

In The Matter Of:

BROOKLINE ZONING BOARD APPEALS HEARING

PROCEEDINGS - Vol. XI

September 8, 2014

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Brookline Zoning Board Appeals Hearing

Case Number 20130094

40B Application by Chestnut Hill Realty

The Residences of South Brookline

September 8, 2014 at 7:00 p.m.

Office of Town Counsel

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Reporter: Kristen C. Krakofsky

1 Proceedings

2 7:06 p.m.

3 MR. JESSE GELLER: Good evening, everyone.

4 Tonight we are holding a continued hearing on the
5 Residences of Chestnut Hill. Tonight's hearing, we are
6 going to be focused on the final peer review of the
7 site and building design. Our peer reviewer,
8 Mr. Touloukian, will present his final report and that
9 will be followed by an opportunity for the applicant to
10 respond. We will then have a moment for a few
11 clarifying comments.

12 In terms of time line, the next hearing is
13 September the 15th at 7:00 or so. At that hearing we
14 will review final presentation of stormwater by the
15 applicant's consultant and the ZBA's peer reviewer, and
16 obviously there have been some modifications in the
17 plan, so there will be corresponding modifications in
18 the presentation and peer review comments.

19 We will also hear final presentation on
20 traffic, again by the applicant's consultant and also
21 by the ZBA's peer reviewer, and the ZBA will continue
22 discussion on broader issues.

23 The hearing date that follows September 15th
24 is October 6th. The agenda is to be determined. And

1 we'll pick up any further dates after that, though I
2 would note that we right now have calendar October 20,
3 2014 as the hearing date that follows the 6th.

4 Following the applicant's opportunity to
5 respond, we will give the public an opportunity to
6 comment once again, as we've done in the past. Again,
7 if the public would keep its comments to within the
8 scope of what is being presented at this hearing, that
9 would be particularly helpful. We obviously have
10 significant testimony from the past and we have a
11 record of all of that.

12 Let me also say that once we have taken all of
13 that testimony, there will be an opportunity for the
14 ZBA to once again continue its discussion about what we
15 have been provided both previously as well as this
16 evening both based upon Mr. Touloukian's responses and
17 review as well as testimony we've received.

18 I'd like to -- Kathy, if I could call on
19 you -- Kathy Murphy is our legal counsel -- to provide
20 us with a couple of clarifiers.

21 MS. MURPHY: Okay. I think there was a
22 comment or a question last week -- or last meeting
23 about the process for analyzing the final feasibility
24 of the project and the process by which that is done,

1 whether the board can challenge the economics of the
2 project in a certain way.

3 And I just wanted to clarify that the -- in
4 the old days, there was a way to basically throw out
5 numbers and have the applicant respond with the
6 uneconomic versus economic analysis and then throw out
7 lower numbers or higher numbers and sort of negotiate
8 your way to a number that worked with both parties.

9 But that process is not allowed at this
10 point. The regs have been revised and amended and the
11 regulations set forth the process by which the
12 uneconomic analysis is brought forward. And that
13 involves basically getting to -- the board getting to a
14 place with the conditions it wants to have the project
15 incorporate and then the applicant responds. So
16 there's not a back-and-forth negotiation over size,
17 type of construction, number of units, et cetera, that
18 goes back and forth and requires the applicant to
19 respond to a number of different scenarios.

20 Is that -- did I get that right, the question
21 right?

22 MR. JESSE GELLER: Just in case the board has
23 forgotten, a question was raised in the context of a
24 comment by Mr. Gladstone, I believe -- hello,

1 Mr. Gladstone -- which was about the economic testing.

2 And this is the response to Mr. Gladstone's question.

3 MS. MURPHY: So testing is not allowed.

4 Basically, you -- the board makes its decision, comes
5 up with whatever it decides in terms of conditions on
6 the project, and then the applicant has the opportunity
7 to respond and say that it is -- you know, if it
8 decides that it is uneconomic, and then you bring your
9 consultant in and do the analysis at that point.

10 MR. JESSE GELLER: Okay. Thank you.

11 Anything else? That it?

12 MS. NETTER: Is the process clear? Because I
13 can also very briefly outline how the regulations --
14 what the regulations provide as to pro forma review.

15 MR. BOOK: Well, I understand that we can't go
16 on a fishing expedition.

17 MS. NETTER: That's the short story.

18 MR. BOOK: So absent our thinking -- this is
19 by way of example -- absent our thinking, remove a
20 floor -- we just can't say remove a floor just for the
21 sake of testing if they can still have an economically
22 viable project that's, you know, one story shorter.

23 MS. NETTER: Right. So what used to happen --
24 just to say it a little bit differently -- is that the

1 Zoning Board would say, well, we'd like you to do an
2 economic analysis of a 50-unit project, and by the way,
3 we'd like a 100-unit project and we'd like a 150-unit
4 project. We'd like you to run the numbers and then
5 we're going to pick and choose. And actually, what
6 we're going to do is we're going to bring you down as
7 far as we can so that your project is still at the
8 point of what's economic.

9 But what the regulations -- to go back another
10 step -- what the regulations, that 560.56, say is they
11 spell out the process they call "Review of financial
12 statements" and they allow for a pro forma review in
13 limited circumstances and they provide for a particular
14 time sequence.

15 The first is that all the peer review has to
16 be completed. The second is that the applicant has had
17 a chance to modify their plans in response to the peer
18 review and any comments the public has made and has
19 made to that date.

20 That's the point where you need to, very
21 clearly, begin to think through, deliberate, articulate
22 what your key concerns are about a project and also
23 look at the waivers that are requested by the
24 applicant. If you think that, again, certain aspects

1 of the project -- let's just go to the height or the
2 massing or the number of buildings or whatever it may
3 be, amount of open space, amount of parking and so on
4 and so forth. And if you say, well, we want X to be
5 changed to X minus Y, or whatever it is, and you turn
6 to the applicant and you say to the applicant, we want
7 X minus Y, the applicant has a chance to say this is
8 economically infeasible and that's the point at which
9 you would consider whether you want to have somebody
10 peer review their pro forma, which would include the
11 kind of conditions that you're looking for and make an
12 assessment as to whether the project becomes economic
13 or uneconomic as a function of --

14 MR. LISS: Is that upon submittal of our final
15 request or is that -- each request is presented to the
16 petitioner?

17 MS. NETTER: It would be a -- the way to do
18 this is to do it all at once, basically, so that they
19 can look at whatever your requests may be and look at
20 them together and see what the totality of those
21 requests might be in terms of your interest in shaping
22 their project in order to meet the most important
23 concerns that the town, under 40B -- that you, under
24 40B, are allowed to look at, which is very different

1 than what you would do under a 40A scenario. And I'm
2 going to let Kathy articulate some of that.

3 But what I do want you all to understand --
4 and it sounded to me, at the last hearing, that some of
5 you felt that -- and maybe this was just for purposes
6 of that discussion -- that their program was their
7 program and you had nothing to say about it. And by
8 "program," I'm talking about the massing of the
9 building, the height, number of buildings, all of the
10 elements. And as Kathy will articulate to you, that's
11 not a given. That's not necessarily a given.

12 So do you want to go through some of those?

13 Is it okay so far, by the way?

14 (No audible response.)

15 MS. MURPHY: So Sam and I are planning to do a
16 more formal presentation, if the board wishes, before
17 we get down to actually discussing actual specific
18 conditions.

19 But the regs provide that the board can -- the
20 board needs to make its decision such that the decision
21 is consistent with local needs, and part of the local
22 needs analysis is looking at what's defined as the
23 locals concerns. So you're really focused on local
24 concerns. And those local concerns are the need to

1 protect health and safety of residents, but it's not
2 just, as Edie said, 40A kinds of health and safety.
3 It's endangerment. I mean, this is really serious
4 stuff. The regs use the words "in peril." "The extent
5 to which health and safety of occupants and municipal
6 residents is in peril; the extent to which the natural
7 environment is endangered; the degree to which the
8 design of the site and the proposed housing is
9 seriously deficient; and the degree to which additional
10 open spaces, which are critically needed in a
11 municipality and which are open to the public, are
12 impacted."

13 So those local concerns are things that are
14 within your purview, but as I just read, it's very
15 serious stuff. And you can, as part of your decision
16 making, impose conditions that mitigate those concerns
17 that deal with height, site plan, size of buildings,
18 shape of buildings, and building materials. Those are
19 the things that the regs permit, so I just wanted to
20 lay those out. I mean, underneath all of this is the
21 fact that you're starting with a rebuttable presumption
22 that housing needs override local concerns. That's
23 where you're starting. So you need to focus on local
24 concerns. You need to make sure that these local

1 concerns are really serious ones.

2 MR. JESSE GELLER: Do you understand what that
3 means, the "rebuttable presumption"?

4 (No audible response.)

5 MS. MURPHY: And then you can address those
6 with conditions.

7 MS. NETTER: And the other half of the tag
8 team, I'll add -- we haven't rehearsed this, by the
9 way -- is that unlike 40A, as Kathy just laid out for
10 you, you can look at aesthetic issues. That's why it's
11 within your authority to ask for architectural plans.
12 So in that sense, that's one opportunity provided under
13 40B.

14 MR. JESSE GELLER: Questions?

15 MR. HUSSEY: So if we request or suggest a
16 reduction of the number of units in the building --

17 AUDIENCE MEMBER: Louder please.

18 MR. HUSSEY: If we request the reduction of a
19 number of units in a particular building, that has to
20 meet one of these health and safety or natural
21 environment issues, or is there a place in there that
22 allows for that?

23 MS. MURPHY: Under the attention to promoting
24 better site and building design, one can address the

1 size and massing of buildings. Not so much the number
2 of units per se, but to the extent that the size or
3 massing of buildings is key to a better site design, it
4 can come out in that way.

5 MR. HUSSEY: By "site design," could you be
6 more specific about site design?

7 MS. MURPHY: Well, I'm not sure that the regs
8 are really more specific about site design, and you
9 probably can define it better than I can, Chris, but
10 site design is the overall -- in my lawyerly view --
11 the placement of buildings on the site in the context
12 of its environment.

13 MR. HUSSEY: All right. To be continued.

14 MR. BOOK: But clearly, issues concerning
15 traffic, pedestrian traffic, drainage, those are our
16 concerns.

17 MS. MURPHY: Those are your concerns.

18 MS. NUTTER: But you do -- and you also have
19 the benefit, Mr. Hussey, of the site building design
20 review and all of the issue that that review is
21 covering are within your purview.

22 MR. HUSSEY: Okay.

23 MR. JESSE GELLER: Anything else?

24 (No audible response.)

1 MR. JESSE GELLER: Okay. Mr. Touloukian.

2 MR. TOULOUKIAN: For the record, Theodore
3 Touloukian, Touloukian & Touloukian Incorporated, 151
4 Pearl Street, Boston, Mass.

5 Thank you, Mr. Chairman, members of the board,
6 residents, and concern citizens. I'm pleased to be
7 back this evening to provide a presentation of our
8 final peer review report which we submitted last Friday
9 and I understand has been posted on the town's website
10 for circulation. I would also like to thank the town
11 staff members for assisting with coordination and
12 commend the applicant and their design team for being
13 professional and providing information when requested
14 and for openly reviewing and discussing the project
15 during our meetings. Thank you very much.

16 Since the applicant's 13 August presentation
17 and response to our preliminary peer review, we have
18 received revised site plans and architectural
19 drawings. These documents are the basis of our final
20 peer review for which is both an evaluation of the
21 applicant's response and assessment of the latest
22 submitted project.

23 In general, this evening, we are providing a
24 summary of further questions and considerations for the

1 project including points from our preliminary peer
2 review and additional recommendations arisen out of the
3 applicant's subsequent revisions. Our goal this
4 evening is, rather than to enumerate every space or
5 contour or condition along the site, is really to
6 concentrate on primary issues with examples of where
7 the applicant has been responsive and has addressed the
8 issues and examples where further questions and
9 considerations could be pursued throughout the
10 project.

11 Before we start going through the slides, I'd
12 like to begin with noting that on a broader level we
13 had previously recognized the design and flow of the
14 garden village model in place at Hancock Village, and
15 it's relevant to outline that any development project
16 on this site could have an impact on the garden village
17 model, relationship to the expansive communal
18 landscape, and the natural resources simply by altering
19 the topography and the mature vegetation which lends
20 the site to its unique character.

21 Since the beginning of our peer review
22 process, the applicant has made progress in
23 development, which I'd like to recommend that they
24 continue to develop the design of the project to

1 further mitigate impacts to the natural resources to
2 the maximum extent possible and to maintain and improve
3 meaningful connections between the adjacent residential
4 neighborhoods, new development, remaining open space,
5 and the existing communal landscape that makes the site
6 so special.

7 In the green belt area, a large part of our
8 preliminary peer review dealt with the effects of the
9 vehicular lights and privacy relative to the
10 neighboring properties.

11 The applicant responded with an increased
12 height and opacity of fence along all areas of the
13 parking areas from a four-foot opaque and two-foot
14 lattice fence to a seven-foot-high fence. They also
15 increased the size and number of evergreen trees along
16 the edges, and they added evergreen hedges along the
17 areas adjacent to the parking vehicles. They also
18 provided an animation for one vehicle at night which we
19 saw at our last presentation that showed the effects of
20 the vehicles' lights and minimizing that along that
21 area.

22 We would like to recommend that they further
23 consider a study of the effect of multiple vehicular
24 lights and its relationship to the privacy of the

1 neighboring properties.

2 Along those lines and consistent with the
3 topic of privacy relative to neighboring properties,
4 also further study of multiple vehicle noise potentials
5 and associated sounds and radios and people, moving
6 vehicles relative to this. I think any time you have
7 conditions where parking is adjacent to rear yards and
8 adjacent properties and fences occur, that these
9 conditions can naturally be a product of that and there
10 should just be further study that just allows people to
11 ensure that there is privacy in place.

12 Another aspect of the preliminary review was
13 the raising of the grades in many of these areas that
14 was a result of -- we understand of underground
15 drainage conditions associated with it. This created
16 some continuity effect -- discontinuity between the
17 existing landscape and grading and the proposed, and
18 there were some raised berms and some other edges along
19 the landscape.

20 The applicant responded with minimizing the
21 berms in some locations and feathering the grades out
22 to meet the landscape. I think this was beneficial to
23 helping the landscape be a little bit more contiguous
24 with the natural conditions, but we would actually

1 recommend further consideration to lower those proposed
2 gradings to be more contiguous with the existing
3 topography. And I think that would result in an effect
4 that could actually increase privacy, which is a result
5 of the vehicular lights. I think there should be
6 potentially further review by the civil stormwater
7 management peer reviewer for alternate drainage
8 strategies and their effect of the landscape -- raised
9 proposed grading.

