the earlier process, that they have to have the
5 number of parking spaces according to zoning, which is
6 something -- they could ask for a waiver for this just
7 like they're asking for a dozen other waivers -- is
8 because -- it's not because they want three or four
9 parking spaces per unit. It's because they want the
10 parking for the existing structures on the 40A lot.

11 I'll tell you a quick story. Before my
12 parking lot at 1244 Boylston Street in Chestnut Hill,
13 Brookline went to valet, it was catch as catch can and
14 sometimes you didn't get a spot. Now they have tandem
15 parking because they have the valet.

16 The Charles Schwab building got four spots
17 that were saved for them, but they put it in the
18 furthest part of the parking lot, the furthest away
19 from the Charles Schwab building. So the Charles
20 Schwab people always -- they came in early because
21 they're brokers, and they parked in the closest spots.
22 So that then left vacant their reserved spots which
23 none of us could use from the law firms and the
24 doctors' offices because they were reserved for them.

1 But they were also allowed to grab the closer spots.

2 Well, that's what's going to happen here. The
3 people in the large building, if they don't get a spot
4 in the garage or in the parking lot nearby, they're
5 going to park in other existing Hancock Village spots
6 and these people are going to be pushed somewhere else
7 as well.

8 On the other side, I believe that's on the
9 west side, those parking spaces are going to be used
10 exactly for the purpose that they are actually
11 intending, although they're not saying, which is
12 they're going to be used for the existing residents in
13 the 40A lot. That's why they want to have so many
14 spots there. But that's the biggest thing taking away
15 the green space, is that much hardscape. If all they
16 had was access roads, they could do much, much more
17 with the green space. But because they have to have
18 the space for all the parking, that's what's taking up
19 so much of that green space.

20 The idea that they're borrowing spots from the
21 west side in order to service the east side is just a
22 fixer. They don't need that many spots. The spots
23 that they currently have are underutilized. We've
24 shown pictures of that. And, as Nancy said, there are

1 so many ways they could make this a much more
2 transit-rich area, which the whole neighborhood is
3 clamoring for anyway. They do have a Longwood Medical
4 area van. They should be stepping that up and they
5 should be doing that on the weekends as well. There's
6 a lot of things that they could be doing to alleviate
7 the need for parking and to take advantage of the town
8 trend to reduce the number of parking spots required.

9 This board gives waivers for parking all the
10 time. You're able to waive up to 50 percent under many
11 conditions, and usually that's the request. It's
12 because people -- they don't need as much parking and
13 it's onerous for them and it makes development more
14 difficult.

15 Here we have sort of the old school, well, no,
16 we want to build as much parking as possible. That is
17 not the trend for a reason, and we're losing a lot
18 because of it, and it's not necessary. And it's the
19 kind of thing that, again, you could ask -- you should
20 have fewer spots. You should -- we'll give you a
21 waiver for the number of spots in the zoning. And if
22 they say somehow that challenges their economic
23 ability, then they can show you the pro formas, again,
24 and have that discussion. Thank you.

1 MR. JESSE GELLER: Thank you.

2 MS. COSLOW: Hi. I'm Florence Coslow. I live
3 on Russett Road. I've lived there for about 50 years
4 or more, and I'm hoping that you will listen to the
5 abutters who I feel have some rights as well as the
6 developers who I have heard with my own ears said, "We
7 can do anything we want. We own the land." I would
8 like you to listen to us who will have to deal with the
9 negative impact on living on Russett Road.

10 I did go on that walking tour. We were
11 astonished when we saw how big this building was going
12 to be. We also realized that there were many other
13 units already existing that use Asheville to exit and
14 enter, and we know from the neighbors who live around
15 Asheville that that's been a major concern. So now
16 we're talking about -- I heard 100 -- close to 200 new
17 parking spaces, which means that could be 200-odd
18 people plus deliverymen plus visitors plus the Chestnut
19 Hill Realty trucks that ride up and down Russett Road.

20 So I didn't hear in the discussion how this
21 new proposal was going to make the egress onto Russett
22 Road any better. I have a feeling if you said to the
23 new tenants, oh, try not to use Russett Road because
24 they can't egress on the VFW Parkway, I don't know how

1 many would try to be good about it and not use it. I
2 think that's kind of wishful thinking.

