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Volume I
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Brookline Zoning Board of Appeals Hearing
420 Harvard Street Comprehensive Permit Application
420 Harvard Associates, LLC
July 25, 2016 at 7:00 p.m.
Brookline Town Hall
333 Washington Street, 6th Floor
Brookline, Massachusetts 02445

Reporter: Jennifer A. Doherty, CSR

1 APPEARANCES

2

3 BOARD MEMBERS:

4 Jesse Geller, Chairman

5 Lark Palermo

6 Kate Poverman

7 Johanna Schneider

8

9 TOWN STAFF:

10 Alison Steinfield, Planning Director

11 Maria Morelli, Senior Planner

12

13 40B CONSULTANT:

14 Judi Barrett, Director of Municipal Services

15

16 APPLICANT:

17 Victor Sheen, 420 Harvard Associates, LLC

18 Dartagnan Brown, Pricipal, EMBARC Studio, LLC

19 Geoff Engler, Vice President SEB

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1 P R O C E E D I N G S

2 MR. GELLER: Good evening everyone.
3 We're calling the continued hearing on 420 Harvard
4 Street, this 40B application. My name, for the
5 record, is Jesse Geller. To my immediate left is
6 Kate Poverman. To her left is Johanna Schneider and
7 to my right is Lark Palermo.

8 Tonight's hearing will be for the
9 purpose of hearing testimony from Town boards and
10 departments, not that I want to foreclose their
11 ability in the future to be able to submit testimony
12 either in the form of appearance or in the form of
13 written communications. And it will also be an
14 opportunity for the public to offer their testimony
15 on the project.

16 In particular, I want to thank the
17 many folks who submitted written materials in
18 advance. We've gotten quite a number and we do
19 appreciate it. It is helpful to us to see these in
20 advance and would be able to read them and review
21 them.

22 Copies of all of these materials
23 whether they came in from Town boards and
24 departments or whether they came in from the public

1 are available online. They're available now. So
2 they are available on the online website under
3 the -- I assume it has a separate listing for this
4 40B, and you can find them all in there and you can
5 review them.

6 I want to be very clear. There will
7 be additional opportunities for the public to offer
8 testimony down the road as we get further into this
9 project. As people who attended the last hearing
10 are aware, we are taking this in -- I don't know if
11 I'd call them "bite size," but we will be taking
12 them in milestones.

13 The next hearing which is schedule
14 for August 30 will actually be dedicated to urban
15 design. And then as we get further down, we will
16 also be reviewing via peer reviewers, traffic,
17 parking, drainage, so that there will be an
18 opportunity, if not, at those specific points in
19 time, there will be an opportunity down the road
20 after we heard from those various parties for the
21 public to revisit comments.

22 Tonight's hearing, again, is focused
23 on testimony from Town boards and from the public.
24 I would just give a few guidelines to people.

1 One is to make for an efficient
2 evening that I would ask that people listen
3 carefully to what other people have to say. If what
4 you have to say is in agreement with somebody else,
5 we're happy to hear you say, I'm in agreement with
6 them, but please don't simply repeat what somebody
7 else has said because then we'll be here for a very
8 long time.

9 I would also ask that you focus on
10 the things that the ZBA is allowed to review. For
11 example, we don't have our consultant here yet, but
12 if she were here, she would say to you issues that
13 pertain, for instance, to the school system are not
14 things that the ZBA are allowed under 40B to
15 consider. Okay?

16 So, again, I would ask you to focus
17 on the specifics of this project and try and keep
18 focus on it.

19 Let me also raise with you two
20 additional things that are irrelevant to this
21 project; and, therefore, I would ask you to refrain
22 from speaking to them.

23 One is I understand that there were
24 some issues raised with respect to the lamented

1 recent fire at the butchery. I haven't been able to
2 go shopping lately, but that's not relevant to this
3 40B proceeding and the things that we as ZBA members
4 look at. So I would ask not to raise it. Again, it
5 doesn't have relevance to us.

6 Secondarily, what interest this owner
7 or partners of his or anybody else may have on
8 properties that are not included in this project are
9 not relevant to this project. They are not
10 something that we can look at.

11 So I would simply ask you to keep in
12 mind and focus on what are legitimate issues that
13 are before the Board.

14 I understand Maria wants to kick off
15 first. You want to take up again the application
16 and it's completeness, and then I think you want to
17 roll into the Planning Board. Is that what you
18 would like to do?

19 MS. MORELLI: I recommend that.

20 Good evening. Maria Morelli,
21 Planning Department. In regard to our review
22 application completeness, we have received the
23 outstanding elements from the project team. We also
24 received today about mid-afternoon some revised

1 plans.

2 At the Planning Board meeting, there
3 were some issues regarding, maybe, addressing
4 rubbish and other issues regarding bike storage. So
5 the applicants got ahead of the game in just
6 revising ground floor plans. I have not reviewed
7 those plans. I'm not actually addressing them in my
8 presentation because I haven't had time to. I want
9 to make them available to the ZBA and to the
10 community; and if you so wish, the applicant can
11 speak to those changes that were made.

12 I also want to say that the director
13 of engineering and transportation is not here this
14 evening, but he has actually met with the
15 applicant's traffic consultant to examine the scope
16 of the traffic study which is par for the course, so
17 some of those issues pertaining to other
18 developments that need to be considered. So there
19 are prospective 40Bs.

20 There is going to be a 200,000 square
21 foot expansion of the Devotion School. That
22 increased square footage has to be factored into the
23 traffic study. Those are some of the points
24 Mr. Ditto has brought up and there's also a need for

1 a specialized parking consultant, as we don't have a
2 lot of experience in Brookline with the car stacking
3 system. Those are two things that he has brought up
4 regarding issues that I know of so far, and he will
5 be available for testimony when there is time
6 reserved for the traffic peer review or traffic in
7 general.

8 Dan Bennett, he's the building
9 commissioner, and he's going to be sending a memo to
10 all ZBA members because there is an issue with many
11 or several of these 40Bs that are very close. The
12 buildings are very close to an abutting building and
13 he's going to address some building code issues that
14 may have some bearing.

15 If there's a working group or for
16 your discussion, he'll just outline some of the
17 building code issues, what kind of fenestration you
18 can and cannot have; how much separation between the
19 buildings. So I think when you get that memo, it
20 will probably answer a lot of questions and it
21 certainly will be in enough time before you provide
22 any directive, if you do, to a working group. I
23 just wanted to get those two things out of the way.

24 The comments I'm going to make

1 tonight are on behalf of the Planning Board. So as
2 you know, this is the corner of Harvard and Fuller
3 Street, the site of this prospective development.
4 Currently, the ground level isn't an office space.
5 It's a realty office, and there is residential on
6 the site.

7 As you can see, it's about -- very
8 strongly as one story with one and a half stories
9 for the residential. There is surface parking about
10 six spaces on the rear. It's a 10,800 square foot
11 lot and it is in an local business district.

12 Just to orient us, just to show where
13 we are, because there are really several zoning
14 districts that come into play here. Along Harvard
15 Street, as you know, is a retail center and that's
16 the local business district, but there are several
17 expansive blocks of two-family, actually zoned for
18 T5 in these blocks, Coolidge to Thorndike and onward
19 on both sides of Harvard Street. It then does
20 gradually blend into some pockets where there are
21 multi-family district of increasing density towards
22 Center Street.

23 While we're here, just as I alluded
24 to, this is the Temple of Israel which is the site

1 of a prospective 40B. There is also the Devotion
2 School expansion, and further down on Center Street
3 there's is a 45 unit proposal.

4 Further down in the intersection of
5 Harvard and Beacon is another. At 1299 Beacon is
6 another 40B that is coming down the pike. It's
7 before the state right now. That's just to give you
8 a perspective of how much is going on in the
9 Coolidge Corner area.

10 I'm just going to quickly give you an
11 overview of the proposal. Just to give you an idea
12 of some of the concerns, we're putting into context
13 some of the concerns the Planning Board has.

14 At the onset, I want to acknowledge,
15 from the time the plans were submitted, an
16 application was submitted to the state for site
17 approval to the time that this ZBA received an
18 application, the project team has made some changes
19 to the project.

20 Namely, there was some stepping back
21 of that top sixth floor, and then as we'll see when
22 I show you some elevations, incremental step-backs
23 from the ground floor up to that sixth floor as well
24 as some open space on the other side closer to the

1 residential district. We acknowledge that those are
2 changes in the right direction, but the Planning
3 board felt that the building itself still takes up
4 over 90 percent of the site.

5 We talk about lot coverage. We often
6 talk about footprint and page areas. This is
7 largely the building itself is taking up 90 percent
8 of the site. When we look at some of those
9 setbacks, we'll see why the Planning Board felt that
10 this needs to be addressed further.

11 These are some of the key metrics
12 here. I spoke to the lot coverage. The height
13 actually was reduced a little bit and is now almost
14 64 feet and the gross area. That's both residential
15 and retail. So they would be retaining a ground
16 floor retail, two tenants there, which amounts to
17 about 40,000 square feet. And the proposed FARs are
18 about 3.75. This is in a district zone for 1.0.

19 The setbacks themselves, and we'll
20 look at a site plan so you can get a visual of this,
21 but just to give you a quick overview, this is a
22 corner lot. It has two front yards. The Harvard
23 Street front yard, there's a three-and-a-half foot
24 setback.

1 The front yard setback at Fuller, it
2 is slightly under two feet. Keep in mind too that
3 we're also looking at those upper floors as well
4 when we look at setback. This is what is happening
5 at the ground floor. So the depths that you'll see
6 on the facade do project about a foot into those
7 setbacks.

8 Again, you might recall this 36 units
9 of residential, 54 bedrooms, and the parking is a
10 combination of six surface and 23 that would be
11 structured with the means of a stacking system.

12 As for the basement area, the project
13 team is still working out how they would use part of
14 that basement area to accommodate the stacking
15 system. As of yet, we fully don't understand how it
16 works, and so we'll need to hear from the applicant
17 or his consultant how that actually works, but they
18 are looking at some basement areas space to
19 accommodate some of that machinery.

20 This is the elevation, as you can see
21 it on Harvard Street, and this posting shows how
22 that building would jog out, so that is really the
23 fullest stance of the massing.

24 There's going to be ground floor

1 retail, and that ground floor retail is going to be
2 delineated through materials or coloration and not
3 necessarily stepping back to upper floors. So the
4 Planning Board felt because there was such a strong
5 one, one-and-a-half story read on Harvard Street;
6 really from Allston to basically Brookline Village.
7 That was an important consideration that would need
8 more articulation, not just delineation through
9 materials. This is going to give you some
10 perspective of existing conditions along with the
11 elevations.

