

In The Matter Of:

Brookline Zoning Board of Appeals Hearing

APPEALS HEARING - Vol. 14
October 29, 2014

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Brookline Zoning Board of Appeals Hearing

Case Number 20130094

40B Application by Chestnut Hill Realty

The Residences of South Brookline

October 29, 2014 at 7:00 p.m.

Office of Town Counsel

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Appearances

Board Members:

Jesse Geller, Chairman

Jonathan Book

Chris Hussey

Mark Zuroff, Associate Member

Avi Liss, Associate Member

Allison Steinfeld, Planning Director

Samuel Nagler, Esquire, Krokidas & Bluestein

Edith M. Netter, Esquire,

Edith M. Netter & Associates, P.C.

Joseph Geller, Stantec Consulting

Marc Levin, Chestnut Hill Realty

Steven Schwartz, Esquire, Goulston & Storrs

Anthony Abner, 265 Russett Road

1 PROCEEDINGS

2 7:14 p.m.

3 MR. JESSE GELLER: Good evening, everyone.

4 This is the continued hearing of the Residences of
5 Chestnut Hill. My name Jesse Geller, and to my
6 immediate left is Chris Hussey, Jonathan Book, Mark
7 Zuroff, and Avi Liss.

8 Tonight's hearing is going to be dedicated to
9 a discussion by the board with respect to the project,
10 the proposals, and essentially will be what we would
11 normally call deliberations.

12 So I would ask that the board members who
13 have, at this point, seen the original version as well
14 as the proposed alternate options -- and I think we've
15 heard a great deal of testimony, and we have also
16 received other printed materials and suggestions and
17 comments from both the town boards and agencies as well
18 as from the public. I would urge the board that time
19 is ticking away, and given the nature of the 40B
20 process, it is extremely important that we do focus on
21 all of these issues and we reach a conclusion in as
22 reasonably deliberative fashion as possible.

23 So just by way of reminder -- and I see you've
24 got something sitting up there. You're doing this to

1 me (indicating.)

2 MR. SCHWARTZ: Yeah. So just -- we're pleased
3 to hear what the plan is for this evening. There were
4 some questions that were raised by the board last time
5 that we didn't have precise information about, so we
6 have two slides which we'd like to present to answer
7 some of those questions about distances and certain
8 elevations which, with the board's indulgence, we could
9 present.

10 MR. JESSE GELLER: With brevity.

11 MR. SCHWARTZ: Yes.

12 MR. LEVIN: Chairman Geller, board members,
13 planning staff, Marc Levin, Chestnut Hill Realty.

14 As Steve mentioned, there were a few questions
15 that were asked that I didn't have the right answers
16 to, so I would just like to ...

17 This plan here is a little difficult to see,
18 but the subsequent plans will add some clarity. But I
19 did want to point out a couple things that aren't on
20 the next slide.

21 One is, I was asked what the distance was of
22 this space before the break in the building, and this
23 is 175 feet.

24 I was also asked what the setbacks were. I

1 believe I said it was 12 feet. In fact, it's 19 feet
2 from the edge of the building to the fourth floor and
3 14 feet from the backside and similarly from the front
4 side.

5 Now if we proceed posthaste, this is the
6 current plan. This is the six-story plan. And so once
7 again, you see the 19 feet right here, 61 feet until
8 you get to the fifth floor, so this is the fourth floor
9 here, fifth floor here, another 52 feet until you get
10 to the sixth floor, and this is 41 feet to the break.
11 And clearly the sixth floor continues on to the west
12 edge of the building. So I just wanted to show you
13 these relevant dimensions of Concept A.

14 In this concept there has been an increase in
15 square footage of 13,000 square feet on the sixth
16 floor. As I have mentioned, the cost of going to steel
17 is substantial and so we tried to compensate with an
18 increase in program of 13,000 feet. There's no change
19 in the S7 under Concept A.

20 Concept B, this is the four down to -- five-
21 story down to four down to three. It's the same as the
22 six-story version except for the sixth story, and you
23 have the same setbacks as original -- as prior, the 19
24 feet for the four-story and 61 feet, so the total here

1 is 80 feet. I think that was one of the questions that
2 was asked, where the fifth floor terminates. In this
3 instance, we've lost 7,700 square feet from the current
4 plan and, as you recall, program was replaced in the S7
5 by adding 12 units.

6 This here is the Concept C, flat straight
7 across. In this case, we've lost 31,000 square feet of
8 program and it was replaced with the 12 units in the S7
9 plus reincorporated four bedrooms into those infill
10 units.

11 This is a chart, a little difficult to read,
12 but it has most of the information that was on the
13 previous chart plus some other information that you
14 asked for. I believe you received this already, so
15 I'll just quickly point out a couple of things.

16 I also misspoke when I said that I thought the
17 footprints of those infill buildings were 6,000 square
18 feet when asked what the loss of green space was going
19 to be. In fact, the buildings themselves are a little
20 over 6,000, so the footprint was around 3,000 per
21 building.

22 So what you see here in this section is that
23 the building that went from four units to eight units
24 added 26,000 square feet, and that's both in Options B

1 and C.

2 Building 2, which is the L-shaped building,
3 actually, was increased by 208 square feet which
4 represents a bedroom that's required. We needed to
5 have one four-bedroom unit on the first floor for
6 accessibility.

7 And then over here you have 816 square feet
8 which represents the six parking spaces that were lost,
9 and then you have the 6,000 square feet that represents
10 the footprint of two buildings of 3,000-odd square feet
11 each.

12 So the total in both cases of lost green space
13 is approximately 8,000 square feet, and you see that
14 the green space previously was 139, so you have a net
15 reduction of a little less than 6 percent of the total
16 functional useable open space by incorporating those
17 units into the S7.

18 As far as parking changes go, you know, on the
19 west side, which I mentioned last time, there's a loss
20 of six and I said that we would reduce the parking
21 accordingly in Concept C. And what we've done is we've
22 taken 18 spaces out of the garage. The benefit to that
23 is that those 18 spaces are coming out of the lower
24 level of the garage that's closest to the abutters, so,

1 in fact, the amount of rock removal that's going to be
2 required is going to be reduced considerably.

3 Lastly, the parking statistics in terms of
4 what's required by zoning, we're right in line with
5 that with the exception of Option B in which we're
6 actually short by two spaces.

7 That's pretty much it, just the renderings
8 again, if you care to see them. This is the
9 five-story; this is the six, five, four, three; the
10 five, four, three; and the four. And this is the
11 existing plan -- site plan on the east -- the west and
12 the east. And here you see where we added the four
13 units into the center of this building. As I've
14 mentioned, a bedroom was added over here for
15 handicapped accessibility. And on the east side, this
16 is the two buildings that were added. Each one has a
17 footprint of about 3,000 square feet. And that's it.

18 MR. JESSE GELLER: Great. Thank you.

19 Anybody have questions at this point?

20 (No audible response.)

21 MR. JESSE GELLER: I think we had those
22 materials submitted earlier in the day and hopefully
23 everybody's had an opportunity to take a look at them,
24 but thank you for walking us through.

1 So before we actually start talking, I just
2 want to make sure, are there any questions that anybody
3 needs -- that anybody needs to ask or have answered as
4 preliminary to their ability to deliberate?

5 MR. BOOK: I want to -- I'd like to clarify a
6 statement that I think was made at the last hearing.

7 MR. JESSE GELLER: Sure.

8 MR. BOOK: It generated a letter from, I
9 think, an abutter that we received today about relying
10 on the City of Boston for fire services.

11 I think your traffic engineer -- or at least it was
12 described to him that you would be relying on the City
13 of Boston for fire services. And it seemed odd to me,
14 but it's now been picked up by others and people are
15 starting to run with it. Was that a misunderstanding?
16 Maybe it was a misstatement? Can you address that?

17 MR. LEVIN: I'll try. I'm not an expert in
18 it. What I understand is that there's something called
19 "mutual aid" that towns voluntarily sign up for, which
20 means that if there's a fire station closer to one
21 portion of a municipality, in the neighboring
22 municipality, that by virtue of joining this mutual aid
23 agreement, that the fire trucks would come from the
24 closest fire station regardless of what municipality

1 you're in. So when you have a fire station right next
2 to Brookline in Boston or Newton and a fire breaks out,
3 that by virtue of mutual agreements, that a fire truck
4 would come from Boston.

5 I mean, everybody's interested in saving
6 lives, so it makes perfect sense that there's a mutual
7 agreement and you're not going to wait for the fire
8 truck from Brookline to get there if it has to travel
9 further.

10 As it is, we're just outside of the
11 five-minute comfort zone that the fire chief
12 articulated, and frankly, we have 800 units there right
13 now, 530 units in Brookline, that are dependent upon
14 the Brookline Fire Department as well as Boston under
15 the mutual aid agreement or membership.

16 MR. BOOK: So there isn't any anticipation
17 there'd be any change in who is responding to
18 emergencies at Hancock Village --

19 MR. LEVIN: No.

20 MR. BOOK: -- with the addition of the
21 residences as opposed -- as compared to what's
22 happening today?

23 MR. LEVIN: No. I can't imagine that would be
24 the case. I don't know how it -- where it rings, how

1 it works, but I can tell you we have a municipal line
2 that runs right through Hancock Village and that there
3 are units that straddle the line. So if a fire breaks
4 out there, I'm sure Boston and/or Brookline are
5 notified and they come. It would be very hard for them
6 to determine if it's right on the line or not, so I
7 don't know how technically it works. I just know that
8 it's an agreement that the towns have. Most of the
9 towns in Massachusetts are members.

10 MR. HUSSEY: The tenor of the letter seems to
11 imply that mutual aid would have to be put in place;
12 that it's not in place now. But my recollection of the
13 testimony from the fire chief is that the mutual aid
14 system is in place now, and this project will not
15 affect that one way or the other.

16 MR. LEVIN: That's correct.

17 MR. HUSSEY: That's my understanding.

18 MR. JESSE GELLER: Yeah. Let me just add to
19 that. My memory is that the issue is about one of
20 timing and the time within which the fire department,
21 based on federal regulations, is not -- not that it's
22 mandated, but that it prefers to have, with the
23 distance, time, coefficient, I guess, and they like to
24 be within a certain proximity to be able to respond to

1 calls within a certain period of time. And that's
2 where this comes into play.

3 UNIDENTIFIED AUDIENCE MEMBER: As a member of
4 the Board of Selectmen, may I suggest that you wait
5 until the chief responds? We've asked him to. And I
6 think there's a lot of relatively speculation, not
7 correct, being discussed right now.

8 Mutual aid, we are part of mutual aid.
9 Brookline responds first if it's in Brookline normally,
10 and there are other conditions that I wouldn't even
11 begin to try to explain. But the chief has been
12 requested to provide you with an actual description of
13 what the response would be, and I urge you to let the
14 chief explain.

15 MR. LISS: I don't necessarily disagree, Madam
16 Selectman, but at the same time I don't think that's an
17 issue that we're too concerned with at this point in
18 that we -- I, I should say -- I'm confident that the
19 fire -- the distance between a fire is not going to
20 increase because we're adding apartments there. The
21 distance. This is a distance and a timing thing.
22 We're not expanding the footprint of South Brookline.
23 This is a proposal to add more infrastructure on a
24 specific plot of land. The time and response are

1 clearly sufficient at this point.

2 MR. JESSE GELLER: I don't want to get -- I
3 want to keep our focus on what we really have to
4 achieve tonight.

5 MR. BOOK: I was just looking for
6 clarification of something that was supposedly -- or
7 attributed to the applicant. And so we -- it certainly
8 is something that can be vetted with the fire chief at
9 a later time, so ...

10 MR. JESSE GELLER: Again, the notion is if
11 there is a question that you have that is important for
12 you to be able to deliberate, I would ask that you ask
13 it of whomever now so that you can freely and fully
14 deliberate.

15 MR. ZUROFF: Are we throwing questions out to
16 the audience if we have them? I mean, I don't know
17 who's here in terms of peer reviewers or experts but,
18 for instance, I have a question about the impact of
19 blasting. It's come up as a concern. I don't know
20 whether it's part of our purview or not, but ...

21 MR. JESSE GELLER: We actually are going to
22 dedicate some time to address the question about
23 blasting. We've had a number of comments about it.
24 And if you recall from the last hearing, arrangements

1 were being made so that we could have fire and safety
2 officials here as well as, I believe, you're bringing
3 in your contractor.

4 MR. LEVIN: I have him teed up for Monday.

5 MR. JESSE GELLER: Whoever the blasting expert
6 is --

7 MR. LEVIN: Yes.

8 MR. JESSE GELLER: -- to address these
9 questions.

10 MR. ZUROFF: Okay. All right. That's fine.

11 MR. BOOK: At some point -- so last week the
12 Planning Board was kind enough to send us the
13 information about density. Mr. Hussy has added some
14 commentary to explain it a little bit and some
15 materials to be circulated today and at some point we
16 should talk about that.

17 MR. JESSE GELLER: Okay. And will that
18 discussion assist you with your deliberations?

19 MR. BOOK: Yes.

20 MR. JESSE GELLER: Okay. So Mr. Hussey, then,
21 I would suggest -- would you be able to, in a
22 relatively concise fashion, run through it?

23 MR. HUSSEY: Did everyone receive the copy
24 that was sent out today?

1 MR. JESSE GELLER: Today, yes.

2 MR. HUSSEY: I can.

3 MR. JESSE GELLER: Remember, we're lawyers,
4 not architects. We're not as smart as you.

5 MR. HUSSEY: I understand. You're just as
6 good at numbers, I'm sure.

7 MR. SCHWARTZ: Mr. Chairman, is it possible
8 for to us get a copy of that while you review it?

9 MR. JESSE GELLER. Sure.

10 MR. LISS: Is it possible to put one on the
11 screen?

12 MR. HUSSEY: I don't think so.

13 (Brief break.)

14 MR. HUSSEY: The Planning Department, some
15 weeks ago, not too many weeks ago, had put together a
16 density analysis that calculated the number of dwelling
17 units per acreage that span the width and analyzed
18 these things for the various parts of the project and
19 also the neighborhoods.

20 What I've done in this chart -- that was based
21 on the August or early September plan of 184 units --
22 I've added into this chart the Option C which reduced
23 the number of units to 172 and increased some of the
24 infill units, and I'll go through the details in a

1 minute. I've also added on to the same chart so that
2 all this information is in one place for the board to
3 look at.

4 A study that I did of a part of Park Street in
5 Brookline, which is in the urban fabric of Brookline,
6 is somewhat similar -- it's not similar to this
7 proposal, but it is a place that has -- it's from
8 Vernon Street to Harvard Street. It has a number of
9 single-family dwellings outside my study area. The
10 study area includes three high-rise buildings, seven to
11 ten stories; one mid-rise of a renovated church; a
12 number of three-and-a-half-floor, brick, multifamily;
13 and a one acre of green space, which is part of 78 Park
14 Street. And so the number of dwelling units was
15 included, but it also included the Needham guidelines
16 for single-family districts, of multifamily districts,
17 and other zones.

18 So that, in general, is what it's all about.
19 And there it is, excellent. So most of this
20 information you already have, but some of it you don't.

21 Now, I would just mention to the Chairman, it
22 seems to me that the first item on the agenda is the
23 basic question of whether we're going to approve
24 anything under 40B. And I think that should be

1 answered. While the people are studying the chart, it
2 should be discussed even in a minimal way. But I think
3 it seems to me that has been assumed, but I'm not sure
4 it's been explicit, and I'd like to make that explicit
5 as our first order of business.

6 MR. JESSE GELLER: Do you have any thoughts on
7 that topic?

8 MR. HUSSEY: Well, I had a couple of thoughts.

9 One is that -- and I refer the board, at some
10 point, to look at the Brookline Comprehensive Plan of
11 2005 to 2015, which is phased out next year. The
12 selectmen and various boards, the Planning Board, will
13 resume to rewrite that.

14 But on that chart, on that document, there's a
15 long chapter on affordable housing and it indicates a
16 number of places in Brookline where affordable housing
17 might be spotted. And there are two in North
18 Brookline, there are two along Route 9 down near the
19 border with Boston, there are two up near Chestnut
20 Hill, and way down at the bottom there's a yellow line,
21 like a yellow submarine, that's Hancock Village. It
22 doesn't go into detail as to what kind of development
23 should be built down there, but it does seem to
24 indicate at one point in its history the town felt that

1 it was appropriate to have affordable housing in this
2 area.