3 My other question is the blasting that's going
4 to occur, and I'm wondering in their original plan if
5 the engineers had estimated the duration of the
6 blasting. Is it weeks? Is it months? What is it
7 going to involve? Can we stay in our homes when
8 they're blasting? And how does this new proposal --
9 did it lessen? And if so, how much did it lessen what
10 we can expect to tolerate? Will we be compensated if
11 our walls begin to crack and any damage to glass is
12 done? I don't know if somebody considered this. I
13 would like to offer it up as other consideration.
14 Thank you.

15 MR. JESSE GELLER: Thank you.

16 MR. ABNER: Anthony Abner, 265 Russett Road.
17 Three very quick comments:

18 The first is that I did ask at the last
19 meeting a question, which is, in the June 5th meeting,
20 Mr. Levin said that negotiations had been going on with
21 the Town of Brookline which asked to increase the
22 density in the apartment building. I still would like
23 to know who was representing Brookline in those
24 discussions.

1 The second thing is that we're now almost a
2 year into the process and if I heard Mr. Geller
3 correctly tonight, we still don't know how tall the
4 apartment building is going to be when you add on the
5 utility or the air handler on the top.

6 By Brookline zoning laws, the height of the
7 building is measured from the street to the maximum
8 height of the building. So that really matters as far
9 as what the height of the building is. As far as I can
10 see, it's now going to be close to 100 feet above
11 street level, but we don't know. And I think at this
12 point we really should know some of these facts.

13 And the third thing is the comments that
14 Mr. Levin made tonight. These are going to be luxury
15 apartment buildings with people who will own two or
16 more cars. I think everybody here recognizes that the
17 affordable housing issue is a smoke screen. Thank you.

18 MR. JESSE GELLER: Thank you.

19 MR. VERRILL: Good evening. William Verrill,
20 45 Asheville Road.

21 I just wanted to point out again, the
22 economical feasible -- I mean, is the argument that if
23 they were only to build those four units on the west
24 side that the whole project would not be feasible at

1 all? I mean, if you put any bed in Brookline near the
2 Baker School, you're going to make money on it. So
3 again, I'd just like some more criteria. How is that
4 based? How is that calculated? You know, if you did
5 everything but that apartment building, there's
6 definitely profit there. There's no way there's not a
7 profit there. So why does the apartment building have
8 to be included?

9 The second thing, you know, when we finally do
10 get around to talking about drainage, there are real
11 guidelines. I think I'll be able to poke holes to that
12 drainage report, that study, and kill the project on
13 drainage alone.

14 But outside the drainage, there doesn't seem
15 to be any kind of guidelines and I was just wondering,
16 are there guidelines when you look at traffic, when you
17 look at building height? Is there anything that I can
18 use as an engineer to prove that it doesn't meet these
19 standards, or is the standard look and share your
20 opinion? And I'm just wondering that. I don't know.

21 And then I just want to ask again -- you made
22 a great point. You did a good job of trying to answer
23 our questions this evening, but that was a question I
24 remember being asked. Who was the person that directed

1 Hancock Village to mass all the units right outside my
2 door? I mean, as far as I'm concerned, I live right
3 there at 45 and I'll be staring at this five-story
4 building, seven-story building every single day. Why
5 doesn't the building go from VFW Parkway all the way to
6 the Baker School and it's two stories tall? Then
7 everyone shares in this. Why was the decision made to
8 lump this horrible mess right in front of my house?
9 Was it, you know, I'm taking the heat for all my
10 neighbors who are getting off easy? Was it decided
11 that Will Verrill is the guy that's going to take all
12 the crap from this?

13 And then I just want to just go on a little
14 more. I learned from a coworker whose daughter works
15 at the Bournemouth Hospital that it's for sale, and I
16 was just wondering, you said that, you know, the
17 traffic study is complete. If Bournemouth's -- you know
18 these guys look at this and I can already see them.
19 They're like, really? Plans? You know, if they decide
20 to put a ten-story building over there, 1,000 units,
21 how will that affect Asheville Road?