10 These are drawings that were provided by the
11 applicant recently that show -- the red line is the
12 existing grade, this is the prior application with the
13 raised berms, and here you show how they feather them
14 out in certain locations. They've added hedges in
15 those locations and the trees, which I think are an
16 effect of longer growth or multiple-year growth. And
17 in red I think they're showing the trees at eight to
18 ten feet in their planting plan -- plant schedule, and
19 there may be consideration for taller and more mature
20 trees initially at the planting level to ensure privacy
21 between the parking area and the adjacent properties.

22 The applicant also responded to, I think, the
23 parking count and the amount of parking spaces, and
24 this is a diagram that shows where they lose six

1 spaces, ten, five, another seven, I think, and four,
2 where they lose a total of thirty-one parking spaces
3 along the Beverly side. I think a total of fifty-one
4 in the other lots at Russett Road. And that was an
5 improvement in decreasing the amount of impervious
6 materials that you can see is located here. But also
7 there could be some further consideration to minimizing
8 the continuity of the parking sheet and looking at
9 smaller fields connected by access drives and
10 accessible walkways to further increase the amount of
11 open space along the line.

12 Essentially what we have -- in the scale of
13 the drawings it's just naturally -- it's hard to
14 understand. You're looking at an area that's 900 feet
15 long, and the other parking lots are anywhere between
16 400 and 600 feet long, and there should be further
17 review of techniques that could actually slow down
18 vehicular traffic along these drive access ways by
19 creating walkways across the parking area. They could
20 be, potentially, raised walkways that could induce
21 movement to the perimeter landscape which could help
22 with the garden village model previously discussed and
23 also increase pedestrian safety in the long run.

24 The applicant responded to the visual impact

1 of parked vehicles by adding additional tree islands in
2 certain locations, and I think this is a real benefit
3 to the visibility of the parking fields seen from the
4 public way. Additional tree islands could be added in
5 certain locations at other lot locations and looking at
6 maybe parking spaces that are somewhere between 10 and
7 12 maximum before other tree islands are located. And
8 I think when they grow in then they'll continue to
9 assist in making the parking areas more interrelated
10 with the natural landscape.

11 This diagram is consistent with our
12 preliminary peer review drawing where in red we show
13 the existing mature trees along the VFW lot and Russett
14 Road and Asheville Road. I think this was an area
15 where there's some significant tree canopy and mature
16 landscape and natural resources and I didn't see in the
17 diagram -- it's a challenging area with parking and
18 drainage and building placement, and going back to our
19 earlier point about recommending that the stormwater
20 civil management peer reviewer look at, you know, the
21 way techniques of drainage could work. And I think
22 some of these decisions that are geared towards those
23 areas -- I'm just trying to recapture some of these
24 trees because they really are beautiful and they do

1 preserve a strong visible connection to the landscape
2 from the public way and enhancing the overall natural
3 resources along the VFW parkway.

4 When there was -- you see these lines here,
5 these are the feathered grade areas that were worked
6 out relative to the raised parking areas. And I think
7 it's a very challenging -- we had multiple meetings
8 with the applicant, and it's definitely a challenging
9 site condition when you're looking at parking and
10 you're looking at drainage and existing trees. It's
11 not a simple task by any means, so our comments are
12 really very sensitive to the design challenge that
13 exists before them.

14 But there are certain areas where tree wells
15 still exist and retaining walls still exist. To manage
16 all of these multiple aspects -- and, as you see as
17 well, along the apartment building on Asheville Road.
18 And I think the result of some of these grading
19 challenges do have high retaining walls as seen right
20 behind Asheville Road. That retaining wall could be
21 anywhere between six and eight feet or taller, and I
22 think grading could look at ways that move against the
23 building in ways that can increase safety to people in
24 the landscape but also make more natural relationships

1 between the architecture and the landscape.

2 In response to some of our preliminary peer
3 review comments where we requested that the
4 architecture of the low-rise infill buildings look at
5 varying architectural details that are more consistent
6 with the surrounding neighborhood and also looking at
7 ways that roof lines could be varied to create, I
8 think, more visual interest with the building, the
9 applicant did respond by looking at low infill
10 buildings that had alternate facade treatments between
11 siding and brick and all brick facade.

12 And I think we would just recommend that they
13 continue to develop the architectural quality of the
14 low-rise buildings, specifically in other parts of the
15 project where you have side elevation, let's say the
16 eight-unit building where there are secondary entrances
17 and long elevations that are actually seen from the
18 public way on Independence Drive. And I think further
19 development could be evaluated as the project
20 progresses.

21 Also, the quality of the materials are good.
22 I think they have added brick, veneer -- the
23 conversations that we've had with the applicant, that
24 they would be using brick that is consistent in color

1 and texture with the existing Hancock Village, and I
2 think that will make good connections between the
3 architectural quality of the building. They've also
4 introduced siding in certain areas to make connections
5 to the architectural quality of the surrounding
6 landscape.

7 There are also some material choices that may
8 want to be reconsidered in lieu of vinyl windows,
9 looking at a higher quality window or a painted
10 aluminum product, also continuing, as I pointed out, to
11 look at the architectural details at the dormers in the
12 areas that really could elevate the quality of work.

13 And just on a smaller note, a few other items
14 such as bike racks may be something that wants to be
15 introduced to the project. They may want to
16 accommodate alternative modes of transportation for the
17 residents as well as -- a large goal of this green belt
18 area is to look at ways that are saving existing trees
19 and working with them and providing an existing tree
20 protection plan for the revised design.

21 So another significant aspect of our
22 preliminary peer review dealt with the scale and the
23 visibility of the midrise apartment building as seen
24 from Asheville and Russett Road, and I think this is a

1 big part of the applicant's response in their August
2 13th review as well as a part of our preliminary peer
3 review.

4 They responded -- I think they worked hard
5 here to respond to certain aspects of the project.
6 They moved the building back 10 feet, which was a way
7 to retain some of the landscape and some of the buffer
8 area between Asheville Road; they pulled back this area
9 in red, which you see the top floor of the building,
10 set it back from its corner as it's visible to Asheville
11 Road; and they replaced retaining walls, I believe
12 concrete retaining walls, with puddingstone rock walls
13 to make a more contiguous relationship. But mostly
14 they eliminated the parking and they realigned the
15 driveway in this location which, in effect, I think had
16 a benefit of retaining some of the existing mature
17 trees and reducing the visual impact that it has as
18 seen from Asheville and Russett Road.

19 The photo above is from the 23rd July
20 preliminary review, and this is from the 13th August
21 response. But, you know, this is a building and an
22 area that should be considered at all four seasons, and
23 I think we can't count on the benefit of those trees to
24 really affect the visual impact of the building. And

1 it's certain, in these areas, probably the most
2 sensitive view from Asheville Road and its nature that
3 exists with the residential character in the low-lying
4 two-, two-and-a-half-story buildings and the mature
5 landscape.

6 In our preliminary peer review, we had brought
7 up recommendations and considerations not just to pull
8 back, let's say, the top floor really, but look at ways
9 that the building could step in the landscape that
10 could help its visual impact relative to a really
11 sensitive part of the community's view corridor.

12 A few techniques that could be looked at in
13 the future is potentially looking at -- one layer here
14 is to look at lowering these masonry towers, for lack
15 of a better word, to align with the four-story and
16 continuing mansard roof across to help make the
17 building feel, I think, a little bit lower. It
18 definitely has some height challenges relative to the
19 adjacent context.

20 Other concepts could be explored, considering
21 looking at lowering the building along this area, being
22 sensitive to that program and lowering the building in
23 this area and maybe picking it up on another aspect of
24 the building not seen from Asheville Road.

1 There was some conversation previously about
2 the techniques when you go from a five-story building
3 above a podium, which is essentially this
4 construction. You're looking at, you know, a concrete
5 building, which is at this level. It's five stories
6 above. The limit of that construction is limited to a
7 fire-retardant wood-framed building. And the applicant
8 pointed out that steel frame would -- if you go to six
9 stories, could alter the construction to entirely steel
10 frame, and we would just recommend that when looking at
11 techniques of offsetting the height of the building
12 relative to Asheville Road, that building code
13 considerations with fire walls could help separate
14 building construction types so that one aspect of the
15 building could remain fire-retardant wood and another
16 aspect, which is taller than five stories, could be
17 steel or a different construction.

18 Some other minor areas just -- I think as the
19 project develops, when you have the number of units and
20 beds inside a building like this there's obviously --
21 being in this neighborhood and seeing pedestrian
22 circulation -- is looking at pathways that connect
23 people not just to the parking areas, but also to the
24 surrounding neighborhoods. There's an entry point

1 here. Currently we don't see any pedestrian walkways,
2 and we may want to look at pathways and walkways here
3 as well as pathways that could bring you up to the
4 building along the backside, minor things that I think
5 could enhance the overall quality of the building.

6 Another consideration is if -- again, the goal
7 was by pulling back the building away from Asheville
8 Road we can actually help the sheer wall effect of the
9 building being pulled back from those edges.
10 Understanding where the existing trees are and making
11 decisions with the architecture around those existing
12 conditions would be greatly helped by doing a survey of
13 this area. We have not seen a survey for the existing
14 trees, and I think there's a certain number of mature
15 trees along these edges, and whether or not they can be
16 saved.

17 Other considerations are certainly how these
18 roads and these parking areas and these areas here
19 could be manipulated and moved and slid around to
20 recapture some significant trees. That could help in
21 that situation.

22 Also, in these areas there are some evergreen
23 trees which would assist in the four-season screening
24 of the building over time. And those are just some

1 comments along those lines.

2 And then, I think, lastly, the overall
3 building design and looking at that sheer wall effect
4 of the building. I think they did develop the building
5 some more between the preliminary and the 13 August
6 review. We continue to look at architectural
7 techniques that could not just make the building feel
8 lower in its quality but also enhance the
9 architectural quality of the building and break up the
10 massing in further ways. Also material choices could
11 be evaluated instead of, again, vinyl windows, looking
12 at a higher-grade, painted aluminum products or other
13 products. Also instead of fiber cement panels which
14 tend to be on lower story buildings, looking at precast
15 or cast, just ways that can elevate the quality and the
16 overall aesthetics of the building.

17 So in general, we pointed out that we're just
18 trying to cover a large, higher stroke of our review of
19 the building and we encourage the applicant to continue
20 developing. But I think there's four areas that we
21 just wanted to recapture in the conversation.

22 Along the green belt area, they, I think, want
23 to look at ways that can lower the parking grades and
24 the access drives to be more contiguous with the

1 landscape to make better connections to the natural
2 resources.

3 Also, with the length of those drive aisles
4 being as much as 900 feet, 400 to 600 feet, look at
5 ways that can slow down the vehicles and induce
6 movement across the landscape and ultimately increase
7 pedestrian safety in these parking areas and
8 residential relationships.

9 And then, ultimately, further study that and
10 ensure the privacy between the abutters along Russett
11 and Beverly Road and the parking areas adjacent to the
12 fence.

13 And then along the lines of the fourth point
14 would be relative to the midrise apartment building and
15 look at different techniques, as we pointed out, and
16 others I'm certain that the applicant would evaluate,
17 that they can consider in ultimately minimizing the
18 visual impact of the building specifically as seen from
19 the public way along Asheville Road and Russett
20 intersection.

21 So that's, essentially, the conclusion of our
22 final report, and we're happy to answer any questions
23 that may rise from this. Thank you.

24 MR. JESSE GELLER: Thank you.

1 Questions from the board?

2 MR. ZUROFF: Mr. Touloukian, you seem to have
3 stressed ways -- finding ways to slow down the traffic
4 on long, extended drive pathways. The question is:
5 How does that affect the safety issues of having fire
6 and police access?

7 MR. TOULOUKIAN: Well, techniques for slowing
8 down roadways would be consistent with building code
9 and consistent with fire department access. So these
10 considerations are speed bumps, you know, raised
11 walkways that aren't raised that high that slow down
12 movement so that you don't have long stretches, you
13 know, at off hours where people could be crossing the
14 parking areas. There's multiple ways.

15 MR. ZUROFF: But it does not affect the safety
16 issues?

17 MR. TOULOUKIAN: No.

18 MR. JESSE GELLER: Anything else?

19 MR. HUSSEY: I've got a couple of questions.
20 One is: Maria, will you be providing us with a hard
21 copy of the PowerPoint presentation?

22 MS. MORELLI: Yes.

23 MR. HUSSEY: Okay. And the other is:
24 Mr. Touloukian, I've got a question regarding the dual

1 construction as a way to get around the problem of
2 adding more stories to the apartment building. Do you
3 end up, then, with seven stories on that west end of
4 the apartment building?

5 MR. TOULOUKIAN: I think that's -- you know,
6 what we're posing is that if height is a concern along
7 Asheville Road, right, and lowering that and
8 offsetting, potentially, programs to other areas would
9 be above five stories, that would change the
10 construction type in those locations as six or whatever
11 stories above that level. And the building code has
12 areas for podium construction, which this is, and
13 construction type and height and area limitation, very
14 complicated and involved.

15 But in a way to evaluate retaining,
16 potentially, wood-framed construction in one portion of
17 the building and to use steel on another to raise the
18 building, you could create a fire wall between those
19 two areas and that would mean that the entire building
20 would not have to be steel construction. That's really
21 the point. And I think that the architect for the
22 applicant would really have to finesse all the things
23 that come out of those kind of decisions with respect
24 to egress, elevators, et cetera.

1 MR. HUSSEY: I think I agree with you that
2 the building's appearance from Asheville Road is
3 massive, and it really should be stepped in some form.
4 My concern with allowing that to be done by adding
5 floors on the other end and the different construction
6 type is it may kick that into high-rise construction,
7 which will add an additional cost. It may even affect
8 the whole building regardless of the fire wall. But I
9 agree in principle with your idea that we really need
10 to step that Asheville Road -- that east end of the
11 building.

12 MR. TOULOUKIAN: I think that part of the
13 building is more than 75 feet so -- and that is a limit
14 of high-rise construction. That should be looked at by
15 their architect. There's lots of details associated
16 with that.

17 MR. HUSSEY: Okay. Thank you.

18 MR. JESSE GELLER: Anyone else?

19 MR. BOOK: Yeah.

20 Mr. Touloukian, one of your comments was for
21 the applicant to consider additional ways to preserve
22 mature trees. I'm sorry if I'm paraphrasing that.
23 That was a comment that you had raised in your initial
24 peer review and to which in the applicant's -- the

1 changes that they made to the project -- they indicated
2 that they did that. Do you feel that they need -- they
3 just didn't go far enough, that there are more trees
4 to -- that could be saved that were overlooked? I
5 guess I just want to be mindful, are we asking -- if we
6 were to ask them to consider that, have we already done
7 it and have they already responded and, you know, are
8 we just asking them the same question again?

9 MR. TOULOUKIAN: I think that they worked very
10 hard to clearly retain a lot of existing trees along
11 the Beverly area in this location, you know, adjacent
12 to Russett and Independence. As our slide pointed out,
13 I think in this area here along VFW where we showed a
14 lot of the red circles, I think that has some very
15 significant existing trees. And as you see, it's a
16 very nonlinear -- it's a challenge. There's no doubt
17 about it. They have a challenging -- there's a
18 challenge here to balance building program, building
19 size, access drives, building codes, and you're trying
20 to move things around.