3 So that -- I think the other main issue has to
4 do with the green space, whether that should be
5 developed or not. And as I understand it, that is
6 private land. It is not public land. As I understand
7 it, there is no deed restriction on the property, and
8 if anybody can correct me on that, I'd be interested to
9 hear it. I don't know if a deed search has been done
10 but I assumed -- because we haven't heard that there's
11 no deed restriction on the property, which I assume --

12 MR. JESSE GELLER: I'll respond in a bit, but
13 you can sort of lay out your thought process.

14 MR. HUSSEY: And that the restrictions on the
15 buffer zone development were an agreement that did go
16 on for 30 years and now has lapsed.

17 So for those two reasons, as I understand it,
18 it seems to me that it is not inappropriate to have
19 some sort of development on this property.

20 MR. JESSE GELLER: Generally I agree with
21 you. I think that we did preliminarily, I believe, see
22 some materials that pertained to the original grant for
23 the development at this site and there was something --
24 there was some language and I believe it was the

1 subject of either a potential or an actual suit related
2 to whether it constituted a restriction, whether it
3 constituted a condition based upon the prior grant of a
4 special permit release.

5 Frankly, it's outside the scope of what it is
6 we are looking at, and that process will continue
7 independent of what it is we do. So I don't know that
8 we should take that into account.

9 Independently of that, I agree with you with
10 respect to the greenbelt or what we have styled the
11 greenbelt. I do not think that it is inappropriate for
12 there to be some degree of development within that
13 area. The question is how much. But I think there
14 should be -- it certainly should be permitted. They
15 pay taxes on it. It's private property. This is not a
16 public park. It is not public park land. As far as I
17 can tell, the public doesn't have rights to use it. It
18 is for the residents, and it is owned privately.

19 In terms of the larger question of should
20 there be any development here, again, my sense is that
21 it is an appropriate site for development. What it
22 comes down to is at what level, at what density, at
23 what impact.

24 So in response to your -- and I just want to

1 touch on that initial overarching question that you've
2 asked. Is this an appropriate site for development?
3 Yes, I believe it is. I don't preliminarily knock it
4 out of the box.

5 Mr. Book?

6 MR. BOOK: I agree with what both of you have
7 said. I think it's an appropriate site for development
8 to both the green -- the S7 district as well as the
9 M.5. And I think our discussion will need to focus
10 more on at what level, and is this an appropriate
11 density, should it be some other density.

12 MR. JESSE GELLER: Okay.

13 MR. ZUROFF: Does that get us over the
14 baseline of whether we can approve anything or not?
15 Because I think, in my opinion, based on what you're
16 saying, I agree with you that given that it is an
17 appropriate site for development, then I don't think
18 that we should consider whether we say no completely
19 or -- I think that we should start with what is
20 appropriate for this site and not whether there's
21 anything appropriate for the site.

22 Are we getting past that? Do you understand
23 what I'm trying to say? What I'm trying to say is have
24 we passed the baseline of whether we should approve

1 anything at all or not? Because that was the first
2 question.

3 MR. JESSE GELLER: Yes. What Mr. Hussey was
4 asking was, out of the box, is this a site that's
5 appropriate for development or are we simply turning to
6 this applicant and saying, you don't qualify?

7 MR. ZUROFF: Okay. That's what I'm saying.
8 Have we passed that point?

9 MR. JESSE GELLER: Well, you've heard from
10 Mr. Book, you've heard from Mr. Hussey, you've heard
11 from me.

12 MR. ZUROFF: And I'm concurring.

13 MR. JESSE GELLER: And Mr. Liss, do you want
14 to throw in?

15 Mr. Pu, we're not taking testimony now.

16 (Multiple parties speaking.)

17 MR. JESSE GELLER: Excuse me. We're not
18 taking testimony now. This is an opportunity for the
19 board to deliberate, and we're under strict time
20 constraints, and therefore we really need to start to
21 focus on these issues.

22 MR. PU: But you cited --

23 MR. LISS: I believe he said to just sit down.

24 I concur.

1 MR. JESSE GELLER: Thank you. Okay. So
2 having said that, so the next question which naturally
3 flows is, based on your -- where are you going with
4 your density study? What are the conclusions that you
5 draw that filter into the notion of, okay, we believe
6 it's appropriate for development and what is
7 appropriate?

8 MR. HUSSEY: Well, I think that's -- I mean,
9 there are a lot of issues that we can and should touch
10 on relative to life safety, relative to drainage and
11 what have you. I think a lot of them have been
12 answered that we probably should go through, but I
13 think you want us to go right to the issue of what kind
14 of development would we allow here. And that's what
15 this chart is supposed to help us decide.

16 Now, I have not developed information on all
17 the options that were presented last week, but from my
18 point of view, I think the Option C is the most
19 advantageous to the others for two reasons: One is it
20 reduces the overall number of units from 184 on the
21 previous schemes to 172; and secondly, it reduces the
22 height on the main apartment building from five --
23 well, from a step scheme down to four stories. So I
24 have focused on C.

1 Now, for the overall density of the entire
2 site, the density before was 21.4 dwelling units per
3 acre. Under Option C it's 20 dwelling units per acre.
4 And if you go down to Needham, their guidelines for
5 single-family districts is 8 to 10 dwelling units per
6 acre, so this exceeds that. Multifamily districts is
7 up to 24 dwelling units per acre. I think you have to
8 take their single-family districts as being not perhaps
9 really strictly related to Brookline. I don't know.
10 But I suspect that they have, in general, in the
11 aggregate, more large scale lots relative to Brookline
12 than we do. And so that if a guideline was to be
13 developed for Brookline in terms of a single-family
14 purview, I suspect the guideline developed by Brookline
15 would be a little higher than the 10 that they use.

16 But be that as it may, the entire site density
17 under this deed for all of it is 20 units per acre.
18 The infill areas, the entire infill is 8.55 dwelling
19 units per acre, the Beverly Road side of the infill is
20 8.3, and the Russett Road area is 8.74, and the Beverly
21 Road neighborhood is 4.78 dwelling units per acre. So
22 what's being proposed is a little over twice what the
23 density is in the immediate neighborhood, Beverly Road
24 area.

1 The Russett Road neighborhood is -- so the
2 green space is 6.56, and the Russett Road neighborhood
3 is 6.47, so it's a little closer -- well, that's been
4 raised up a little higher now with the addition of the
5 two buildings in the green space that were taken out of
6 the apartment building. That density for the
7 development has gone up to 8.74.

8 The apartment building -- and Maria and I
9 spent a lot of time deciding whether you should just
10 take the acreage that's in the apartment section, which
11 is what's zoned, what is a zoned multifamily, or
12 whether we should include the parking area and the
13 buffer area adjacent to it. But this gets us to be --
14 now, with the reduced -- with 172 units, it is still
15 56.59, 57 dwelling units per acre for the apartment
16 building, the M.5 zone.

17 The multifamily districts in Needham, they
18 were allowing up to 24 dwellings per acre, so half what
19 this is. But as I say, that's a little bit of an
20 outlier because of its limited area. We didn't count
21 the road next to it, and we didn't count the parking
22 spaces.

23 MR. LISS: Chris, I just have a couple of
24 questions.

1 MR. HUSSEY: Yeah.

2 MR. LISS: First of all, why is Needham the --
3 why was that the benchmark? Was that just because it
4 was the closest proximity to the most recent 40B
5 or ...

6 MR. HUSSEY: I have no idea. This was the --
7 there's a whole pamphlet on the Needham guidelines that
8 we received by email, and in that was the specific
9 guidelines to specific districts.

10 MR. LISS: So there's no correlation. I mean,
11 they're two obviously very topographically and
12 geographically different towns.

13 MR. HUSSEY: Well, I don't know how different
14 they are. They are different. There's no question
15 about it. And I wish we had more, but that's all we've
16 got.

17 MR. LISS: And then the next question is:
18 When you say "dwelling units," do we quantify that as a
19 one bed, as a two bed, as a three?

20 MR. HUSSEY: It's just a dwelling unit, a
21 home. That's the standard among the planning I've
22 gotten. Maria cited the planning counsel sets these
23 things. Among planning studies, dwelling units per
24 acre is generally accepted.

1 MR. LISS: And the follow-up to that is
2 obviously the more -- forgive me -- the more dwelling
3 units per acre, that is a more congested and a more --
4 congested area.

5 MR. JESSE GELLER: Dense.

6 MR. LISS: Dense. The more density.

7 MR. HUSSEY: This goes to the question -- I
8 mentioned before in an earlier meeting that the
9 apartment building is an urban solution to a problem in
10 a suburban area, and this goes to trying to define that
11 situation. The Park Street area in Brookline, which I
12 think is similar to many of the urbanized parts of
13 Brookline, that dwelling unit density is 43 dwelling
14 units per acre. So if you were building something or
15 looking around Coolidge Corner or other dense areas in
16 the Town of Brookline, you'd probably be very close to
17 this 43 dwelling units per acre. So that the 50 -- the
18 56.59 seems really out of line.

19 MR. JESSE GELLER: Filter this back into how
20 this assists you with your deliberations. So sort of
21 bring it --

22 MR. HUSSEY: Cut to the chase?

23 MR. JESSE GELLER: Yes. Thank you. Let's
24 bring it back to what we need to discuss.

1 MR. HUSSEY: Well, that's why I'm in favor of
2 Option C because it reduces both the number of units
3 and --

4 MR. JESSE GELLER: Well, let me ask you a
5 question.

6 MR. HUSSEY: -- and I think that what this
7 tells me is that apartment building needs to be reduced
8 even further.

9 MR. JESSE GELLER: Okay. So --

10 MS. NETTER: To what?

11 MR. HUSSEY: I would feel much happier if they
12 did two things: One, eliminated another floor of
13 units, and eliminate entirely the lower level of
14 parking.

15 MR. JESSE GELLER: So your proposal is that it
16 would be a three-story structure.

17 MR. HUSSEY: Three stories of apartments and
18 one level of parking.

19 MR. JESSE GELLER: Of garage parking.

20 MR. HUSSEY: Of garage. Which would reduce
21 two things. One would reduce the parking. Actually,
22 it would bring the parking down to an average amount of
23 parking in the immediate area. It would be close to
24 what they have with that August plan, as I understand

1 it. It also would reduce the amount of blasting, rock
2 removal, that would have to be done considerably. And
3 they've recognized this by reducing the number of
4 parking spaces on that lower level by 18, so they've
5 already started along that track.

6 MR. JESSE GELLER: And in your thought
7 process, you haven't commented -- you have felt
8 constrained by Options A, B, or C, though you're now
9 stepping outside of that box.

10 MR. HUSSEY: That's right.

11 MR. JESSE GELLER: And in stepping outside of
12 that box, do you have a -- in their iterations, they
13 have essentially made back a number of units in their
14 proposal for C by going to the infill in one building
15 and then adding two more buildings within the
16 greenbelt. So the natural question becomes --
17 forgetting for the moment Iteration C -- improvements
18 on the greenbelt. Now, I understand what you said
19 before about improvements within the greenbelt you
20 think are reasonable. It's a question of how much.

21 So can you comment on the number of
22 improvements within the greenbelt, the size, and the
23 scope in the iteration that is most favorable to you?
24 I don't need to hear about stuff that you're not --

1 MR. HUSSEY: No, I know. I understand. I
2 think what they've done in Scheme C, which is to move
3 12 units to the greenbelt area, is a good move as
4 well. It reduces some of the -- again, it reduces some
5 of the impact and development on the Asheville Road
6 neighborhood, putting them over on the other side of
7 Independence Way and also putting them alongside the
8 other road. So I would leave the Item C, Option C, the
9 infill solution, I would leave that. But, of course,
10 you could, you know, add onto that if you wanted to,
11 but I would leave it the way it is.

12 MR. JESSE GELLER: So I guess the question
13 is -- forgetting for the moment Option A, B, or C --
14 have they struck an appropriate balance for
15 improvements within the greenbelt, even assuming adding
16 back an infill building on two other structures? Is
17 that the appropriate build?

18 MR. HUSSEY: I think probably it is. I'd like
19 to hear the rest of the board on it, but I think it
20 probably is.

21 MR. JESSE GELLER: And the --

22 MR. HUSSEY: Although, if you want me to go
23 on --

24 MR. JESSE GELLER: Go on.

1 MR. HUSSEY: The way I felt it should be
2 going, and hasn't been, it should be four midrise
3 buildings along Independence Road and along the --
4 what's the name of the other road?

5 MR. JESSE GELLER: You were a proponent of
6 larger buildings focused --

7 (Multiple parties speaking.)

8 MR. HUSSEY: That's getting into redesign, and
9 I don't think we're allowed to do that.

10 MS. NETTER: That's correct.

11 MR. JESSE GELLER: It's not our project.

12 Okay. Let me -- are there any other
13 overarching issues in terms of -- okay.

14 MS. NETTER: I think Sam has a question.

15 MR. NAGLER: I just wanted to get some
16 clarification. When you're talking about Option C,
17 there was also a specific bedroom mix in Option C, and
18 I didn't know if you were -- there's like 25
19 four-bedrooms in Option C, where there's zero
20 four-bedrooms in Option B. I didn't know if you were
21 saying, I approve of Option C, if you're taking that
22 wholesale or just kind of the structure of the building
23 or the entire program.

24 MR. HUSSEY: I'm not sure we should get into

1 micromanaging each individual building, quite frankly,
2 the infill buildings. I really don't.

3 MR. LISS: I have a comment on the -- per se,
4 four bedrooms is an awful large --

5 MR. JESSE GELLER: Let me roll around to you.
6 Let's take this in an order here.

7 MR. LISS: Yeah, okay.

8 MR. JESSE GELLER: You're really shy to state
9 your opinion, aren't you?

10 MR. LISS: That's why we're here.

11 MR. JESSE GELLER: Okay. So my feeling,
12 frankly, is, I really thought that the iterations were
13 helpful, you know, sort of going through the exercise.
14 And I'm sure the applicant will collectively roll their
15 eyes at it, but it really assisted me in being able to
16 visualize the various options and what they meant in
17 terms of putting improvements within the entirety of
18 this project. So, you know, whether or not you buy
19 into A, B, or C or some other paradigm, it seems to me
20 it was helpful to sort of visualize the whole spectrum.

21 And for me, although adding a sixth story that
22 is barely visible onto what was otherwise an extremely
23 large building and, in my mind, was an outlier,
24 although it's extremely seductive to say, you know, we

1 get a lot of benefit for that, the question really is
2 about, does it fit? And I think at the end of the day,
3 in my opinion, it does not fit.

4 And I come to the other end of the cycle,
5 which is a proposal for less, a proposal we've seen, in
6 their iteration as Option C. In the scheme of their
7 proposals, it seems to me is the best option.

8 And the one -- I don't object to the height so
9 much of a four-story structure, so the -- if you want a
10 four-story building, I think is acceptable to me.

11 The issue I have, which is one that I had with
12 all iterations, is the mass, the bulk, of that
13 structure. It is an enormous building. And I said it
14 any number of times, that that structure needs to be
15 somehow -- in a real fashion, it needs to be broken up
16 so it doesn't simply look like it's an enormous -- I
17 said schloss. I'll take that off the table --
18 warehouse, fortress, whatever you want to call it. But
19 it's an enormous structure, and I think it's going to
20 be an enormous structure even at four stories, so some
21 meaningful breaking up.

22 Now, the addition, the quid pro quo, if you
23 will, the addition of putting two buildings back into
24 the greenbelt, which, as I said before, I'm not

1 offended by improvements within the greenbelt, I don't
2 have an issue with that. I think those two buildings
3 are roughly scaled to match the other structures that
4 are within there. The other structures that are within
5 there, I think, are not outlandish.

6 In particular, with respect to the
7 questions -- Mr. Nagler's question about how many units
8 and is that an issue -- I'm concerned about bulk and
9 number of improvements within the overarching
10 exterior. I'm not so much concerned with what goes on
11 on the interior.

12 And I'm mindful of your cautioning of things
13 like what impact this may or may not have on the school
14 system. You know, I'm mindful of that. That's not
15 something we can take into account, so I look at it
16 from outside.