12 Now, this building here is actually a
13 two-family home, 44 Fuller. This is one of the more
14 impacted properties here. You can see it here as
15 the green house. Currently, there is a surface
16 parking lot that separates the two buildings. What
17 you see with the stepping back is that ground floor
18 level is going to come about -- I think there's
19 going to be a five-foot setback, a three-foot
20 setback actually to the parking area and that is
21 from the lot line to the parking area, the five-foot
22 setback from the lot line to that ground level --
23 I'm sorry, not ground level -- second story. It's
24 supported over the parking area.

1 To give you just another idea of
2 really how much space there is between the side
3 walls, there would be about 12 feet of space between
4 the side walls. And the Planning Board felt very
5 strongly that that is oppressive considering how
6 much of the lot is taking up with the building.
7 That just is really too oppressive for the
8 single-family home.

9 One thought is really to just set
10 this back further. You see there would be like one
11 row of parking here. A row of parking depth is
12 about 18 and a half feet for a standard lot. I
13 think they're proposing 16 feet. These would be
14 compact spaces, if I'm looking at the plans
15 correctly. So a 18-foot setback which brings you to
16 the rear bumper of any car parked here, and that is
17 a good starting place to consider.

18 It would also help -- you can see
19 there are two-family homes, single-family homes on
20 Coolidge which is the block that's parallel to
21 Fuller, and there are rear yards here. This is the
22 south spacing here, so that increased setback will
23 actually be helpful to alleviate some of the
24 oppressiveness of the massing.

1 I just want to give you some
2 different perspectives. This is Coolidge and this
3 gives you another view of why that setback, actually
4 increasing it to 18 feet, can really alleviate and
5 just improve the view sheds, access to light and
6 air, and, importantly, privacy.

7 So this is a very dense residential
8 district, and certainly density is appropriate, an
9 increased density is appropriate in this area, but
10 what we still want to see reinforced is people's
11 right to privacy. So having buildings that are
12 really close, looming over other properties,
13 especially with these decks, actually really
14 imposes. It's just an imposition on abutters'
15 privacy.

16 This is just another view from the
17 perspective. This is Fuller and Harvard. This 44
18 Fuller. So you see how close this building and all
19 of that massing is really basically impacting the
20 expanse of that property.

21 I'm just going to quickly show you
22 the floor plans just to give you an idea of lot
23 coverage. This area here is actually open space
24 about 1,200 square feet that the project can

1 introduce into the ZBA application that wasn't in
2 the plans submitted to the state. This is a
3 positive thing.

4 The Planning Board actually liked to
5 see that enhanced further, certainly with the
6 plantings, perhaps they strongly felt an increased
7 setback here along with this vegetative buffering.
8 That certainly would work. It would also work to
9 provide some screen for the occupants of this site.

10 That's just another view. So we're
11 going to be going up. This is Floor 2. I'm just
12 showing you these floor plans to give you an idea of
13 what these balconies, what these decks look like.
14 It is a nice amenity, but the Planning Board wasn't
15 entirely convinced they will be introduced here and
16 not actually exacerbating the impact.

17 They don't do anything to articulate
18 the building and provide some relief from the
19 massing. What they're essentially doing is they're
20 going into -- so they're overhanging into the
21 setbacks that you can see in the front, the side,
22 and along Fuller Street. They certainly don't go
23 over the sidewalk, but they are certainly about 13
24 feet above the ground level.

1 They are only five feet deep, and the
2 Planning Board was concerned that this wasn't enough
3 depth to actually be useful to the occupants of the
4 site.

5 So here we are really essentially
6 expanding that massing and imposing on abutters'
7 privacy where that's really articulating the
8 building to provide some relief. So there is going
9 to be some more examination of how these are
10 actually, if they are actually effectively used.

11 What we're looking at a floor plan.
12 The Planning Board in general has some concerns with
13 how the units, the sizes of the units in conjunction
14 with the number of bedrooms. Some of them -- it's
15 hard to read here, but some of the combinations
16 didn't readily make sense.

17 So I don't know if it's a typo, but
18 there might have been one unit that was under 1,000
19 square feet and designated as a three-bedroom. The
20 Planning Board felt it was unrealistic, and the
21 reason why they're bringing it up, even though these
22 are preliminary plans, is that this gives you some
23 idea of how the program works or doesn't work.

24 So if there is some concern about

1 that in this combination, then it really has a lot
2 to do with how intensively the site is being used.
3 There really does need to be some thought into
4 realistic unit sizes for the bedrooms designated.

5 Again, we're just going up floor by
6 floor just to show you in conjunction with the site
7 plan, the lot lines, how many balconies or how many
8 decks that you have on each floor.

9 Then going up, fourth floor, fifth
10 floor, and then finally the sixth floor. This is
11 just another view just to show you how this is being
12 stepped back. Again, the Planning Board didn't
13 really feel that this stepback, although it was
14 admirable that this was attempted, just really
15 wasn't -- the footprint itself was actually too
16 great.

17 This is just another look. This is
18 actually a really nice amenity for the occupants of
19 the site as well as to provide some buffering to the
20 abutters. We would suggest that it actually be
21 enhanced so if there is actually more vegetative
22 buffering to a significant height.

23 And furthermore, I'm not sure if the
24 applicant already addressed it in the revised plans

1 that we have, but there are two tenant spaces
2 designated at the ground level for office. I think
3 they had alluded to perhaps treating that smaller
4 place as a common area for the occupants of the
5 development.

6 The Planning Board actually was
7 encouraged by that and instead of having two
8 tenants, maybe thinking of having that space as an
9 amenity for future tenants.

10 Again, this is just to help you
11 visualize how much of Harvard Street. And this is
12 going from Allston all the way to Brookline Village.
13 It reads very strongly as one, one and a half
14 stories. And this concept that's being introduced,
15 this six-story concept, 64 feet, not denying that
16 the site actually sustained increased density is
17 actually how it's arranged on the site.

18 The Planning Board did feel strongly
19 that they would like to re-enforce that motif of
20 one-story retail on Harvard Street. I know it kind
21 of competes a little bit with the increased setback
22 that they're asking for on the residential side, but
23 that really is the nature of this site. It's kind
24 of a transition property. It's in three zoning

1 districts.

2 We do recognize that; however, we do
3 need to have some elements. Even in the state
4 guidelines would suggest there has to be some
5 elements that help integrate a project of increased
6 density.

7 Just to speak a little, just to give
8 this aerial view, this is the site and this is
9 Harvard. You get to see how this strongly reads as
10 two-and single-family neighborhoods here, not
11 denying that there are some really tall buildings
12 that are maybe just a block away.

13 There is 30 Fuller Street, which is
14 here, which is about four stories. There is no
15 affordable housing here at this rental apartment
16 building, but it has deeper setbacks.

17 Along Fuller street, I'll actually
18 show you some visuals. One thing that's really
19 consistent about that street, no matter what kind of
20 building you have, whether it's two-family or
21 apartment buildings, you do have some vegetative
22 landscaping on those front yards.

23 And, again, no matter what the
24 building typology is, that is a common thread. We

1 see reinforcing that motif for this site.

2 Again, these are tall buildings on
3 Center Street that are probably like eight stories.
4 They do have deeper setbacks. They were built in
5 the '60s. They don't comply with zoning, but,
6 again, we don't want to look at just heights of
7 buildings. We want to look at that metric in
8 combination with other metrics; namely, what are the
9 setbacks in relation to the height to accommodate or
10 compensate for that increase or excessive height.

11 So these are some snapshots of what's
12 going on in the district. Coolidge is the street
13 that is parallel to Fuller. This is 45-49 Coolidge
14 here. This is 40 Center, which is maybe a block
15 away.

16 If you go further down Fuller Street,
17 this is actually two lots down. This is 30 Fuller.
18 Again, you see that's sensing is an apartment
19 building, completely different building typology
20 from the two-families.

21 You are seeing that front yard
22 setback with vegetative screening pretty consistent
23 along Fuller. Then you get to the end of the block
24 and you see this is Fuller. Winchester, again, more

1 apartment buildings, increased density, that common
2 motif of just having a consistent streetscape.

3 Again, this is just another snapshot
4 of the building itself. Again, it is an unusual
5 concept for Harvard Street.

6 So the Planning Board does want to
7 reiterate some factors that need to be addressed to
8 better ingrate the project. These are some site
9 sections that we asked for. And the project team,
10 they provided them pretty quickly. We're looking at
11 a section that is -- this is Harvard Street and
12 we're going to look at the site of the building,
13 which is where the building would be in this place.

14 We don't really see the sidewalk
15 marked here or human scale, but just to give you an
16 idea, there would be a sidewalk along here. This is
17 really just showing you the relative height of the
18 streetscape of the buildings along Harvard.

19 Again, just keep in mind there is
20 really not much of a setback here, so it's not being
21 set back when you look at this site section.

22 This is just another view. We're
23 going to be looking at Fuller Street. This will be
24 a cross section going to 30 Fuller, which is a

1 four-story apartment building. The two-family homes
2 here, and then this would be the -- this is the 420
3 proposal. You can see at this point with the second
4 floor, there's 12 feet. There is about 20 feet, if
5 you look at the top floor. So this is five-foot
6 incremental stepbacks.

7 Keep in mind that the driveway is
8 here with the garage entrance. So any ambient
9 noise, any activity pertaining to the garage is
10 really facing that single-family neighbor, in
11 particular the abutter with not much screening.

12 This is just another view looking if
13 you were on the property, 44 Fuller, looking at the
14 site. That's basically going to give you an idea of
15 your perspective of the massing.

16 Again, this building does jog. You
17 can see it over here. I don't have the right -- but
18 it does jog. You can see the expanse. So the width
19 I believe is about 75 feet, the lot itself. It does
20 pretty much take up most of the lot with minimal
21 setbacks.

22 Now, the Planning Board, they're not
23 traffic experts, but they are addressing some issues
24 that they would like to see better spoken to.

1 Let's just start with access. So
2 keep in mind, this is the driveway off Fuller, and
3 there would be right hand into -- I believe are
4 either these lifts or elevators. I don't fully
5 understand how it works, so I would have to defer to
6 the project team to describe that.

7 The Planning Board was a little
8 concerned about having these lifts so close to the
9 entrance of the building and the driveway. Why is
10 that? There is a possibility of cueing on Fuller
11 Street. So if they could understand a little bit
12 better about how this circulation, how this would
13 work, what the wait period would be. But unless
14 they have that information, they strongly suspect
15 there could be some cueing on Fuller Street, which
16 is already not a very wide street.

17 The other issue really conversely is
18 coming out here and visibility. So keep in mind
19 this is a sidewalk here, and we'll be concerned
20 about traffic visibility, driver visibility of any
21 pedestrians that are going to be on the sidewalk.

