

**To** Zoning Board of Appeals  
**From** Maria Morelli / Planning Department  
**Date** February 4, 2015  
**Case** Residences of South Brookline / Draft Decision  
**Re** Summary of Common Recommendations  
from the Public by Topic Area and Condition

NOTE

The purpose of this chart is to summarize for the Board common concerns expressed by members of the public in response to the Draft Decision dated December 15, 2014. For a compilation of all comments submitted, please refer to the Planning Department's "Compilation of Public's Recommendations" distributed to the ZBA on January 5, 2015. Comments that pertain to legal matters are not summarized here and would be addressed by Special Counsel at the request of the Board.

Town Staff, Consultants, and Special Counsel made every effort to address the public's recommendations in its review of the Site/Architectural Plans and the drafting of the Decision. The following chart briefly states if (a) Site/Architectural Plans, (b) a specific Condition(s), or (c) Town or Zoning bylaws address the concerns that were raised. Staff Comments are provided to assist the Board if it wishes to revisit the pertinent issue or condition in its deliberations, and merely reflect what is already shown on the most current Plans and in the latest draft of the Decision—no additional recommendations to the Board are provided in this document.

To read the original letters in which a recommendation was made, refer to the full Compilation prepared by the Planning Department, which includes a list of letters submitted to the ZBA. Posted online are all letters submitted to the ZBA at <http://www.brooklinema.gov/972/Letters-to-the-ZBA>.

Drainage / Stormwater	Traffic / Parking / Public Roads	Trees / Landscaping
<p><b>1 - How will stormwater management system be maintained and monitored to ensure that abutting properties are not damaged and what are the penalties if system is faulty?</b>  <i>Staff: <b>Drainage Plans</b> have been updated to increase drainage systems at property line per Staff request. <b>Condition 30 (and others):</b> Applicant has submitted an Operation and Management Plan as part of its Stormwater Management Report, and the Town reviews final plans to ensure compliance. <b>Town Bylaw 8.26</b> (Stormwater Management) allows Town to enforce compliance.</i></p> <p><b>2 - What happens if water samples indicate contamination?</b>  <i>Staff: <b>Condition 33</b> allows the Town to assess which party is at fault and to make additional determinations so that problem is rectified.</i></p>	<p><b>3 - Increase shuttle service with more specific goals.</b>  <i>Staff: <b>Condition 21(vi)</b>. Mitigation measures include expanding shuttle service based on results of post-occupancy Traffic Study.</i></p> <p><b>4 - Transportation Board should be involved in work on public roadways and the traffic study. Opposed to a Complete Streets Design for Independence Drive.</b>  <i>Staff: <b>Conditions 20, 24</b>. Town will manage the re-design and construction of Independence Drive. Conditions do <u>not</u> commit to a Complete Streets Design. Transportation Board will be involved in any public roadway traffic study and changes.</i></p> <p><b>5 - Restrict parking to tenants of the Project.</b>  <i>Staff: <b>Condition 5</b> covers this specifically.</i></p> <p><b>6 – Restrict left-hand turns on Independence. Restrict right-hand turns onto neighboring streets from private Asheville.</b></p>	<p><b>7 - Replace in kind existing trees that get damaged during construction.</b>   <i>Staff: <b>Condition 17</b> specifies that Applicant must comply with the Do Not Disturb Zones and preserve existing trees and outcroppings delineated on those plans, and also to maintain all plantings as shown on the Site Plans.</i></p> <p><b>Traffic, continued</b>  <i>Staff: Because Town staff will propose designs for Independence, changes to public ways, including the addition of pedestrian-activated lights, are best addressed during that time rather than prescribed in the Decision. Because a Traffic Study will be conducted for the Asheville-Russett-Bonad-Beverly roads, the Town/Transportation Board will approve any traffic calming measures after the post-occupancy Study.</i></p>
Construction / Blasting	Trash /Recycling	Lighting / Mechanicals
<p><b>8 - Control dust by mandating wheel washes. No construction vehicles should travel through abutting neighborhood.</b>  <i>Staff: <b>Condition 43:</b> Applicant is required to submit a Construction Management Plan to the Building Commissioner who consults with DPW and Public Health to ensure that Applicant controls dust, and to approve truck routes through neighborhood, among other objectives.</i></p> <p><b>8 - Blasting should not take place when children are commuting to school.</b>  <i>Staff: <b>Condition 51 and Exhibit 4</b>. Although blasting conditions state that blasting can be done between the hours of 9 am and 4 pm Mon – Fri, a blasting plan must be submitted to Fire Chief for approval. Per blasting provisions, blasting plan would prohibit unauthorized personnel from entering the blast area.</i></p> <p><b>10 - \$5M minimum comprehensive liability insurance (blasting contractor) is insufficient.</b> <i>Staff: Town hired an experienced blasting consultant and P.E. to provide blasting conditions.</i></p>	<p><b>11 - Project will create trash overflows and attract rodents.</b>   <i>Staff: Per <b>bylaws</b>, Public Health can inspect violations and enforce compliance to regulations. <b>Condition 41(h) and 69:</b> Applicant required to submit preliminary and final rubbish/recycling plans to Town, and to screen dumpsters and trash compactors.</i></p>	<p><b>12 - How will Applicant ensure no light spillage?</b>   <i>Staff: <b>Lighting Plans</b> show zero spillage <u>onto</u> abutting single-family properties on Beverly and Russett. <b>Layout Plans</b> indicate that 7 foot high opaque fence will be installed on property line, which exceeds minimum provision in Zoning Bylaw <b>6.04.6b</b>. In addition, landscaping at property fence and at parking lots where grade is higher will have 4 foot high fencing or additional landscaping to screen headlights. Applicant must comply with <b>bylaws 6.04.6b and 7.04.1</b>, which can be enforced.</i></p> <p><b>13 – Mechanicals should not be visible from abutters’ properties at street and upper-floor levels.</b>   <i>Staff – <b>Condition 13</b> addresses visibility of condensers and mechanicals for the mid-rise. This condition also cites regulated setbacks for condensers near infill buildings.</i></p>