17 The infill that they put within the -- back
18 into the greenbelt, you know, I candidly have a little
19 bit of hesitation. I don't rule it out, but the
20 devil's in the details in that particular building, and
21 again, what I don't want to see, particularly with
22 that -- within that area, is simply a large building.
23 Somehow it needs to be -- it needs to read as
24 appropriate to what's -- the scale.

1 The issue that you raised with respect to
2 parking, without getting into the questions that we
3 raised about blasting -- so I won't address your
4 comments about that -- my sense is that South Brookline
5 is very clearly not North Brookline. It is more
6 isolated, and in a complex like this, frankly, parking
7 is required. So in the notion of significantly
8 reducing their parking requirements and allowing for a
9 greater degree of green space, one, again, my sense is
10 that appropriate improvement within the green space is
11 fine; two, we've had testimony from peer review that,
12 in fact, in all iterations, traffic out of even the
13 greatest impact of this project is not terrible and is
14 not an impact that --

15 (Interruption by the audience.)

16 MR. JESSE GELLER: I'd like to think that we
17 would extend to you more courtesy.

18 The impact, it seems to me from peer review,
19 who has agreed with the technical underpinnings of what
20 the applicant has provided and has basically told us
21 that subject to their suggestions, which would lead
22 into conditions, that they don't see that increases
23 hazardous conditions, doesn't create traffic problems,
24 so forth and so on. So I don't see that as, you know,

1 the number of spaces as being so critical. So I hear
2 what you're saying.

3 The last thing that I do want to touch upon
4 is, it seems to me that any analysis that we undertake
5 for these -- how shall I say it -- cherry-picked,
6 subdivided parcels presumes that there be no further
7 development within these parcels. And therefore, it
8 seems to me that, critical to our discussion and also
9 critical to whatever it is we'll decide is, this is
10 it. We don't have control over anything that is
11 outside these 40B parcels, so we clearly can't impact
12 the rest of Hancock Village, nor do I think we should
13 at this junction. But we certainly should -- you know,
14 if our analysis is predicated on, we think that this is
15 what is appropriate, then that appropriateness should
16 be the standard.

17 MR. HUSSEY: I've got a difference of opinion
18 relative to the parking. I must say, I'm
19 philosophically -- tend towards less parking than
20 more. The increase in the parking requirement, the
21 zoning, as I recall back in the mid-2004 --
22 approximate -- was a petition. You're talking the
23 Planning Board. As I recall, they opposed it, but I
24 may be wrong about that.

1 But in general, if people are having
2 trouble -- well, I think what's going to happen is that
3 Chestnut Hill Realty is going to have to add the
4 Zipcars and more shuttles, otherwise they won't be able
5 to rent their places. So I have no trouble at all in
6 giving them a waiver on reduced parking, because it
7 reduces -- there is an impact on the neighborhood with
8 parking, with additional parking, because then more
9 cars. So my sense is to reduce that.

10 MR. JESSE GELLER: How much?

11 MR. HUSSEY: Well, as much as you'll all allow
12 me to, quite frankly. I have no trouble -- I mean,
13 they've got 1.4, I think, on that side of the street
14 now, 1.4 cars per unit. I haven't looked at the rest
15 of it to see what the overall numbers are, but I gather
16 at one point they were at what was required by zoning,
17 which is two cars per unit overall, the average. I
18 would have no problem reducing it to 1.5.

19 MS. NETTER: Just for clarification, is that
20 through the whole project versus your getting rid of
21 one floor of parking in the garage?

22 MR. HUSSEY: Well, I think in particular on
23 the east side, that is the side that feeds into Russett
24 Road. So that side in particular, I think the 1.5 is

1 enough. I might allow the additional parking over on
2 the other side for other reasons.

3 MS. NETTER: Is that in addition to the floor
4 of the garage in the midrise?

5 MR. HUSSEY: Assuming the reduction -- the
6 elimination of that.

7 MR. JESSE GELLER: So 1.5 is in addition to
8 the removal of one floor of the --

9 MR. HUSSEY: No, no.

10 MR. JESSE GELLER: That's inclusive?

11 MR. LISS: End result?

12 MR. HUSSEY: No. Hang on.

13 MR. ZUROFF: We should point out that under
14 Option C they have 173 units and they have 345 spaces.
15 That's more than two.

16 MR. HUSSEY: It is. You're right. So that
17 one and a half is presuming that they'll be eliminating
18 that garage.

19 MR. ZUROFF: We don't know how many spaces
20 will come out if you take out a floor of the garage.

21 MR. HUSSEY: You do. The garage right now, I
22 believe, at the lower level is 70 spaces, the upper
23 level is 74, the open space parking is 52. So if
24 you've got just the one level, the upper level, that's

1 74 plus 52, that's 126. Divide that by 92 units, I
2 believe you get 1.37, which is a little lower than the
3 1.4 that they had before.

4 MR. JESSE GELLER: So what is the answer to
5 the question?

6 MR. HUSSEY: Well, my tendency is to, like I
7 say, eliminate that lower level of parking.

8 MR. JESSE GELLER: Okay. But from an
9 overarching question --

10 MR. HUSSEY: And reduce the number of parking.

11 MR. JESSE GELLER: And.

12 MR. HUSSEY: Well, that does reduce the number
13 of cars, gets you below the two.

14 MS. NETTER: Oh, so you're not additionally
15 talking about --

16 MR. JESSE GELLER: Are you saying the paradigm
17 is 1.5 spaces? Is that what you're looking for?

18 MR. HUSSEY: That would be what I would
19 find --

20 MR. JESSE GELLER: Forget about the garage.
21 Your paradigm is 1.5 spaces; right? Is that correct?
22 I'm just trying to figure out for purposes of our
23 discussion.

24 MR. HUSSEY: That's what I'm suggesting.

1 MR. JESSE GELLER: Okay. Do you have any
2 other comments, or shall we go around to Mr. Book?

3 MR. BOOK: So since we're talking density, I
4 realize this is not a 40A project, but -- clearly --
5 but --

6 MR. JESSE GELLER: Do you know a lot of 40A
7 projects that last a year?

8 MR. BOOK: But 40A, I think, is responsive as
9 to -- in terms of the town in deciding what kind of
10 density should be in a particular area. I mean, one of
11 the things that 40A does -- what the Brookline zoning
12 bylaw does -- is it establishes density markers by way
13 of FAR, lot size, in various parts of the town.

14 In the S7 -- and I think the Planning Board
15 had provided us with some materials last week -- they
16 indicated that as of right with the A&R plan, one could
17 get 18 single-family houses into the S7. And I think
18 that in the M0.5, you could get 44 units.

19 And so one -- then it raises both a comment
20 and a question, or an observation and a question. In a
21 40B world, I think it is fair and reasonable that a
22 developer should get -- in exchange for proffering
23 affordable housing, should get some sort of a bonus in
24 terms of putting more density than otherwise would be

1 permitted by zoning, part of the waiver process.

2 And I guess one of the questions I have is, so
3 they're proposing 44 units in the S7 in an area that
4 would otherwise support possibly 18. It's more than
5 twice the density, twice the number of units. And then
6 when we look at the M.5 district, we're looking at
7 140 -- 116 units to the 40-odd that would otherwise be
8 allowed.

9 MR. LISS: You're going based on Option C
10 right now; right?

11 MR. BOOK: If we're going to pick Option C.

12 And so part of my -- the question I have is, I
13 mean, are these -- for lack of a better term -- bonus
14 density grants? Under 40B, is this appropriate?
15 Should an apartment building be three times the number
16 of units that otherwise would be required? Is that too
17 much? Should -- in the S7 it's more than twice. Is
18 that too much? So that's the comment --

19 MR. JESSE GELLER: It's a fair comment, but
20 first let's ask a question.

21 Is there a regulation that offers -- I think I
22 know the answer -- but is there a regulation that
23 specifically says there's a guideline?

24 MR. NAGLER: Not that I'm aware of, no.

1 MR. BOOK: So using the Brookline bylaw as the
2 starting point, it's up to us to figure out what's too
3 much. And so I'm not an architect; I'm not a city
4 planner. In seeing the various iterations and what we
5 can talk about the apartment building that was proposed
6 under Option C, I thought, of the various iterations of
7 apartment buildings, that was clearly the best. The
8 lower floor was -- lowering by a floor was better than
9 the other options, I thought. But I'm still of the
10 mind that it is a -- I don't want to say massive
11 building, although I suppose that's one way. It is a
12 building with a lot of mass. It's just a big building,
13 and it's still a big building even at four stories. I
14 mean, it does seem out of place to me in that
15 district.

16 We know that in other parts of Brookline we
17 have large buildings integrated next to
18 single-families. And I certainly understand that. I
19 live in one of those areas. This particular building,
20 even under Option C, just seems out of scale.

21 MR. JESSE GELLER: Well, let me take you down
22 that road. So it seems out of scale. Is it out of
23 scale heightwise? It is out of scale width? Bulk?
24 Just tell me how it's out of scale. Because at the end

1 of this, after we've gone through this, we're going to
2 have to start to narrow and reach some degree of
3 consensus about this.

4 MR. BOOK: Right. So I think that at four
5 stories it still seems tall, but certainly much better
6 than five or six stories. I think my bigger issue is
7 sort of its length. It's three very long sections all
8 put together, and it just goes on for a while. One of
9 the views that we saw in previous iterations of the
10 building which we didn't see in this last one was the
11 view from VFW, which I thought was a good --

12 MR. HUSSEY: You're not going to see anything.
13 When you're driving down VFW either way, you're not
14 looking at the horizon. You're not going to see
15 anything any time of the year, I don't think. That
16 doesn't bother me at all. It's only the view -- I
17 think the impact from the Asheville Road area is
18 affected. That is affected, but not in terms of the
19 length of the building. It's really going to be just
20 that end.

21 MR. JESSE GELLER: No. See, I think -- I'll
22 let Mr. Book speak for himself and let him continue,
23 but I think it's more than that.

24 MR. BOOK: I do think you see -- I mean,

1 driving by VFW, maybe not, but people do walk that --
2 there are sidewalks. People walk and use the
3 neighborhood. You can see the building. When we were
4 on the site visit, you can see -- there is a -- there
5 was a clear view into -- to that hill where the
6 building is going to be. I think it is visible. And
7 so I think from that vantage point, you really do get a
8 sense of the length of the building and seeing it
9 all -- see a large swath of it. So I think that goes
10 to the concern.

11 MR. HUSSEY: Here's their building.

12 MR. BOOK: Right. And so as you're coming
13 down from here, you can actually -- like from there,
14 when we took the site walk, the second one, you can
15 absolutely see into that. And I think it's visible.

16 So anyway, getting a little off track. I
17 would -- something to --

18 MR. JESSE GELLER: Specific.

19 MR. BOOK: Somehow break it up. I'm not an
20 architect, but somehow to break it up, whether it's --

21 MR. JESSE GELLER: In a real fashion.

22 MR. BOOK: -- whether it's multiple buildings
23 or, you know, multiple buildings that -- maybe it's all
24 on one big podium but it looks like separate

1 buildings.

2 MR. HUSSEY: What you could do, you could
3 break it in the middle and have a three-story building
4 near Russett Road and you have a four- or five-story
5 building on the other side and you have the one level
6 of parking to go through the whole thing. There's a
7 complex here on Park Street. You have two slab
8 buildings, an entry patio, and a garage on the
9 program.

10 MR. JESSE GELLER: Keep going because I want
11 to make sure we get all of your --

12 MR. BOOK: So I think -- and I don't know what
13 the numbers are -- but I think part of that is going to
14 deal with the density issue of the apartment building
15 itself. I think we're -- I don't know what will happen
16 to it, but I assume that we're going to start -- that
17 some units are going to be lost from that building if,
18 in fact, it gets broken up. I don't know.

19 MR. JESSE GELLER: Of course.

20 MR. BOOK: Well, but I can't -- I don't know
21 what the numbers are.

22 When we start talking about the S7 -- so I
23 said before and I'll reiterate, I think it's perfectly
24 appropriate to build in the S7, the greenbelt.

1 What I'm troubled by in Option C is that the
2 buildings are getting a little bit higher. I already
3 thought they were sort of pushing the envelope in terms
4 of height.

5 MR. LISS: They raised three and a half feet.

6 MR. BOOK: Well, but I think they were already
7 kind of high.

8 MR. LISS: They're now at 37 and a half.

9 MR. BOOK: My opinion, they're big buildings.
10 They're bigger than the houses on Russett and Beverly
11 Road, they're bigger than the existing buildings in
12 Hancock Village, they're big buildings. So I'm
13 concerned about anything that's gong to make them
14 bigger. Even if it's another three and a half feet in
15 height, it makes it even bigger.

16 Building number two, making it bigger by
17 adding units, doubling it, I didn't really like that.
18 I would much rather see a separate building
19 altogether. But I didn't -- I didn't like seeing that
20 large building in the greenbelt. It seemed out of
21 place in scale with the rest of the buildings either on
22 Russett and Beverly and the existing buildings in
23 Hancock Village.

24 I wasn't troubled by the addition of the other

1 buildings to -- provided that they're in scale, the
2 same scale as the existing ones. But I'm concerned
3 about making them any bigger. I just -- I think
4 they're big enough.

5 MR. JESSE GELLER: We differ on that, but
6 okay.

7 MR. BOOK: Okay. We can.

8 MR. JESSE GELLER: Sure.

9 MR. LISS: Agree to disagree.

10 MR. BOOK: The comment I want to make about
11 parking -- and others will disagree with me -- I'm not
12 troubled by two parking spaces per unit. I don't think
13 this is a -- this is not an urban area, and I don't
14 think we're going to make it an urban area.

15 But what I do want to see, and what I think we
16 should see, is that if there is parking being created
17 on the west side that is meant to serve the east side,
18 then there needs to be some -- they need to be -- needs
19 something to actually attach them.

20 MR. JESSE GELLER: Are you raising a safety
21 issue, or are you raising a proximity issue?

22 MR. BOOK: Well, I'm raising an issue that if
23 we're creating parking, that it truly is being created
24 for the 40B projects and not for something else. We're

1 here to talk about 40B projects. And whether it's true
2 or not -- and we've heard lots of things from all
3 sides, some of which is true, some of which it isn't --
4 but one of the things that I heard a number of times
5 was a concern that parking was being created to serve
6 existing Hancock Village units. And whether or not
7 that's true or not, doesn't -- to the extent that it's
8 not true, let's just be sure that somehow in our
9 conditions that those spaces are dedicated to the 40B
10 project.

11 MR. JESSE GELLER: I don't know how they're
12 going to do that, but okay.

13 Anything else? Further development?

14 MR. BOOK: Oh, I thought that goes without
15 saying, but I -- I'm glad that you mentioned it, but I
16 think that that's just -- you know, it is a given and
17 certainly if it's not a given, it certainly should be a
18 condition that within this 40B project, the limits of
19 this project site, there cannot be any more
20 development. This is the only development within that
21 project.

22 I'm going to say -- and this should also be
23 obvious -- we cannot -- and it's outside of our
24 jurisdiction to start putting conditions on land that

1 is not part of this 40B, and it's not for us -- well,
2 we just can't do it, so -- but with respect to the
3 project site that is being presented, this is it for
4 development.

5 I did have another comment. This question
6 came up a number of times. I'm also questioning it. I
7 think it's important that -- it would be important to
8 the project, all sides concerned, that there be an
9 access onto the VFW. I understand that -- I'm not --
10 while I think it's important, I'm not ready to make
11 that a condition, but I am --

12 MR. JESSE GELLER: Rephrase that. I assume
13 you mean you're not requiring them before pulling a
14 permit --

15 MR. BOOK: They may not get it.

16 MR. JESSE GELLER: -- rather hold them to
17 diligent best efforts.

18 MR. BOOK: Yes. But, having said that, I'm
19 unsure why there hasn't been any diligence in terms of
20 trying to assess the likelihood or possibility of that
21 happening now. I'm not sure why this is all being --
22 this can is being kicked down the road. And I think
23 that there could be some investigation as to the
24 feasibility of it even now.

1 MR. HUSSEY: I'm not sure about that. Our
2 board, for instance, unless somebody had clear title to
3 a property, we wouldn't consider it. And I think the
4 governing authority on the VFW, they don't have
5 approval, at least initial approval, from us, from
6 MassDevelopment.