22 The other issue that really kind of
23 concerned the Planning Board was really they didn't
24 understand how 23 spaces could be accommodated here.

1 They needed to understand that.

2 As you can see, there seems to be
3 ten, and then if they have two levels that would be
4 20 spaces and didn't really know where the other
5 three might be. That, perhaps, would be better
6 addressed by that basement level and we don't have
7 plans of.

8 The other issues really is the sizes
9 of the stalls. I'm actually reading them to be
10 closer to what we would allot for compact cars. And
11 to have the majority of the parking spaces really
12 measure and define for compact spaces is something
13 that we, in general, outside of the 40B would not
14 approve. I think right now we would have no more
15 than maybe 20 percent of the parking spaces on the
16 site actually allotted to compact cars. We just
17 want to have this revisited as well.

18 There is also a concern about the
19 parking for retail and/or office and the parking for
20 residential. So keep in mind there are actually 23
21 in the structure area largely for the residential of
22 36 units, so that brings the overall ratio down to
23 about .6 which the Planning Board thought was a
24 little low.

1 The Transportation Board hasn't
2 weighed in on this project, but, in general, for
3 40Bs in this area, they're proposing a one-to-one
4 ratio for the units and parking.

5 Again, we want to separate the ratio
6 for retail and the ratio for residential. It's not
7 really the .8 that's in the application. It's more
8 like .6. Then there is the concern of really how
9 feasible this would be. So there needs to be a
10 little more discussion about how this would work,
11 turn the radii here, the intensity of what is really
12 being asked for of the site.

13 Having both the office and this
14 amount of residential actually is not convincing to
15 the Board. One thing that they did want to throw
16 out there, the depth of this lot could accommodate
17 below grade parking, which I know is a bit
18 controversial. It is very expensive.

19 But in terms of how this is working,
20 the Planning Board is not convinced this parking
21 plan actually works with all that is being proposed
22 in this program, certainly with the circulation and
23 really the stacker issues which is not a known
24 quantity here.

1 We would like to have some more
2 thought given to the underground parking that will
3 alleviate some of these problems. And this was just
4 an overview, the ratio, which I'd just got into.
5 Then a summary of some of the issues.

6 One thing I did want to say is that
7 one of the reasons why the director of engineering
8 would like to have a dedicated parking consultant to
9 speak to the parking, that stacker systems. We
10 really don't know the type of noise would be at
11 grade, wouldn't be below grade. So that really does
12 expose the residential neighborhood to more noise
13 possibly. That just needs to be vetted much more
14 directly.

15 This is just a summary. I'm not
16 going to go into it. I will say here, because I
17 didn't say it earlier, rubbish and lighting should
18 be assessed earlier in the process. We have
19 preliminary plans. Some of this gives you an
20 insight into how the program works.

21 One of the issues, I think it was
22 alluded to in the applicant's presentation, that
23 there might be town rubbish services for the
24 residential. We have been recommending for some of

1 these multi-families across the board, not singling
2 out this project, not singling out a 40B which would
3 be private trash removal, just to avoid having some
4 of that on the public way especially where we have
5 some -- we have a deli. We have food service. We
6 have retail. That really would be impactful in the
7 public way.

8 The last thing is this certainly will
9 come up for the architectural peer review. We would
10 ask for some more materials. We would like to see a
11 3D model -- sorry there's a typo there -- that shows
12 the perspectives from the abutting properties. If
13 you're on abutting properties at ground level and
14 second story, what would those perspectives be.
15 That helps you gauge how deep those setbacks really
16 should be.

17 The turning radii, certainly the
18 basement plan, what those mechanicals -- where they
19 would be positioned, and certainly shadow study
20 which gives you more insight over -- really more of
21 a daytime period just to really assess what the
22 shadow impacts would be.

23 So do you have any questions?

24 MR. GELLER: Questions? No. Thank

1 you. Just by a show of hands, how many people hope
2 to speak tonight? I think what we'll wind up doing
3 is if people want to -- it's kind hard because we
4 have people seated back there, but as people want to
5 speak, if they'd line up over to this side. And
6 then when you do speak, speak into the microphone.
7 Speak loudly, clearly. Speak slowly so we can hear
8 you. Start by giving us your name and your address.
9 No other departments are here, correct?

10 MS. MORELLI: Not that I can see, no.

11 MR. GELLER: Thank you.

12 MR. MCMAHON: The immediate abutters,
13 including myself -- I'm Colm McMahon. I live at 45
14 Coolidge Street. I tried to organize our thoughts
15 so you can easily see our concerns on how they
16 relate to this project.

17 My wife Caroline Buckley also lives
18 at 45 Coolidge who is going to start the
19 discussions.

20 MS. BUCKLEY: My name is Caroline
21 Buckley. I'm an architect. I'm the owner of 45
22 Coolidge Street with my husband and three children.
23 We are direct abutters to the proposed development.

24 I think we're all in agreement that

1 there is a genuine need for affordable housing.
2 There is a need that has to be met and met with a
3 good quality building that works in all aspects of
4 its design, not as we see here, an ill-conceived
5 project that doesn't work.

6 There are a number of issues with
7 this project concerning building and site design
8 that are perturbing. I'll start with massing.

9 This building is a monster. The
10 proposal involves crowning a 40,850 square foot
11 building onto a 10,800 square foot site, almost four
12 times what would be allowed by zoning. This results
13 in a very high number of units, 144 per acre.

14 The way that the building is designed
15 results in a huge volume, six stories high with 90
16 percent site coverage and no effort to mitigate
17 this. Instead, the volume is compounded by
18 overhanging decks, and this reduces the already
19 minimal setback.

20 Secondly, scale. The proposed
21 building does not respect the scale at adjacent
22 streets. There is a predominant single-story
23 pattern on Harvard Street. There's a two-and-a-half
24 story single-family home pattern on Fuller and

1 Coolidge Street abutting the site.

2 The building height ranges from 13
3 feet to 36 feet adjacent to the site. The scale of
4 this building is totally out of proportion to
5 surrounding buildings preventing its successful
6 integration. The height and form of the building
7 would have a negative impact in relationship to the
8 streets and surrounding buildings as viewed from
9 near and far.

10 This will destroy humanly scaled
11 district which affords views to the residential
12 neighborhood beyond. It will also cause an
13 unacceptable overshadowing and loss of light and air
14 to the abutting homes.

15 For example, this shadow study shows
16 two shadows obscuring the homes on Coolidge Street
17 and, in fact, extending beyond the provided graphic.

18 Here is a view from my house on a
19 spring morning. Note the sun is just below the
20 existing roof line of 420 Harvard Street. With the
21 proposed development, not only would the sun be
22 blocked but to a large extent the sky.

23 Thirdly, overall appearance. The
24 architect aesthetic of the proposed design is not

1 compatible with the size, scale, or character of JFK
2 Crossing. The important issue for integrating the
3 proposed building into the area and its proximity to
4 the historic site of the JFK home will be how it
5 supports and enhances rather than to distract from
6 the district.

7 In my opinion this design strongly
8 detracts from the neighborhood. It's office type
9 quality on Harvard Street and its resort hotel
10 typology with its step elevation on Fuller Street
11 convey a lack of understanding and respect for the
12 neighborhood as its architecture. Thank you.

13 MR. GELLER: I would respectfully ask
14 people not to cheer and applaud after each party
15 speaks. Again, we would like to do it in an
16 efficient manner.

17 MR. JACOBS: Good evening. My name
18 is Michael Jacobs. I live at 41 Coolidge Street.
19 I've lived there for 26 years. And while I'm a
20 member of the Housing Advisory Board and the Housing
21 Authority, I'm tonight speaking just as a member.
22 And it's painful for me to come here to speak not as
23 an advocate for affordable housing, but that tells
24 you something about my feeling about this project.

1 The first slide I'm putting up is
2 actually from the handbook on 40B design guidelines.
3 Actually, the 40B regulations talk about how
4 important it is to ingrate project design into
5 existing development patterns.

6 This project really fails miserably.
7 When it fails miserably, you really hope to see how
8 setbacks and buffer can help in that situation.
9 This talks about some of the elements that a
10 developer could use to mitigate impact; buffering,
11 the parking areas, landscape, accessways.

12 But as you can see this really
13 doesn't work in this project. We have a five-foot
14 setback. We have really very, very little
15 landscaping, although I see the new plan does have a
16 tree in that five-foot setback. Good luck with that
17 one. And the setbacks really are not really
18 adequate.

19 Again, as was pointed out, as you go
20 look into the neighborhood, almost all of the
21 setbacks -- look at any building 40 foot or above in
22 the neighborhood and you will see setbacks much,
23 much greater than this building.

24 The result of that inadequate

1 buffering impacts on light, impacts on noise,
2 impacts on shadows, impacts on privacy, and those
3 steps are really unnecessary and just a tremendous
4 intrusion.

5 A mechanical garage, while there will
6 be additional studies done on it, it is just a
7 tremendous concern.

8 Maria pointed out the traffic cueing.
9 One of our major concerns, which actually comes from
10 looking at the specifications of the TrendVario
11 4200, which is actually in the plan, points out some
12 real concerns to us. It's only rated to 14 degrees,
13 14 ferenheit, which, in fact, New England winters
14 can easily drop below that.

15 The specifications talk about
16 wetness, cold, ice and snow which can cause problems
17 when driving into and out of parking spaces. And we
18 checked, there no installations of this equipment on
19 the East Coast. Right now, all those installations
20 are in the Bay Area and Seattle. So we have a real
21 concern about how this is going to work on the East
22 Coast.

23 Recently, in fact back in November of
24 2015, the New York Times did a major story on

1 robotic parking structures, and I would like to pull
2 out some quotes from that article because it's
3 really rather sobering.

4 This actually was in a building in
5 Miami, so this really gives you even greater
6 concern. "\$16 million robotic garage plagued with
7 delays leaving tenants paying \$28 a day to park
8 elsewhere. Police called to keep order in the
9 building, and around the country other attempts at
10 self-parking garage caused embarrassing software and
11 hardware mishaps." I have that article which I
12 would like to leave with the Board. And I will turn
13 this over to Colm.

14 MR. MCMAHON: Thank you, Board, for
15 the opportunity to be heard. I'm Colm McMahon. I
16 live at 45 Coolidge Street. I'm a physician, so it
17 makes sense I'll talk about health and safety
18 concerns around this project.

19 So there are several potential
20 concerns, some of which have been raised by Maria
21 Morelli. And one concern we have is around fire
22 safety. The building, because it occupies so much
23 of the site, means it can only be accessed by
24 firefighters on two sides now, which for such a huge

1 unit potentially raises a safety concern.