21 But particularly with respect to the underslab
22 drainage design -- that's why I didn't bring that up,
23 that it could be considered further review in that
24 area -- is that it may allow things to be lowered or

1 pulled back, that in those highlighted red areas, you
2 know, potentially from the public way along VFW where
3 the trees are most mature, is there ways to save them?
4 Because I think that has the most visible impact.

5 And I think, without getting involved in
6 details, I'm very sensitive to the conversation, very
7 sensitive that it has been approached in a lot of areas
8 and there has been great success where they have done
9 that work. But that portion in this area right here, I
10 think there could be some further repair.

11 MR. BOOK: Thank you.

12 MR. JESSE GELLER: Anything else?

13 (No audible response.)

14 We may have further questions. Thank you.

15 Mr. Geller, Mr. Schwartz?

16 MR. LEVIN: I'm Marc Levin, Chestnut Hill
17 Realty.

18 We've listened to the ZBA, other town
19 officials, neighbors, town staff, and the consultants.
20 Our revised project balances the requests of the town
21 with the need for affordable and market-rate rental
22 housing in Brookline. We thank everyone for their
23 constructive suggestions. It's made the project
24 better.

1 We were asked to preserve more useable open
2 space, preserve more trees, reduce the number of larger
3 units, reduce the overall number of units, increase
4 landscaping, create better view corridors, make parking
5 less visible, and make the apartment building less
6 visible.

7 At our August 13th presentation, we presented
8 a number of these changes. We shifted the location of
9 the apartment building, which enabled us to preserve
10 more of the large rock outcropping at the east end of
11 the apartment building along with the mature trees
12 located there; we refined the design and the exterior
13 of the apartment building; we modified the exterior of
14 the infill buildings; we revised the floor plans of the
15 infill buildings to address egress concerns; we reduced
16 the parking by 51 spaces to meet the minimum required
17 by zoning; we increased landscape buffers to shield
18 headlights; we added tree islands to break up parking
19 lots; we made the perimeter fence solid board and added
20 one foot in height; we lowered grades in the parking
21 lots whenever possible; and we adjusted grades to blend
22 into the existing topography also wherever possible.

23 Since then we've made further modifications.
24 Specifically, we've modified the exterior of the

1 apartment building to break up the massing and we added
2 still more landscaping.

3 Here you see the summer view from Asheville
4 Road of the modified apartment building, and here you
5 see the winter view. Similarly, from Russett Road you
6 see the summer and winter shots of the apartment
7 building from the backyard, I guess, of 304. And then
8 from the second story window, the summer and winter
9 scene from that house.

10 Over the past several months, we've provided a
11 huge amount of material to the town and their peer
12 reviewers. Due to the tech wizards at Stantec, we've
13 been able to present information about our development
14 in ways that were impossible only a few years ago. The
15 issues discussed here have been reviewed at length by
16 our very experienced team of architects, landscape
17 architectures, engineers, and other team members. They
18 understand the site and buildings and have done a
19 terrific job balancing the various goals of our
20 program. We have a lot at stake at Hancock Village,
21 and therefore care deeply about our building and site
22 design. We also are very concerned about the well
23 being of our residents, both current and future, as
24 well as our neighborhood.

1 I'll turn it over to Joe to discuss most of
2 the responses to the peer reviewer.

3 MR. JOE GELLER: Thanks, Marc.

4 Joe Geller, Stantec Consulting.

5 So I'm just going to go through each one of
6 the comments from Mr. Touloukian's presentation and
7 respond to them. So there was a comment about the
8 impact of the vehicles, further evaluation should be
9 undertaken to review additional landscaping, buffering,
10 screening.

11 We made some changes to the grade, we moved
12 the parking, we've added fencing and landscaping to
13 prevent the vehicle lights. I think we were pretty
14 clear in the last presentation that we showed that
15 between the fencing, the planting, the lowered grades,
16 we don't really believe there's any issue. I think the
17 animation would show that as well.

18 So -- but when the project's complete,
19 evaluate that. If additional screening is required, we
20 would certainly be willing to add additional screening
21 if, at the time that that's done, the lights become an
22 issue. We don't really believe that that's going to be
23 an issue for the project. And as you can see in this
24 section -- in the previous plans, this was the grade

1 that we'd shown. We've added the planting, we've added
2 the fence, we've lowered the grade, and we think -- you
3 know, this is just one area where we show the sections
4 of this parking lot here. We really do believe that
5 the lighting issue is really a nonissue. And you're
6 always going to have some ambient light that comes from
7 any cars moving along a site, but we really believe
8 that this won't affect the neighboring properties.

9 So the noise effect on the neighboring
10 properties -- the new parking is going to be screened
11 with landscaping, fencing. It's further away from the
12 neighboring homes than the existing homes are from each
13 other, so the impact of noise between the existing
14 residents -- it's not going to have any more impact.
15 It should have less impact, actually, than cars' noise
16 coming between the homes. Everyone has driveways next
17 to each other on that street or they share driveways,
18 so really nobody is entitled to have no noise impact
19 from any development around them. And we really think
20 the noise generated is going to be very incidental to
21 this project and we've provided enough buffering, we've
22 provided enough distance that we really don't think
23 that this is a significant issue.

24 Consider further review of the stormwater

1 management system. This is really the relationship of
2 the grades that we talked about as well as the
3 additional tree wells, trying to protect mature trees.
4 You know, our review of the stormwater is -- we were
5 very careful to really take a hard look at what we
6 could do in terms of lowering the grades on the site.
7 And I think last time we talked to you we showed you
8 how we were able to reduce the grades in a number of
9 different areas, particularly on the east side of the
10 site.

11 But really, in terms of the west side of the
12 site, the separation of groundwater really makes it
13 very difficult to deal with drainage, grades, and all
14 of those. So what we did is we tried to feather the
15 grades wherever possible so that we were able to push
16 the grades out and make it less of a steep grade. But
17 it's a real balancing act, and we're trying to preserve
18 as many trees as we can as well. And, you know, the
19 fact that we have tree wells -- the tree wells are
20 there to preserve the additional trees, so we could get
21 rid of the tree wells, but we're going to lose some
22 trees. So I think that it's very hard to say, you
23 know, change these grades, do this, without really
24 looking at the whole overall balance and what we're

1 trying to do on the site.

2 You'll hear from the stormwater presentation
3 next week, the 15th. I think you'll hopefully have a
4 better understanding of why we did what we did. And I
5 think BETA will have their review of that as well, and
6 we can ask that question of them next week when they're
7 here.

8 Consider minimizing the continuity of sheet
9 parking by breaking the parking area into smaller
10 parking lots. We if broke up the lots into smaller
11 lots, it would require taking more useable open space,
12 and so I think that, again, was a balance of what we
13 were trying to do.

14 If you look at the existing parking lots at
15 Hancock Village, parking streets, the parking lots or
16 the parking drives along the west side of the site
17 actually have more trees islands than anything in the
18 existing part of the site. It has more broken up
19 parking areas. So I think that this is actually the
20 best possible outcome in terms of the parking and the
21 tree allocation. And these lots actually will look
22 like small parking lots because of those tree islands
23 that Mr. Touloukian suggested we put in and maybe
24 adding some plantings. So I think, again, it was a

1 balance of what we were trying to do between open space
2 and having parking that works and that doesn't take up
3 any more of the open space.

4 This one came up before, consider additional
5 walkways to allow access across the parking driveways
6 to existing courtyards. The way I understood that
7 comment was really the same comment that was made
8 before and, as you know, if we have more than a
9 three-foot grade change within the area that abuts the
10 property that's within the NCD, then we would require
11 NCD approval and then we're not -- we're not willing to
12 go in that direction.

13 We have reviewed the pedestrian concerns on
14 the site ourselves with our traffic engineer. We don't
15 believe it's an issue. There is walkways connecting
16 all of the site, so, you know, I think that we -- to
17 the extent that we -- on the leased lot site, we have
18 connected everything that we can possibly connect with
19 the walkways. Tonight Mr. Touloukian suggested another
20 connection, which I'll get into in a minute, that we
21 think is a good idea and we're going to try to add to
22 the plan. But this one just creates a problem for us
23 from a bermage perspective in terms of the NCD.

24 Again, consider additional tree islands. This

1 is basically the same comment I just made about
2 reducing useable open space. We really do feel that
3 this balance has been achieved.

4 The more mature trees along Asheville Road and
5 VFW Parkway -- we pushed and pulled and moved those
6 lots. We pulled the buildings, we created -- I guess I
7 really disagree with Mr. Touloukian's assessment of the
8 retaining walls on that part of the site behind the
9 buildings on -- to the left of Asheville as you come in
10 between Asheville and VFW. I think that those --
11 actually, those walls -- the only impact of those walls
12 are on the units themselves. And I think one of the
13 suggestions was to grade against the units so that you
14 had the buildings basically tucking into the grade so
15 that their windows would be sort of at grades as
16 opposed to looking out onto a wall. You know, we feel
17 that that's actually a worse situation -- feels like
18 they're in a basement unit as opposed to looking at a
19 wall. You've got some landscape back there and there's
20 some open space back there. So I think that's just a
21 difference of opinion.

22 And I don't think that we could preserve any
23 more trees than we've preserved. If we can, we
24 certainly -- and I do think that we were being as

1 realistic as we possibly could be. We may have removed
2 trees -- a tree or two that we just weren't confident
3 that we could save, so I think as we get into the site
4 and we're working on the site, the limit of work line
5 can be adjusted and we'll field adjust that to save as
6 many trees as we can. But we didn't want to promise
7 saving trees that we didn't feel that we could really
8 save. And I think between the parking, the roads, the
9 buildings, we've done the best possible job we can.

10 I talked about this already, removing the tree
11 wells. You know, if you remove the tree wells -- our
12 real sense is if you remove the tree wells, then you're
13 losing the trees. So the tree wells are there to
14 preserve more trees. You could get rid of the tree
15 wells and grade around those areas, but it means you're
16 losing trees.

17 MR. LEVIN: Mr. Touloukian suggested that we
18 do some more architectural work on the low-rise
19 buildings. And one of the suggestions was to use
20 architectural asphalt shingles, which we're more than
21 happy to do, and we will look at the exterior details,
22 particularly on the south elevation of the eight-unit
23 building that is visible from Independence Drive. We
24 think Mr. Touloukian made a good point, and that's an

1 exposed facade that can be made to look a little
2 articulated and more attractive.

3 MR. JOE GELLER: So another comment was to
4 consider the design of the low-rise buildings to have a
5 better relationship with the natural topography. I
6 think we've made a -- we really evaluated this in the
7 siting of the infill buildings. We haven't found a way
8 to make noticeable improvements in the grading given
9 the door and window locations, size of the buildings,
10 and how we were trying to address them to the parking
11 and the access. We think we've done the best possible
12 job on that. It's just -- I know the comment was to
13 try and grade around the buildings in ways that flows
14 with the existing topography, and we've done that in a
15 number of areas, but we just don't feel we can do it
16 any more than we have.

17 Consider the implementation of bike racks, and
18 actually the bike racks are shown on the plan. The
19 apartment building will provide bike storage in the
20 garage, while each infill building will have two
21 inverted U-rack bike racks in front of each one of
22 them. So that's actually already in the plan, so great
23 suggestion. We already took it before we even got
24 here.

1 Consider providing an existing tree protection
2 plan, and that would certainly be part of the
3 construction management. In the final construction
4 document package would be an existing tree protection
5 plan.

6 MR. LEVIN: The apartment building, how could
7 we reduce the visible presence? As I've mentioned
8 previously, we moved the building back to take
9 advantage of the natural screening and added
10 significant landscaping to screen the building, and
11 we're very pleased with how the building now looks. We
12 believe the facade is sufficiently broken up.

13 That said, we will review the configuration of
14 materials to reduce the visual impact of the apartment
15 building further. In particular, Mr. Touloukian's
16 suggestion of changing the brick, so-called, towers to
17 more of a mansard continuation on that fifth floor is a
18 good idea and something that we could probably easily
19 accommodate. The vantage points to the abutters' homes
20 are limited since only a small piece of the facade can
21 be seen at any given location.

22 Also, at the suggestion of Mr. Hussey and
23 Mr. Touloukian, we gave consideration to reducing the
24 fifth floor on the east side and replacing the square

1 footage on the sixth floor. And we had a discussion of
2 that and the building department did, in fact, confirm
3 that we'd have to go steel. And the notion of putting
4 a fire wall between what would be a sixth floor and the
5 wood frame that would be made of steel -- the six-story
6 section that would be made of steel and the five-story
7 section would be made of wood adds quite a level of
8 complexity, from what I'm told, something we've never
9 done.

10 I'd be interested if Mr. Touloukian has
11 designed a building like that, because we found that
12 the nuances and the details to make that work with
13 areas that Mr. Touloukian pointed out such as egress
14 and separation and such, we found that the benefits
15 would not outweigh the costs.

16 MR. JOE GELLER: So consider the four seasons
17 and the visibility of the building during the off
18 seasons. The planting plan does include several large
19 evergreen trees. Again, if we determine after
20 construction that additional trees would be beneficial,
21 we'll consider planting additional trees and that's
22 something that we would certainly be interested in
23 talking to you about further.

24 Pedestrian safety by providing pedestrian

1 access --

2 MS. SCHARF: Excuse me. You are hard to
3 understand. Could you speak a little slower and
4 louder?

5 MR. JOE GELLER: Sure.

6 MS. SCHARF: Thank you.

7 MR. JOE GELLER: The safety of our residents
8 is very important to us, as Marc pointed out. We will
9 look -- I think this was a good idea. We'll look at
10 extending the pedestrian connection along Asheville
11 Road to the main entrance to the apartment building.
12 We'll have to make sure that we meet ADA requirements
13 for that, but we have looked at both walkways that
14 would go to the main door, walkways that go into the
15 parking area at the top of the site, and then to the
16 back of the site as well. And we're working on a plan
17 with that that we'll also share with the peer reviewer
18 from BETA so that they can look at it and have a
19 comment on that before next week hopefully.

20 Before construction starts, we'll have a limit
21 of work line staked so if additional trees can be saved
22 by adjustment of that, we'll certainly do that. The
23 area that didn't have the trees located all over the
24 site had trees located at the area that was completely

1 wooded where all of the -- where it was proposed to
2 have the rock removed. But that's something that we
3 will include in the -- before construction starts.

4 I think that we've saved an awful lot of
5 mature trees in that section in front of Asheville
6 Road. That's why we adjusted the entrance to the
7 parking garage. We think we saved a decent amount of
8 trees there, and you will see it in some of the
9 animations that will follow. And I think we've done
10 what we can to really buffer that area. We've also
11 added a significant amount of evergreen trees in that
12 area as well.