7 MR. JESSE GELLER: I don't know one way or
8 another. It's a fair question. I don't know, but your
9 point is taken. I agree with you about their having to
10 diligently pursue ingress and egress off the VFW, and
11 frankly, they want it as much. It's certainly of value
12 to them.

13 MR. BOOK: I think everybody wants it.

14 MR. JESSE GELLER: There's no critical issue.
15 Mr. Zuroff?

16 MR. ZUROFF: Well, I have a number of
17 questions that I would like to throw out to counsel as
18 part of the discussion. And so I'm throwing them out,
19 and I may get rebuffed saying it's an inappropriate
20 time, but I want answers if you can provide them.

21 I understand the premise of 40B is that it is
22 a means for Massachusetts to promote affordable housing
23 in communities that don't have enough. We understand
24 that the applicant is complying with the letter of the

1 law as it stands by dedicating a certain percentage of
2 the units to be available to a certain percentage of
3 income for the area.

4 My question is: Can we alter those
5 requirements for this project?

6 MS. NETTER: No.

7 MR. NAGLER: It's both in the regulations and
8 in the case law that that is entirely up to
9 MassDevelopment and subsidizing agencies. The
10 percentage -- you're talking about the percentage of
11 units that are affordable?

12 MR. ZUROFF: That's right. And the percentage
13 of income that qualifies as affordable housing?

14 MR. NAGLER: Correct.

15 MR. ZUROFF: Outside our scope?

16 MR. NAGLER: Correct.

17 MR. ZUROFF: Okay. That being said, we have
18 three options in front of us: A, B, C. You have
19 seemed to have focused on C. I agree that C is the
20 most reasonable of the three options that have been
21 provided to us, but I assume -- but I'm open to rebuff
22 on that -- that we can suggest further reductions in
23 size, scope, number of units, whatever. And so my
24 opinion is that I would like to recommend that we

1 evaluate the project and downsize it as much as
2 possible.

3 I agree with the prior speakers that the large
4 building is out of scale, is out of character with the
5 development as it stands. It's completely new to this
6 area. And if it can be reduced in size sufficiently to
7 lower its massing and scale, then I'm in favor of doing
8 that, although I do recognize certainly that the
9 developer is providing this as a -- sort of a counter
10 balance to putting many buildings along the greenbelt
11 or a large building along the greenbelt. It's a way to
12 get more units into the project without making many
13 more buildings or large buildings in the greenbelt
14 area.

15 MR. JESSE GELLER: What is the scale you're
16 thinking of?

17 MR. ZUROFF: The unfortunate part of where the
18 siting is is that it's on a rock outcropping and
19 therefore it's already -- by the nature of its
20 placement, it's already above everything else that's
21 near it. So unfortunately, even a two-story building
22 will still be overlooking all the other buildings.

23 I'm not going so far as to say that a
24 two-story building is what I would recommend, but I

1 certainly do feel that it can be downsized. I don't
2 know whether we could divide it in two or not, but any
3 downsizing of that building, lowering its profile,
4 reducing the blasting by reducing the parking
5 underneath, I would support that. And I don't know
6 enough about design -- Chris, you do -- to suggest how
7 that could be done best, but I'm in favor of that as a
8 concept, that the lower that building is, the less
9 impact it will have.

10 And I don't think -- it is only really visible
11 from Asheville Road and those houses that actually look
12 up Asheville Road, and I don't think that its visual
13 impact from VFW Parkway or within the project itself --
14 because this is owned by, you know, related
15 companies -- all the other buildings that are close to
16 this building, that's their business if they want to
17 have a rental building in the middle of a more suburban
18 setting. That's their prerogative to propose it. This
19 is our shot at lowering the scale a little bit. So I'm
20 in favor of that.

21 I have no objection to the infill buildings
22 per se.

23 MR. JESSE GELLER: Before you finish up with
24 that, does a four-story building satisfy your

1 requirements? Does a three-story? I'm trying to get a
2 sense specifically of what meets your requirements.

3 MR. ZUROFF: A three-story building would make
4 me more satisfied with the project. A two-story
5 building would possibly be better, but I understand
6 that will not accomplish what we're trying to do here,
7 which is to establish reasonable controls over the
8 proposal. But a three-story building would certainly
9 go a long way.

10 MR. JESSE GELLER: Okay.

11 MR. ZUROFF: That being part of it, I agree
12 with Chris. I'm in favor of reducing the number of
13 parking spaces. Two per unit is not necessary. But I
14 also acknowledge that this is a suburban area where
15 people have cars.

16 One of the questions I have -- and I don't
17 think it's really a question -- we know that we can
18 impose restrictions on this project. The developer,
19 the applicant has already proposed traffic calming
20 measures, basically restructuring -- I assume with the
21 town's cooperation -- Independence Drive, turning it
22 from a four-lane road to a -- basically a two-lane road
23 with bump-outs and crosswalks and all of that. I
24 assume that that's going to be part of the restrictions

1 that we impose on this project if we approve it, and I
2 want to go on record saying I'm in favor of that.

3 I'm also in favor of requiring Zipcar spaces,
4 in favor of requiring a shuttle bus to be instituted as
5 a permanent part of this approval, and maybe even
6 giving that a trial period and seeing if it works, and
7 if it's effective, maybe even expanding that service.
8 Again, I don't think the applicant is objecting to
9 that, but I would like to make sure that that's part of
10 approval that we give them.

11 MR. JESSE GELLER: Yeah. I want to be clear.
12 I think in our discussion, the nature of this
13 discussion is really the larger type of issues. But
14 within, I think, all of our considerations is that TDM
15 and the complete streets as well as other
16 recommendations made through the peer review process
17 would ultimately be incorporated into conditions at the
18 end. So, you know, I just think that the purpose of
19 tonight was to sort of address the larger picture.

20 MR. ZUROFF: Well, I'm sorry.

21 I would like to see -- as I said, I have no
22 objection to the infill buildings. I didn't like the
23 idea of having loft spaces in those buildings because
24 they're ultimately developable into living spaces, as

1 we well know. But, it's a kind of a balancing argument
2 as to whether we should lower those buildings. I would
3 like to see the unit compositions -- I don't like
4 four-bedroom units. I think they're unnecessary. But,
5 again, I don't know whether we can impose that
6 restriction or not. It is not part of Option C, but I
7 would like to see no four-bedroom units or less
8 four-bedroom units. That's just my feeling. If it's
9 possible, I would like to do that.

10 And I reiterate Jonathan's concerns about the
11 VFW access. It was a nice idea. And requiring the
12 developer to make diligent efforts to do that after the
13 pass on this I think should also be part of our
14 consideration.

15 It's my understanding that 40B basically takes
16 our zoning requirements as they sit on the districts in
17 which this property is located and basically says,
18 well, they don't apply anymore because of the exception
19 that's allowable under 40B. Am I correct?

20 MS. NETTER: 40B, as you know, is a balancing
21 between the need for affordable housing as expressed by
22 the law and the regulations and the community's local
23 concerns. Within that context, zoning doesn't go out
24 the window. It's also about where you're trying to

1 strike that balance right now in looking at a project
2 that is outside of zoning. And the applicant has to
3 seek waivers in order to -- and this board has to make
4 a determination based on that balancing as to whether
5 those -- a particular project is appropriate and zoning
6 waivers are appropriate. So it's not -- the short
7 story is -- and I realize --

8 MR. ZUROFF: It's not completely out the
9 window.

10 MS. NETTER: It's not completely out the
11 widow, no.

12 MR. ZUROFF: So along those lines, I would
13 like us to at least consider the setback requirements,
14 the height requirements, as far as the infill buildings
15 are concerned. I know that the large building is
16 really way outside of the zoning, but certainly the
17 other buildings, we should consider reasonable height
18 setback restrictions for those buildings. Just like
19 we're about to discuss whether to waive parking
20 requirements, I think that we should discuss those
21 specific waivers. I would like to try to conform as
22 much as possible as far as the infill buildings are
23 concerned. So that is something that I would like to
24 see considered.

1 And my final point is that while we are
2 imposing -- or we discuss imposing a restriction on the
3 entire parcels that are before us so that there's no
4 further development on those parcels, I was wondering
5 if we could also impose a restriction that the green
6 space that is left available be kept as green space,
7 that it not be somehow converted to parking or other
8 paved over -- or other uses in perpetuity, if we can do
9 that, so that whatever green space is left can be
10 preserved.

11 MR. JESSE GELLER: Would they need to come
12 back for any --

13 MR. NAGLER: You're talking about the green
14 space within the 40B parameters itself?

15 MR. JESSE GELLER: Within the 40B.

16 MR. NAGLER: Yeah. If you impose that as a
17 condition, they could agree to it or not agree to it.
18 Assuming they agreed to it and they wanted to change
19 it, they would come back and ask for amendments to the
20 comprehensive permit.

21 Is that your question?

22 MS. NETTER: I think there's two parts to the
23 question.

24 MR. ZUROFF: Well, I mean, that's a partial

1 answer to my question.

2 MS. NETTER: I think what Mr. Geller -- what
3 Jesse is proposing is a restriction in the deed,
4 because a restriction in --

5 MR. ZUROFF: Well, there's no deed here. I
6 mean, they own the property.

7 MR. NAGLER: Recordable restrictions --
8 really in favor of the town, not the Board of Appeals.
9 Restriction in favor of the town on --

10 MR. ZUROFF: It would be a restriction in the
11 permit that is issued. No?

12 MS. NETTER: No.

13 MR. NAGLER: There's two different ways of
14 doing it. One is, you can make it a condition just
15 like every other condition. And then the other way to
16 do it is to -- it is a condition that you record -- a
17 condition agreement with the Town of Brookline
18 recording a restriction --

19 MR. ZUROFF: Or a covenant.

20 MR. NAGLER: Yeah. A covenant, right. So
21 there's different --

22 MR. ZUROFF: So we have the power to impose
23 the requirements of a covenant.

24 MR. NAGLER: You have -- any condition that

1 you impose, the way the process works is, you impose a
2 condition, the applicant either accepts it or says, I
3 don't accept this. This renders the project
4 uneconomic. And then if they can -- then they produce
5 their pro forma. You generally --

6 MR. ZUROFF: I understand --

7 MR. NAGLER: You go through that whole
8 process.

9 If they prevail that it is uneconomic, then
10 the burden is on the board to prove that the -- what
11 you're doing is -- does not outweigh the need for
12 housing -- for affordable housing.

13 MR. ZUROFF: We have to justify that we're
14 being reasonable? Is that what it comes down to?

15 MR. NAGLER: No. It's a balancing test, and
16 there's millions of Housing Appeals Committee cases on
17 how that balancing test is all sorted out. And there's
18 also language in the regulations specifically talking
19 about how the balancing has to meet the burden of proof
20 or what the burden of proof is. So it would be like
21 any other condition to go through that process.

22 MR. ZUROFF: But just to sum up what I'm
23 concerned about and what my points of view are, is that
24 I understand that we have to get to a point where we're

1 going to say what would be acceptable to us and then,
2 of course, the developer has the opportunity to say
3 no. And then we can go back and forth. And we can get
4 through -- and the interim step is to get the economic
5 justification, and we haven't even discussed whether
6 we're ever going to get to that point, but I know that
7 that's not the purpose of tonight's discussion.

8 MS. NETTER: Actually, it's not that you -- I
9 mean, it's really -- if you come to some consensus as
10 to what you're looking for, you present that to the
11 applicant, and then the applicant will let you know if
12 that's something they can live with or whether it
13 renders the project economically unfeasible, at which
14 point then you will make a -- you understand.

15 MR. ZUROFF: Okay. All right. I've made my
16 points. Thank you.

17 MR. NAGLER: Just to clarify for the record,
18 if they demonstrate it's uneconomic, there's two things
19 the board then has to prove. The board has to prove
20 two separate things:

21 One is, whatever you're imposing is a valid
22 health, safety, environmental, design, open space
23 concern. So it has to be -- it can't be arbitrary.
24 You can't just say, you know, the zoning -- if this

1 were a 40A zoning and you have a ten-foot side yard
2 requirement and the applicant is proposing, you know,
3 nine feet, they could present evidence that it's a
4 hardship, it's -- you know, there's all kinds of good
5 reasons. But they can't say, I challenge the validity
6 kind of of the regulation itself. But in a sense,
7 that's what happens in a 40B situation.

8 And if you get past that hurdle, the second
9 hurdle is that even -- it's legitimate but it also has
10 to outweigh the regional need for affordable housing.
11 So it's kind of a two-pronged test.

12 MR. JESSE GELLER: Thank you.

13 Mr. Liss?

14 MR. LISS: Mr. Book made an interesting point
15 that was very helpful for me to quantify a lot of my --
16 the comments I've made throughout and I pretty much
17 stick to today, which is that -- well, I don't know if
18 you meant it to, but you did. And you basically showed
19 that they're asking for -- it's doubled. Is there a
20 bonus? Is that doubled? Is it triple the amount?
21 What are we doing? What do we quantify the 40B
22 affordable housing incentive -- what's the grant? Is
23 it doubled? Is it tripled? Is it four times?

24 And when I was thinking about it, and all

1 along I've been thinking, the concerns from me
2 throughout this entire project were basically
3 restricted to those concerns that we're legitimately
4 allowed to think about: design, stormwater management,
5 things of that nature, density.

6 And it came down to very simply -- very simple
7 for me that I'm not necessarily opposed to a six-story
8 building. I'm not necessarily opposed to a nine-story
9 building, hypothetically. My concerns throughout are
10 more raised on density. The more people you have --
11 the more rooms you have, the more people you have, the
12 more water will be used, the more space taken up, the
13 more parking, the more traffic. That's how I base my
14 reasoning. I think that -- there was madness behind my
15 madness. I'm okay with the six stories. I know it's
16 large, and I do, I know it's concentrated.

17 My concern is that the applicant, by
18 shifting -- you know, and kudos to great counsel and
19 great design -- has increased the amount of bedrooms
20 and increased the amount of buildings but lowered the
21 ultimate building from six to four in what we are
22 now -- what seems to be a majority favorment by the
23 board. I don't stand together with you in that
24 opinion, because I think that while there's obvious

1 concern from the neighbors and the neighborhood, and
2 likely so, this is a monster. This is a big building.

3 At the end of the day, if we're looking at it
4 and we're saying, where's the most impact, it's not --
5 it may be a larger visual impact. I agree with that.
6 And it may be -- again, you can consider that
7 aesthetically. But at the end of the day, the real
8 impact that I consider, again, are numbers, and that's
9 bedrooms and that's people and that's cars and
10 vehicles.

11 You know, I thought that when -- you know,
12 when I saw that -- that's great. You know, they did
13 exactly what the public wants. The public wants to see
14 four stories or less. You know, I was never against
15 the S7 building in the first place, so I think that's
16 actually okay as well, so I'm not too concerned.

17 But bottom line in the proposal we're seeing
18 of A, B, C is that -- I look at it through number of
19 units. I don't necessarily care too much for the
20 height. You know, I guess I -- you know, people may
21 not agree with me, but that's not why I'm up here.
22 I'm up here because if we're going to place
23 restrictions, you know, that are better for the town
24 and make sense, I have to say that there's a direct

1 correlation between rooms and impact on the town.

2 So that said, I'm kind of a hybrid. I mean,
3 I'm kind of -- you know, being as a hybrid of sorts, I
4 mean, five -- I don't know. You're driving down -- you
5 guys disagree. I don't agree with you. Driving down
6 VFW Parkway, I'm probably not going to look up at that
7 thing as I'm driving and paying attention. It's there
8 but it blends and you start to get used to it. After a
9 year or two, you won't even remember.

10 But then I look at the other considerations
11 saying, jeez, it's going to be in front of my front
12 yard every day. It's there. It's really difficult.

13 So what I can tell you is that the more people
14 on the land, on that property, that'll be more
15 impactful, in my opinion. So I'm all for restricting
16 the size, but I think at what cost. In the name of
17 adding more buildings, adding more people, you know,
18 kind of -- getting off point.

19 MR. JESSE GELLER: I just want to ask you to
20 clarify.

21 MR. LISS: Yeah.

22 MR. JESSE GELLER: If I look at the extension
23 on their options, their Options C, assuming one simply
24 took that vanilla Option C, doesn't that have the least

1 number of units? So you don't really mean number of
2 units.