2 While not relevant directly, the
3 recent fire at the adjoining properties does show
4 you how access is important. They had to break
5 through the fence of the adjoining property at 45
6 Coolidge Street in order to access that fire. That
7 would not be possible if the building as currently
8 proposed was built.

9 So we've heard a lot of the salient
10 points about pedestrian safety from Maria Morelli.
11 We share the concern that there will be inadequate
12 guidelines for exiting cars. Bearing in mind there
13 are already a large group of children and elderly
14 pedestrians in this region which will increase with
15 the increase in senior housing nearby and also the
16 extension of the Devotion School.

17 This can be compounded by cueing due
18 to the parking system effectively obscuring exiting
19 cars, particularly of small children as they may be
20 trying to come around these cars that are stuck on
21 the pavement waiting to park.

22 Also, with such a large building,
23 including a retail component, there is no plan here
24 for access for service vehicles. And with all these

1 residential units, there's no plan for moving
2 vehicles. These will inevitably lead to illegal
3 parking compounding this potential pedestrian safety
4 concern.

5 The mechanical garage, apart from
6 having operational concerns and how it moves within
7 the site, also poses a potential independent safety
8 concern. So looking through the TrendVario
9 specifications, it speaks specifically of dangers
10 when this site is at ground level, particularly when
11 the doors are open, and this is quoting from the
12 specification manual. This can present a danger,
13 for example, children playing.

14 Now, if you look at this honed in
15 version of the site map, you can see the small
16 amount of open space, which is where these children
17 might play, is in very close proximity to where
18 these doors will be opening and closing to allow
19 access to this mechanical system.

20 This tragic case from Japan shows how
21 a child can get caught up in this. A four-year-old
22 boy was crushed to death when left behind, lagging
23 behind his parents leaving the parking system. Just
24 to show you there is a real potential danger when

1 this is planned in this way.

2 Finally moving on to the local area
3 at large. We heard about all of the potential
4 increase in intensity and development in this area.

5 Now, as a physician, I can tell you
6 that access for emergency vehicles is critical to
7 preventing increased mortality and decreasing good
8 outcome for patients when they have emergencies. So
9 this potential project shows potential road
10 obstruction to emergency vehicles by cueing, by the
11 increased number of traffic posed by the project
12 with 18 new vehicle trips per day in the proposal
13 site traffic consultant's plan. Service vehicles,
14 moving vehicles decrease access to immediate and
15 surrounding areas for emergency vehicles.

16 So there are national standards about
17 this. National standards say if a first responder
18 with a defibrillator should arrive in four minutes
19 to 90 percent of emergency incidents. Then advanced
20 life support companies should arrive in eight
21 minutes. We're already at a breaking point.

22 This is data from around the corner
23 at a building on Center Street, data provided by the
24 Brookline Police Department showing how we're

1 already exceeding these levels in terms of our
2 response time to emergencies. So increasing density
3 and blocking this road further is going to put
4 people's lives in danger.

5 MS. SEGE: Good evening. My name is
6 Irene Sege. I live at 41 Coolidge Street, and I
7 want to talk about a few more of our concerns. Like
8 myself and like my neighbors, I fully support the
9 use of this site for mixed income housing. I think
10 it's really important to Brookline that this project
11 is just too much for the site on the district posed.

12 So first, I would like to address a
13 few environmental concerns. In addition, you've
14 already heard several things about the concerns
15 about the mechanical parking. One other area of
16 concern is the noise level and potential noise
17 pollution.

18 Here I would like to point out that
19 my understanding of 40B is while we have an
20 applicant can override local zoning and local
21 bylaws, obviously with local concerns in mind when
22 it comes to state law, that that's outside the
23 purview for 40B and they are really obligated, and
24 my understanding is to follow state law.

1 And the here the state law says the
2 sound level cannot be more than ten decibels above
3 the ambient level at any time, day or night, and is
4 highly likely believed that this mechanical garage
5 will exceed that. I think there's a huge problem.

6 In addition, the decks, in addition
7 to all the issues that have already been raised
8 about the decks, there is additional noise that
9 comes from having potential conversations and stuff
10 on those decks, which adds to noise as well as the
11 other concerns that we've had. There is also noise
12 that can come from the air conditioning and other
13 equipment that will be sited, we think, on the roof
14 of this project.

15 There are other environmental issues,
16 specifically drainage. The water drainage system is
17 planned for the rear of the property, and we have
18 concern that this poses a threat to adjacent sites,
19 particularly my neighbors at 45 Coolidge Street;
20 that the grade differential that are more than two
21 feet below the grade of the 420 project.

22 We think it's critical that any
23 testing that be done be done not on -- the water
24 table is usually low, but at a season when the water

1 table is at its higher level to really get an
2 accurate reading of what kind of potential impact
3 this is going to have on the adjacent properties,
4 particularly adjacent properties that are lower than
5 this one.

6 Other environmental concerns. One of
7 the existing buffers that already exist in the
8 neighborhood is a lovely tree at 49-45 Coolidge
9 Street. It provides in addition to just whatever
10 beauty we get and enjoyment we get from the tree.
11 It is a buffer. It is only three feet from the
12 boundary of 420 Harvard. We are concerned. We're
13 not sure how much massing there is proposed for the
14 site, how that tree is going to survive the
15 construction.

16 And we understand there's been some
17 input now about where to put trash in this building,
18 but we would like there be more consideration of
19 trash management.

20 So the final thing I would like to
21 address is open space. The proposal that you have
22 before you has a mere 3 percent of open space. As
23 you see here, 39 percent of the units are two and
24 three bedrooms, which is likely to include families

1 with children.

2 And in the bigger context, we all
3 know that North Brookline has one of the largest
4 concentrations of children in Brookline. The fact
5 that this is growing, which is lovely for the
6 neighborhood, is evidenced by the construction of
7 the Devotion School which has already begun and is
8 expanding to more than a thousand students. And the
9 only way that they're making room for that is they
10 are decreasing open space, where that's one of the
11 major spots of open space in a neighborhood where
12 there is largely unmet open space needs.

13 That makes it even more imperative
14 for there to be adequate private open space so that
15 together there is enough open space for the
16 residents, adults, and children to enjoy in our
17 lovely neighborhood.

18 So to sum up, I think there is just
19 too much that they're trying to do on this site.

20 MR. TALERMAN: My name is Jay
21 Talerman. I'm representing these residents and some
22 other residents in the area. I'm a partner with
23 Blatman, Bobrowski, Mead, and Talerman. My law firm
24 is mainly Town counsel to a little more than a dozen

1 towns and special counsel to dozens and dozens of
2 towns on a variety of issues including land issues
3 in particular and 40B issues really in particular.

4 We have probably done 40Bs in my firm
5 for more than half the towns in the Commonwealth. I
6 personally have worked on over a hundred 40Bs often
7 on behalf of cities and towns, and I've seen the
8 good and the bad and the ugly and all of the
9 strategies in between.

10 I'm not here to go over these facts.
11 I think it's well-presented. I think Maria did an
12 excellent job. I'm sure you're going to hear more
13 from other staff people on issues of emergency
14 access and otherwise. This is more of just kind of
15 a summary.

16 I know that Chairman heard me talk
17 about this before, about where you go and where you
18 can go and my own impressions on how to be
19 constructive in this process. I think it's never
20 too early for a board to highlight what their
21 thoughts are on a project. You have 180 days to go
22 through this.

23 The Chairman has outlined a very
24 deliberate process. He does a great job in the past

1 hearings I sat in on representing other people and
2 sticking to that and giving everyone a chance. I
3 want to caution, however, that that 180 days comes
4 up pretty quick. I think it's important that the
5 Board tell this applicant and inform this applicant
6 with staff's help and consultant's help what they
7 think about some of these things and start to shape
8 this project.

9 As you've heard from my client, we're
10 not opposed to housing on this site, to mixed
11 housing and commercial on this site even. What we
12 are opposed to is something that simply doesn't fit
13 in with the neighborhood.

14 I think long gone are the days when
15 boards have to capitulate to 40B projects that they
16 don't agree with. I've been down that road. I've
17 been doing this for nearly 20 years. You really
18 gain nothing that way.

19 The studies show -- and I sat in on a
20 study that MIT ran. The studies show that when
21 boards stick up for what they believe in, more often
22 than not they get very close to what they believe
23 in. I'm not suggesting that you head off unwisely
24 into litigation or otherwise, but my experience is

1 that when you negotiate early and you let an
2 applicant know early what your expectations are and
3 what you would like to see change about a project, I
4 think there is a lot of room for changes here.

5 You can start a dialogue and get what
6 you want. And if you don't, you will gain the
7 materials that you need to get a project that fits
8 better for the town.

9 I'm really pleased in this project to
10 be working with Mr. Jacobs. Mr. Jacobs and I have
11 both been around. He wouldn't say it himself so
12 I'll say it for him. He's been working on 40B
13 projects for as long as I have, probably more. He
14 knows about this stuff from a multitude of angles.
15 We have looked at this project up and down. We
16 analyzed whatever we can.

17 This applicant can do better. It can
18 do a lot better. This project should be smaller.
19 It should be more compact. It should look better.
20 The architecture should fit better with the
21 neighborhood. This haphazard parking garage should
22 be scrapped and as the project hits more on the
23 scale of something that's more feasible should
24 result from that.

1 We really encourage the Board to
2 engage this applicant early and to see what hay can
3 be made in terms of this project. If that doesn't
4 work, then Mr. Jacobs and I are comfortable that
5 when you get into a latter phase of this project,
6 with respect to fiscal analysis, that fiscal
7 analysis would bear out and that this Board would be
8 able to condition this project appropriately, if not
9 outright deny it if it felt the need to.

10 A few issues were addressed here
11 tonight that were deal breakers. The relationship
12 of this project, the surrounding buildings to the
13 good efforts of the planning department to make sure
14 that projects fit in with neighborhood development
15 patterns. It's abysmal right now.

16 Open space. There is that postage
17 stamp size. Yes, it's kind of nice, but that's not
18 adequate space for what the state is saying should
19 be family based housing. That's not adequate for
20 this neighborhood for this particular project.

21 Emergency access, one of the few
22 issues that municipalities that have had good
23 traction on were under 40B is woeful.

24 This delay -- and I don't want to

1 take any of Colm's thunder here, but delay in
2 emergency access means injury or death. I've been
3 through this before. One of the few areas where
4 towns have been successful out of the gate in
5 shaping projects under 40B is with respect to
6 emergency access. I think it's a vital issue and I
7 think you should follow through on it.