22 So I don't think the traffic study is
23 complete. I think that has to be considered. This
24 project alone increased traffic, as their own report

1 said, by 600 percent. Even though they've estimated
2 the average traffic growth was 2 percent per year, it
3 was like 600 percent new cars on Asheville Road. If
4 Bournemouth is developed, what is that going to do for
5 the neighborhood? Who knows how many units they could
6 stick in there when the hospital is torn down?

7 And then my next question is: You guys talked
8 about, well, could they put more units in this 40B
9 development? Why would they do that? They could just
10 start tearing down these stupid two-floor units and
11 putting up five-story units all the way across. This
12 building could spread like Ebola across that whole lot
13 and before you know it, that could be a community of
14 six-story buildings. You're setting the precedent
15 right here that it's acceptable, it's reasonable. As
16 long as some of them are 40B, what is going to stop
17 that entire area that's highlighted right there from
18 being five-story units everywhere?

19 MR. SCHWARTZ: Mr. Chairman, I think that
20 reference is totally inappropriate.

21 MR. VERRILL: To Ebola?

22 MR. SCHWARTZ: Yes. It's totally
23 inappropriate. It approaches slander and I really --

24 MR. VERRILL: I'll withdraw Ebola. If it

1 offends you, I'm sorry.

2 MR. JESSE GELLER: Thank you.

3 MR. VERRILL: Okay. And then just a couple
4 other things, as I said, and again, we'll discuss this
5 in the drainage. But they talked about the grading of
6 the site and how they had to, you know, change some
7 areas and some they could not because of the drainage
8 concerns. At one point, they made a comment about,
9 well, because of the ledge, we're actually blasting
10 ledge to make some of these grades work. If you're
11 blasting ledge, where's the water going? Water does
12 not go into ledge. It hits ledge and it runs off the
13 property. If they're blasting ledge, that means
14 they're at the bottom and this is rock and it's not
15 going anywhere. So I just hope that, you know, this
16 stormwater report addresses that.

17 And then the other thing I'd like to point out
18 is, I look at this map and I can see just from walking
19 there every single day that there's ledge outcroppings
20 all throughout this site. And I just hope that when
21 they show a tree, that you can actually plant a tree
22 there, because everyone knows you can't plant a tree on
23 a rock.

24 So I think if they mapped the ledge and showed

1 it clearly and just made certain that they're not
2 planting trees on rocks, that would make it helpful so
3 when they go out there they can't say, well, there's
4 rock here. I can't plant a tree. I'm sorry the plan
5 was not accurate. Thank you.

6 MR. JESSE GELLER: Thank you.

7 MR. PU: Hi. I'm Bill Pu. I'm an abutter at
8 249 Beverly Road, and I'm a Town Meeting member. I've
9 got three little points and then one bigger point.

10 One is, I really like the point you made about
11 the restrictions. I don't think -- clearly, nothing
12 should be approved or nothing should go forward without
13 a restriction on this property under discussion, the
14 40B property. But I would extend that also to the
15 undeveloped property because otherwise we're going to
16 be back here in a few years on the Residences of South
17 Brookline number two or three. There's nothing to stop
18 the development there, and I would not let anything go
19 forward on this property unless you have that in
20 exchange.

21 The second quick point, I think Scott was
22 right on about the parking, but the issue is not really
23 about people wanting to walk or not walk to parking.
24 It's about -- that's just a Trojan horse to get more

1 parking for the established units, which is not really
2 an appropriate use of 40B.

3 The third is about the traffic. I think it's
4 all well and good to say we're going to try to get an
5 entrance onto the VFW Parkway, but unless that's a
6 condition, that's going to be a pipe dream. It's got
7 to be a condition.

8 Now, the big point that I'd like to make --
9 and I was very disturbed listening to what your
10 deliberation was because, you know, I -- you guys are
11 in a difficult position, you have limitations on what
12 you can do, and you feel -- anyway, I can't put myself
13 in your shoes.

14 But I guess what I'm hearing is that someone
15 said that the scale is out of character for the
16 neighborhood. It's basically too big. You're trying
17 to think of how to fit something that's too big onto
18 something that's too small but you can't do it but you
19 feel like you're bound to stick to what is being
20 proposed in terms of scale.