13 MR. LEVIN: Once again, the building
14 materials, exterior building materials, questions have
15 been raised. And, in fact, as Mr. Touloukian
16 indicated, we are prepared to match the brick that we
17 use in the Residences of South Brookline to match that
18 at Hancock Village. We will continue to develop the
19 design of the building entrance to the apartment
20 building. As I indicated the last time, that's a work
21 in progress. And the materials for the building, you
22 know, we spent a lot of time and they've been selected
23 carefully and we're pretty comfortable with the
24 materials as indicated on the plan.

1 We'd like to thank Ted for his thoughtful
2 review of our proposal. I would like to say that this
3 is a very complex -- as I'm sure you can appreciate --
4 a very complex site and program, and we've been working
5 on it for a long time. And we had some excellent
6 consultants that have helped us really address what is
7 oftentimes competing goals, and I think we've done a
8 really good job in preserving the natural environment
9 while at the same time providing rental housing which
10 is in dire need.

11 Joe will give you some animations you had
12 asked for both with and without the leaves on the
13 trees.

14 MR. JOE GELLER: We did have our animators
15 pick all the leaves off the trees, and these are --
16 what we're showing is the existing and proposed trees
17 that are going to be planted on the site and the
18 buildings.

19 So this is the -- takes you around Asheville
20 traveling from Russett, around the building, coming
21 down. As Ted had pointed out, we did add stone walls,
22 which would be existing stone on the site that was used
23 for that, the new entrance to the building, and you can
24 see where sort of -- there's trees here but, you know,

1 we're not showing -- we're showing as if the trees were
2 transparent. In this area you wouldn't actually see
3 that part of the building.

4 At this point you're looking from Hancock
5 Village towards the building and then you're coming
6 around back to the existing Hancock Village buildings.
7 The grade is much lower in here, so the existing
8 Hancock Village buildings are a grade of about this --
9 this grade in the building. They'll be looking out
10 that way, fencing, and this rock ledge will be
11 maintained.

12 One thing I should point out is that we did
13 have a meeting with the fire chief to review the fire
14 access and he was comfortable with all the fire -- the
15 changes that we made to the plans. So fire access --
16 he did want to encourage us to continue to promote the
17 use of VFW if at all possible for even emergency access
18 if we couldn't get complete access to the VFW Parkway.

19 MR. JESSE GELLER: So he's comfortable with
20 the access to the back side -- we'll call it the back
21 side of the building.

22 MR. JOE GELLER: Yes.

23 Now we're going down -- now we'll show it to
24 you with trees -- with leaves, sorry, trees and

1 leaves. Same view basically.

2 MR. JESSE GELLER: Am I looking at the
3 mechanicals, or are the mechanicals --

4 MR. JOE GELLER: No. The mechanicals would be
5 in the center of the roof there. We're not -- didn't
6 show --

7 MR. JESSE GELLER: You're not showing the
8 mechanicals?

9 MR. JOE GELLER: The model doesn't have the
10 mechanicals, but they would be located in the middle of
11 the roof, so they wouldn't be visible.

12 MR. HUSSEY: It looks like, from one of the
13 plans I see here, the mechanicals consist essentially
14 of units for each individual unit of the building, not
15 one big air conditioning --

16 MR. JESSE GELLER: Condensers.

17 AUDIENCE MEMBER: Louder please.

18 MR. HUSSEY: What the plans indicate is that
19 there's not one big mechanical system on the roof but,
20 in fact, there are a whole slew of very small
21 individual units, compressors for the air
22 conditioning. Is that correct?

23 MR. LEVIN: That is correct. And as you can
24 see on the plan, they're set back significantly from

1 the edges of the building. They only protrude maybe
2 three feet in height, forty inches maybe, and they will
3 not be visible from the ground, I don't think from
4 anywhere.

5 MR. HUSSEY: Thank you.

6 MR. JOE GELLER: Okay. Next we're going to go
7 up Russett Road, so we'll go from Independence Drive,
8 down Russett Road, and what you see from Russett Road
9 both with trees and without trees -- leaves, sorry.

10 Here we are coming off of Independence Drive.
11 And if you remember correctly, there's an odd little
12 jog where the property line curves around one of the
13 properties that's on Independence and you'll see a fade
14 there where that happens. So again, this is on
15 Russett, we're on Thornton Road, coming across that
16 area. Again, there's no buildings behind any of these
17 buildings here or parking.

18 AUDIENCE MEMBER: Are these existing homes,
19 these gray things?

20 MR. JOE GELLER: Yes. So each one of those is
21 the numbers of the houses.

22 Now we're coming out to Asheville, the end of
23 Russett Road, and the VFW.

24 Now we'll do the same thing with leaves on the

1 trees. So these views are showing along the streets.
2 I do show trees that we took from surveys, aerial
3 photos at street view within the properties, both our
4 property and the abutting properties.

5 The next ones I show you will actually remove
6 all the -- I think as we did last time -- remove all
7 the trees in the rear yards, so you don't get the
8 benefit of trees that are in that neighboring
9 properties, but it will give you a clear understanding
10 of what the impact of the development would be if those
11 tree weren't there. This is Asheville.

12 Okay. Now we'll -- basically the same view
13 but looking at it from the rear yards. And this is the
14 one that actually jogs, so you'll see -- here's some of
15 the houses that are along the fence, the eight-unit
16 building with the trees behind the fence. Again, no
17 abutters' trees will be shown in this. This is where
18 it jogs right there. So this is at the -- six feet
19 high is the camera height here. That's the next
20 building. You can see existing Hancock Village behind,
21 Thornton Road, again, nothing behind these buildings,
22 existing trees being preserved there, screening, the
23 apartment building, Asheville Road, the next two
24 buildings, existing trees to be maintained in that area

1 before the last building, and then the VFW.

2 Same thing, looking at -- from the -- with
3 leaves on the trees. Again, no abutters' trees shown,
4 so any of the trees in the neighboring yards are not
5 seen. This is where it jogs again. You know, in these
6 areas where there's no building behind it and no
7 parking you're actually going to see less of the
8 existing Hancock Village because we've added screening
9 and maintained some of the existing trees. Asheville.

10 Okay. Now we'll look a little bit higher, the
11 second story, looking out of the second story of the
12 buildings that abut us. Again, no abutters' trees are
13 being shown. The camera height is about 15 feet off
14 the ground. Asheville.

15 And the same view with the leaves on the
16 trees. Again, 15-foot height, abutters' trees not
17 shown.

18 Okay. So that's the views from Russett Road.
19 Now we'll go to Beverly Road. Again, we'll start at
20 Independence Drive and go up towards the Baker School.
21 The first one will be from Beverly Road with no leaves
22 on the trees. Same view, again, six feet off the
23 ground with leaves on the trees. Same thing, going up
24 Beverly Road in the back of the houses. Again, now

1 here we've removed the trees that are in the rear yard,
2 looking at a height of six feet above ground.

3 Same thing with leaves on the trees. And same
4 thing, going from Independence to Beverly Road. This
5 time 15 feet, no leaves on the trees, and no abutters'
6 trees shown in the rear yards.

7 And then the same thing, 15 feet again, from
8 Independence, no trees on the abutters' properties,
9 leaves on the trees. So we only have about eight more
10 of these.

11 So that's all the views from the abutting
12 properties. There was a question asked about what the
13 detention basin would look like, and we'll be showing
14 that when we do the drainage work next week, so we'll
15 see that, what it looks like.

16 MR. LEVIN: I'd just like to summarize some of
17 the major changes that we've made to our program since
18 the original application was made.

19 We've eliminated eight units in their
20 entirety, and we've eliminated three of the buildings.
21 We've reduced the size of all infill buildings. We
22 changed all four-bedroom units into two-bedroom units,
23 we changed ten three-bedroom units into two-bedroom
24 units, and in total, we've reduced the bedroom count by

1 eighty-one. We eliminated all the small garages, and
2 we've increased the useable open space by over three
3 acres. We created large open spaces in the areas
4 closest to the abutters. We saved trees. We increased
5 the lineal footage of unobstructed views by almost 900
6 feet.

7 Lastly, I'd just like to say that the purpose
8 of our submission was to create affordable and
9 market-rate housing in South Brookline. This is more
10 important than ever as single-family houses in
11 Brookline sell for a million and a half on average.
12 Thank you.

13 MR. JESSE GELLER: Thank you.

14 Questions? No? Okay. Thank you.

15 Okay. I'd like to now call on the public for
16 testimony. Again, I would ask that you focus your
17 testimony on the presentation this evening. As we've
18 done in the past, if people who wish to speak would
19 line up on this side close to the podium. Speak into
20 the microphone. Start by giving us your name and your
21 address. Please go ahead.

22 MS. LEICHTNER: Judith Leichtner. I'm a Town
23 Meeting member from Precinct 16. I'm representing my
24 precinct, but I'm not an abutter. I'm speaking on

1 behalf of those neighbors who have discussed this with
2 me but feel too uncomfortable to speak publicly and
3 contemporaneously on this issue.

4 And I appreciate your request that we speak
5 only on those issues that were raised at tonight's
6 meeting. But at the end of the last meeting, Attorney
7 Schwartz made a comment to which a number of people
8 wanted to respond but as you were closing the meeting
9 decided it was not appropriate to ask to be heard again
10 but many of us felt that a response to those comments
11 was appropriate, so please allow me to respond to those
12 comments now.

13 Although I took notes, I'm reading this quote
14 from the transcript of the last meeting. Mr. Schwartz
15 said in response to comments from the public, and I
16 quote, but as in the construct of 40B, this is an
17 acceptable plan that the town can live with looking at
18 the interest of the town as a whole and not just the
19 immediate abutters. Of course the abutters are an
20 important interest group, but 40B looks at the interest
21 of the town as a whole, end quote.

22 As a Town Meeting member and somebody who has
23 spent my entire life in Brookline doing volunteer work
24 for this town, if I felt that this was an acceptable

1 plan, that it was in the best interest of the town as a
2 whole, even if it adversely affected some of my
3 constituents, I would not have attended all these
4 meetings and fought this and the other CHR proposals
5 over the past six years. I would have tried to
6 convince my neighbors that it was a good plan. But it
7 is not. There is nothing about this project that is in
8 the best interest of the town as a whole. And there
9 are many reasons why it is not.

10 And I understand the constraints of the 40B
11 law as clearly defined by Ms. Murphy in this matter
12 tonight that restrict the reasons that you can use to
13 deny or strongly condition a project, but we all know
14 that those reasons exist and they are some of the many
15 reasons that this is not in the best interest of the
16 town.

17 Some of the most important are the impact on
18 the schools. This year there are over 800 children at
19 the Baker School. This project, as Allen Moore, former
20 chair of the school committee, told you, would
21 adversely affect the entire school system. And he said
22 the Chestnut Hill Realty proposal, at a minimum,
23 overburdens our schools and has the potential to
24 fundamentally disrupt the same school system that makes

1 this development profitable, end of quote.

2 Another reason is the fiscal impact on the
3 town and town services at a time when an override is
4 needed for existing services. This inappropriate
5 project will place an added burden on every tax payer
6 in Brookline.

7 And even though the initial plan has been
8 tweaked, it only reduced the project by eight units.
9 It did not substantially address the important problems
10 like the size and the massing of this project. And it
11 also added back the fifth story which MassDevelopment
12 said, and I quote, the conceptual plan is not
13 appropriate for the site due to the massing of the
14 project's five-story building, which is generally
15 inappropriate for this site. And the developer never
16 answered the question that Mr. Touloukian raised, why
17 is this building so tall?

18 There's a huge amount of evidence that it is
19 not just the abutters but citizens from all of
20 Brookline that do not believe this is in the town's
21 best interest as evidenced by the following: The town
22 would not have written an 80-page response objecting to
23 this project if this were in the best interest of the
24 town as a whole. All of the boards and commissions

1 from the town would not have written to you, this
2 board, with numerous objections if this were in the
3 best interest of the town as a whole.

4 And we understand that the Preservation
5 Commission has recently submitted to Preservation
6 Massachusetts the nomination of Hancock Village to the
7 2014 Massachusetts most endangered history resource
8 list. That would not have been done if they felt this
9 plan were in the best interest of the town as a whole.

10 And most importantly, the town would not
11 continue to be in litigation if they felt that this
12 plan were in the best interest of the town as a whole.

13 Due to the 40B regulations, in your decision
14 you may not be able to use all of these reasons why
15 this is not in the best interest of the town, but we
16 hope that your decision does not state or imply that
17 this project in any way is in the best interest of the
18 town as a whole.

19 We also believe that there are reasons you can
20 use. There are conditions that you can impose. And we
21 hope that as the only board who can now protect the
22 interest of the town, that you will do just that. We
23 urge you to use every possible tool and every strategy
24 at your disposal to either deny or strongly condition

1 this project to reduce the size and scope and to reduce
2 the negative impact on the Town of Brookline. That is
3 what is in the best interest of the town as a whole.
4 Thank you.

5 MR. CHIUMENTI: Steve Chiumentì, 262 Russett
6 Road, Town Meeting member, Precinct 16. I'm going to
7 pretty much echo a little of Judy's remarks and also
8 Ms. Murphy's, actually.

9 This is in response really to the notion that
10 this is in the interest of the town. This is not an
11 acceptable plan to the town. This plan totally ignores
12 the parameters set out in the Neighborhood Conservation
13 District for Hancock Village as voted on by more than
14 80 percent of Town Meeting members in establishing the
15 NCD in the first place. The NCD parameters for the
16 Hancock Village follows the original conditions that
17 the town imposed in modifying the zoning in '46 to
18 allow the development of Hancock Village in the first
19 place and, therefore, for the same reasons that was
20 unacceptable in the parameters set out when the town
21 originally granted zoning changes to permit the
22 development of Hancock Village.

23 As further indication that this project is not
24 in the interest of the town, I remind this board that

1 the town is plaintiff in a suit against MassDevelopment
2 and Chestnut Hill Realty in this matter.

3 This is not an acceptable plan under 40B. As
4 we have noted, this is a project Chestnut Hill Realty
5 went to MassDevelopment with first. And let me be
6 clear. If we treat the first project you saw as
7 project number 1 and the current project you're
8 considering as project number 2, those are projects --
9 the original project that you haven't seen that
10 MassDevelopment was prepared to reject. Basically,
11 this project 2 is essentially that same original
12 project. Basically, the original project, before the
13 project that you saw, was a seven-story tower, two
14 levels of parking and five of living, ten green space
15 buildings, and paving over the balance of the buffer
16 zone.

17 Now, after Chestnut Hill Realty has abandoned
18 the project it had first presented to this board,
19 project 1, the project is now a seven-story tower, nine
20 rather than ten green space buildings, and paving over
21 the balance of the buffering zone. It's essentially
22 the original project. I suspect what they really want
23 to do is go back to MassDevelopment with the project
24 that MassDevelopment was going to reject with the

1 ability to say that you approved it. MassDevelopment
2 is not going to mind if you approve it. But this is
3 the project MassDevelopment was going to reject.