8 But more than that, I think you
9 should engage with this applicant early. I think
10 there's a project that can be done here. The
11 applicant is well represented by people with
12 experience with 40Bs. They know how this works.

13 I think it's important to speak out
14 for what you think is good for the neighborhood and
15 good for the site, and I'm sure you'll be hearing
16 more from us during the course of the hearing.
17 Thank you.

18 MR. GELLER: Thank you.

19 MR. PERRON: Good afternoon. I'm Jim
20 Perron, and my wife and I are 30-year residents of
21 Abbottsford Road in Brookline about not quite half a
22 mile from this site. And I just want to make very
23 quick comments.

24 I strongly support our Coolidge

1 Street neighbors and all the presentations they did.
2 I want to talk quickly about driving, walking, and
3 goal and to say that I'm concerned about the
4 increased traffic that will occur as a result of
5 this and the inadequate parking arrangements.

6 I do try to go to that area on my
7 bicycle when I can. I have to drive it sometimes.
8 It's not a problem already to make use of that. But
9 the second, I want to talk about is walking, which
10 is we've done a good job at Harvard Street of
11 improving the walking space around the street in the
12 retail areas recently, and this plan basically
13 narrows that walking spot at levels very seriously.

14 The third thing I want to talk about
15 is goal. I think it's remarkable that this proposal
16 goes beyond zoning requirements in so many areas;
17 the height of the building, the setbacks of the
18 building, the whole bunch of areas of building code.
19 I'm surprised that we would even consider a project
20 of this kind of scope that is so far out. Thank you
21 very much.

22 MR. HO: Good evening. My name is
23 Benjamin Ho. I happen to live at 84 Fuller Street.
24 I'm here representing ten members of my family who

1 live at five apartments on Fuller Street.

2 So my colleagues have done a
3 phenomenal job of bringing to light a number of
4 different issues, so I won't reiterate, but I do
5 want to preemptively bring another particular issue
6 up that I feel very strongly about. That's
7 specifically the parking arrangement.

8 I'm in agreement that the
9 particular -- as an engineer, I agree there is a
10 concern around the liability and everything else
11 that's been brought up. I personally am an advocate
12 of below ground parking, but that brings another set
13 of concerns.

14 This particular site was a funeral
15 home for many, many, many years. I don't know if
16 there's been an environmental study done, what kind
17 of chemicals that are on the site. If there was an
18 underground construction that's being done, there
19 must be because some of the parking structure that's
20 currently proposed has three levels.

21 What happens in that case? The
22 particular site has lots and lots of people who walk
23 by. There's lots and lots of families and children.
24 And so I'm concerned around the health ramifications

1 around that. Thank you.

2 MR. GELLER: Thank you.

3 MS. KLINE: Good evening. I'm Joanna
4 Kline. I'm also a physician, but I'm sort of here
5 not in my position of a physician but just as a
6 resident who has lived in Brookline for over 20
7 years.

8 I live on Thorndike Street, 39.
9 That's the block between Harvard and Winchester.
10 Over a time period, a lot of changes have happened
11 in the neighborhood as you all know better than I.
12 It's a neighborhood zoned mostly for single but also
13 two families, multiple houses on Coolidge, Fuller
14 Thorndike, and Columbia -- I can keep going -- that
15 are getting turned over into two-families, which is
16 great and fun; more people, more kids, more cars,
17 more cars, more cars.

18 The intersection at Thorndike and
19 Harvard is probably the most dangerous in Brookline.
20 There are people almost hit there on cycles,
21 pedestrians every single day, and to add more cars
22 in the fray, more people, more vehicles, more
23 construction, I think represents a significant
24 danger above and beyond all the wonderful things

1 that have been said by the people who have spoken
2 before me.

3 Another thing that hasn't been
4 brought up yet is that my block, Thorndike, is a
5 cut-through between Harvard and Winchester. They
6 don't use Coolidge. They don't use Fuller. They
7 use Thorndike. They go down there.

8 I saw a motorcycle going 50 miles an
9 hour today and there is nothing to stop that. There
10 has been no efforts despite requests by the Town for
11 anything to happen there, and I think adding volume
12 upon volume upon volume is a huge safety issue, and
13 I would urge you take that into consideration.

14 Thank you.

15 MR. GELLER: Thank you.

16 MS. VANDER KAAY: Hello. I'm Judith
17 Vander Kaay, 16 Columbia Street, town meeting member
18 for Precinct 9, and I wrote you a letter. I won't
19 go into all that detail, but I just want to
20 reiterate my couldn't-be-stronger concern about
21 safety issues.

22 One thing I didn't mention in the
23 letter is that occasionally you'll see a resident of
24 one of the senior places on Center Street walking

1 down the street with a walker in the street, not the
2 sidewalk because the sidewalks are bumpy and getting
3 up and down the curb is sometimes difficult. These
4 very vulnerable people would be so much more at risk
5 with the great increase in traffic that this project
6 would entail, not just cars, not just people,
7 cueing, but delivery vehicles parked on the
8 sidewalk, double-parking where there is no parking
9 on that part of Fuller. It's just a matter of when
10 and how bad the first accident is going to be, not
11 if. Thank you.

12 MR. GELLER: Thank you.

13 MR. MITCHELL: My name is Kent
14 Mitchell from 62 Fuller Street. The last two
15 speakers covered in general a lot of things that I'm
16 concerned about. I did some math in the letter that
17 I sent, which is that between garbage trucks
18 pull-ins and pull-outs and service delivery trucks
19 for restaurants, nine of them, in a 200-foot section
20 of Harvard street, there were 170 pull-ins and
21 pull-outs per week. That's 34 each day of massive
22 vehicles, never mind the buses on Harvard Street.

23 So I'm talking about the emergency
24 access point. This is a terrible issue on most

1 mornings on Fuller Street, on Harvard Street, and
2 maybe on Coolidge, I'm not sure. But the quantity
3 is staggering.

4 I suggested to someone at the last
5 meeting that unless you're out there at 7 a.m. in
6 the morning on a weekday morning, you have no idea.
7 That's all I have to say.

8 MR. GELLER: Thank you.

9 MR. ROSEN: Good evening. I'm Mark
10 Rosen. I live at 88 Thorndike, and thank you for
11 allowing me an opportunity to address some of the
12 issues.

13 I want to start off by saying I
14 really do agree with Ms. Morelli. I thought her
15 presentation was really on point, and she raised
16 some excellent issues, and I do agree with just
17 about everybody who has spoken, in fact, with
18 everyone who has spoken before me.

19 And the reason I'm here is not just
20 to say that, but I have 25 years as a professional
21 sound engineer. I provide sound engineering
22 services to the State Department of Transportation,
23 Harvard University, MIT, Sports Illustrated, the
24 Boston Marathon, and the list goes on. NCAA

1 football. You name it. I've done major news
2 networks.

3 So I was looking over the
4 specifications of this system by Klaus Parking,
5 which is the stacking system which I've done some
6 research, and there has been a lot of problems with
7 the system. And it's true, you don't see very much
8 it on the East Coast at all, only in the warm
9 climates, like down in Florida where they have had
10 cars crushed and lots of delays as were mentioned in
11 the previous slides.

12 But as I was looking over the
13 specifications, one thing I wanted to note was that
14 not only does the system not function below 14
15 degrees Fahrenheit -- and everyone knows Brookline
16 gets colder than that in the wintertime -- but the
17 function of the system, which if you look at their
18 videos -- they have sales videos on the web -- it
19 moves very, very slowly, very much like a freight
20 elevator, and I guess that's to protect the person's
21 car. You don't want to get a scratch on the car
22 from the parking system.

23 But there's a disclaimer in the
24 specifications from the manufacturer that below 50

1 degrees Fahrenheit, the parking system becomes
2 extremely slow, and they will no longer stand by
3 their touted speed specifications. And they have a
4 disclaimer that says they will not stand by that as
5 well as with the elements that were mentioned before
6 of ice, snow, wetness and so forth. It's a very
7 finicky system.

8 What I want to address tonight as a
9 sound engineer is the fact that this system,
10 according to their own specifications -- which I
11 sent to you in a PDF. Unfortunately, I have to
12 apologize. I sent you a five-page letter not
13 because I'm loquacious, although you may think I am,
14 but because there were so many issues that other
15 people said that this project is just completely out
16 of whack.

17 I do believe in affordable housing.
18 I voted for it when it was on the referendum but not
19 in this instance. It's just completely out of scale
20 for the neighborhood, and if it we were to be
21 enacted, it would destroy the character of JFK
22 Crossing.

23 I wanted to tell you, as I went
24 through their specifications, they say that the

1 system would emit 35 decibels of noise and it
2 suppresses, if it's constructed correctly, 65
3 decibels of sound or noise. That means that the
4 system itself runs at about 100 decibels.

5 Now, 100 decibels, according to the
6 Brookline noise ordinance, is equivalent to that of
7 a rock band. That's within the space of the
8 building.

9 And if you look at other tables, such
10 as OSHA and other tables on sound and hearing
11 preservation, 100 decibels is equivalent to the
12 sound of factory machinery. So you're looking at a
13 machine that makes a lot of noise, in other words,
14 with the construction of this building proposed, the
15 back end of that structure that's concrete, I can
16 tell you as a sound engineer, the sound will
17 reverberate and be amplified in that structure.

18 And concrete can take the most
19 beautiful sound -- if you had the most beautiful
20 violin sound and ran that sound through concrete, it
21 would make you want to slash your wrist because it
22 would turn it into the most ugly sound you have ever
23 heard in your life.

24 So if you start off with an ugly

1 sound, metal on metal, steel against concrete, and
2 you run that through concrete, you're going to have
3 your neighbors probably call up the NRA and asking
4 them for advice. It's something that most decent
5 people would not put up with, and I wanted to point
6 that out. Those specifications are available. I'll
7 just send them to you.

8 So I think the project has potential.
9 I think the attorney who spoke earlier said it well,
10 that there are avenues that this thing can go
11 forward but it really has to be scaled back and it's
12 in violation of so many 40B regulations. One
13 wonders why it's here on the desk for discussion in
14 the first place, but that's not really the point
15 tonight.

16 The point I wanted to make is that
17 this is a very loud, noisy system that sends out a
18 lot of sound. It most certainly violates the state
19 noise ordinance, and beyond that, the structure and
20 plans do not include any kind of noise buffering,
21 plantings or shrubs and that type of thing that the
22 urban plan generally incorporates into their
23 landscaping. These function as ways of kind of
24 softening and deadening sound.

1 I did find a study by the World
2 Health Organization that was done, and it was in
3 Scientific America. I did send you all that
4 information, but I would like to read just a few of
5 the facts that they mentioned. That excess sound,
6 such as proposed by the developer, can lead to a
7 host of degenerative diseases such as heart
8 conditions, cognitive impairment in children, sleep
9 disturbances and, in general, fatigue and
10 annoyances. So I think that there are some serious
11 issues that need to be re-evaluated and looked at.