21 But I guess I want you to ask yourself, why is
22 that scale set in stone? Why can't you ask it to be
23 half the scale? Why can't you ask it to be a third of
24 the scale? At least if you put that down as a

1 condition, we can come back and have a negotiation
2 about what is really economically feasible. Right now
3 we have no idea, as Scott pointed out.

4 There's only one thing for sure, is if you
5 roll over and don't protect our interest, then
6 something too big will be built. That's for sure. If
7 you would stand up for your principles and think about
8 what was right for Brookline, then there's the
9 possibility that out of this there will be a battle,
10 there will be some postdecision discussion, and out of
11 those discussions maybe something more appropriate will
12 come out. But as the way you're going now, it's
13 guaranteed that something too big will be built there.

14 I just want to ask you to think about -- what
15 would you approve on this site if it was not a 40B?
16 That should be your guiding principle here. That is
17 what would be appropriate for this site. You can't
18 feel confined by 40B. If your decision is challenged
19 later, so be it, but at least it will be something that
20 sets a limit as to what could be built. If you approve
21 something bigger, then of course it's going to be
22 built. If it's lower, then at least there can be a
23 battle later to fight it. I don't see any downside to
24 that. What is the downside to a challenge to your

1 decision?

2 So I'm just asking you to think of what's best
3 for Brookline and to stand up for your principles, to
4 think about what this project should be without 40B,
5 and to try to aim for that as a target. Thank you very
6 much.

7 MR. JESSE GELLER. Thank you.

8 MS. LEICHTNER: My name is Judy Leichtner.
9 I'm a Town Meeting member of Precinct 16. I'm not an
10 abutter.

11 Many of the points that I wrote down as I was
12 listening to all of you have been made, but I just want
13 to emphasize a couple of things.

14 The idea -- this is a 40B, we're talking about
15 affordable housing, and yet I heard Mr. Levin say a
16 number of times "luxury housing," "luxury housing," and
17 I almost felt like I fell down the rabbit hole or
18 something.

19 And the thought of multiple 40Bs, they have a
20 whole lot of property there. And think I heard you
21 say, Mr. Hussey, that, you know, wouldn't it be nice if
22 something big were built in the back of their property,
23 and maybe I misunderstood you. But I certainly know
24 that that's what the Planning Board had said

1 originally, that they picked the most expensive part of
2 their property possibly to make the argument about
3 what's economically feasible and what's not because
4 they have to do so much blasting there. And I
5 understand, they picked these two lots, but they picked
6 these two lots. And so I think it's something to think
7 about as we think about what needs to go there.

8 Again, the idea of what's economically
9 feasible, I don't think there's any reason for
10 accepting that what they say is economically feasible.
11 They have to make a tradeoff. They took a few units
12 out, so therefore, now we need a five-story building
13 again.

14 In Needham in -- I believe it was February --
15 the developer asked for 300 units. The ZBA gave them
16 109 and said, this is what you have to do. I would
17 hope that the ZBA fights just as hard for Brookline to
18 say, you don't need all of these units. They should be
19 the ones who have to prove that they absolutely have to
20 do it. And as a few people pointed out, anything they
21 put in there is going to be mathematically feasible.
22 They're going to make money on it.

23 And I also was a bit disturbed when
24 somebody -- you know, when they were answering the

1 design reviewer's question about why this building was
2 so tall. Well, because it's a building. I mean, that
3 is not an answer. But I think you can ask that
4 question and make that question -- and don't just
5 accept, because it's a building, because we have to
6 have 184 units. There's nothing that says they have to
7 have that, and they need to prove that they need that.

8 And the other question, of course, the
9 parking. They're asking for waivers, and the initial
10 project for 19 waivers and the fact that they didn't
11 want one for parking, again, speaks to the fact that
12 they want parking for their existing units.

13 And the final question about what else can
14 they build, we all know this -- when this was first
15 sent out, it said "The Residences of South Brookline
16 One." Part two is going to come, and we'll all be back
17 here again. Make a stand now. Thank you very much. I
18 appreciate your time, and I know you're all working
19 really hard. Thank you.

20 MR. JESSE GELLER. Thank you.

21 Anybody have any comments, questions?

22 (No audible response.)