3 MR. LISS: I mean bedrooms, population.
4 Bedrooms will be filled with people, and that was what
5 I was speaking a little earlier about four bedrooms. I
6 mean, a four-bedroom in Brookline is amazing. I mean,
7 I will sell my house right now and find a four-bedroom
8 and have another kid in two seconds.

9 MR. JESSE GELLER: Make me an offer.

10 MR. LISS: But the point is it's a luxury.
11 Four bedrooms are tremendously rare in this town. I
12 agree it's a suburban area, but even the residential
13 houses that are generally three bedrooms -- you know,
14 I'm not a huge -- you know, I like this project. I
15 really do. I think that people kind of can tell that.
16 I'm just not about the four bedrooms. I think it's a
17 little much. It's 352 bedrooms to 335, so you're
18 talking 13 --

19 MR. JESSE GELLER: Say that again.

20 MR. LISS: So under Option C, they have 315
21 total bedrooms; under Option A, it's 339; and Option B,
22 it's 335. So you're looking at a net of anywhere from
23 13 to 17.

24 MR. BOOK: Point of clarification, in

1 Option C, in going to the higher bedroom counts, they
2 eliminated the lofts. And I think if you call those
3 lofts what they probably are, which are -- it's an
4 opportunity to put a person in there. Maybe not on a
5 permanent basis, but it could be a guest room. I think
6 the bedroom count is maintained fairly constant
7 throughout all the options. I think once you add back
8 in those lofts, I think it's really been about the
9 same.

10 MR. LISS: Yeah. I think you could've -- you
11 know, I take it for face value that if you're
12 renting -- and that might be my ignorance and perhaps
13 my youth -- that if I'm renting a loft, it's going to
14 be used for what it's legally supposed to be used for.
15 But I suppose that --

16 MR. JESSE GELLER: You'd be the only person in
17 Brookline.

18 MR. LISS: Yeah. And you're probably right.
19 So, you know, given that -- that's a very good point,
20 and thank you for that because I didn't consider that.
21 Given that, you're saying that the rooms are
22 negligent. The difference in increased rooms is
23 negligent.

24 MR. BOOK: I think it's pretty much the same

1 number of potential bedrooms throughout all the
2 options.

3 MR. LISS: All right. Still not opposed to
4 the six-story building. I know it's large. I would be
5 fine with it coming down. I just -- I don't think it
6 can be -- the trained eye from a three to a six or even
7 a four to a six, I just don't know if it's an enormous
8 difference.

9 Less blasting as possible. I know we're not
10 there yet, but if that means -- I'm well stated on the
11 record that I'm fine with decreasing the two parking
12 per unit. I'm all for lowering that. And if that
13 means -- but I would take Chris Hussey's statement one
14 step further. I would say that by achieving that
15 one-and-a-half ratio, I would say that minimizing that
16 lower level of parking, because that really
17 accomplishes two things, which is decreased parking and
18 to eliminate a significant amount of blasting.

19 So I think that the restriction on -- to lower
20 the parking and say specifically -- my request would be
21 a specific removal of the bottom layer to minimize the
22 amount of blasting, and that keeps the ratios -- one
23 and a half is pretty good. And I do know it's
24 suburban, but I think one and a half is good.

1 I'm okay with restricting the future
2 development specific to the planning site. I think
3 that makes sense. Obviously we won't comment on future
4 developments that are not on the plan site.

5 And the waivers that were submitted thus far,
6 are we talking about that yet or not? No?

7 MR. JESSE GELLER: I think the waivers are a
8 function of what is likely approved. You know, we have
9 a sense of what the waivers are from ones that were
10 submitted, but that needs to be tailored.

11 MR. LISS: All right. I'm done.

12 MR. JESSE GELLER: All right. So we've sort
13 of gotten a sense from everybody of where they are in
14 general with some specifics. The question then
15 becomes -- really what we need to do is we need to
16 reach some point of consensus in terms of what an
17 approved project looks like. We've already
18 discussed -- at Mr. Hussey's urging, we've already
19 discussed the overarching question of approval or
20 denial. And it's the board's sense that there is an
21 approvable project here, albeit subject to the comments
22 that everybody's made.

23 So in order to reach consensus, let me sort of
24 summarize and then I would like to focus on those areas

1 in which -- the bigger issues in which there is not
2 consensus to try and reach agreement.

3 So it is Mr. Hussey's sense that the -- he's
4 generally -- and correct me if I've got it wrong. But
5 your sense is that within the green space, the
6 structures -- as much as you would like to have seen
7 them fewer and aggregated, sort of at central corners,
8 that's not a topic for discussion because we're not
9 designing the project.

10 Given the project that is proposed, of the
11 iterations, the development within the so-called
12 greenbelt is generally acceptable to you. You're
13 not -- you don't have an issue with even the infill in
14 the two structures that now have a center. The larger
15 building, in your discussion, is a three-story
16 structure. You're less concerned about the mass. And
17 you want parking as an all inclusive to be -- to mimic
18 1.5 per unit -- the ratio -- in that general range.

19 Did I miss anything?

20 MR. HUSSEY: No.

21 MR. JESSE GELLER: Mr. Book, your view is
22 that -- I think you're somewhere between a three- or a
23 four-story building. You could live with a four-story
24 building, but the mass needs to be broken up on the big

1 building.

2 You generally are all right with the
3 structures within the greenbelt, even the ones that
4 have been added in, with the exception that you feel
5 that the buildings are large enough as is and
6 therefore, even three feet or three and a half feet of
7 additional height is unacceptable.

8 MR. BOOK: Yes.

9 MR. JESSE GELLER: And that the infill is
10 unnecessary. Did you say that? Big buildings,
11 infill --

12 MR. BOOK: Building number 2 was doubled in
13 size. I'd like it -- I don't have an issue with the
14 number of additional units. I'd like that building
15 broken into two buildings.

16 MR. JESSE GELLER: Okay. My issue, I'm okay
17 with a four-story structure. My issue with the larger
18 building is that the mass has to be, in a real fashion,
19 broken up so that it reads, from an appearance
20 standpoint, like it's multiple structures. Whether
21 that's two, whether it's three, whatever it is, the
22 architects figure that stuff out.

23 MS. NETTER: So you don't just want the facade
24 further articulated, but rather you literally want --

1 not just --

2 MR. JESSE GELLER: No. If they can articulate
3 the facade in a way that if I look at it, it looks like
4 segregated structures or it significantly looks like
5 it's -- they're smaller in scale, I find -- then they
6 don't have to build -- I'm not telling them to build
7 three different buildings; I'm not telling them to
8 build two different buildings. But there has to be a
9 real break up of the mass. And I've said it before.
10 That's nothing new.

11 I don't have an issue with the parking, the
12 number of parking spaces.

13 MR. BOOK: We agree on that.

14 MR. JESSE GELLER: And we agree on that.

15 And I don't have an issue with the structures
16 within the greenbelt -- of the buildings within the
17 greenbelt. I agree with you that the doubled-up
18 building, the infill, whatever you want to call it,
19 that that building also needs to have some -- you know,
20 somehow you need to articulate -- break up the mass. I
21 don't have an issue with the additional three, three
22 and a half feet. I don't find that that is so out of
23 line with what else is around there.

24 MR. LISS: Just for clarity, I said it's 35

1 feet now with the addition. It's actually 33.

2 MR. JESSE GELLER: Does that change your
3 opinion?

4 MR. LISS: No, no. I'm just telling you. So
5 it's even more compelling.

6 MR. JESSE GELLER: I think those are the major
7 issues.

8 Mr. Zuroff, we couldn't pin him down.
9 Mr. Zuroff's view is that it needs to be a smaller --
10 the large building needs to be lowered; right? But you
11 wouldn't say how much lower, though you could live with
12 a three-story building, you might live with a
13 four-story building.

14 I don't think you commented on the massing so
15 much, did you?

16 MR. ZUROFF: No. And I'll tell you why.

17 MR. JESSE GELLER: And the parking -- you will
18 in a minute. The parking, Mark Zuroff is in agreement
19 with Mr. Hussey, roughly 1.5 per unit.

20 Mr. Liss, what is it that you said?

21 Mr. Liss said that he's actually okay with a
22 six-story structure as long as it translates into
23 lesser number -- equates to a less intrusive number of
24 bedrooms. Is that a fair translation?

1 MR. LISS: Yeah. But then I withdrew the
2 bedroom call because Jonathan basically explained the
3 lofts --

4 MR. JESSE GELLER: They're all true.

5 MR. LISS: Yeah.

6 MR. JESSE GELLER: And the parking, you agree
7 with Mr. Hussey, 1.5 seems reasonable to you.

8 MR. LISS: Specifically with the removal of
9 a ...

10 MR. JESSE GELLER: And your preference would
11 be in the removal of parking that it come from the
12 ledge so that there would be less blasting, less
13 invasive excavation.

14 So that's roughly -- did I miss anything?

15 MS. NETTER: Yeah. Well, Mark was saying that
16 he also wants to see as much as possible the
17 dimensional requirements of zoning met.

18 MR. JESSE GELLER: Okay. So within that
19 sense, let's focus on the large building, three versus
20 four, massing, and parking. Okay? And see if we
21 can --

22 MR. LISS: So the six is -- I'm out? The six
23 is out?

24 MR. JESSE GELLER: That presumes you were ever

1 in. I'll discuss it, but --

2 MR. LISS: No, no, no. I understand.

3 MR. JESSE GELLER: Okay.

4 MR. ZUROFF: I understand your concern about
5 the appearance of the building, and I am certainly
6 impressed with the public's concern that it appears to
7 them to be a monolith that stands out like a sore thumb
8 in the neighborhood.

9 However, we walked the site. We know what the
10 site looks like. It's on an outcropping. It is
11 substantially higher than the rest of the ground that
12 this is built on. However, there are a number of
13 plantings and trees around it now, and I assume that
14 there are going to be a number of trees and plantings
15 that will eventually fill in around that building and
16 make it less monolithic in appearance if it's lower and
17 if it's properly situated. And maybe by lowering it
18 and lowering one parking space, it will not appear as
19 monolithic as it is portrayed.

20 And so I understand your feeling that maybe it
21 should be broken up in appearance and have, you know,
22 some kind of architectural detail that makes it look
23 smaller. But in the end, I think it's still going to
24 be the same size and the appearance is going to be

1 masked by the growing trees and the other parts of this
2 development that will contribute to its appearance.

3 So I think it's fine that you're concerned
4 about the way it looks, but I think in the end, the way
5 it looks is probably less important than the density
6 aspect of how large it is.

7 MR. JESSE GELLER: Mr. Hussey, do you want
8 to ...

9 MR. HUSSEY: No. I've said my piece.

10 MR. JESSE GELLER: You've said your piece.
11 Well -- but somewhere between three and four stories
12 lies a conclusion.

13 MR. HUSSEY: Well, I'm still pushing for the
14 three stories.

15 MS. NETTER: Why don't you explain what you're
16 thinking --

17 MR. BOOK: Is this the appearance from
18 Asheville, from that piece of it, or the entire --

19 MR. HUSSEY: No. It's also reducing the total
20 number of units in the project. That, I think, is
21 important. As well as reduce --

22 MR. JOE GELLER: Number of units or bedrooms?

23 MR. HUSSEY: No. Number of units. I'm less
24 concerned with bedrooms, honestly. If you take off

1 that floor, it eliminates -- as near as I can make out,
2 it depends -- but 24 to 26 units.

3 MR. JESSE GELLER: And that does -- other than
4 generally reducing the total unit count ...

5 MR. HUSSEY: What do you mean?

6 MR. JESSE GELLER: So it achieves in your
7 mind, based on your -- going back to your density
8 study, in your mind it achieves a better end --

9 MR. HUSSEY: Especially for the apartment --
10 M0.5. I'll have to rework the numbers.

11 MR. BOOK: Even at three-story, would that --
12 what you're feeling about the massing --

13 MR. JESSE GELLER: Well, I don't --

14 MR. BOOK: Now we have a shorter, longer
15 building.

16 MR. JESSE GELLER: Right. You know, which is
17 why in my -- my sense is that -- my preference is that
18 I don't have an objection to the four-story structure
19 on the assumption that somehow it is broken up in
20 appearance. And there's some attrition attributable to
21 that. I think that there has to be. I don't think the
22 answer is simply to say, okay, let's do a three-story
23 structure, but you know, build it out to the full
24 block. Again, I think you wind up with a very massive

1 structure that is completely outside what everything
2 else is there.

3 MR. ZUROFF: It's going to appear large
4 because it's up high.

5 MR. JESSE GELLER: On top of ledge. I
6 understand that. But there is a balance.

7 MR. ZUROFF: I understand what your concern
8 is, but the lower the structure is, the less --

9 MR. JESSE GELLER: I agree with that.

10 MR. ZUROFF: -- the less it will make an
11 impact from a distance. Up close, again, maybe
12 breaking it up architecturally.

13 MR. BOOK: How do you break up -- apart from
14 separate buildings, how does one break up --

15 MR. HUSSEY: You move the plane of the
16 elevation in or out, or you have totally different
17 materials. Say you have two units and it's brick, and
18 then you have two units and it's stucco, and you have
19 two more units and it's tin. You know, you change the
20 materials in different segments of the line of that
21 elevation. That's one way to do it, as well as
22 modulate them in and out.

23 MR. BOOK: But at the end of the day, you
24 still have one consolidated -- it's still one structure

1 but --

2 MR. HUSSEY: Right. And the mass, when you're
3 looking at any one of these elevations from VFW or
4 Asheville Road, you really don't see the depth of the
5 structure. You don't see that at all. All you see in
6 terms of whether it's big or not is the height and the
7 length. And if this apartment building was bent so
8 that it was all in one strip, then it would look huge,
9 but it's not. It bends around itself like this.

10 MR. JESSE GELLER: It bends around itself, but
11 you've got a long viewing line. It's not like that
12 viewing line is, you know --

13 MR. HUSSEY: Over here, that really is all
14 you --

15 MR. JESSE GELLER: Yeah. That's what you're
16 going to see. That's a fairly long --

17 MR. HUSSEY: No longer than the Hancock
18 Village buildings now.

19 MR. BOOK: But those are broken up, aren't
20 they? Don't they go from brick to paint to --

21 MR. ZUROFF: Not all of them.

22 MR. JESSE GELLER: No?

23 (Inaudible discussion among the board.)

24 MR. HUSSEY: We can't here you.

1 MR. JESSE GELLER: Mr. Zuroff is saying that
2 the existing structures are all brick, so they're all
3 the same material. But I think Mr. Book is pointing
4 out that there are -- even within the brick, as I
5 recall, they are --

6 MR. ZUROFF: They're townhouses. They look
7 like townhouses.

8 MR. JESSE GELLER: Right. They read like
9 townhouses. But we're never going to make this
10 structure look like a townhouse. There are ways in
11 which they wouldn't have to look like a single long
12 structure. Even if you read it as, you know, you've
13 got one segmented section because it's wrapping around
14 that curve, that's -- even if you read that section, I
15 just think it's -- the way it sort of expresses itself
16 is as a massive --

17 MR. HUSSEY: Well, if you reduce it to three
18 floors, then you use these other techniques or
19 articulations, in and out and different materials, then
20 it would look like townhouses. Townhouses are
21 generally two, three stories.

22 MR. JESSE GELLER: I hear that. I'm
23 conscious, though, of a balancing test, and in that
24 balancing test, you know, my sense is that a reasonable

1 reduction gets you to four stories.

2 MR. HUSSEY: That's what C is. C is four
3 stories.

4 MR. JESSE GELLER: C is four stories, but,
5 again, in my vision of it, it is four stories but with
6 some kind of breaking up of the mass of the structure.

7 MR. HUSSEY: So as I understand what you're
8 saying, if they can -- the architect can articulate the
9 building so that it looks like it's segmented, you
10 would be fine with four stories; correct?

11 MR. JESSE GELLER: Correct. A better way than
12 I could argue.

13 Mr. Book?

14 MR. BOOK: I think we still have a -- at four
15 stories, even with their articulation. And we're
16 maintaining the unit counts, and I think we still have
17 a density issue, at least when I look at the numbers
18 that the Planning Board and Chris have put together.
19 There's like 56 units per dwelling per acre, which was
20 just -- it was far in excess of anything else.

21 MR. JESSE GELLER: 56.59.

22 MR. BOOK: And so I come back with -- that
23 tells me that there is -- if we are using -- and I'll
24 go back to my earlier remarks -- if we are using the

1 bylaw as an indication of what is permissible and we're
2 trying to strike a balance, the 40B -- under 40B as to
3 what we permit -- it strikes me that 56 dwelling units
4 per acre for that district is too much.