12 And as the project stands right now,
13 it's totally unacceptable. And I'm very encouraged
14 by Ms. Morelli's statements tonight. And thank you
15 so much for letting me speak. I appreciate it.

16 MR. GELLER: Thank you.

17 MS. POVERMAN: Knowing absolutely
18 nothing about the subject, I was looking at the
19 materials you sent and I noticed that there are
20 sound muffling packages that you can get with these.
21 There is deluxe and then there's regular.

22 The developer can speak as to whether
23 or not those are what they have included or if you
24 did your analysis based on those be included.

1 MR. ROSEN: Yeah, exactly. It's an
2 excellent question. They do have a sound deadening
3 package. So if you use it, it will suppress 65
4 decibels of sound emitting 35, which is how I
5 arrived at the 100 decibel figure. Because if you
6 have 100 decibels sound source, you're suppressing
7 65, but what remains is 35. That's what you're
8 looking at.

9 And the thing, if you look at it --
10 and I did send you all a link -- it's very, very
11 noisy. There's a video. It's just unbelievable.
12 If you think about fingernails on a chalkboard, it's
13 kind of like that, except if you have metallic
14 fingernails on a concrete chalkboard it's really
15 awful sounding.

16 And so you would be having that 35
17 decibels of sound being emitted into a concrete
18 resonating chamber, which is what that rear parking
19 system would be, and that would just bounce around
20 and verberate and resonate, essentially really gets
21 amplified, as it was said before by Ms. Morelli,
22 projects that sound outward onto the abutters much
23 to their dismay.

24 And not only that, but because it's

1 at night, sound travels so well at night. I know
2 that because I live on Thorndike, and, you know,
3 when kids go down the street, I can hear them very
4 well. And so I think that would be a problem, not
5 just for the immediate abutters but for the general
6 community that's surrounding this project. I hope
7 that answered your question.

8 MR. SHEEN: Can we address the sound?

9 MR. GELLER: I'm going to give you an
10 opportunity to speak after we hear public
11 testimony.

12 MS. SCHNEIDER: We're going to be
13 hearing dedicated to specific key issues?

14 MR. GELLER: Yes. Just to be clear,
15 there will be -- it may not be the same here, but
16 there will be hearings that will be dedicated to
17 specific key issues, such as traffic, parking, urban
18 design. And I think, as Maria touched on as part of
19 the parking subtopic, there will also be a review of
20 the specifics of this proposed mechanical parking
21 system.

22 MS. POVERMAN: Would that include
23 noise, Maria? Is that within the scope of this
24 expert?

1 MS. MORELLI: Yes.

2 MR. ENGLER: I think a point of
3 clarification on our design.

4 MS. POVERMAN: That would be great.

5 MR. ROSEN: I have one final point to
6 make. If you look at their promotional videos, it
7 shows drivers of very small compact cars driving
8 down a very wide turn radius into a very long and
9 deep sub turning chamber that's one to two stories
10 beneath the street.

11 With this stacking system beneath
12 this grade level, street level, most of that sound
13 would be suppressed, but on a street level kind of
14 situation that they're proposing, it really is going
15 to leave a lot of that sound exposed and out in the
16 open and most probably in violation of the state
17 noise ordinance. Thank you very much. I appreciate
18 it.

19 MR. GELLER: Thank you.

20 MR. LANZA: My name is Rick Lanza.
21 I've been a resident of 57 Kenwood Street for more
22 than 30 years. I must say, I don't know what else
23 to say. Our neighbors really carried so many
24 things.

1 I want to make one more point about
2 the issue of the mechanical parking system. I was
3 sort of curious about this because there is a really
4 big difference between the average time and what you
5 can get out at the peaks. So the point is if you
6 neatly have traffic spread out uniformly over the
7 whole day as, for example, you might have in a
8 shopping area, large retail shopping area, then the
9 average and the peak sort of stay about the same;
10 but if you're in a situation where you have people
11 commuting, people coming in during a peak period,
12 the system collapses and there just isn't any way
13 you can make it not collapse.

14 And I thought that was sort of a
15 little bit strange. I found kind of like a
16 technical report from a technical university in
17 Delft. Students did a huge project there trying to
18 examine costs and times and parking, mechanical
19 parking, and the difficulty will be at 5:30 when a
20 lot of people are either coming or going, then the
21 parking situation and the delay time will climb.

22 So that's my only comment, really, is
23 the difference between peak and average. My analogy
24 to it, not quite that, but it's sort of saying on

1 the average if you have your head in the oven and
2 your feet in the fridge, on average you're
3 comfortable, but it's the extremes that kill us.
4 Thank you.

5 MR. GELLER: Thank you.

6 MS. MORELL: My name is Rickie
7 Morell. I live at 22 Thorndike. I'm not an expert
8 in anything. I'm a homeowner and a pedestrian. I
9 walk pass that walk most days, and I just want to
10 address the elephant in the room, which is this
11 project is ludicrous. It should have never been
12 proposed and it should be stopped now. That's
13 all.

14 MR. GELLER: Thank you.

15 MS. PALMER: Hi. I'm Julie Palmer.
16 I live a 48 Coolidge Street. I've been there 17
17 years and I hope to be there a lot longer. So
18 that's right across the street from 49, which is the
19 closest abutter behind, and there is just one thing
20 I haven't heard brought up.

21 I agree with all of my neighbors, but
22 the other point I want to bring up is that grocery
23 store, the butchery, which is a very active, busy
24 grocery store is directly adjacent to that spot and

1 it places a huge demand on the neighborhood
2 especially that end of Coolidge Street and it also
3 goes right to the sidewalk with no sort of setbacks.

4 And the big problem is there's big,
5 big delivery trucks there every day, except
6 Saturdays, and they sit there and emitting pollution
7 and making noise and mostly making it very dangerous
8 for cars pulling in or out and for children walking
9 around. So the idea of having that is going to be
10 there forever and then to have another traffic
11 situation on Fuller Street.

12 You know, I was so surprised to hear
13 my friend Johanna say that Thorndike is the most
14 dangerous because I was thought my corner was the
15 most dangerous because I was just waiting for
16 someone to get hit or for me to get hit by cars
17 coming around. So it's really a bad section, and I
18 don't know whether those things can be taken into
19 account, you know, and siting these 40Bs, but it's
20 especially a bad place, I think, and a burden on the
21 neighborhood. Thank you.

22 MR. GELLER: Thank you.

23 MR. ROSENTHAL: My name is Marty
24 Rosenthal. I waited awhile because I got here late.

1 I wanted to hear some people speak and I apologize
2 to those I missed. I live at 62 Columbia which is
3 three tiny blocks away. And I actually grew up on
4 Fuller at the corner of Abbottsford, so I may be the
5 longest member of this audience who lived in this
6 neighborhood since 1947. Anyone one in here?

7 AUDIENCE MEMBER: 48.

8 MR. ROSENTHAL: And I've been a town
9 meeting member since about 1978. I was a selectman.
10 I'm now on CTOS, which most people don't know what
11 it means; Committee On Town Organization Structure.
12 I do not understand 40B. I've dealt with it quite a
13 bit. I was yield to nobody and concerned for
14 affordable housing when I was a selectman. It was
15 one of my main so-called "platforms."

16 I don't know as much as Michael
17 Jacobs. I'm sorry I missed his presentation, but I
18 am an advocate for affordable housing. I actually
19 have fought development in this neighborhood since
20 coming back from law school in California and
21 finding the Dexter Park site of the beautiful school
22 that had been there when I left for law school, and
23 since then I've seen the neighborhood basically
24 getting more and more congested and less and less

1 green space and more and more traffic.

2 I myself don't drive on Harvard
3 Street. I'm sorry. I'm not going to mention the
4 streets that are represented here that I do drive on
5 to avoid Harvard Street. The place has changed and
6 that's part of life. You can't turn back the clock.
7 I understand that.

8 I'm not going to repeat the specific
9 issues, and I didn't hear many of them and I know
10 what they've been because there has been a lot of
11 talk in the neighborhood and a lot of e-mails and so
12 forth.

13 So I just want to talk about a couple
14 of forest issues, not the trees. One is what I am
15 somewhat knowledgeable about after 43 years is what
16 do the laws mean? And I'm on committees -- I won't
17 bore you with what they are -- that talk about laws
18 all the time. Laws are not black and white all the
19 time, and I don't think 40B is black and white from
20 what I heard at least from experts including
21 tonight.

22 There are gray areas in 40B and there
23 are gray areas of what you folks can do. And I'm
24 urging that you folks use those gray areas and work

1 with these people, the developers, to try to get
2 them to also take into account something that's very
3 important to me and to Brookline and that is the
4 word "community."

5 One reason I came back here from the
6 Bay Area -- beautiful place, lots of my classmates
7 stayed out there -- was I felt California had no
8 sense of community. They had no sense of
9 neighborhood. They didn't have citizen involvement,
10 and I had a glimmer and only a glimmer at that time
11 that Brookline had it, and now after 40 odd years,
12 odd in many senses of the word.

13 I'm well aware that I was right,
14 frankly, that Brookline is pretty unique in that
15 regard. And what's offensive about a proposal like
16 this is that we appear to have folks that want to
17 come in here and make every last nickel that they
18 can make at the expense of being fairly integrated
19 into the neighborhood and being good neighbors and
20 being a good part of this community.

21 As I was driving here late after a
22 meeting tonight, I actually had time to think what
23 does it mean for people to move into a building like
24 this where nobody wants you and to market it to

1 people that don't know that, and should we as
2 neighbors do something like picket in front of the
3 building and say, We don't want you here. We don't
4 want your building here, and will that change the
5 market value.

6 I'm not saying this is a threat, but
7 I did in another capacity -- I co-chaired a group
8 called Brookline Packs which has been around since
9 1962. We opposed what was called a focus picketing
10 bylaw a few years ago. It was proposed by abortion
11 providers that felt they were being threatened and
12 we opposed our First Amendment grounds.

13 The point is this, whether or not
14 that idea ever took place or not, I do believe that
15 you folks have a responsibility to this community,
16 to the people who are here and the people who are
17 not here, to try to do your best to work with these
18 people, get them to work with the community, to use
19 the gray areas in the law, to integrate this project
20 into the community in a way that isn't just coming
21 in as a bull in a china shop.