4 We have urged this board to adopt
5 MassDevelopment's own assessment of this project and
6 reject it as MassDevelopment was prepared to last
7 February. And I quote -- this is from
8 MassDevelopment's review of the project, basically,
9 you're looking at -- based on this review of the
10 application, MassDevelopment has determined that it is
11 unable to approve the project's request for a
12 determination of project eligibility. The reasons for
13 this denial are as follows:

14 MassDevelopment has determined it cannot make
15 the finding that the conceptual project design is
16 consistent with the design requirements in Section
17 56.04, paragraph C -- that's in the Commonwealth's
18 regulations -- Chapter 760, which requires the
19 subsidizing agency to determine whether the conceptual
20 project design is generally appropriate for the site by
21 taking into consideration factors such as proposed use,
22 conceptual site plan, and building massing, topography,
23 environmental resources, and integration into existing
24 development patterns.

1 In particular, MassDevelopment has determined
2 that the conceptual site plan is not generally
3 appropriate for the site due to the project's complete
4 elimination of the existing green belt buffer between
5 the current Hancock Village residence and the abutting
6 single-family neighborhood homes. And the green space,
7 let me parenthetically add, they don't mean landscaping
8 of parking lots.

9 The project's inadequate setbacks and the
10 massing of the project's proposed five-story
11 building -- seven-story building, actually -- which is
12 generally inappropriate for the site and not well
13 mitigated by topography or other means. As a result,
14 the proposed design of the project does not integrate
15 well into the surrounding development pattern and
16 therefore is not generally appropriate for the site.

17 Failing an outright rejection on your part for
18 this plan that MassDevelopment was preparing to reject,
19 we urge this board to consider that substantial -- in
20 the language of reg, quote -- reduction is justified by
21 valid health, safety, environmental, design, open-space
22 planning, and other local concerns that directly
23 results from the size of this project on this
24 particular site consistent with Section 56.07,

1 paragraph 3.

2 And I note that in regard to this project,
3 given that the nature of the reg is substantially the
4 same as even the first one we were considering, all of
5 the town's planning boards have objected to this
6 project. It is for these reasons that you should slash
7 the size of this development. And that's assuming you
8 don't outright reject it.

9 Only then, in response to your approval, the
10 project substantially redesigned and reduced in
11 density, may the developer then argue that it cannot
12 afford to go forward with the project because it
13 becomes uneconomic. At that point, economic
14 feasibility is relevant and financial review is
15 required. Feasibility is not the board's role to
16 negotiate at this stage. It becomes the developer's
17 burden in response to changes you should require in the
18 first place in reducing the design and density of the
19 project; that is the proposed condition to the waiver
20 denials this board will impose on the project, the
21 applicable regulation, 56.05, paragraph 6.

22 Basically, this board would require the
23 pro forma or other financial statements for the project
24 after, among other preconditions, the applicant has

1 indicated that it does not agree to the proposed
2 conditions for waiver denials because they would render
3 the project uneconomic; that is the economic review
4 presupposes the board has first established conditions
5 or denials of requests for waivers. Then, under the
6 regulations, the board may use this information to
7 decide whether to adopt or modify its originally
8 proposed conditions or denials.

9 To summarize, the project that is now before
10 this board deserves to be rejected. MassDevelopment
11 stated so in detail in its draft refusal of this
12 project. The board could adopt the rationale of that
13 February letter in rejecting this project. The NCD,
14 the Hancock Village -- well, we have one, the
15 Neighborhood Conservation District -- reviewed this
16 project not under NCD parameters but under the
17 regulatory standards applicable to 40B projects and it
18 recommended rejection in its thoughtful review. And
19 the NCD submission to the board could also serve as the
20 basis of this board's rejection of this project.

21 And finally, for all the reasons that this
22 project should be rejected, it should, in the very
23 least, be substantially reduced in design and density.
24 Any consideration of economic feasibility can come

1 after that.

2 MS. COX: Abby Cox, 18 Osborne Road. I'm a
3 Town Meeting member from Precinct 8. I'm also the
4 Brookline School Committee's liaison on Hancock
5 Village.

6 I'm here today because it's my responsibility
7 to keep the school committee informed about what's
8 happening with the Hancock Village project and to keep
9 all those involved in the project abreast of what's
10 happening with the schools. And had I known
11 Ms. Leichtner was going to state some of those
12 concerns, I probably could have saved myself a trip
13 tonight, but I will continue to speak.

14 As anyone following the local news will know,
15 the Brookline schools have been experiencing an
16 unprecedented surge in our enrollment, an increase --
17 and sustained themselves over the last nine years. The
18 town engaged in a process called B-SPACE to develop a
19 long-term strategy for accommodating growing school
20 enrollments that resulted in the school committee's
21 adoption of a recommendation in September of 2013 to
22 renovate and expand the Devotion, Driscoll, and
23 Lawrence elementary schools where our population
24 pressures are more concentrated and to begin a process

1 to examine the need for expansion of Brookline High
2 School. The school committee has been proceeding with
3 this strategy.

4 In order to fund the pronounced the growth of
5 the school system, the town created an override study
6 committee that has recently submitted its
7 recommendations for increases to cover operational and
8 capital costs. The committee's recommendations
9 recently submitted to the Board of Selectmen would
10 result in tax increases that range from 6.1 to
11 9 percent. And under our long-term plans, school
12 construction will be going on beyond 2022.

13 At the time that our long-term plan was being
14 formulated, the 40B proposal that you're now
15 considering had not been submitted and therefore could
16 not be contemplated. Our strategy for growth will not
17 be able to accommodate the 200 or more new students we
18 believe could result in the proposed new Hancock
19 Village development. The number of students generated
20 by the new development will depend on the type of units
21 that are built. And while the majority of the units
22 being proposed are one- and two-bedroom and have been
23 reduced, we are concerned that one-, two-, and
24 three-bedroom units that say they are with lofts will

1 result in larger numbers of children that might
2 otherwise be projected. We know from our own
3 experience that alcoves and lofts are often used as
4 additional bedrooms for children.

5 The proposed development falls square within
6 the Baker School's attendance district. Baker's
7 enrollment currently stands at 793 students, up from
8 754 last year. Baker was built as a four section per
9 grade school, but this year three of its grades
10 required five sections. The preschool program already
11 has been relocated to rental space nearby, and the
12 school department found the need to send letters out to
13 incoming kindergarten parents encouraging them to
14 consider enrolling their children at schools other than
15 Baker in order to have their child in a classroom that
16 does not exceed guidelines for optimal class size.

17 The potential increases of the new development
18 will further threaten our commitment of the system to
19 neighborhood schools and add considerable additional
20 pressure to the operating and capital costs already
21 facing us.

22 The additional students resulting from the new
23 development also will have a great impact on our
24 conversation about the future of Brookline High

1 School. It's not clear that the current site, even
2 with renovation, expansion, or a satellite campus at
3 the old Lincoln School could bear the increase in
4 students and staff and the traffic and parking that
5 accompanies them, and we will have to consider the
6 construction of a second high school. Any of these
7 solutions will come with a significant cost to the town
8 and the taxpayers.

9 So to summarize, we've worked hard over the
10 past several years to formulate a long-term strategy to
11 accommodate our rise in school enrollment, but the
12 number of additional students that this proposed
13 project might add will upend our long-term expansion
14 plan and render it inadequate. Further, our district
15 resources are already stretched by surging enrollment.
16 We have neither the physical nor the financial capacity
17 to absorb an added significant number of students who
18 are not considered in our current calculation and
19 plan.

20 I know this is a difficult job that you have,
21 and I wish you the best of it. Thank you.

22 MR. VARRELL: Good evening. My name is
23 William Varrell. I'm a resident of 45 Asheville Road.
24 I'm also a professional engineer in Massachusetts.

1 I just want to ask a few questions. First of
2 all, in the beginning of the meeting this woman -- I
3 forgot her name -- she went over very clearly about the
4 legal requirements and the economic feasibility that
5 should be considered with this project. And when she
6 was done, I felt that this was the first understanding
7 that the board has had of this, and I just want to have
8 clarification.

9 Did the board not clearly understand how they
10 were supposed to take economic feasibility into
11 consideration? Because I know at all the meetings I've
12 been to there have been several questions over and
13 over -- and I'm going to go home this weekend and look
14 at the transcript to see how many times it was said
15 that this is not economically feasible to lose a story
16 to lose more space. But from my understanding of her
17 explanation, that should have been a consideration and
18 I thought at the beginning of the meeting the board was
19 clear but then as the meeting went on, people kept
20 saying, well, seven stories is not feasible. Steel
21 construction is not feasible.

22 So does the board understand -- and I'm not
23 trying to be rude or anything -- does the board
24 understand how they're supposed to be looking at this

1 proposal? Because just from sitting in the audience, I
2 didn't get the impression that it was clear, and it's
3 certainly not clear to me.

4 The second point I'd like to make is about
5 massing. I mean, it was very clear that site plan,
6 building height, and massing is one of the key
7 considerations when looking at a project.

8 And Mr. Touloukian, when he was looking at the
9 Beverly Road side of the project, he specifically
10 pointed out the corner units on the corner of
11 Independence and Beverly and suggested breaking up that
12 building because of massing. And me, I'm a structural
13 engineer. I'm an idiot who just has steel or
14 whatever. I'm not an artsy guy. But to me that would
15 mean it's too massive.

16 Now, that building on the corner of
17 Independence and Beverly is a dog house compared to the
18 hospital they're building on my corner of Asheville and
19 Russett. That building is 100 times bigger than that.
20 So I would just like a clear understanding from an
21 architectural perspective, what is "massive"? How is
22 it described? How is that huge building on a hill not
23 massive? The small building on the other corner, those
24 corners, in my eyes, are exactly the same. Why is the

1 seven-story building not massive and a small corner is
2 massive? It should be broken up.

3 Mr. Touloukian never called that big building
4 massive. He never described it as massive. He
5 questioned how massive it was. It was just how we can
6 hide this massive building. Now, if you're hiding
7 something, I assume you think it's too big. The board
8 has said, I think many times over, that we wish we
9 could make it smaller. I still don't understand why we
10 can't just make it smaller and then see if it's
11 feasible. Can anyone explain that massive
12 perspective? When we look at one corner, the corner I
13 live on, versus the other corner when he clearly said
14 this building was massive. Then he went down the
15 street, one -- two blocks. He looked at this huge
16 building, which I don't think anyone watching any of
17 these videos could not understand how massive it is.
18 It is huge. It is not broken up. It is solid from end
19 to end from the ground level to the seven stories
20 above. It's massive and I just need an explanation of
21 why that is not being considered by the board as an
22 issue here.

23 And then the other thing I'd like to know that
24 I asked at the last meeting was -- we heard at the

1 other meeting that the board had directed the working
2 group to mass the project outside my door. Take the
3 other buildings -- we got rid of three. We lumped them
4 together like clay, and we put them on the other
5 building. We took the disbursed stuff -- and we're not
6 making things massive -- and we lumped them onto one
7 site that happens to be right adjacent to my property.

8 And I don't understand. If massing and
9 massive are things you're trying to get rid of and we
10 have a huge site, we just cleared three extra acres of
11 space for trees, why aren't we taking this six-story
12 monstrosity like clay and spreading it out? Why
13 doesn't it go from VFW Parkway to the Baker School, one
14 story long, two stories? It can be exactly like the
15 garden style apartments that are there. That way we
16 won't have to worry about transitions from one style,
17 the garden style, to the residential style. It can be
18 garden style from end to end and maybe have the same
19 number of units.

20 It does not feel right to take this whole
21 disaster of a project and decide it's going to affect
22 this one small area, me and my next door neighbors,
23 more so than the other neighbors who, you know, in the
24 video they were proud to say that they're going to see

1 less due to this project. They're going to get fences
2 and trees. Their site lines are going to be improved.
3 But, with everything, there's a take and a give and
4 when they improved one they're just focusing completely
5 on my little corner of Brookline that I enjoy so much.
6 Thank you.

7 MR. GLADSTONE: Hi. Scott Gladstone,
8 383 Russett Road, Precinct 16.

9 So I feel like I have to speak because my name
10 was mentioned at the top of the hearing by Chairman
11 Geller. And all I really want to say is, I think that
12 what our consultants were explaining was consistent
13 with what I was asking and proposing, so if that wasn't
14 clear, let me clarify.

15 I wasn't saying that -- I understood that as a
16 board you couldn't try to get to the least feasible
17 project and just hone in on that, you know, bit by bit,
18 nibble, nibble, nibble until you get to where you're
19 just over that threshold. I understood that, and that
20 was part of the conversation I had that evening.

21 All I was saying was that if in your hearts
22 you feel as though there is some bad design, bad
23 massing, bad siting, and there are things that you
24 would like to see changed, by all means, put that in

1 the conditions. Then that's the conditions unless they
2 can show it's unfeasible.

3 So all we were talking about was the different
4 timing. My initial understanding was wrong, that you
5 could do this on a piece-by-piece basis. I now
6 understand you can't. But if this is -- if there are
7 improvements you'd like to see, ask for them. Put them
8 in the conditions, as we were explained tonight. Then
9 there is one more opportunity for the developer to say,
10 well, we can't afford to do the project if we take off
11 a floor of the building, that if we make it less
12 visible, we reduce the massing of the corner, that we
13 don't have to replace that massing somewhere else --
14 the board speaking to the developer -- you don't have
15 to replace that massing someplace else. Just remove
16 that massing. Make the project smaller.

17 Then they come back and they say, well, that
18 causes some difficulty. Then you can have a back and
19 forth on the feasibility. But maybe you don't even get
20 there. If you feel there's a design issue, please,
21 please make the condition. Then there's a process to
22 see whether or not that works without blowing up the
23 whole thing. There can be a give and take at that
24 point. That's all I was saying. I hope I'm clear.

1 MS. KOOSHER: Hi. I'm Robin Koocher, 285
2 Beverly Road.

3 Just a couple of comments from what I've been
4 hearing. The last piece of the slide that we saw
5 talked about the houses in Brookline are worth \$1.5
6 million and up. And I would just like to say, I live
7 in South Brookline in Precinct 16. And, in fact, with
8 some of the houses that have been bought and sold it's
9 been a million, a million three, but for the vast
10 majority of homes -- and I believe that you've been
11 through the neighborhood -- these are modest homes. So
12 I would, you know, hope that you would consider that,
13 that this is not where the three million, the four
14 million, and five million and up homes are. Ours are
15 modest homes.

16 The second thing is, when you took the walk as
17 the ZBA where you invited the public, I was the one who
18 asked, and Chestnut Hill Realty representatives agreed,
19 to please use different ribbons around the trees to
20 show us which ones at this time was going to be kept.
21 And that didn't happen. And so I listened to, we're
22 going to try save as many trees, and we've done this,
23 that, and the other thing. Perhaps I've missed
24 something, but has there -- any number of those -- all

1 those trees that you saw, has there been a number that
2 Chestnut Hill Realty has said, yes, we're going to save
3 X number of trees? And that's a question to you
4 because I'm not clear about that.