23 MR. JESSE GELLER: Okay. As we've done in the
24 past, I will offer to the applicant the opportunity to

1 provide additional testimony, respond.

2 MR. LEVIN: I'd just like to make two points.

3 One is in response to a comment that Mr. Book
4 made about the VFW parkway. He said that it would be
5 beneficial to all of Hancock Village, and frankly, we
6 agree. And common sense and added access is always a
7 good thing. I can say that we'll be diligent and
8 pursue that egress -- ingress and egress, obviously
9 with the town's support as we'd need that. I don't see
10 how the project can be conditioned on that, because
11 it's out of our control.

12 The second point I'd like to make is in terms
13 of my comment about luxury apartments. You know,
14 20 percent of the units are going to be affordable.
15 The other 80 percent of the units will be very high-end
16 as a continuation of the theme of the actual program in
17 its entirety, which is to offer a wider range of rental
18 options to what is right now a very homogenous
19 all-townhouse development. So we're introducing flats
20 across the board, with the exception of the lofts, and
21 these are going to be high-end.

22 MR. SCHWARTZ: Just to amplify on what Marc
23 just said, as the board probably is aware, the
24 affordable units are going to be comparable in size and

1 appearance to the market-rate units, so that's actually
2 a benefit. The fact that, you know, these are,
3 frankly, first-class, luxury units, that will be true
4 across the board, so I think it's actually a benefit to
5 the project.

6 I want to address a couple other points that
7 were made. One is as to economic feasibility and how
8 the 40B process should work. And this is something
9 which I'm sure you don't have to take my word for it.
10 You have very capable attorneys and consultants that
11 can advise you on this as well, and obviously the board
12 has experience with 40B itself.

13 But the notion that some of the neighbors put
14 forth, I think, has turned 40B on its head a little
15 bit, meaning, you know, we're proposing now 184 units.
16 Tell them they can have 100 units. Tell them they can
17 take all the buildings out of the S7. Tell them that
18 instead of having a five-story building, they can have
19 a two-story building. And then let them prove that
20 they can't make that project work.

21 That's not the way 40B is supposed to work.
22 The way 40B works -- and there was a comment from one
23 of the neighbors, Mr. Pu I think said, you know, just
24 don't -- treat this as though it were a 40A project.

1 Don't be constrained by 40B. That's not the way it's
2 supposed to work either.

3 The way it's supposed to work is we submit a
4 plan, we discuss the merits of that plan as a plan, we
5 try and come up with changes and modifications that
6 make it a better plan which, through the help of the
7 working group and the advice of board members through
8 these hearings, we think we've done a very good job at
9 doing that and, of course, the process isn't complete.

10 And at that point, you know, hopefully the
11 board can see its way through to saying, you know, this
12 is not what we would choose if this were a 40A, but as
13 in the construct of 40B, this is an acceptable plan
14 that the town can live with looking at the interests of
15 the town as a whole and not just the immediate
16 abutters. Of course the abutters are an important
17 interest group, but 40B looks at the interests of the
18 town as a whole. And hopefully we're going to get
19 there, and not this idea that you should just, you
20 know, slash the density of this project and then have
21 the developer prove that that renders a project
22 uneconomic. I respectfully suggest to you that's
23 really not the way this process is supposed to work.

24 And I think we've done a really good job in

1 working in good faith and the town has done a good job
2 working in good faith trying to improve this plan and
3 come up with a better plan that everybody can live
4 with. Thank you.

5 MR. JESSE GELLER: Thank you.

6 I want to thank everyone for their testimony
7 tonight. That includes the applicant, the public, and
8 I want to thank the ZBA members for their information.

9 The next hearing will be on September 8th
10 starting at 7:00 p.m. We will continue this hearing
11 until then. Thank you very much.

12 (Proceedings suspended at 9:25 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 therein set forth and
6 that the foregoing is a true and correct transcript of
7 my shorthand notes so taken.

8 I further certify that I am not a relative or
9 employee of any attorney of the parties, nor
10 financially interested in the action.

11 I declare under penalty of perjury that the
12 foregoing is true and correct.

13 Dated this 26th day of August, 2014.

14 _____
15 Kristen Krakofsky, Notary Public

16 My commission expires November 3, 2017.

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