22 I've never been against development
23 on places like Beacon Street and Harvard street. I
24 have opposed development in the residential

1 neighborhoods to preserve green space, but this is a
2 site that I have no problem with some development
3 and I have no problem with some housing, but I do
4 have a problem with coming in like this,
5 disregarding the abutters and disregarding the
6 neighborhood, and I hope that you can do whatever
7 you can to look out for the neighbors and the
8 neighborhood.

9 MR. GELLER: Thank you.

10 MS. FLEZACHA: My name is Alicia
11 Flezacha. I live on Naples Road and I wanted to
12 comment as many of my neighbors have before me on
13 the impact of the proposed density of this project
14 on traffic flow, which to me would seem to be a
15 particularly sensitive issue for the location of
16 this site because it is at an intersection with a
17 light.

18 So looking at the plan, many people
19 have talked about parking and an automated parking
20 system, but what about access for all of the other
21 vehicles that will be coming to that property? It
22 seems like the proposal understates what the volume
23 of activity would be and doesn't really reflect how
24 modern urban dwellers live, which is we live in a

1 service economy and we live in a delivery economy.

2 And I know my neighbors next door to
3 me, all day long they get deliveries. They get
4 groceries. They get a farm share. They get
5 prepared meals. They get deliveries from
6 restaurants. They have Amazon, UPS, Fed Ex. They
7 get bottled water. Their dog walker comes three
8 times a day. Housekeeper. The electrician comes
9 from time to time. Plumbers. Painters. There are
10 constantly people at their house. That's just one
11 person.

12 And if you multiply that by 36, it's
13 really hard for me to believe that with no place for
14 them to pull off the road, pull in, turn around,
15 that there isn't going to be a backup there that's
16 going to lead to blocked traffic and the issues that
17 Colm and others articulated in terms of the safety
18 of everyone around us. Thank you.

19 MR. GELLER: Thank you.

20 MR. POPPER: Good evening. My name
21 is Steven Popper. I live at 41 Fuller Street with
22 my wife and four year old and nine year old who go
23 to Devotion. I want to thank you for your time and
24 effort.

1 I can't tell you how impressed I am
2 by my neighbors. The community effort, the focus,
3 the drive to share this information and share our
4 feelings, and I appreciate you taking the time to
5 listen to our words and hear how we're feeling about
6 this.

7 I agree with all the comments that
8 have been said. I want to give you from the
9 perspective of someone who lives literally diagonal
10 across the street and is trying to get out of a
11 driveway that will literally be across from that
12 driveway. I can't get out of the driveway today
13 between 7:30 and 8:30 in the morning. It's backed
14 up. My kids have to walk that way to get to school.
15 I can only imagine what they're going through as the
16 kids are walking down the street.

17 As we talk about the crossroads, one
18 thing that I noticed with the advent of Waze and
19 Uber and all this technology is that Center Street
20 now is the pass-through. People don't take the
21 right on Harvard. Taxis go up to Center and cut
22 across and then come down Fuller.

23 So I can can sit there on a Friday
24 evening and see taxi, taxi, clearly and Uber,

1 clearly and Uber waiting to circumvent the delays.

2 So as you consider this from a zoning
3 perspective, I agree with everybody's comments. I
4 just wanted to let you know as someone who will be
5 an abutter and will be living there as well like
6 Colm and his family.

7 This is something that we are happy
8 to see the development, that that building does need
9 to be refreshed. I think the parking can be
10 addressed, and I agree with the comments from
11 counsel for 180 days. This is fast. Remember, it
12 was Christmas just about 180 days ago or even less,
13 or slightly more. Let me just share with you that
14 180-day period will happen very fast.

15 I am encouraged by counsel's comments
16 to encourage you to negotiate with the developer. I
17 think our community could use more residential
18 housing and updates, as we described, but as someone
19 who will go through living at that site and going
20 through the construction, the noise does concern us,
21 but I think three years from now when this is done,
22 we will all feel much better about the work that you
23 are about to do on our behalf to negotiate with
24 planning to make this a property that will feel like

1 our community and add value especially as we expand
2 with devo and the beauty that that's going to become
3 and add value to our neighborhood.

4 We do need to consider all pieces of
5 property that are available for open space. So
6 thank you very much for your time and the efforts of
7 my colleagues.

8 MR. GELLER: Thank you. Since you
9 made a comment on it, I do want to mention
10 something, and I'm going to struggle with the right
11 way to say this, so forgive me if I don't say it the
12 right way.

13 We're not advocates in this process.
14 We're not for this project and we're not against
15 this project. What we're here to do is administer
16 40B to the best of our ability, to the best of our
17 flawed ability, I would suggest, because we're human
18 beings.

19 So while I appreciate your
20 compliments and your comments, I just want to be
21 clear what our role is. We're impartial. We look
22 at 40B. That's what we look at, and that's what we
23 try to administer to the best of our capability.
24 Thank you.

1 MS. SHAW: Hi. I'm Slud Shaw. I
2 live at 88 Thorndike Street. I sent you a letter,
3 and I'll just say a few of the points, which was
4 that this an area that's a national historic site.
5 It's JFK Crossing because JFK'S house is nearby and
6 this property hasn't really changed since JFK'S time
7 when he was growing up. And I think that's
8 something important to think about, that this site
9 is actually a historic preservation of where JFK
10 was. And all those tourists that are going to JFK's
11 house on Mill Street will see this and will see
12 something that is squished into a space that really
13 isn't appropriate.

14 And the other comment that I wanted
15 to make that hasn't been made before is that when I
16 look at the sizes of the apartments in the complex
17 that were given at the Planning Board meeting and
18 there were layers and they're tiny little 550 square
19 foot apartments and much larger apartments around,
20 and I think this is a 40B site.

21 The reason that this site is getting
22 to be put in this space without Brookline variances
23 and zoning is because it's 40B, but it seems to me
24 that the little, tiny apartments are probably not

1 going to be the market rate apartments. And those
2 are probably going to be designated as the low
3 income apartments. That seems to be directly in
4 competition for what a 40B is supposed to be, which
5 is affordable mixed housing.

6 It seems like it should be uniform
7 housing for people, not some people having luxurious
8 penthouses and other people being squished into a
9 really weird shaped apartment just because they
10 don't have the money for it. So that's something I
11 wanted to mention.

12 MR. GELLER: Thank you.

13 MS. POVERMAN: Can I ask a question
14 of our consultant? Judi, what exactly is the
15 requirement in terms of distribution of market rate
16 versus affordable units in a 40B housing? My
17 understanding generally is the 40B has to be
18 equivalent basically to the market rate.

19 MS. BARRETT: It's supposed to be
20 distributed proportionately. So if you have certain
21 a number, three and two and one bedroom units, then
22 25 percent of each of those would be affordable.
23 That's the way it's supposed to be.

24 Now, when you have a multi-story

1 building, if there is a particular premium and the
2 value of height, sometimes the subsidizing agencies
3 will agree not to require someone to put affordable
4 units at the top level because there is a value to
5 those units. So the subsidizing agencies are the
6 ones going to make the determination. I want to
7 make that very clear.

8 MS. POVERMAN: I think one comment
9 that has been made is there have been three bedroom
10 units in 900-plus square foot spots as opposed to
11 larger square footage units with three bedrooms. I
12 believe the planning department may have commented
13 on that as well.

14 Now, would that be seen as equal
15 handling if the smaller footage units were the ones
16 devoted to affordable housing?

17 MS. BARRETT: The regulations and
18 DHCD's guidelines calls for proportional
19 distribution. I'm not going to justify. I'm not
20 going to sit here and justify someone making that
21 kind of variation in the size of three bedroom
22 units. I'm not going to tell you that's right.

23 MS. POVERMAN: But it is not vivid.

24 MS. BARRETT: If the subsidizing

1 agency approves it, then it will be allowed.

2 MR. GELLER: I take it from the
3 perspective of this EDA, this is not something that
4 we hear and address.

5 MS. BARRETT: It is the subsidizing
6 agency that determines the location of the
7 affordable units.

8 MS. POVERMAN: This is something you
9 can comment on --

10 MS. BARRETTE: Absolutely. I would.
11 I definitely would. I would be pretty vocal about
12 it. The point of the law is to provide affordable
13 housing. Certainly, if the Board has a concern
14 about the distribution of the units, it should say
15 something. That would be my recommendation.

16 MR. GELLER: Thank you. Anybody
17 else?

18 MR. MAURER: My name is Christopher
19 Maurer. I live at 83 Coolidge. One thing that
20 hasn't been mentioned is the nature of the retail
21 establishment, and I would just guess that whether
22 that's a Realtor or an actual retail establishment
23 or whether it's office space, retail space, it tends
24 to go back and forth. I haven't read all that

1 attentively the proposal.

2 I heard at the last meeting both
3 office and retail mentioned. That's a huge impact
4 on traffic and on neighborhood density.

5 The other thing I just wanted to say
6 is the building is too high. Stated plainly, it's
7 monstrous and grotesque as well. And remember, I'm
8 a newcomer to Brookline. I rolled into Brookline
9 about 12 years ago never having seen it, and I was
10 very, very impressed by the character of the
11 neighborhood. I thought this is rather unique, this
12 mix of commercial, residential, and low buildings.

13 I would just hope that we can make
14 this a shorter building, one that doesn't
15 overshadow, one that isn't a monument to sort of
16 real estate money-making and make it a shorter
17 building and preserve the character of the
18 neighborhood. And this character contributes to all
19 our well-being. That's it.

20 MR. GELLER: Thank you. Anybody
21 else? No? Okay. First of all, I want to thank
22 everyone for speaking and giving us all that
23 information. And as I say, I also appreciate those
24 who put it into writing as well. This certainly

1 isn't your last opportunity to speak.

2 I would also note that you certainly
3 are welcome to continue to submit information in
4 writing. Obviously, we hope it will be relevant to
5 issues that arise in the course of these hearings
6 and will supplement what you've already submitted.
7 We don't need to see something that you submitted
8 already again.

9 I'll turn to the applicant. Do you
10 have either something to present in the form of
11 supplemental information or in the form of rebuttal
12 that you want to present?

13 MR. ENGLER: For the record, I'm
14 Geffe Engler. I'm from the firm SEB. Other than
15 that, Ms. Lincoln, how did you like the play?
16 Clearly, there is work to be done. I mean, I would
17 have to echo the comments of one of the gentleman
18 who spoke towards the end. It is an impressive
19 group, a lot of thought. A lot of analysis has gone
20 into this.

21 Also, I deal in my profession with
22 sometimes people that are advocating against our
23 project that I don't particularly like or respect.
24 This is not the case. I have the utmost respect for

1 Mr. Talerman. I have the upmost respect for
2 Mr. Jacobs, and I also happen to like them
3 personally as well, not that that matters. And they
4 have been through wars and they are very well-versed
5 in this.

