

To the Members of the ZBA:

*I am submitting a written copy of my comments made at the September 8, 2014 ZBA meeting to address Avi Liss's remarks that the Hancock Village 40B dispute was really only an issue between the neighbors and the developer, and implying that neighbors only cared about their own interests and will never be satisfied. Nothing could be further from the truth, as has been attested to over and over again by all the Town Boards and Departments. This is not, as Mr. Liss said, an "issue of balancing the needs of the neighborhood versus the issues of the entire town", nor is it about "having some people hate us (the ZBA) versus making most of the people happy". **No one** in town has spoken out in favor of this project. In fact, the point of my comments, and those of others who spoke, particularly Abby Cox representing the School Committee, was that the future of the entire town is at stake. The effect of this development, if approved in its present form, will be permanent, long term negative impacts on all of Brookline.*

My remarks from the Sept 8 ZBA meeting:

I am Judith Leichtner, a Town Meeting Member from Precinct 16, representing my precinct. I am not an abutter to Hancock Village. I am speaking on behalf of those neighbors who have discussed this with me, but who feel too uncomfortable to speak publicly, and especially, extemporaneously, on this issue.

I appreciate **your request that we speak only to issues that were raised at tonight's meeting**. But at the end of the last meeting on August 13, Attorney Schwartz made a comment to which a number of people wanted to respond. Since you were closing the meeting, we decided that it was not appropriate to ask to be heard again. **I would like to respond to those comments now.**

(Quoting from the transcript) Attorney Schwartz said:

"but as in the construct of 40B, this is an acceptable plan that the town can live with looking at the **interests of the town as a whole** and not just the immediate abutters. Of course the abutters are an important interest group, **but 40B looks at the interests of the town as a whole.**" (emphasis added)

As a Town Meeting Member and someone who has spent my entire life in Brookline doing volunteer work for this town, if I felt that this was an "acceptable plan", or that it "was in the best interests of the town as a whole," even if it adversely affected some my constituents, I would not have attended all of these meetings, and fought this and the other Chestnut Hill Realty proposals for the past 6 years. Instead, I would have tried to convince my neighbors that overall, this was a good plan. But this is not a good plan for Brookline.

There is **nothing about this project that is in the best interests of the town as a whole.**

There are many reasons why this is not in the town's best interests. I do understand the constraints of the 40b law that restrict the reasons you can use to deny or strongly condition a project, which were clearly defined by Ms. Murphy and Ms. Netter at the beginning of this meeting, but the reasons do exist. They are among the many that underscore why this project is not in the best interests of the town.

Two of the most important reasons are:

- The impact on the schools. This year there are close to 800 children at the Baker School. This project, as Alan Morse, former chair of the school committee told you, would adversely affect the entire school system. He said, "In short, the Chestnut Hill Realty proposal at a minimum overburdens our schools, and it has the potential to fundamentally disrupt the same school system that makes this development profitable."
- The fiscal impact on the town and town services. In a time where an override is needed for existing services, this inappropriate project will place an added burden on every taxpayer in Brookline.

Though the initial plan has been tweaked by reducing 8 units, and some cosmetic improvements have been made, these changes did not substantially address the major problems: the size and massing of the project. The plan was made even worse by again adding a fifth story on the highest building. Mass Development said, "the conceptual site plan is not appropriate for the site due tothe massing of the project's five story building which is generally inappropriate for the site."

The developer also did not answer the important question raised by Mr. Touloukian, the design peer reviewer, "why is this building so tall?"

There is a huge amount of evidence that it is not just the abutters, but citizens from all of Brookline who do not believe this is in the town's best interests.

This is evidenced by the following:

- The town would not have written an 80 page response objecting to this project if this were in "the best interests of the town as a whole."
- All of the town boards and commissions would not have written to this board with numerous objections if this were in "the best interests of the town as a whole."
- And, we understand that the Preservation Commission has recently submitted to Preservation Massachusetts, the Nomination of Hancock Village to the 2014 Massachusetts "Most Endangered Historic Resource List". They would not have done that if this were in "the best interests of the town as a whole."
- **Most importantly, the town would not continue to be in litigation with Mass Development and Chestnut Hill Realty if this were in "the best interests of the town as a whole."**

Due to the 40B regulations, you may not be able to include all of the above reasons to justify why this project is not in the best interests of the town, but we hope that your decision does not state or imply that this project is in any way, in the best interests of the town as a whole. We also believe that there are reasons that you can use, there are conditions that you can impose, and we hope, that as the only board who now can protect the interests of the town, that you will do just that.

We urge you to use every possible tool, every strategy at your disposal to either deny or strongly condition this project, to reduce the size and scope, and to reduce the negative impacts on the town of Brookline.

That is what is in **“the best interests of the town as a whole.”**

Thank you.

Cc:

Mel Kleckner

Kenneth Goldstein

Nancy Daly

Betsy DeWitt

Benjamin Franco

Neil Wishinsky