5 MR. HUSSEY: We probably should also look at
6 the FAR for that particular building. It's an M.05,
7 which is --

8 MR. BOOK: They're a little under two, I
9 think, 1.9 something.

10 MR. HUSSEY: The FAR of the apartment
11 building? So that doesn't look as bad as my 56 number.
12 It's four times the FAR.

13 MR. JESSE GELLER: So what are you proposing?

14 MR. BOOK: What I'm proposing, then, is I
15 would like to see -- what about a -- from the Asheville
16 side of it, what about three stepping up to a
17 four-story building?

18 MS. NETTER: How far back?

19 MR. BOOK: Well, I think it needs to be at
20 least the entire length of that first segment because
21 that's what's visible from Asheville.

22 MR. JESSE GELLER: I think the -- correct me,
23 but I think the -- what you were using for the 75 feet,
24 you were basically looking at it as a ratio, right,

1 height to length? So if you sort of reduce the
2 height --

3 MR. HUSSEY: 40 foot high, that would be 120.

4 MR. JOE GELLER: Right. Okay. So --

5 MR. HUSSEY: Two to one might even do it.

6 MR. BOOK: Tell me what this all means, then.

7 MR. HUSSEY: Meaning that the step-back, if
8 you take that east side and you step back the top
9 floor, how far do you have to set it back to have a
10 meaningful impact on reducing the current mass from
11 Asheville? And it's a multiple of the width and the
12 height. So if you've got -- I'm getting lost myself.
13 So if you've got 30 foot wide, it probably should be
14 two times, should be 60 foot back on the step-back.

15 MR. BOOK: You could still see that from
16 Asheville?

17 MR. HUSSEY: You might be able to see, yeah.

18 MR. BOOK: And what would happen if you went a
19 little bit more?

20 MR. HUSSEY: Well, there would be less chance
21 of seeing it.

22 This is getting sort of -- figures don't lie,
23 but liars sure figure.

24 MR. ZUROFF: Can I ask you -- this is

1 Option C?

2 MR. JESSE GELLER: Yeah?

3 MR. ZUROFF: That looks like five stories to
4 me.

5 MR. JESSE GELLER: No.

6 MR. HUSSEY: The color on the original shows
7 only this. So this is the original, so you've got to
8 print it out in color.

9 (Multiple parties speaking.)

10 MR. HUSSEY: Before the next meeting, we've
11 got to get -- and agree with some sort of set up so we
12 can see some of these things on the scene, the overall
13 plan.

14 MR. JESSE GELLER: Well, let's work through
15 this discussion. So from your perspective, what you're
16 exploring, because your concern is still the number of
17 units, the question that you've asked is: Can you
18 lessen the impact by reducing the number -- by reducing
19 the height from visible positions, the Asheville Road
20 side, to three stories with a step-up to four stories?
21 And if so, how far back?

22 MR. BOOK: Right. Are you asking it or
23 restating it?

24 How far back -- I would think certainly as far

1 back as one could see from Asheville, so I'm assuming
2 it's the -- that entire width.

3 MR. HUSSEY: It's very subjective. I mean,
4 from where on Asheville Road? Which house of
5 Asheville? From a second floor? You know, you got the
6 nice room up there looking over the -- it's still
7 subjective. It's very subjective.

8 MR. JESSE GELLER: Okay. So going back to
9 your issue with -- I don't think you cited in the first
10 round the number of units.

11 MR. BOOK: I didn't cite a number of units,
12 because I don't know what the right number is. I just
13 think it's density --

14 MR. JESSE GELLER: You have an intuitive sense
15 of --

16 MR. BOOK: Well, I have an intuitive sense
17 because I feel that the bylaw -- people who are more
18 knowledgeable than I wrote the town bylaws, what they
19 thought was permissible in that area -- in this
20 district. In all the districts in Brookline, but in
21 this district. And so if we're going to allow extra
22 density as the quid pro quo for affordable housing, the
23 level that is currently being proposed just seems too
24 much. And that's just an intuitive sense.

1 MR. JESSE GELLER: Okay. It's -- there's no
2 formula, as we've said before, so it basically is a
3 subjective sense at the end of the day.

4 So your proposal now is three floors stepping
5 to four, though where it steps to four --

6 MR. BOOK: I feel like there would be a
7 meaningful benefit to the Asheville Road -- to Russett
8 Road and people in that area if looking up at Asheville
9 Road, they're only looking at three stories. I think
10 there's a meaningful benefit to it.

11 MS. NETTER: But you don't know the exact
12 distance.

13 MR. BOOK: No, I don't.

14 MR. HUSSEY: You know, the other thing that
15 impacts -- or the reason why I think of eliminating
16 that fourth floor is that it impacts on the parking. I
17 think when you eliminate that whole floor, 24, 26
18 units, then I think you would eliminate that lower
19 level of parking. You would still keep very close to
20 the same number of units, and it's probably going to
21 need that lower level of parking. So they're
22 interrelated. I'm not sure how closely, but they're
23 interrelated.

24 MR. BOOK: But just to reiterate, I'm not

1 concerned about parking.

2 MR. HUSSEY: It's not the parking. It's the
3 blasting, the construction work.

4 MR. JESSE GELLER: Although, let me sort of go
5 back to this notion of trying to find consensus here.
6 So clearly I'm in the minority in this view, because I
7 don't have an issue with a four-story structure. I
8 have an issue with something that pertains to the
9 structure, the mass.

10 But you're reaching the conclusion that three
11 stepped to four is comfortable for you because it
12 addresses the density question.

13 You're at three units. What do you think of
14 his thought process in terms of three stepping to four?

15 MR. HUSSEY: Well, then you might as well --
16 if you're going to have three to four, you might as
17 well -- then you go on to five. At the very end of the
18 building, then put five stories to have the same number
19 of units.

20 MR. BOOK: I'm concluding. And I think based
21 on the information you presented, there are too many
22 units in this project. I mean, the information you put
23 together, and the planning board put together, I think
24 was illuminating in terms of the number -- the density

1 of this project and that it is -- seems to be out of
2 scale with the neighborhood, out of scale with even
3 other areas of Brookline that you have identified that
4 are urban areas. There's a lot of units in a
5 relatively small area.

6 MR. JESSE GELLER: So now I'm going to turn
7 back to you and say, what do you think, three to four?

8 MR. HUSSEY: I would prefer three, as I've
9 stated. I think we need to reflect on what we've said
10 and go through some of the other information and
11 discuss it again.

12 MR. JESSE GELLER: Well, let me --

13 MS. NETTER: I would really encourage you --
14 there's a point -- I mean, this stuff is difficult.
15 And certainly, as an architect, you want to be true to,
16 you know -- I think you should push a little further
17 because, to a certain extent, there's never going to be
18 enough information, as difficult as that may sound or
19 as arbitrary as that may sound.

20 MR. HUSSEY: I understand that. I mean, the
21 real problem here is not sometimes information. It's
22 just getting the old gray cells to work.

23 MS. NETTER: I think they work very well.

24 MR. HUSSEY: But sometimes I find it just

1 takes time. You hear this, you reflect on it, you
2 know, and then you reflect on it some more, and then
3 that comes together in a stronger sense by not
4 necessarily pushing it. You know, I just think if
5 we're going to really push it, then what we should do
6 is set aside a whole day, start in the morning, work
7 our way through it.

8 MS. NETTER: Let me make another suggestion.
9 You're not at the end of the deliberation process.
10 You're at the beginning. And you are seeing -- as I
11 see it, what you're trying to see is, you know, what is
12 it that you can live with, you think, and then what can
13 the developer live with.

14 If the developer can live with whatever you
15 generally are talking about, you move on. If the
16 developer can't, then perhaps you ask him -- them to do
17 a pro forma and then you evaluate another important
18 piece of information under 40B.

19 So again, it's not that -- you know, at some
20 point this hearing is going to close and you'll have a
21 lot more time to work on --

22 MR. JESSE GELLER: Not a lot more time.

23 MS. NETTER: Some more -- you'll have
24 exclusive time to deliberate.

1 MR. HUSSEY: When is the next meeting
2 scheduled for?

3 MR. LISS: Monday.

4 MR. HUSSEY: That's what I thought, next
5 Monday.

6 MR. LISS: Can I ask you a quick question?
7 Chris, is the three stories for you based on -- I think
8 you said it. I just want to clarify it. Is it based
9 on aesthetics or is it based on decreased rooms or
10 units?

11 MR. HUSSEY: Decreased units, and the
12 possibility that with that reduced -- reducing the
13 number of units can also allow you to eliminate a level
14 of the garage. It's linked.

15 MR. LISS: And for you?

16 MR. BOOK: For me it's decreasing the number
17 of units.

18 MR. LISS: And for you?

19 MR. JESSE GELLER: Well, I'm not between --
20 I'm not at three. I think four is adequate. But my
21 issue is, break the building up.

22 MR. BOOK: You don't have an issue with the
23 number of units?

24 MR. JESSE GELLER: No.

1 MR. HUSSEY: Well, I think breaking the
2 building up is an architectural solution.

3 MR. JESSE GELLER: Well, a real one.

4 MR. HUSSEY: What do you mean, "a real one"?

5 MR. JESSE GELLER: It's got to really look
6 like it's broken up.

7 MR. HUSSEY: I understand.

8 MR. BOOK: That's aesthetic.

9 MR. HUSSEY: Yeah, it is.

10 MR. LISS: So my sense is that -- well, my
11 sense is that the two of you believe it's based on
12 units. For you, it's the massing.

13 MR. JESSE GELLER: Yeah. Except to the extent
14 that if you can't address breaking up the mass by
15 virtue of simply painting one section gray and painting
16 the other section white -- forgive me for
17 oversimplifying what you do -- but if you can't do it
18 that way, then you have to really break up the
19 building. And by breaking up -- or you have to draw
20 in -- you know, you have to essentially run a bay and
21 then bring the building in so that it is really
22 staggered. And by bringing it in, you have essentially
23 created attrition in the size of the units, at the very
24 least, and likely the number of units. So there's an

1 attrition that translates, assuming some real creation
2 of the staggering effect. But the issue for me is not
3 so much the number of units.

4 MR. HUSSEY: I think the articulation -- I
5 think that can be solved by architectural techniques.
6 As I recall from theory of color, different colors,
7 depending upon how they're juxtapositioned, jump out at
8 you in a pallet and that can be explored.

9 MR. JESSE GELLER: The other issue, it seems
10 to me that's critical, is this issue about the
11 parking. And Mr. Book and I happen to be in agreement
12 about the number of spaces, and you seem to believe
13 that a lesser number would be appropriate. But having
14 said that, Mr. Book wants to attach those parking
15 spaces to -- he wants them justified as against the 40B
16 project. They can't simply be just floating parking
17 spaces.

18 MR. HUSSEY: They've got to be directly
19 related to the building that they're serving.

20 MR. JESSE GELLER: They have to directly
21 relate to the 40B building. I don't know that Mr. Book
22 precisely said that they have to be designated to
23 specific --

24 MR. HUSSEY: I understand that. You have no

1 trouble with keeping the two levels of parking.

2 MR. JESSE GELLER: Right.

3 MR. HUSSEY: I think that probably will
4 preclude eliminating the fourth floor, I think,
5 probably, without the savings that's accrued by
6 eliminating that lower level, and probably we will get
7 into a pro forma question, my gut reaction.

8 MR. JESSE GELLER: Well, you know, at the end
9 of the day that's to them. It's not to us.

10 MR. HUSSEY: Well, it delays everything.
11 Well, we'll see. I mean, that's -- you're right. We
12 have to decide and then they react.

13 MR. JESSE GELLER: Right. Which is why I'm
14 trying to push for some sense of a decision.

15 MR. HUSSEY: A consensus.

16 MR. JESSE GELLER: Right.

17 MR. BOOK: Okay.

18 MR. HUSSEY: Let's take a vote, all five of
19 us.

20 MR. JESSE GELLER: Well, we need to take a
21 vote, the three of us. The alternates, though we value
22 their input, we're still breathing and sitting here and
23 attended all of the hearings.

24 MR. HUSSEY: But we're not at the end of the

1 process.

2 MS. NETTER: Well, let's not vote. You're not
3 at the end --

4 MR. JESSE GELLER: We're not at that point. I
5 don't think we need to vote. I think -- let's have a
6 recap of what -- where we are in terms of building size
7 and parking, which are the two issues we're trying to
8 work through.

9 So Book's suggestion, which is three to four,
10 seems to me is a reasonable middle ground. My view is
11 four works. Yours is three, he's three to four,
12 without articulating exactly where it goes.

13 MR. HUSSEY: So ...

14 MR. BOOK: You know, my three to four is to
15 get us to a reduced density that would be commensurate
16 with something else that you -- in terms of some of the
17 examples that you showed us, assuming -- tell me if you
18 disagree, but based upon other areas, this density is
19 an outlier, this proposed density. I mean, do you
20 agree with that statement or --

21 MR. HUSSEY: Yeah. In general. Doing the --
22 stepping from, what, three to four or four to five?

23 MR. JESSE GELLER: Three to four.

24 MR. HUSSEY: Okay, three to four. And keeping

1 the garage level is going to fulfill your preference
2 for more parking. That'll put the parking ratio up, if
3 you understand what I'M saying.

4 MR. BOOK: My purpose for parking is what
5 they've asked for is consistent with the zoning bylaw,
6 and I don't see any reason to condition a lower parking
7 ratio on them. The bylaw allows for --

8 MS. NETTER: If you're talking about a three
9 to four, are you talking about assuming the ratio
10 allowed by the bylaw which would ultimately result in a
11 reduction in parking because you're reducing units;
12 right?

13 MR. BOOK: Yes. Right. I mean, in terms of
14 the sheer number of parking, the parking should follow
15 along with the number of units. And so if there are
16 less units, yes, there will be less parking. But I'm
17 fine with the ratio of two spaces per unit. The bylaw
18 allows it. I see no reason why the developer --
19 they've asked for it. I don't see any compelling
20 reason not to give it to them based upon the evidence
21 that we've heard about traffic.

22 MR. HUSSEY: So if you go from three to four,
23 let's see, that's reducing, still, some of the units.
24 But you're still keeping the two levels of the garage.

1 So if that -- and you keep the ratio of two, I don't
2 know exactly how the numbers work out. So you reduce
3 some of the parking, but it would occur out of the
4 green space. You'd reduce that surface parking to keep
5 the level at two, or would you let the ratio up --

6 MR. BOOK: No. The ratio is two.

7 MR. HUSSEY: So that might result in less
8 parking -- surface parking, is what I'm saying.

9 MR. BOOK: I'm not opposed to that.

10 MR. JESSE GELLER: Mr. Hussey?

11 MR. HUSSEY: Yes?

12 MR. JESSE GELLER: Do you have any comments?

13 MR. HUSSEY: No.

14 MR. JESSE GELLER: No. Not buying into three
15 to four?

16 MR. HUSSEY: Well, if that's your preference
17 to go three to four, then that's why I want time to
18 think about it.

19 MS. NETTER: Well, where are you?

20 MR. HUSSEY: I'm at three.

21 MS. NETTER: No, no. Sorry. Mr. Geller.

22 MR. JESSE GELLER: Well, my sense was that,
23 again, a broken up four-story structure would have been
24 fine. So I think that -- taking that logic that a

1 structure that is three to four also will fit,
2 obviously, because you're clearly not increasing the
3 density of the structure.

4 Again, I would focus on the magic that these
5 architects do with their paint as being important to
6 the structure. If it achieves Mr. Book's desire, which
7 it seems to do, by reducing density, that's beneficial
8 too. But that wasn't my focus.

9 The issue about the parking spaces, we've
10 already talked about. Mr. Book and I are in agreement
11 with that. It seems to me, and I will point out to the
12 board, that under 40B, unlike under 40A, we don't
13 require unanimity, we require majority. So I think
14 in -- by hook or by crook --

15 MR. HUSSEY: Oh, really?

16 MR. JESSE GELLER: Oh, really.

17 MR. HUSSEY: Is that right? On a 40B we don't
18 have to have uniformity?

19 MR. JESSE GELLER: Are you rethinking?

20 MR. HUSSEY: No.

21 MR. JESSE GELLER: So my sense is, if I sort
22 of isolate on the critical topics, which -- and I want
23 to make sure that we have it straight and we keep
24 repeating it -- is that in terms of the green space

1 structures, that those structures as proposed in
2 Option C are acceptable.