5 MR. JESSE GELLER: I don't know if we've seen
6 a schedule. I do know that on the walk-through they
7 did mark trees indicating those that they were saving
8 versus those that they were removing. There were
9 ribbons that had been placed. And, in fact, a number
10 of times Mr. Geller clarified for us that in particular
11 clumps of trees what they did was they actually placed
12 one ribbon on one tree but he explained that the entire
13 bulk would be either saved or removed depending on
14 whether it was marked or not marked. I'm unaware of a
15 schedule that they've provided to us of a list of the
16 number of trees.

17 MS. KOOSHER: Well, that goes to what I've
18 heard about no tree survey has been done up to this
19 point, if I understood correctly. And I would hope
20 that would happen and that would also include a number
21 because, I mean, it's fairly easy to count trees, so we
22 would all appreciate if that could be done.

23 And the second this is, one thing that I find
24 interesting sitting through all of these meetings,

1 there are many times the various members of Chestnut
2 Hill Realty have used the following phrases: "We
3 hope," "we think," "it's hard to say." And when you're
4 deliberating and thinking about this project, to me,
5 that's like -- that's not a -- and I understand that
6 they perhaps cannot be precise to the Nth degree for
7 every single thing, but I would hope that they would be
8 able to say something more definitively than, we hope
9 this happens. Because that's sort of like wishing it
10 happens, and I'm just concerned in terms of the
11 language that I've heard over and over again. Thank
12 you.

13 MS. JONAS: Alisa Jonas, Town Meeting member
14 Precinct 16.

15 One comment is: I would actually love to know
16 how many people in this room in addition to me thought
17 Foxwoods when they saw that apartment building. That's
18 all that came to mind, and it is inconceivable to me
19 that we all kept straight faces when we were looking at
20 that.

21 But the question I have is -- Chestnut Hill
22 Realty owns a very large site. They've taken a portion
23 of that site to turn into a 40B project. Certainly the
24 Planning Board said, why don't you relocate the

1 building to a different location so that it's not so
2 massive, it's not on puddingstone? Chestnut Hill
3 Realty has said, no, we can't. Once we have a site,
4 that's the site.

5 We then had a new proposal where portions of
6 the parking went out of that site into the other
7 portion of the property that is owned by them. And
8 there was an explanation about, this is the only way
9 that it matches with NCD. But obviously it doesn't
10 match with NCD on the 40B part of the site. If you
11 change where 40B is, it doesn't matter whether it
12 matches the NCD criteria.

13 So I am wondering, has anyone -- I have a
14 feeling this is a novel legal question maybe -- but
15 whether anyone has looked at whether it is possible --
16 whether they can be forced -- whether it is possible to
17 have the site relocated to, for example, the garages.
18 Because we probably all know that the reason why the
19 site is on the puddingstone is because they can then
20 later argue that the economic cost is so great, by
21 putting the building in that location that we cannot
22 have a shrinkage in the number of units. And if we put
23 it in the garages, for example, you can have a much
24 more reasonable set of units that even match the NCD

1 criteria and not have it be so costly and have it be
2 smaller. So I'm just wondering whether this has been
3 looked at yet, if it's novel, and whether you might not
4 just consider proposing a different location on the CHR
5 site.

6 MR. JESSE GELLER: Let me say that that
7 question's been asked a number of times, and it's been
8 answered a number of times before. But what I will
9 ask --

10 MS. JONAS: No. I've heard that the reason
11 why the parking was -- that there were two -- there
12 were different answers given at different times. The
13 original time was we are -- this is the site. Once we
14 decide where the site is, it can't -- the site -- the
15 border of the 40B cannot be changed.

16 The next time when we came and -- well, I
17 don't know which time it was when suddenly there was a
18 change in the boundaries of the site, where the site
19 boundaries had changed, we were told, oh, the reason
20 why we couldn't change the location of the site was
21 because of the NCD, and the parking could be in those
22 little areas because that would match the NCD
23 criteria.

24 And that makes no sense because obviously if

1 you change the location of the 40B, then if you can do
2 what you're doing on the current site, which also
3 doesn't match the NCD criteria, why can't you just
4 switch it to another place where it also won't match
5 the NCD criteria?

6 So we've had two different reasons given. I
7 don't think anyone -- it sounds like no one has looked
8 at legally whether that is a possibility. I have a
9 feeling that it's something that's never happened
10 because most people build 40Bs on a site and not on a
11 portion of a site that they already own. So I'm
12 wondering, has anyone, not CHR but some legal staff
13 somewhere, have they looked at that?

14 MR. JESSE GELLER: If I understand your
15 question correctly, that question was asked before --

16 MS. JONAS: I know. But the answer given --

17 MR. LISS: Let him answer.

18 MR. JESSE GELLER: -- and we went back to the
19 applicant and we asked the applicant to provide us with
20 their calculations, why and how this would impact the
21 rest of the affiliated property, okay, the rest of
22 Hancock Village. And those calculations, I believe,
23 were provided to the building department. Is that
24 correct, Mr. Bennett?

1 MR. BENNETT: Yes.

2 MR. JESSE GELLER: And what I would ask is
3 that -- I'll give you an opportunity to dig up your
4 notes on that, and you can refresh our memory with a
5 response?

6 MR. BENNETT: Yes.

7 MS. JONAS: That wasn't a legal decision.

8 MS. NETTER: The issue isn't a legal one.
9 Well, it's legal insofar as it deals with zoning
10 regulations. Okay? But the person in the Town of
11 Brookline -- hear me out please -- who is responsible
12 for that is Mr. Bennett.

13 MS. JONAS: I spoke to him and I asked him
14 what his reasons were, so I know what his response is,
15 but that's not what I'm looking for. That's not the
16 question I have.

17 MS. MURPHY: The town -- it's not the town's
18 project. The town cannot design the site.

19 MS. JONAS: However, they can do conditions
20 and the conditions could be, relocate the building
21 on --

22 (Multiple parties speaking.)

23 MS. MURPHY: No. It's more complicated, and
24 we have looked at this issue five ways 'till Sunday.

1 This is more complicated in this situation because the
2 applicant and its affiliated entities owns the whole
3 site.

4 If the applicant didn't own the rest of the
5 site in an affiliated entity, there's no way the board
6 could require relocation off-site. In Brookline, under
7 the zoning bylaw, a ground lease parcel is treated as a
8 separate parcel, so we have to look at these as
9 separately owned parcels. We can't require the
10 applicant, legally, to relocate his project on somebody
11 else's site even though it's an affiliated entity.

12 MS. JONAS: But they could do it themselves
13 and --

14 (Multiple parties speaking.)

15 MS. MURPHY: -- certainly do it themselves.
16 There are lots of complications because they have to
17 form a limited dividend corporation that is limited in
18 its income and is audited, which the rest of Hancock
19 Village is not. So there are all kinds of issues here,
20 but the basic issue is the town can't redesign the
21 project for the applicant. The applicant has to do
22 that.

23 MS. JONAS: Okay.

24 MR. JESSE GELLER: Thank you. Anybody else?

1 (No audible response.)

2 MR. JESSE GELLER: I want to shift gears and
3 give the board further opportunity to discuss the
4 presentations that we've heard this evening, and I
5 would urge everyone to -- to the extent that you have
6 not fully expressed the direction in which you have
7 issues, I would ask that you raise those issues now. I
8 think we are clearly coming to -- further into the
9 project where we really need to sort of take hold of
10 some of the issues that relate to the modifications
11 versus the original project, the improvements, the
12 location of the improvements, the massing of the
13 improvements, any other kinds of issues that we've now
14 talked about at many, many hearings. So feel free to
15 jump in. If not, I'm going to do it.

16 MR. LISS: You start.

17 MR. JESSE GELLER: Sure. Okay. I think I
18 raised this the last time, but let me say that I -- you
19 know, somebody -- I think it was Mr. Geller who
20 commented that there was lots of balancing going on
21 here, and I think that's pretty evident. I, frankly,
22 think that the balancing of the -- limiting of the
23 number of structures within what's been called the
24 green belt is an improvement. I said that the last

1 time. And I still think that that's a vast improvement
2 and I think they've made a fair number of what I'll
3 call concessions. I think there are a lot of
4 improvements within that area. It is clearly different
5 than what is -- or would be different than what it is
6 today, but I think they have, in some sense, limited
7 the number of structures.

8 And the tradeoff that they've made -- and I
9 think they'd be honest to tell you that this is the
10 tradeoff -- is that the building is a very large
11 building, as Mr. Varrell would say, right outside his
12 door. And it is a very large building. We walked it.
13 We've seen a number of elevations. We've done many,
14 many 3D models driving by it with leaves, without
15 leaves, with trees, without trees. We've seen it from
16 all angles. It is a large building.

17 The tradeoff of number of improvements in the
18 green belt versus sort of locating them in one place
19 and having a larger building versus, say, having a
20 single one-story building that extends across the
21 entire green belt, as one party suggested, you know, I
22 think there are merits to leaving open space within
23 what we are now calling the green belt area and
24 limiting the number of improvements in structures,

1 getting rid of the garages, getting rid of some of the
2 parking, although there still is a large amount of
3 pavement.

4 So I see the merit. I agree with the merit
5 of -- that drives a single building with more units,
6 which is leading up to the last part which is, it's
7 still a massive building and, frankly, I think that
8 building needs to be stepped back. You know,
9 Mr. Touloukian's comment was, for me at least,
10 particularly noteworthy. I think the fact that the
11 building, even though you've drawn it in -- the east
12 side? Is that the side closest to Asheville Road? Is
13 that correct? Even though you've drawn it in -- and I
14 think you can see that it's an improvement. Even
15 though there is an improvement, I still think that it
16 is a massive appearance and I would prefer a building
17 that steps back and has a real appearance of a
18 narrowing and smaller image.

19 Now, whether you can do that through really
20 reducing the building -- and yes, I understand what
21 that means. That means potentially reducing the number
22 of units, or through architectural magic, which is to
23 say use brushed steel instead of brick so that it sort
24 of becomes invisible. Whatever the tricks are of the

1 trade, I think the answer lies -- frankly, I think the
2 answer lies somewhere in a little bit of both.

3 And I appreciate the fact that you have
4 already come a long way in making an effort towards --
5 I think the building is improved. I think it has some
6 further improvement to go because, again, I think it is
7 the one large white elephant. As I said last time,
8 it's schloss. So that would be my start-up comment.
9 That's what I would focus on.

10 MR. HUSSEY: I think you've stated it very
11 well. As I mentioned earlier, I think that end of the
12 building should also be stepped back. And I would
13 specifically think that on the fifth floor it should be
14 stepped back by six units and an additional four units
15 stepping back on the fourth floor so it reduces the
16 overall sense of the mass of the building from that
17 whole Asheville, Russett Road area. It still
18 constitutes an urban solution in a suburban setting.
19 There's no getting around that. And I think we maybe
20 are going to have to deal with that in our
21 deliberations.

22 MS. NETTER: What do you mean by that?

23 MR. HUSSEY: Meaning that it is a building --
24 of this size, the height, and what have you -- it's a

1 building you would expect in a Brookline urban setting,
2 in North Brookline. It's not the sort of building that
3 you would expect in South Brookline.

4 MS. NETTER: No. I understood that point, but
5 I'm going to press you a little bit by -- you know,
6 break that down and -- what's that mean?

7 MR. HUSSEY: Well, I think the zoning in
8 general in that area is residential. This is the only
9 multi-family zone, I think, in this general area.
10 Single-family residential height limits are, I believe,
11 thirty-five feet, two and a half, three stories. The
12 FAR is such that, again, residential areas, most of
13 them are .35 FAR. If you look at this apartment
14 building on its own sort of site, the FAR is
15 considerably higher than that. So those two
16 characteristics, in particular, are urban rather than
17 suburban on that issue.

18 MS. NETTER: Right. So --

19 MR. HUSSEY: So we need to decide whether
20 that's allowable -- should be allowable in this
21 project.

22 MS. NETTER: Do you have some thoughts on
23 that?

24 MR. HUSSEY: Not yet. I mean, I've got

1 reactions, and the neighbors clearly do. But I think
2 the board as a whole needs to address that issue in
3 their deliberations.

4 MS. NETTER: I'm going to push once more
5 because somehow this process has --

6 AUDIENCE MEMBER: Can you speak up, please.

7 MS. NETTER: I'm going to encourage -- I'm
8 going to push once more because certainly you can
9 reserve all your rights, but even if they're not your
10 final thoughts, it will be good to be begin to have a
11 conversation to get your thinking on some of this as
12 opposed to -- yeah. I mean, because at first you said,
13 you know, step back one floor, five units and then the
14 other four or -- if I have the numbers right. But then
15 you're saying none of that may have any meaning given
16 the building is perhaps out of context, so I don't know
17 your thinking about that.

18 MR. HUSSEY: I think that's the issue that the
19 board as a whole needs to address. And the question
20 came up -- or the possible solution that came up was
21 reducing the size or the height of the buildings,
22 stretching them all across the green space, the buffer
23 zone.

24 There's been attention throughout this project

1 of height versus density versus green space and the
2 tradeoff between all of these things. If this
3 project -- if we were starting from scratch -- and I
4 mean if the town was starting from scratch -- they
5 would have had a design charrette with the major stake
6 holders in place and worked their way through
7 alternative design, all the way through alternative
8 design from having a tower project on Independence
9 Drive where the garage building is now -- I mean, a
10 really tall building, the South Roxbury solution that
11 was done 10 or 12 years ago -- to replicating Beverly
12 and Russett Road, the single-family matrix that exists
13 there, and placing that matrix all the way around
14 through the buffer zone. You don't need the apartment
15 building at all. You might do all two-family units, 20
16 here, 17 there, and you'd spread them all over the
17 buffer zone.

18 That kind of -- and another possibility, you
19 take the 184 -- sort of looked at, quite frankly --
20 divide it into four buildings, four buildings of about
21 200 by 60, 70 feet. Each of them would have 42 units.
22 You'd place two on Independence Drive, right across the
23 street from each other, you'd place another one where
24 the apartment building is, and you'd put the other one

1 over on the VFW.

2 So there are all kinds of things that could
3 have been explored. But partly because we had not had
4 an architectural consultant when we started this
5 project -- we could have started this -- we had to rely
6 on peer review, and they're limited in what they can
7 look at. We haven't gone that route. We haven't had
8 this kind of design study in a group setting with all
9 stake holders at those meetings and trying to thrash
10 out where compromise can be reached. Am I wrong in
11 that reflection?

12 MS. NETTER: Well, you're dealing with a world
13 that -- I mean, as you know -- what I'm about to say is
14 what you know, so I'm going to counter with what you
15 already know, which is that you're dealing in a 40B
16 world. You're dealing in a world not only constrained
17 by the parameters that Attorney Murphy set forth
18 earlier, but one that's constrained by the calendar,
19 basically a 180-day calendar that's been extended for a
20 number of reasons.