Compliance with Plans / Review and Approval By Town Staff	Bedrooms / Occupancy	Fiscal Impacts
<p><b>14 - Final parking layout should conform to Site Plans that the ZBA read.</b></p> <p><b>15 - What will ensure that Applicant complies with setbacks indicated on the plans that abutters reviewed?</b></p> <p><i>Staff: <b>Condition 53</b> specifies the Town processes Project must comply with and also requires Applicant to certify that Project complies with Site/Arch plans referenced in this Decision.</i></p> <p><b>16 - Do not delete provisions for Town staff to review and approve plans or to hire consultants to assist in reviews and inspections.</b></p> <p><i>Staff: (a) Project must comply with all local zoning and other bylaws not waived (<b>Conditions 1, 4</b>). The Town has processes in place for site plan reviews and inspections to ensure compliance with regulations and with the Decision. Several conditions reference these processes (for e.g., <b>Conditions 40, 44, 48, 53, Exhibit 4</b>). (b) Several conditions reference that Town staff will review final plans “for consistency with the plans listed in Item 4 under Procedural History.” (c) Plans including but not limited to the Construction Management Plan, Rubbish Plan, Blasting Plan would need to be submitted at a later date and therefore are subject to the review and approval of Town staff, as indicated throughout Conditions. (d) Applicant is required to fund an escrow account, with a \$28,000 cap adjusted for inflation that was estimated by Town, for consultant inspector fees. (<b>Condition 65</b>). The Applicant will also pay for the Town’s blasting consultant (<b>Conditions 52</b>).</i></p>	<p><b>17 - Freeze the number of bedrooms.</b></p> <p><i>Staff: <b>Condition 3</b> specifies the maximum number of units and bedrooms.</i></p> <p><b>18 - Lofts should be treated as bedrooms.</b></p> <p><b>19 - Impose fines if rooms other than bedrooms are used as sleeping areas.</b></p> <p><b>20 - Specify the maximum number of unrelated people who can live in a unit.</b></p> <p><i>Staff: There are no lofts in the plans. <b>Condition 9</b> stipulates that rooms other than bedrooms cannot be used as sleeping areas. Per regulations, Building and Health Departments can inspect complaints and issue violations.</i></p>	<p><b>21 - Comments expressed on the impact on schools</b></p> <p>Assessing the potential impact of the Project on schools is not a factor that ZBA can consider, per State regulations.</p>