3 MS. NETTER: At the height?

4 MR. JESSE GELLER: I'm fine with the height.
5 I really don't have an issue with the height. I think
6 three feet is -- in terms of translation into impact --

7 MR. BOOK: So let me just explore it just for
8 a moment. When we were seeing the slides, the flybys
9 of the winter and the -- those buildings were -- they
10 are visible and they are big, and I guess --

11 MR. JESSE GELLER: I didn't find them that
12 much bigger or that out -- outside the scope of the
13 variety of other structures, and they read like a
14 transition between the residential neighborhood and
15 Hancock Village.

16 MR. NAGLER: This is a discussion of building
17 2, just to keep everyone --

18 MR. BOOK: Right. And I know it's only three
19 and a half feet, but it is three and a half feet. Add
20 three and a half feet to that, and I assume it's just
21 an -- it must change the mass of it, because we're just
22 not taking the building and stretching it and making it
23 longer. We're -- it's going to add to the bulk of it.
24 No? Three and a half feet, what does it do?

1 MR. HUSSEY: To which building?

2 MR. BOOK: To the infill buildings. What does
3 it do to the bulk of it, to the massing of it?

4 MR. HUSSEY: I think three and a half feet is
5 immaterial relative to the height of the infill
6 buildings. If it was flat -- they were all flat
7 roofed, it may make a difference, but these are gabled
8 roofs, so it's the peaks that's going up or down.

9 MR. BOOK: Well, but I assume -- isn't it more
10 than the peak? Isn't it sort of the whole -- because I
11 assume what they're trying to do is create a real third
12 floor instead of a third floor that's hiding under
13 dormers, no?

14 MR. HUSSEY: I don't think it's going to make
15 any difference. I can't tell you the number of
16 projects that I've done where we've gone through these
17 kinds of fights with the appeals court and what have
18 you and afterwards there's much more significant
19 difference of opinion between the various
20 stakeholders. A year later, people came by within the
21 neighborhood and said, what was the fight all about?
22 And that certainly is going to be the case if we get
23 hung up on three and a half feet.

24 MR. BOOK: After this is over, I'm enrolling

1 in architecture school.

2 All right. I'm not going to belabor that
3 point. I would like -- what are your feelings? I
4 would like building number two broken in half so --

5 MR. JESSE GELLER: I don't --

6 MR. BOOK: -- so it will look like all the
7 other buildings.

8 MR. JESSE GELLER: Yes. I think that the mass
9 of -- again, this is my issue. The mass of it has to
10 be somehow broken up, whether that's two buildings or
11 whether it's doing some of Mr. Hussey's tricks.

12 MR. BOOK: It's just all the other buildings
13 are these -- and then we've got one that's -- you
14 know --

15 MS. NETTER: Do you agree?

16 MR. JESSE GELLER: Yes, I agree.

17 MR. BOOK: So if they just split them up and
18 spread them out.

19 (Inaudible discussion among the board.)

20 MR. JESSE GELLER: In terms of the parking,
21 we've talked about it. In terms of the big building,
22 Mr. Book and I agree on three to four. There is some
23 question about where it steps, but I don't know --

24 MS. NETTER: In terms of parking, you're

1 talking about --

2 MR. JESSE GELLER: Ratio of two.

3 MS. NETTER: But leaving parking as it is but
4 reducing --

5 MR. JESSE GELLER: Well, I think you have to
6 sort of back into it by saying a ratio of two spaces
7 per --

8 MS. NETTER: Right.

9 MR. NAGLER: With a condition -- we talked
10 about a condition that all the spaces be dedicated to
11 the comprehensive permit area.

12 MR. HUSSEY: Be assigned, yeah.

13 MR. JESSE GELLER: Well, no. Not -- are you
14 saying assigned to specific units? I think Mr. Book's
15 comment was that it was simply for use within the 40B
16 project.

17 MR. BOOK: Yeah.

18 MR. JESSE GELLER: He's not looking to assign
19 them.

20 MR. BOOK: I don't think there would be any
21 way to --

22 MR. HUSSEY: No. I mean in the garage.

23 MR. JESSE GELLER: Oh, that's a different
24 issue.

1 Okay. So I think -- did I miss any of those
2 major --

3 MS. NETTER: The restriction --

4 MR. JESSE GELLER: Well, we had a consensus on
5 the restriction.

6 MR. BOOK: Further developments in the green
7 space, yes.

8 MR. JESSE GELLER: Development within the 40B
9 site.

10 MR. BOOK: Right, yes. The 40B site.

11 MR. JESSE GELLER: Which would include the
12 greenbelt.

13 MR. BOOK: Is there anything left after that?

14 MR. JESSE GELLER: Maybe they're still making
15 land out there.

16 MS. NETTER: And how about your massing
17 issue?

18 MR. JESSE GELLER: The massing issue, though
19 no one else agrees with me, I think, is --

20 MS. NETTER: Well, why don't you ask them.

21 MR. JESSE GELLER: The massing issue on the
22 larger building.

23 MR. BOOK: No. We agree.

24 MR. JESSE GELLER: Mr. Book agrees with me.

1 It somehow needs to be meaningfully broken up. That is
2 not to say that they need to be separate buildings --
3 that is, the big building -- but there needs to be some
4 breaking up of the mass.

5 MR. BOOK: I assumed that was just given.
6 It's an aesthetic issue.

7 MR. JESSE GELLER: Have we tagged --

8 MS. NETTER: I can read them back to you, but
9 I think you've covered them.

10 MR. NAGLER: We've covered parking, we've
11 covered the size of the big building, we've covered the
12 green space structures, the restriction of further
13 development, breaking up of the massing, meaningful
14 breaking up of the mass of the big building.

15 MR. JESSE GELLER: Okay. So reaching two of
16 the voting members -- agreement by two of the voting
17 members, maybe even three, we'll work on him, I feel
18 like I need to turn back to the applicant now.

19 So you've obviously heard the commentary from
20 the board, the discussion, and in particular the -- I
21 assume you don't need us to provide you again with a
22 synopsis of where we are. I'm happy to do it if you
23 would like. But it is, it seems to me, the board's
24 determination by at least the majority that the larger

1 building needs to be further reduced, its mass broken
2 up, that building 2 needs to be separated, that the
3 parking should have a ratio of two spaces per unit, and
4 that a restriction be attached to the 40B site that
5 there be no further development.

6 Response?

7 MR. SCHWARTZ: Well, first let me say that we
8 very much appreciate the time and care that the board
9 has put into the matter tonight and, in fact, from the
10 inception of this matter. Clearly, the thoughtfulness
11 is very much appreciated.

12 As you can imagine, and just as the board felt
13 that there was a lot to assimilate and needed more
14 time, there was a lot here for us to assimilate and
15 we're going to need time to understand what the
16 implications of these suggestions are to our plan. And
17 so I don't think we're ready to say anything even close
18 to definitive about what we might or might not be able
19 to do.

20 Having said that, just a couple of thoughts
21 and then I'll turn it over to Marc to talk about the
22 articulation issue, which I think has been accurately
23 described by Mr. Book as -- I think the agreement was
24 an aesthetic issue. I think that will prove to be

1 somewhat difficult, and we're not really sure where
2 you're coming from on that, to be honest with you.

3 But I do want to step back for a moment
4 because I think the history here is somewhat
5 important. And the history is that we were encouraged,
6 and I think everybody felt, that it was a good idea to
7 have working sessions, which we did, very many working
8 sessions with members of the planning staff and other
9 town officials.

10 And the unfortunate thing from our
11 perspective -- and I'm just sharing this with you
12 because I think it's important to the board to
13 understand this -- is that where the board has come out
14 tonight, it's probably not much of an exaggeration to
15 say it's 180 degrees from what the consensus was --
16 appeared to have emerged in those working sessions.

17 And what I mean by that was that the overall
18 feeling was that the most sacrosanct space that needed
19 to be -- development that needed to be minimized was in
20 the S7 and that the height of the apartment building at
21 four stories appeared to be acceptable and, in fact, if
22 you were going to be losing density from the S7, that
23 it was appropriate -- perfectly appropriate to add that
24 back as a fifth story to the apartment building.

1 And instead, what we're hearing tonight from
2 the board -- and we respect the opinion of all of
3 you -- is that you're more concerned -- not to put
4 words in your mouths -- but you're more concerned with
5 the massing and the density of the apartment building
6 than you are with the development in the S7. And I
7 think that that -- had we had this discussion -- and
8 there's just a little bit of -- I guess "frustration"
9 is probably the appropriate word.

10 This building is what it has been. Although
11 I'll say it's been much improved from some of the
12 design elements that you're looking at from its
13 initial iteration, it pretty much has been what it's
14 been in terms of overall massing for a year now. So
15 from our perspective, the frustration is that perhaps
16 we could have saved a lot of time and a lot of our
17 client's money going through many, many iterations
18 which were not in keeping with what the board had in
19 mind. I don't think he needed a design peer reviewer
20 to get where you're getting this evening.

21 So having that said, though, I do think it's
22 appropriate -- one thing, just factual correction that
23 I'd like to point out and then I'll turn it over to
24 Marc to talk a little about the aesthetic and also

1 breaking up the building.

2 I don't think it's quite accurate to say that
3 the density of the apartment building is 57 units to
4 the acre, because you're looking only at the area
5 within the M.5 district. You really ought to look at
6 the entire area of that lot, which is not 2.05 acres.
7 It's actually 3.12 acres. And if you do that, you come
8 out with a density in units per acre more of like 45
9 units per acre for the iteration of Option C, which I
10 think is more in keeping with what you had indicated,
11 Mr. Hussey, with some other dense developments in other
12 parts of Brookline.

13 So I really think that that's an important
14 factual issue that I want to put out there because I
15 don't think you can just look at the M.5 area when you
16 look at that apartment building. You really need to
17 look at the entire lot. And I would say that you
18 really ought to look at the density of the overall 40B
19 site as a whole to look at the appropriateness. But if
20 you want to narrow it just to that lot, I understand
21 that, but it really ought to be the entire lot area.

22 So with that, I'm going to turn it over to
23 Marc.

24 MR. JESSE GELLER: Before you jump in, let me

1 just say something. Actually, let me say two things.

2 One is -- and I think we've said this
3 before -- you know, I think it's a process and we sort
4 of reach conclusions through the process and the
5 process is helpful. I hear what you're saying, I
6 appreciate what you're saying, and I recognize the pain
7 of it, believe me. We share the pain in some ways.
8 But the process has helped at least me, and I'm sure
9 the other sitting members here, to sort of isolate the
10 focus and view different alternates and figure out the
11 balancing of the priorities. That's the first thing.

12 The second thing that was unspoken before but
13 I think is important to say -- because you guys are
14 going to go back and think about what we said -- is
15 that I think the unstated piece to all of this,
16 particularly to the notion of our comments about three
17 stepping to four of the big building and that we're
18 okay with what's in the greenbelt, is no more
19 improvements -- no more buildings in the greenbelt.

20 So we're not -- I want to be very clear. I
21 didn't hear, and I'm certainly not suggesting that in
22 the context of considering our deliberations that you
23 read that to mean that there is stomach here for
24 putting more buildings out there. My view is there are

1 an acceptable number of buildings in the iteration
2 that's been proposed. And I would tell you that I
3 wouldn't be pleased to see new buildings appear.
4 Okay? So I want to be fair to you -- to be clear about
5 that?

6 MR. SCHWARTZ: Right. And I didn't mean to
7 indicate that this was an invitation for us to put more
8 buildings in the S7 as much as what the emphasis was in
9 terms of what the board's biggest concern was, which
10 frankly -- and as I said before, not to be a broken
11 record -- was not, absolutely not the main emphasis in
12 our discussions within the working group. It was
13 really all about the S7 and much less so about the
14 apartment building.

15 I will say about the apartment building, I
16 think -- and with all due respect to your opinion about
17 the fortress-like aspect of it -- there have been
18 enormous efforts made to improve that over the course
19 of the past couple of months in particular, and I think
20 great strides have been made in terms of the
21 architecture there, in terms of the setbacks and the
22 like to improve that.

23 And I think really the thing that we're
24 struggling with is -- is the concern what it looks like

1 from Asheville Road to the neighborhood, which we
2 understand, which is the primary thing that we're
3 trying to get at. Or is the concern that this is just
4 a very big building, even though I think, as Mr. Hussey
5 accurately said, yes, it's a big building but -- and I
6 think Mr. Zuroff may have mentioned this also -- it's
7 not like anybody's going to be able to take in this
8 whole big building at once and see that. That's not
9 the way this building presents itself.

10 So what we're struggling with is, we
11 understood the primary concern to be the Asheville Road
12 elevation and how it looks from there. That's what
13 we're trying to address in terms of the setbacks. But
14 this other aesthetic element -- I'll let Marc comment
15 on that, and Mr. Chairman I know it's your issue --
16 we're having a hard time grappling with that.

17 MR. HUSSEY: I just want to make one -- I
18 think I did point out that that apartment building, if
19 you just take that limited amount of acreage, which is
20 the M zone that it applied to, the number does get a
21 little funny, quite frankly. It's a little higher than
22 that. You really should take into consideration some
23 of the open area around it. I agree with that. But it
24 still is what is it, and I think -- okay. That's

1 enough said.

2 MR. LEVIN: I don't have too much to add to
3 Steve's comments. I would, before I forget, just want
4 to reestablish your desire to have the blasting expert
5 come on Monday?

6 MS. NETTER: Let's wait to talk about
7 scheduling until we finish the conversation and work on
8 that.

9 MR. LEVIN: As far as the articulation of the
10 big building and using architectural tricks, if you
11 will, to make it appear broken up, we heard that
12 message and we -- I don't know how many weeks ago --
13 and we've thus spent a significant amount of time --
14 and with more than one architect, I might add --
15 looking at ways to really try to achieve what you're
16 talking about.

17 Now, when you go beyond using materials and
18 minor shifts in the facade, which we have done -- very
19 clearly we've done -- maybe a closer look at that, you
20 would see the effort and the progress that's been
21 made. When you start to take into account the
22 structure of the building -- I'm not going to give a
23 tutorial on it. I don't know enough about it. But I
24 do know that, you know, for the most part it's 65 feet

1 deep and you have bay sizes that line up with the
2 parking below. That's basic architecture. When you
3 start talking about eliminating chunks of the building,
4 actual deep chunks, it makes it beyond challenging.

5 I see you're nodding your head. I appreciate
6 that. It's really, really --

7 MR. JESSE GELLER: Sure. It's not his issue.

8 MR. LEVIN: Anyway -- so I just wanted to say
9 that a tremendous amount of time and effort has been
10 done, and I think that the skin has advanced
11 tremendously on that building. And we're pretty happy
12 with the way it looks now, and I would encourage you to
13 just try to take a look at the -- you know, we'll give
14 you a better, clearer picture of it. And I do want to
15 reiterate what's been said by a number of people, is
16 that the way it was -- we took into account the mass of
17 it from the very beginning, long ago, in terms of the
18 way it has been angled so that you don't see it in its
19 entirety from anywhere. You will see a section of it
20 for sure, but you will never see it in its entirety.
21 So that's it.

22 MR. JESSE GELLER: Thank you.

23 MR. LEVIN: Just one more.

24 MR. JESSE GELLER: Sure.

1 MR. LEVIN: One of the suggestions of taking
2 that building number 2 where we incorporated four units
3 into the middle of it, essentially, we looked at that
4 very carefully. The first plan that you saw was
5 actually two buildings separate. It was laid out by
6 our engineers. That did not work. So I'm just letting
7 you know that --

8 MR. JESSE GELLER: Define "did not work."

9 MR. LEVIN: Well, it impacted the stormwater
10 and the grading in such a way that it didn't work. And
11 the only way it could work was to consolidate.

12 MR. SCHWARTZ: This was based on -- what Marc
13 just said is based on a discussion we had at the last
14 working group session which was that it was our
15 undertaking that we would need to be able to present a
16 plan, particularly in the S7, where our engineers would
17 be able to state with certainty to the board that it
18 does not affect any of the drainage or other aspects of
19 the engineering such that you would feel comfortable
20 that that could be relied on and not have to be peer
21 reviewed. When we looked at separating those
22 buildings, we could not reach that conclusion. I'm not
23 sure if that's clear or not, but that's ...