21 You're also constrained by the fact that the
22 town doesn't do the design in 40B. The applicant does
23 the design, and that's why the project is being peer
24 reviewed as opposed to having an architectural

1 consultant do a charrette. It's a 40B world. That's
2 the reality. It is not something that this board has
3 created or the town has created, but rather the state
4 has created through a statute that's implemented
5 through regulations. We are fairly far along that --
6 way beyond the 180 days, clearly. Right now we're
7 dealing with the deadline at this juncture of
8 October 31st; correct?

9 BOARD MEMBER: Correct.

10 MS. NETTER: And if that deadline stays fixed,
11 there's 40 days to deliberate. Now, during that
12 deliberation process, assuming the hearing is
13 completed -- closed on October 31st, let's just say you
14 had some other ideas. Right? Well, let's say you just
15 impose a condition that you completely redesign the
16 project. That's not going to fly in terms of the
17 Housing and Appeals Committee. Right?

18 MR. HUSSEY: No. I understand that.

19 MS. NETTER: So that's why I'm kind of pushing
20 real hard, because we're kind of near the 11th hour to
21 start having this conversation. Do you have still the
22 final reports from BETA to come? Yes. But I still
23 think to the extent you're willing to initiate some of
24 this discussion, whether it's now or at the next

1 hearing, but it needs to -- in my opinion, it needs to
2 start if you're going to have as much impact as you
3 possibly can have.

4 MR. HUSSEY: I understand. I mean, this is
5 where we are now. As I said, this all should -- my
6 suggestion, that should have happened before we got
7 here and it didn't. The schedule is flexible. I mean,
8 we already extended it. Just as long as we mutually
9 agree, we could extend it up to a year as far as that's
10 concerned.

11 But I agree that I don't think the 40B
12 construct allows for the kind of give and take between
13 all the stake holders that ordinarily would take place
14 and that I've been involved with in a number of
15 projects, town both projects and individual projects.
16 That process is not allowed, which is why I wanted to
17 raise --

18 MR. JESSE GELLER: No. But within the
19 existing construct, and in particular within the
20 limitations that Kathy has provided at the beginning,
21 you know, you're certainly allowed to consider all of
22 those things, again, to the extent that it fits within
23 the legitimate areas of analysis allowed under 40B.
24 So, you know, you should be starting to formulate an

1 opinion about, you know, suburban/urban. Is it
2 appropriate? Is it inappropriate? Does it meet up
3 with the requirements under 40B that you're allowed to
4 look at?

5 MR. HUSSEY: Well, I'm going to let the
6 lawyers work that out, although I wouldn't mind getting
7 into it and I'm sure I will at some point.

8 There's another point here, it seems to me,
9 and that is -- that precludes us from going too far
10 through the alternative design. I suspect that the
11 developer wouldn't -- wouldn't like to, but he wouldn't
12 mind doing a lot more architectural work if he could do
13 it on the assumption that he wouldn't be sued as well
14 and have to pay both lawyers and architects. So that
15 slows me up in pushing this any further beyond what
16 I've already said and beyond us deliberating some of
17 these options and seeing whether or not to set them as
18 a condition and see what happens.

19 MR. LISS: But I think what Edie and Jesse --
20 or Chairman Geller are trying to get at, Chris, is that
21 now is the time to deal with the program before us and
22 we do want your opinion because that -- you know, you
23 don't have to suggest a significant change, or any
24 change for that matter, but we just want to -- now is a

1 good time to make an opinion. You said the step back
2 and the six units and four units should be shredded.
3 You, among anyone on this board, would know
4 architecturally if that can be feasible -- I shouldn't
5 use that word -- if it can be done. But any other
6 suggestions that you have, I mean, this is a good time
7 to do it. That's all. So, you know, you raised good
8 points. Let them out.

9 MR. HUSSEY: Well, I think we need to continue
10 this, and I think at the next meeting we should go
11 further. But at a minimum, I think eliminating 10
12 units in the apartment building on that east side and
13 stepping it accordingly --

14 MR. JESSE GELLER: Let me disagree with you on
15 one particular issue.

16 MR. HUSSEY: Sure.

17 MR. JESSE GELLER: My concern isn't -- my
18 focus is not the number of units. My focus is the size
19 of the building, okay, the massing and size of the
20 building. Given my comment, the applicant will then
21 put in the lines inside the building and if those lines
22 equate to whatever number of units, then that's what
23 they equate to. Put my comment relates to what I'm
24 looking at from the exterior size.

1 MR. HUSSEY: From which viewpoint?

2 MR. JESSE GELLER: Well, my viewpoint,
3 frankly, is from Asheville Road. It's a big building
4 all the way around. It doesn't get smaller. You know,
5 I'm not blind. It's a big building. But, frankly, on
6 the other side as you come round, right, those who
7 would complain are all within Hancock Village. And,
8 again, going back to this notion that there is a
9 balancing that, by necessity, is going on here on your
10 side, on the applicant's side, also on the town's side,
11 on everybody's side. And therefore, I think that large
12 building -- if I have hard and fast comments, they are
13 particularly focused on the size that is visible to
14 outsiders.

15 And the question that Mr. Touloukian -- I
16 think it's Mr. Touloukian's question, which was, can
17 you somehow shift the size away from the visible -- the
18 portions that are visible to third parties? And this
19 gets to the engineering of the building and whether it
20 requires a shift over to steel rather than wood
21 framing. And we get into issues about cost and
22 potential suggestions about alternative ways to achieve
23 the same thing by putting up a -- it's not a fire
24 retardant wall. I understand that. But it's something

1 similar, akin to that. You know, the tricks of the
2 trade, if you will, to achieve that same goal.

3 So my focus is largely about what impacts
4 outsiders, but I'm not ignoring the fact that it's a
5 very big building, very big building based upon your
6 articulation of -- this is South Brookline, which is a
7 more suburban environment than North Brookline, which
8 is a more urban environment. But I want to be clear.
9 I don't object to what I would call or you would call a
10 more urban style building within South Brookline in and
11 of itself, because I think that's part of the
12 concession. I think it's better than simply sticking a
13 single building along the entire green boundary.

14 MR. HUSSEY: Well, I think, then, what we're
15 talking about really is reducing the number of units in
16 the apartment building. Because Ted is absolutely
17 right that the change of construction type -- and on
18 top of that, if you go to the high rise, there are code
19 issues that also add considerably to the cost of
20 construction.

21 Those two elements, I think, preclude any more
22 height on that west end of the building. So basically,
23 in order to reduce the massing on the east side, I
24 think you're essentially talking about -- we're

1 essentially talking about the reduction in the number
2 of units.

3 Dan, do have you anything to add to that
4 analysis as the building commissioner, if you don't
5 mind my asking?

6 MR. BENNETT: Dan Bennett, building
7 commissioner.

8 Now, this is strictly from a building code
9 standpoint, which the applicant cannot request waivers
10 from since it's state level. They could approach the
11 BBRS and try to get some sort of a waiver in that
12 respect.

13 But to construct a building or divide it
14 heightwise for a certain building type to offset a
15 lower building to a high-rise building is all building
16 code issues. You can do it with constructing a true
17 fire wall. That's typically done, from what I've seen,
18 on one- and two-story buildings that are larger in area
19 and not so much height. So it would be a larger
20 building. They'll construct various fire walls between
21 corridors to get a larger building spread out on a
22 larger footprint.

23 I haven't necessarily seen that on a
24 high-rise-type thing, but I would think with some good

1 architecture or a good code reviewer or analysis done
2 it can be done. But yes, there are costs. There are
3 going to be fire alarm systems that are going to be
4 different on each side of the building. Materials will
5 vary on each side of the building. You've got the
6 parking garage below the entire building that would
7 pose potential conflicts. But could it be done? Yes.
8 I have not seen that done.

9 MR. HUSSEY: Thank you.

10 MR. JESSE GELLER: Anybody else want to make a
11 comment?

12 MR. BOOK: I agree. This is a -- let's focus
13 on the midrise building. It's a very large building.
14 It's massive. The mass of it is -- it's got a lot of
15 mass, and I think we really got a sense of that with
16 the fly-arounds that we saw earlier this evening. So I
17 think -- I agree that anything -- or things that could
18 reduce the appearance of the mass of it from the
19 Asheville Road side I think would go a long way.

20 MR. JESSE GELLER: Do you want to weigh in on
21 Mr. Hussey's attempted comment on the distinctions
22 between urban living and suburban living as it applies
23 to this construction?

24 MR. BOOK: No. I guess what I would note is

1 that, I mean, this area, which is predominantly
2 single-family, is very low and this building is --
3 really has the distinction of being a much different
4 scale from anything else in the neighborhood.

5 MR. JESSE GELLER: So it's width?

6 MR. BOOK: Width and height, but I think more
7 particularly height. I mean, I think that's really
8 where you get the sense of it. And so I think, to the
9 extent -- in terms of integrating into the
10 neighborhood, it does stick out and it is noticeable
11 from the neighborhood, from Asheville Road, both in
12 winter and in summer. You can still see it through the
13 trees. The trees do shield a lot of it, but it is
14 still visible.

15 I think where I probably part ways with some
16 of what I heard you saying in particular, and I think
17 even the town's interest, I'm not particularly troubled
18 about the construction in the green belt. And so the
19 relocation of buildings from the green belt and
20 moving -- eliminating buildings and putting those units
21 in the midrise, that wasn't a priority in my mind.

22 I think that when you look at the green belt,
23 granted there's -- more trees are left, are now -- can
24 be left in place because there aren't buildings there.

1 And, you know, I heard the phrase, the useable area
2 increased by three acres. I'm not so sure how useable
3 it is. I mean, I know it meets the definitions of the
4 zoning bylaw as to usable open space, but the concept
5 of having this 1,000-foot structured green that people
6 were using as a park, that's now gone. And so whether
7 we have eight buildings or nine infill buildings, in my
8 mind, I didn't really think that that was all that
9 material, so I guess I disagree -- or I disagree with
10 the idea of moving those buildings out of the green
11 belt and then putting them into the midrise and making
12 it more massive than it was.

13 It's probably too late and inconsistent, I
14 think, with what I'm hearing others' interest is, to
15 sort of go back on that, so let's -- I would focus
16 rather on what the two of you have introduced tonight,
17 which is the idea -- let's do something about -- or try
18 to do something about reducing the appearance of the
19 massing of the building, of the midrise from Asheville
20 Road, whether that's a reduction in units -- I'm not so
21 concerned about the unit counts, but reducing the
22 appearance, I think, would be important.

23 Those are my quick sense.

24 MR. JOE GELLER: Okay.

1 (Multiple parties speaking.)

2 MR. JOE GELLER: You're not precluded -- those
3 parameters were established by me. That doesn't mean
4 you can't comment on anything else.

5 MR. BOOK: Is there anything in particular
6 that you're referring to or --

7 MR. JESSE GELLER: No. Because they'd be your
8 comments.

9 MR. ZUROFF: I think he just wants you to
10 express your opinion.

11 MR. BOOK: I think I would just be repeating
12 what I said at the least hearing. I would still like
13 to see -- I don't understand -- I still don't
14 understand the -- well, the number of parking spaces on
15 the west side. It's sort of disproportionate. I'm not
16 certain what's there, and so I think there's an
17 inconsistency there. I'd like to see parking where
18 it's needed and used and I don't know if that's
19 possible to figure that out, if there's a way to shift
20 it. Again, it's not so much an issue of paving or the
21 amount of paving. I just think that the parking should
22 be in proximity to the units that are being created.

23 That's really all I have to comment on at the
24 moment. If I think of something, I will chime in.

1 MS. NETTER: Can I -- just to double check
2 with you guys that have already spoken. Do you agree,
3 disagree, or have nothing to say about the parking
4 issue?

5 MR. JESSE GELLER: The parking is not an issue
6 for me.

7 MR. HUSSEY: It's probably not an issue with
8 me either, probably.

9 MS. NETTER: I understand. You all get to
10 reserve your rights, of course.

11 MR. ZUROFF: Avi wants to speak.

12 MS. SCHARF: Chairman Geller, is there any
13 way -- this is the problem that happened the last time,
14 that you all had these conversations and then we had to
15 wait until the next meeting.

16 Would you mind -- I have a phrase to suggest
17 to you that I thought was going to be said by my fellow
18 neighbors and wasn't that might give you something to
19 think about. Or I can wait until next week. But this
20 is a disconnect between you all talking and then new
21 issues being raise and then we go home.

22 MR. JESSE GELLER: Yeah. What I would ask is
23 that public testimony -- you know, the problem is that
24 we would -- if we simply allowed rolling testimony, we

1 will be here all day and all night. So what I would
2 ask is that if there are comments that you have,
3 reserve them for the next hearing.

4 MS. SCHARF: Even though they will not be
5 appropriate for the topic of the next hearing, and you
6 always say that to us at the beginning? But that --
7 you'll accept my comment at the beginning of the next
8 hearing?

9 AUDIENCE MEMBER: What if the rest of the
10 audience agrees --

11 (Multiple audience members speaking.)

12 MS. NETTER: As you can see, I'm pushing the
13 board very hard to do this very early. This is really
14 the first time -- I mean, yes, they've spoken before --
15 that they're really going. So one suggestion would be
16 for people to submit things in writing at this
17 juncture, because they've got to talk to one another.
18 They have to do that.

19 MS. SCHARF: What I would say would take less
20 than 30 seconds, but I'll wait until next week.

21 MR. JESSE GELLER: Thank you.

22 MR. ZUROFF: You're looking at me.

23 MR. JOE GELLER: If you have nothing to say --

24 MR. ZUROFF: All right. I'll go in order.

1 The overall perspective that I have on the
2 project is that our major concerns are that the project
3 be done in the right way, that there are adequate
4 facilities for the public safety, that there are --
5 that traffic concerns are properly addressed. And
6 we've heard a great deal of testimony on that. We have
7 peer reviews on that, and I think that's very
8 important. I agree with you that -- I think the
9 concerns about the green belt are less important, and I
10 think that's been addressed to a great degree.

11 Again, I think our major concerns come down to
12 the density of the project and to the size of the large
13 building. And I think it's time, at some point in the
14 near future, where we start talking about how dense,
15 how many units, how many people are going to occupy
16 this project, because I think that -- my feeling is
17 that if it can be scaled back and address the concerns
18 of the size of the building and address the concerns
19 about the increased traffic, that that's where I would
20 like to see our discussion directed. Clearly, I agree
21 with what everyone has said. The massing of the
22 building is one of the major concerns that we have, and
23 that's where I would like to see our discussion
24 directed.

1 Yes, there are many other ways that we could
2 have approached this, but we're not designing the
3 building. I think that was said very clearly, that we
4 are given a project to evaluate, to vote on under the
5 concerns of 40B and due consideration for the
6 neighborhood and the concerns of -- the context of the
7 project. So I would like to move our discussion, when
8 it's appropriate, to scaling, to the density --

9 MR. JESSE GELLER: Talk about that.

10 MR. ZUROFF: Well, I think that the project is
11 too dense. I think that if we could scale back the
12 number of units, I think that would help in a number of
13 ways: First of all, in the size of the apartment
14 building; and second, to concerns about traffic,
15 safety, drainage, all of those things are related to
16 how many people, how many units are going to be on the
17 project.