24 MR. JESSE GELLER: So the issue that is raised

1 is that you didn't want to do something that would
2 trigger a necessity for further peer review. Is
3 that -- you want to stay within existing peer review.

4 MR. JOE GELLER: Well, with that, plus when we
5 started to push the buildings apart we ended up pushing
6 into the setbacks, and I think we -- we, I think,
7 decided that the setback -- the minimum setback that we
8 had was pretty much sacrosanct. So that was the thing
9 that we -- when we pushed the buildings apart, it's the
10 tightest point in the site and it's the only place that
11 we could put a building if we were to maintain the
12 surface drainage system that we had -- something that
13 was also a desire -- didn't want us to do the other
14 kind of drainage. So we were pushing and pulling on
15 that and when we got into that point and we started
16 pushing that building apart, we had no room really to
17 put two buildings and maintain the number of units.

18 MR. HUSSEY: Let me work on the board with
19 that. Because the other problem I see with taking that
20 building, the middle building, and moving it apart is
21 all you're going to do is reduce the effective green
22 space. You're going to move that building to two
23 places into the green space and have a green space
24 between the buildings that would be meaningless.

1 MR. LEVIN: That's correct.

2 MR. JESSE GELLER: Okay. Thank you.

3 So what we now need to do is we need to figure
4 out the schedule and how we fit in the events that we
5 need to have happen within the required time frame, and
6 we're getting shaking of heads that we can't. So as
7 everyone remembers, we're under a statutory required
8 period of time, and it's a strict requirement. We have
9 a number of things we have to accomplish. We obviously
10 have to finish up deliberations and --

11 MS. NETTER: Well, this aspect --

12 MR. JESSE GELLER: -- this aspect of
13 deliberations, which then the applicant clearly has
14 some things it needs to think about and is going to
15 come back. We have the issue about blasting to
16 discuss. So there are a number of --

17 MR. NAGLER: The fire chief is scheduled to
18 appear on November 12th.

19 MS. NETTER: And plus they need some time -- I
20 don't know how much -- may I ask how much time they
21 need to respond?

22 MR. SCHWARTZ: We're going to start working on
23 it tomorrow morning, so we don't know. We don't know.

24 MS. NETTER: Well, the question really is, it

1 sounds like, at least right now, that -- and I know,
2 Chris, you wanted some more time, but I'm going to put
3 this out -- that really the next hearing should be the
4 12th where we will discuss blasting and at which
5 point --

6 MR. SCHWARTZ: We disagree. We think there
7 should be a continued -- the meeting on Monday should
8 be kept, and we'd like to hear more and we think we'll
9 be ready to --

10 MS. NETTER: That's what we were asking you.
11 You said you didn't know.

12 MR. SCHWARTZ: No. Well, we didn't how long
13 it was going to take, but we think we'll hopefully be
14 ready to present something and to hear more from the
15 board, frankly. But it's not -- there's more that we
16 need to hear. But one way or the other, there needs to
17 be a revised plan submitted, one way or the other.

18 MS. NETTER: And you think you can have that
19 ready by the 3rd?

20 MR. SCHWARTZ: We think that we'll be -- we're
21 not 100 percent sure, and I don't think we can make
22 that commitment, but -- not the plan, but the concept
23 or a response to what the board had to say.

24 MR. HUSSEY: I don't expect a plan next

1 Monday. I think we need a verbal response as to the
2 necessity for a pro forma or other implications to
3 these deliberations we've had. But I don't want to
4 start any more drawings until we know where we're going
5 in terms of the height of the apartment building,
6 stepping back, or what have you.

7 All right?

8 MS. NETTER: Yes.

9 So are you ready to come back on November 3rd
10 with a response to whether what the board is proposing
11 is economic for you or not? Because that is, in our
12 view, the next stage of this process.

13 MR. SCHWARTZ: I'm not really sure that we're
14 seeing exactly or totally understanding where you're
15 coming from.

16 My understanding of the process is, we submit
17 a plan, the board tells us what conditions it wants to
18 impose, and we tell you whether or not that renders the
19 project economic or uneconomic. I'm not sure we're at
20 that point yet. I'm not sure that we can say on Monday
21 or a week from Monday whether or not the changes that
22 you might want -- which we're not 100 percent sure what
23 they are -- are acceptable to us or render the project
24 economic or uneconomic.

1 MS. NETTER: So the question is, then, what
2 information do -- it seemed clear to me what the board
3 was looking for and they worked very hard --

4 MR. SCHWARTZ: Well, I'd like to know, for
5 example, from the Chairman whether or not he's going to
6 push us for further articulation or breaking up of the
7 big building, which might have a very significant
8 impact, for example.

9 MR. JESSE GELLER: Yes.

10 MR. SCHWARTZ: So perhaps it would be useful,
11 actually, Mr. Chairman, if you would want to reiterate
12 exactly what you think the consensus of the board is
13 for what we need to come back with.

14 MS. NETTER: The first aspect was to step back
15 the building so that on the Asheville side it was three
16 stories and then further back it would be four
17 stories. The board did not articulate the distance
18 that the building would have to be set back because it
19 doesn't know -- it doesn't have the ability that you
20 have to work with your computers to see how far it
21 needs to be stepped back so that people from the
22 Asheville area don't see the fourth story.

23 Secondly, with respect to the S7/green space
24 area, the board is okay with the structures that are

1 set forth in Option C. As you know, they would like to
2 have building number 2 broken into two, but maybe
3 that's a discussion point. I don't know the answer to
4 that.

5 MR. JESSE GELLER: Mr. Hussey will discuss it
6 at -- either now or on November 3rd.

7 MR. HUSSEY: Well, I have. I think really all
8 it's going to do is reduce the green space on either
9 side of those units. And I don't think there's enough
10 view of that building, significant view from the
11 neighbors for it to be all that crucial, so I would
12 prefer leaving the building the way it is. This one,
13 the center building on the west.

14 MR. BOOK. So in prior iterations, they had
15 many, many -- they had more buildings on this site.
16 You know, it's not possible to break this up?

17 MR. HUSSEY: Well, what he's saying is that
18 because of the layout of the drainage systems, once you
19 move that building apart any significant amount, you're
20 going to interrupt the drainage systems, the
21 underground drainage systems on one or both sides.
22 Plus they'll have to be redesigned, which will then
23 require or trigger another peer review.

24 Am I correct in what you're saying?

1 MR. JOE GELLER: Well, it's not just the peer
2 review. It's really the fact that if you push the
3 buildings apart, you end up into the stormwater areas.
4 So it's a question of, do you have to go to a different
5 stormwater approach, not just another peer review, but
6 back to a system that people weren't real pleased with,
7 which was the pervious pavement? Having a big enough
8 area for the surface detention was one of the things
9 that we were striving for when we were trying to push
10 and pull and providing more green space.

11 MR. HUSSEY: It's complicated.

12 MR. SCHWARTZ: If there were an easy way to
13 put the four units somewhere else, we would do it, or
14 would have done it.

15 MR. HUSSEY: Well, I think -- ask your
16 architects if you can take a notch out of it where
17 those two buildings come together. Just take a notch
18 out of it. Maybe that will satisfy it.

19 MR. BOOK: So these people over here and what
20 they're looking at, they're not looking at -- you're
21 not seeing around it anymore. It's just there.

22 MR. JESSE GELLER: You're concerned about that
23 wall?

24 MR. BOOK: Yeah. It's a wall. Thank you.

1 MR. JESSE GELLER: So Mr. Book's comment was,
2 take a notch out.

3 MS. NETTER: Mr. Hussey?

4 MR. BOOK: I don't know what that means.
5 What's that mean?

6 MR. HUSSEY: Well, I'm not sure it will
7 satisfy, actually.

8 MR. JESSE GELLER: Well, that's the question,
9 so show him.

10 MR. HUSSEY: Well, I mean, take this facade
11 and break it up, a little indentation.

12 MR. BOOK: If I were this home owner, this
13 home owner, these -- and they're looking through, I
14 mean, aren't they still looking at a wall?

15 MR. HUSSEY: Yes, they are.

16 MR. LEVIN: Trees. They're looking at trees.

17 MR. HUSSEY: Well, actually, yeah. On this --
18 that could be screened. There are not too many trees
19 showing on this. It's hard to say. That's this
20 drawing we were looking at. It could be planted out.

21 MR. BOOK: Well, wait a minute. I still don't
22 want to dismiss this. There aren't any trees there
23 now, so it's what's going to get planted.

24 MS. NETTER: And there's a fence.

1 MR. BOOK: And there's a fence. And these
2 things are now 35 feet tall?

3 MR. HUSSEY: Well, the peak of the roof is --

4 MR. LISS: 33.

5 MR. HUSSEY: 33. The peak of the roof, not
6 the wall. This is a gabled end, I'm pretty sure.

7 MR. SCHWARTZ: We'd like the opportunity on
8 Monday to show you a view of what that would look like.

9 MR. JESSE GELLER: Building 2?

10 MR. SCHWARTZ: Yes.

11 MR. BOOK: I would like that. Thank you.

12 MS. NETTER: Do you want me to continue to go
13 through the list?

14 MR. SCHWARTZ: Yes.

15 MS. NETTER: Sure. To maintain the parking
16 ratio that's allowed by zoning so that the number of
17 spaces would be reduced commensurate with the reduction
18 in the number of units because of the setback.

19 Some provision that the parking spaces in the
20 project would only be used for this project as opposed
21 to all of Hancock Village -- the rest of Hancock
22 Village.

23 A legal restriction on further development in
24 the project, not just a condition in the permit.

1 And finally, breaking up -- the Chairman's
2 concern -- breaking up the massing of the mid-rise
3 building.

4 Do I have that correct?

5 MR. SCHWARTZ: I thought the last one was
6 withdrawn.

7 MR. JESSE GELLER: No, no, no. Not the
8 mid-rise building, the big building.

9 MS. NETTER: I call it the mid-rise. Okay,
10 big building, sorry, enormous building.

11 MR. SCHWARTZ: So that is still a requirement
12 of the board?

13 MR. JESSE GELLER: Yes.

14 MR. SCHWARTZ: We're not sure what that means,
15 so we're not sure whether we'll be able to come back on
16 Monday, frankly.

17 MS. NETTER: Well, is there anything --

18 MR. SCHWARTZ: We're really at a loss. It's
19 way too open-ended for us, and we think we've done what
20 we can in that regard, frankly.

21 MS. NETTER: Well, I'm not sure which it is.
22 You've made two statements in there. You first said
23 you're not sure what it is. And then secondly you
24 said, we can't do anything else.

1 MR. SCHWARTZ: Well, what I've said is we
2 think we've made large strides in improving it. We
3 think, from our perspective at least, what we heard as
4 the primary considerations, prior to this evening at
5 least, was the view from Asheville Road, and we're
6 really not sure what the board wants to us to do and we
7 don't want to guess, so --

8 MS. NETTER: So you would like some -- no pun
9 intended -- further articulation of what the board is
10 looking for?

11 MR. SCHWARTZ: Right. And one, frankly, that
12 does not result in a loss of density. So, you know, I
13 think, you know, at this point we're really not in a
14 position, I think, to address that issue.

15 MS. NETTER: So are you saying that if you
16 were to be required to further articulate the building,
17 that would render the project uneconomic?

18 MR. SCHWARTZ: I'm suggesting that it's purely
19 an aesthetic issue, and I'm really wondering whether or
20 not it's an appropriate issue for us to consider.

21 MR. BOOK: Could you provide us with better
22 colored pictures of the materials for the mid-rise?

23 MR. SCHWARTZ: Yes. For the apartment
24 building?

1 MR. BOOK: For the apartment building, yes.

2 MR. SCHWARTZ: Yes.

3 MR. BOOK: I think we've see artistic
4 drawings, but I don't think we've seen ...

5 MR. JOE GELLER: A rendering.

6 MR. HUSSEY: Joe, I'd like to suggest -- if we
7 could have larger pieces of elevation of the apartment
8 building. It seems to me you have broken the facade by
9 a foot or two. There seems to be a shadow line. There
10 also seems to be a difference in coloration between
11 segments.

12 MR. LEVIN: Yes.

13 MR. HUSSEY: And what we'd like to do, I
14 think, is to see, you know, a half-inch scale
15 elevation, a portion, enough of that with shadow
16 line --

17 MR. JOE GELLER: I think, Mr. Hussey,
18 actually, what might be better is -- we showed you a
19 lot of the renderings with trees in front of them and
20 stuff like that, so you can't see the articulation of
21 the building. So I think if we show you a 3D model
22 without anything in front of it so you can actually see
23 the model, see the --

24 MR. LEVIN: No, Joe.

1 MR. HUSSEY: I think closer -- needs to be
2 closer. That's what I'm saying.

3 MR. JESSE GELLER: Will you be able to do that
4 for the 3rd?

5 MR. SCHWARTZ: We can show you some -- we'll
6 do what we can -- renderings and the closer views.
7 We'll do the best we can to get you more information.

8 MR. HUSSEY: Doesn't have to be closer views
9 of the whole thing, but just enough of it to see the
10 three or four differences, and then that gets
11 replicated as you go along.

12 MS. NETTER: It seems like under no
13 circumstances are we going to be able to close the
14 hearing on November 12th.

15 MR. SCHWARTZ: I think we need to figure out
16 where we are and decide what we're doing with the close
17 of the hearing, frankly. We're not in a position to
18 comment on that one way or the other this evening. We
19 can see where we are on Monday. If we're reaching a
20 good point and, you know, it seems to be arriving at a
21 consensus, then I think that's an appropriate
22 discussion.

23 (Inaudible discussion among the board.)

24 MR. NAGLER: I'm confused by that. If you

1 don't make a consensus, it means you're saying we're
2 suggesting a condition that's uneconomic and the
3 regulations contemplate a process that flows from that.

4 MR. SCHWARTZ: We'll reserve judgment on that
5 and what the regulations call for or what the legal
6 rights would be under those --

7 MS. NETTER: Well, we would like to have that
8 discussion because --

9 MR. SCHWARTZ: We would not.

10 MS. NETTER: Okay.

11 MR. NAGLER: Can't force it.

12 MR. JESSE GELLER: All right. So our next
13 hearing date will be next Monday, which is
14 November 3rd, at 7:00 p.m. At that point, the
15 applicant will respond to some of the deliberations --
16 or the deliberations that we've had tonight. I think,
17 clearly, there will be some refinement of the
18 deliberations, though I would -- I want to thank the
19 board because I think that narrowing the funnel was
20 important, and I think we have articulated some very
21 specific topics.

22 Mr. Abner?

23 MR. ABNER: I asked a question on June 5th.
24 I'm going to ask it again. Is there a plan on the

1 table we're discussing, or are we discussing A, B, and
2 C and the 2013 plan that actually went to
3 MassDevelopment? So which plan are we actually
4 discussing here?

5 MS. NETTER: We're discussing proposed
6 modifications to the plan -- not the options -- but the
7 plan last presented by the applicant.

8 Was it August 13th? I don't remember the
9 date.

10 MR. JESSE GELLER: I don't remember the date.

11 MR. ABNER: All right. So A, B, C are options
12 of different story buildings with different plans.

13 MS. NETTER: The board has gone beyond A, B,
14 and C and has used those options in order to articulate
15 its key concerns at this juncture.

16 MR. ABNER: Thank you.

17 MR. JESSE GELLER: Sure. Okay. So
18 November 3rd, 7:00 p.m. is the next hearing.

19 What's our date for blasting?

20 MS. NETTER: The 12th.

21 MS. STEINFELD: November 12th.

22 MR. JESSE GELLER: November 12th, which is the
23 next hearing after the 3rd, we will be taking testimony
24 on -- or will actually be hearing from the fire chief

1 as well as we will hear from the applicant's blasting
2 contractor to go over blasting concerns and regulations
3 and process.

4 I want to thank everyone, and we will see you
5 next Monday.

6 (Proceedings suspended at 10:19 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 of the parties, nor am I financially
10 interested in the action.

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

13 Dated this 10th day of November, 2014.

14 _____

15 Kristen Krakofsky, Notary Public

16 My commission expires November 3, 2017.

17

18

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20

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23

24

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