18 MR. JESSE GELLER: Too dense where?

19 MR. ZUROFF: I think that the number of units
20 has a direct correlation with the size of the big
21 building, so reducing the size of the big building -- I
22 mean, if you want to build (indecipherable) lines,
23 that's another story altogether. No. Reducing the
24 size of the building will reduce a lot of the concerns

1 about the effect on the neighborhood.

2 MR. JESSE GELLER: Let me just say, the
3 concern about traffic -- and I understand that we're
4 going to have final peer review on traffic next week --
5 but I'm going to extrapolate from peer review on the
6 more intensive project that was presented before which
7 largely concluded that traffic was not a major issue.

8 MR. ZUROFF: I could see that.

9 MR. JESSE GELLER: Okay. So I hear what
10 you're saying. I think the issue -- I think there's a
11 legitimate question about the -- as I've read it -- the
12 larger building. The question that you raise, which is
13 about density, I don't think it's about traffic. I'm
14 not sure it's even about the drainage question except
15 to the extent that you have issues with the raising of
16 the topography or the grade so that they can construct
17 drainage that they feel is necessary to support the
18 kinds of the structures in the development.

19 MR. ZUROFF: And it has something to do with
20 the number of parking spaces that we're putting on the
21 project.

22 MR. BOOK: I just really wanted to comment
23 on -- I don't know if this project is too dense. We
24 actually haven't heard -- I don't think we've heard any

1 testimony about density. And one of the things I --

2 MR. JESSE GELLER: We've had testimony from
3 the neighborhood.

4 MR. BOOK: That they think it's too dense.

5 MR. JESSE GELLER: Yes.

6 MR. BOOK: Well, I don't know. How does that
7 relate to -- presumably, the applicant could -- they
8 don't want to but they could put 50 single-family homes
9 just in the green belt, at that's an awful lot of
10 people, to say nothing of what they could also put as
11 of right in the rest of the 40B. And I know that's not
12 what's on the table, but --

13 MR. JESSE GELLER: I didn't raise density
14 because that's the same issue --

15 MR. BOOK: I mean, there's a lot -- and I know
16 this isn't a 40A issue, but the zoning bylaws are there
17 and one of the things it looks at is density. And
18 presumably, if that kind of construction can occur as
19 of right, the density is probably okay. I don't know
20 that, but --

21 MR. LISS: I think I'm just going to -- I
22 mean, it started off originally -- I'm just going to
23 say my observation. It started off originally that
24 there was a problem with the green way. That was

1 something expressed over and over and over again.

2 The petitioner then made, in my opinion, a
3 good-faith effort to address the green space or green
4 belt issue by placing a larger building and maintaining
5 its useable space. My opinion on the useable space,
6 similar to Mr. Book's, is that it's not really useful
7 space. But that's not an issue. What I'm trying to
8 say is that it went from one issue of the green space
9 or the green belt to now the neighborhood is expressing
10 concerns of the mass of the large building.

11 So my next thing would be, what will it be
12 next? You know, and you look at the obvious history
13 between the neighborhood and the developer and
14 landowner. It has not been hugs and kisses. Okay? So
15 we're going to call it what it is. I think there is an
16 adversity. We cannot ignore it. Okay. It's not a
17 density issue. Mr. Book raises a very, very valid
18 point that is not before us, that by right they could
19 add a lot of properties on this -- single-family
20 conforming on this --

21 AUDIENCE MEMBER: That's not right.

22 (Multiple parties speaking.)

23 MR. LISS: That's not right?

24 AUDIENCE MEMBER: No.

1 MR. LISS: Interesting. But I find that they
2 do have the ability by right to build that.

3 (Multiple parties speaking.)

4 MR. LISS: So again, density is not an issue
5 to me.

6 What sounds to be an issue to me is that when
7 people drive down Asheville, they're going to see a
8 large mass. So now I'm trying to think to myself, I
9 have a neighbor on my street that doesn't cut their
10 shrubs. Maybe it doesn't equate. Maybe it's a
11 horrible analysis. But I hate driving by that house.
12 I don't like it. What do I do?

13 MR. JESSE GELLER: Cut the shrubs.

14 MR. LISS: I'm not going to cut the shrubs.
15 You have the right to keep your shrubs.

16 Okay. I'm sympathetic to the neighborhood.
17 I'm sympathetic to specifically the people on Asheville
18 because it is a large building. And, you know, if we
19 say take a floor off, if that's the proposal on the
20 floor, get rid of a floor in the large mass building,
21 hypothetically, is that going to be enough, or is that
22 still too high? Take two floors off. Is that still
23 too high?

24 I mean, I'm trying to balance the interest of

1 the neighborhood. But again, this is not about,
2 necessarily, the neighborhood and that's the hardest
3 part about our job is that we have to consider the
4 needs of the entire town. And I feel like everyone --
5 you know, there's a lot of, not in my backyard, and he
6 lives on Asheville, so he has to see it every day. I
7 feel like, you know, to some degree -- I'm doing my
8 best here -- to some degree, I feel like the project --
9 there is no density issue, again. It's a big
10 building. If you can hide that mass, great, because
11 obviously it sticks out, but I just don't know where it
12 ends and to what degree.

13 I'm open to suggestions. I personally would
14 have rather seen the green space eliminated and put
15 multifamilies all over. You know, more units that were
16 not only more in line with the -- I don't know the
17 proper architectural language -- but is consistent with
18 the buildings on the property. But that ship seems to
19 have sailed.

20 And then once that was changed, now there's an
21 issue with the modifications. So it's coming. It's
22 coming. We need to just get it to where -- I don't
23 know. Are we going for the least people that hate us
24 or the most people that are happy? What are we doing

1 here?

2 MR. JESSE GELLER: What we're doing is we're
3 conforming with 40B, Massachusetts laws.

4 MR. LISS: Exactly. And I think that that's
5 what we're trying to do here. So given that --

6 MR. JESSE GELLER: Did you want to say
7 something?

8 MR. HUSSEY: Just one thing. The word
9 "density" has come up a number of times. The standard,
10 as I understand it -- and Allison can correct me -- the
11 standard gage of density is the number of dwelling
12 units per acre.

13 And it would be interesting, but I think it's
14 probably strictly academic to know -- the numbers are
15 available. I think it can be done fairly easily by the
16 Planning Department. What is the density of the
17 original Hancock Village now, the number of dwelling
18 units per acre? What's the density of the Beverly,
19 Russett Road, the neighborhood around there? What's
20 the density of the infill project, dwellings per acre?
21 And then when you overlay the apartment building, how
22 does that affect the overall density, these other
23 characteristics? Then you get some measurable
24 relevance between the various real densities. Then

1 there's perceived densities, and the perceived density
2 of that apartment building is much too big and much too
3 dense.

4 The other issue on that is, when you measure
5 density what do you include? In South Brookline, and I
6 mean the whole South Brookline, there are a number of
7 open spaces. There are parks, golf courses, there's a
8 hospital up here, there's a cemetery, there are all
9 kinds of things. If you apply the measure of the
10 density of this large area, what sort of number do you
11 get and how is that relevant to this project, or not.

12 If you would like to direct the Planning
13 Department to attempt that analysis, it might be
14 interesting. I'm not sure how --

15 MR. JESSE GELLER: How would you do that,
16 though, because in this -- well, no. I understand what
17 you're doing but -- so you take the large building and
18 you give attributions per acre? How do you address
19 that?

20 MR. HUSSEY: That's an outlier to the whole
21 formula.

22 MR. JESSE GELLER. But that outlier --

23 MR. HUSSEY: You treat it as an outlier. You
24 say this is the anomaly here.

1 MR. JESSE GELLER: Wouldn't the anomaly also
2 be having one, two, three, four structures along the
3 entire belt?

4 MR. HUSSEY: Not necessarily. That's why you
5 do the study. See that Beverly Road belt, that green
6 belt, what is the density just in that area and how
7 does that apply or compare to the density along Beverly
8 itself.

9 MR. JESSE GELLER: I assume you have to
10 include this too.

11 MR. HUSSEY: And this too. And the Hancock
12 Village as well. But that would give you a relative
13 number --

14 MR. JESSE GELLER: Head count.

15 MR. HUSSEY: Head count -- well, it's dwelling
16 unit and then you get into the number of bedrooms and
17 that affects density in a different way. I'd deal
18 strictly with dwelling units.

19 MR. LISS: May I ask Edie a question?

20 MR. JESSE GELLER: Sure.

21 MR. LISS: Are you looking to us right now --
22 it sounds like you are pushing it. Are we supposed to
23 say, you know, here's a suggestion. I think we
24 should -- I mean, are you looking for firm restrictions

1 or firm convictions --

2 MS. NETTER: This is a beginning
3 conversation. If you have some ideas, you're welcome
4 and encouraged to throw them out. If you feel you need
5 to wait to have some other information -- but it's a
6 good idea to get out --

7 MR. LISS: I'm just wondering what other
8 information. I know we're going through traffic, but I
9 think we've seemed to have --

10 MR. ZUROFF: Can I just --

11 MR. LISS: Yeah.

12 MR. ZUROFF: Are we going in the direction you
13 want us to?

14 MS. NETTER: I think this conversation is very
15 helpful.

16 MR. LISS: But the information on design and
17 sizing and mass, I mean, that's done. We had our peer
18 review and we had our presentation on that. I mean,
19 this is now -- this is prime. This is ripe for
20 discussion. I think that it's a good beginning, but
21 next week we're going to hear on traffic and
22 stormwater. Is that going to impact -- how much is
23 that impacting -- I'm asking the board openly. How
24 much is that impacting your decision, your ideas on the

1 massing? The massing is the issue at hand. That's
2 clear; right?

3 MR. JESSE GELLER: It's my issue, the massing
4 of the large building.

5 MR. ZUROFF: And the safety issues of the
6 stormwater drainage. I'm assuming that those issues
7 are going to be adequately addressed. I might be
8 wrong.

9 MR. JESSE GELLER: We'll keep an open mind
10 until we hear peer review next week.

11 MR. LISS: One thing that we all have
12 conceded, it sounds like from the five of us right
13 here, is that the mass of this building is large. It's
14 a big building.

15 MR. JESSE GELLER: I think everyone in the
16 room --

17 MR. LISS: Right. So that's the issue at
18 hand.

19 MR. JESSE GELLER: If we ask Mr. Geller over
20 there if he thinks it's a large building --

21 (Multiple parties speaking.)

22 MR. JESSE GELLER: Everybody in the room will
23 conceded it's a large building.

24 MR. LISS: So what I'm trying to do here is --

1 large building. Too large, too large, too large. Can
2 we figure this out now?

3 MR. ZUROFF: I don't think we can.

4 MR. JESSE GELLER: The exercise is not to
5 figure it out --

6 MR. LISS: Not now, but at least understand
7 where we're at. I still feel gray. I don't know what
8 everyone's opinion is right now, and I know you can
9 make reservations but, you know, we're like secret.

10 MS. MURPHY: The goal here is sometime soon in
11 the next couple of weeks we need the board to give the
12 staff and the lawyers direction about what you're
13 wanting to do about this project, whether you want to
14 approve it, deny it, or approve it with conditions.
15 And if you want to approve it with conditions, we need
16 some direction from the board as to how those
17 conditions should be drafted and prepared for review.
18 And so we need you to come up with, eventually, as I
19 say, in the next couple of weeks, with some guidance
20 for Allison and her staff and for the lawyers to work
21 on.

22 MR. LISS: And we're aware of that. Just --

23 MS. NETTER: But I'm not pushing -- I was
24 trying to get you to -- I mean, if you have other

1 ideas, sure, but I think you're giving -- you're
2 signaling to the staff, you're signaling to the
3 applicant, at least as you think right now, what the
4 key concerns are. I mean, it's out there. That's all
5 I'm looking for now.

6 MR. LISS: All right. I think taking it --
7 either hiding it better or taking it a floor down, if
8 that addresses making it a less conspicuous and larger
9 building, I think that meets a concern, an obvious
10 concern.

11 MR. JESSE GELLER: Mr. Hussey, I somehow feel
12 like I want to turn back to you and your coquettish
13 comment about, you know, urban versus suburban and then
14 sort of leaving it open-ended. Because the notion
15 about -- let's assume, by some magic wand, this is a
16 very affable applicant and they said, you know what,
17 we've had a sudden epiphany. We think we should remove
18 an entire floor. It's still begs your question.

19 MR. HUSSEY: Yes, it does.

20 I think we've gone as far as we can, quite
21 frankly. I think we need to reflect and repeat the
22 discussion on the 18th.

23 MR. JESSE GELLER: Okay. Fair enough.

24 MR. BOOK: Is there a point where we'll see

1 the -- what has been generated with the waivers?

2 MS. NETTER: Well, I'll let the applicant
3 speak for themselves, but typically -- well, I'm going
4 to let the applicant -- if it's okay with you, let him
5 speak for himself.

6 At what juncture do you intend to provide
7 waiver requests?

8 MR. SCHWARTZ: We were -- as I think I've said
9 a number of times, we were operating under the
10 assumption or with the plan that once we got the sense
11 of the board as to the acceptability of the plan, at
12 that point we would sit down with the building
13 department, building commissioner and his staff and
14 we'll go through the waivers and see how they need to
15 be -- the original list of submitted waivers and see
16 how they need to be modified to -- in light of the
17 revised plan.

18 If it's the board's desire that we do that now
19 with this revised plan so they can consider the waivers
20 as well, we can do that, whatever the board's pleasure
21 is. Up to now we haven't done that. We can do that at
22 any time.

23 MR. JESSE GELLER: I don't think we're there
24 yet, so I'm not going to make that ask now. But

1 obviously, you know, we are fast approaching the point
2 at which --

3 MR. SCHWARTZ: Just for my own part, I think
4 it may be -- given the schedule, it may be useful for
5 us to do that sooner rather than later. And maybe we
6 can bring that forward a little bit because we don't
7 want to be in a position -- I don't think any of us
8 want to be in a position where we're towards the end of
9 the hearing and we have not really considered the
10 waivers. So I would have liked to have more of a sense
11 of where we are because I think some of the waivers
12 will be dictated by some of the discussion that we just
13 had, but we can at least address some of them based on
14 the revised plan.

15 MR. JESSE GELLER: Yeah. I think, you know,
16 clearly this hearing and next week's hearing in which
17 we've essentially gone through peer review will go a
18 long way to getting us to the next step, and we'll
19 continue this discussion, which I think lends itself to
20 your being able to do what you propose to do.

21 Okay. I would remind everyone that our next
22 hearing is next week, September 15th, at 7:00 p.m. We
23 will continue the hearing until then. At that time, we
24 will hear a final presentation on stormwater and a

1 final presentation on traffic, and the board will
2 continue with its discussion. I want to thank everyone
3 for their testimony. Have a good evening.

4 (Proceedings suspended at 10:05 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 18th day of September, 2014.

14 _____

15 Kristen Krakofsky, Notary Public

16 My commission expires November 3, 2017.

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