6 And as Mr. Talerman said, that I too
7 am optimistic that we can arrive at a place that
8 might not be make everybody happy. It might not
9 make my client overjoyed but hopefully, and we
10 endeavor to do that.

11 I will also say there is a
12 difference, and I will put it to my two friends that
13 I just mentioned, between people saying, Stop this
14 project and maybe we should picket at future renters
15 and other people saying let's have a constructive
16 dialogue, and, you know, What can we do here? We're
17 looking for the constructive dialogue.

18 And I will also say, you know, I have
19 had the opportunity to go to many, many public
20 hearings of all different kinds of projects, and if
21 I had a nickel for every time I heard, We like
22 affordable housing, just not this project, I would
23 be well-retired.

24 Every project, it doesn't matter what

1 it is, everyone always says, I support affordable
2 housing, just not this project.

3 So I understand Brookline, to its
4 credit, is a little bit different, because I do
5 sincerely believe there are a lot of people that
6 believe in affordable housing. So I take those
7 comments a little bit more legitimately because I do
8 think people actually believe in that, unlike some
9 municipalities, who will go nameless, that don't
10 believe that.

11 With that said, clearly the garage,
12 the lift system, requires more analysis. We're
13 going to roll up our sleeves and look at that. We
14 might abandon it. At the very least we need to
15 explain it fully so that people are comfortable that
16 can be an effective system. If it can't, then
17 that's a marketing problem.

18 There's all sorts of issues. Clearly
19 that's an issue. Setbacks, height, site planning, a
20 lot of the things Maria talked about, those need to
21 be looked at. I mean, Maria is extremely thoughtful
22 and well-prepared. I would disagree. I mean, I
23 think clearly as we, the developers typically do,
24 the things that she shows in her presentation, the

1 context, the things that she focuses on are clearly
2 to further kind of the point she's trying to make.

3 From our perspective, this
4 neighborhood in this particular site, the context is
5 not just Coolidge and the one story on Harvard.
6 There are many, many big buildings including a four
7 story building right down the street that has no
8 affordable housing. I think the context of this
9 needs to be a little bit broader.

10 Some of the other things -- I mean,
11 clearly, I think the neighbors are well-versed in
12 health and safety is a way to stop a 40B. Response
13 time to this site from emergency vehicles, have fun
14 in trying to fight us on that one. That's a loser.
15 I can tell you that because there's a million
16 projects in Brookline that have much more -- or one
17 side access.

18 I mean, I'm not going to get into it,
19 but there were a lot of things that were mentioned
20 tonight that when the dust settles, they're just not
21 showstoppers for us. And a lot of the health and
22 safety things, unlike site planning, from our
23 perspective I think were fabricated or positioned in
24 a way, and we'll show that over the course of the

1 public hearing.

2 I have no concerns based on all the
3 projects. We are involved, pretty much, everyone in
4 Brookline. We've been involved in ones that have
5 been permitted. We're involved in many more large,
6 dense, access on one side that have -- you know,
7 emergency response time, traffic, safety access are
8 not issues.

9 Also relevant to traffic and
10 pedestrian safety, I don't mean to be dismissive of
11 that, it's a real issue, but we're talking about a
12 site that has a curb cut basically where we're at.
13 You're talking about a Coolidge Corner location, but
14 a lot of pedestrians and a lot of existing vehicles.
15 You're talking about a site that right across,
16 basically, from our access there's a huge municipal
17 parking lot.

18 Under 40B, it's very clear. We are
19 not expected to address existing conditions. We're
20 expected to mitigate any incremental differences
21 that we contribute.

22 Cueing onto the street is not good,
23 and if that's happens, we have to address it, but
24 some of these other things, and that will come out

1 in the traffic peer review and we look forward to
2 that, but I'm quite confident at the end of the day
3 that traffic, pedestrian safety, and those things
4 are not going to be issues.

5 The long winded way of saying,
6 clearly there are issues that we need to address,
7 and we look forward to the architectural and -- or I
8 think it was characterized as urban planning review.
9 We would consider architectural, however you want to
10 call it. They're going to be looking at a lot of
11 the site planning things that were raised tonight,
12 and we look forward to that. We have a lot of
13 respect to that professional as well.

14 So this is part of the process,
15 hearing this constructive criticism, hearing the
16 concerns from the neighborhood, from the Town, from
17 the peer review consultant, and then it's up to us
18 to synthesize those comments and to make the changes
19 that we believe will allow us to put forth the best
20 possible project.

21 I sincerely appreciate the Board's
22 time. I appreciate the neighborhood's time. It was
23 an impressive display of thoughtfulness and
24 evaluation even if, obviously, we don't agree with

1 all of it. I think some of it has merit, and we
2 will endeavor both to the neighborhood and to the
3 Board to see what we can do.

4 180 days is not a long period of
5 time, but we're not that deep into it. We do have
6 some time to make some changes and to address some
7 of the things that have been raised, and we look
8 forward to that chance. Thanks a lot.

9 MR. GELLER: Thank you.

10 MS. PALERMO: Excuse me. I have a
11 question for Mr. Engler. Thank you very much for
12 your appreciation for the need to focus on some of
13 the issues. Tonight and actually prior to tonight
14 but certainly tonight, it became very clear to me
15 that this parking system is experimental at best,
16 and I'm going to ask a question lawyers are not
17 supposed to ask. I'm going ask to it anyway.

18 Why would you have contemplated this?
19 As far as I know, there is nothing -- we had
20 testimony that it has not been used on the East
21 Coast at all. In my knowledge, I don't think it's
22 used in the Greater Boston area at all. It does
23 seem to have some issues in climates like ours.

24 It is self-parking. If you were

1 going to do stacking, you could have valet parking,
2 which does function. Obviously, it's more
3 expensive. You've got to hire people to be valets,
4 but what was it that prompted you to think at this
5 point it would be a good idea?

6 MR. BROWN: Dartagnan Brown,
7 architect. Part of this was working with the
8 existing curb cut, is to get a parking ratio that
9 would be headed towards the satisfactory balance
10 between units of parking. From our understanding,
11 we're happy to further study this, but maybe bring
12 the Klaus engineers here. There are systems in New
13 York that have been installed and there are at least
14 a half dozen that we know that are getting
15 programmed now for the Boston area.

16 I know we've been focused on the
17 TrendVario 4200. We are looking at two other
18 companies we recently came across that are also
19 different than Klaus but also operate in the Boston
20 climate. So that is, definitely, we understand, a
21 major concern and we will be bringing that up.

22 MS. PALERMO: So the sole or the
23 primary reason was to try to get a better ratio for
24 parking. It has nothing to do with marketing units;

1 in other words, if I could waive my magic wand and
2 say go ahead and build this but do not provide
3 parking at all, could you make this project work?

4 MR. BROWN: I think at a minimum we
5 could get the surface parking that we could fit on
6 both sides, but I think there's definitely a balance
7 between what the unit comes with, what the
8 neighborhood wants and getting something in
9 between.

10 MS. PALERMO: Do you understand my
11 question?

12 MR. BROWN: I do.

13 MS. PALERMO: It's a financial one.
14 In other words, is this project feasible if you
15 don't provide parking at all?

16 MR. BROWN: As the architect, I would
17 have to go back to the developer.

18 MS. PALERMO: That's my question.

19 MR. BROWN: We can follow up.

20 MS. PALERMO: As has been noted here,
21 if you were to do underground parking, for example,
22 that would probably run you about \$50,000 a space.

23 MR. BROWN: Correct. I think we're
24 looking at understanding the geotech to one man's

1 point just making sure that we can go down there.
2 There is an existing basement down there that may
3 get us to the same level elevation. That's
4 certainly stuff we are studying now, concerns around
5 the noise.

6 From what we understand, I think that
7 gentleman spoke to it, is with that 65 decibel
8 reducer down to 35 decibels for the noise -- a home
9 dishwasher is 44 decibels, the one I have at home,
10 so that's actually quieter, but those are all kinds
11 of items we're trying to figure out now.

12 MS. POVERMAN: And, Lark, I do want
13 to point out that not having any parking, parking
14 would itself create some problems.

15 MS. PALERMO: I'm not advocating for
16 it. I'm trying to get -- absolutely it was a
17 hypothetical. I'm trying to get at the reasoning
18 for the proposal to have stacked parking that is
19 self-parking and whether there's any economic reason
20 that they felt they needed to provide parking for
21 the market rate units. That's what I'm looking to
22 find out.

23 MR. ENGLER: I commend you. It's a
24 good question, but relative to -- it's a couple

1 different -- I mean, every developer is cutting
2 their own throat by providing inadequate parking for
3 the overall building. However, I would say at this
4 location, it's a pretty -- for lack of a better
5 word, it's a pretty urban location, not as urban as
6 some in Coolidge Corner but pretty urban.

7 And Brookline itself has set a
8 precedent relative to a very low parking ratio on
9 recently approved 40B. I think -- not to be coy,
10 but I think, yes, the answer to your question is a
11 stacker system was introduced to maximize the
12 parking ratio for all tenants as well as for the
13 commercial tenant, as opposed to just a traditional
14 surface parking, so yes.

15 MS. PALERMO: Thank you.

16 MR. GELLER: I will also say it has
17 to pass muster with the lender.

18 MS. PALERMO: True.

19 MR. GELLER: The lender is going to
20 have a say in this. Thank you. As I mentioned
21 before, our next hearing is August 30, same time, 7
22 p.m.

23 At the next hearing we are going to
24 focus on urban design. We will have the peer

1 reviewer in. We'll have the applicant's
2 presentation information, and we'll have our peer
3 reviewer available to offer their presentation.

4 And let me turn to the Board now.
5 This sort of touches on something that Mr. Talerman
6 mentioned and also that Mr. Engler mentioned, which
7 is not specifically the 180 days but the necessity
8 that the Board, once it has sufficient information
9 in its collective mind, to begin the discussion of
10 the project.

11 In order to give feedback to the
12 applicant, it is incumbent on us to start to do
13 that. I would suggest that at the point in which
14 we've at least had an opportunity to hear from urban
15 design peer review, it's a good time for us at the
16 end of that hearing to start our discussion to aid
17 the process of directing these folks where we expect
18 them to take this. Obviously, that will involve a
19 broader discussion about the project, but I think
20 that should be our goal, and I think everybody
21 should think along those lines and prepare to have
22 that discussion

23 MS. SCHNEIDER: May I make a comment
24 to the applicant in that regard?

1 MR. GELLER: You sure may, Johanna.

2 MS. SCHNEIDER: I appreciate the
3 applicant's comments about your amenability to look
4 at areas that were raised by members of the
5 community tonight. Some of the comments we heard
6 tonight and some of your responses have left me with
7 the impression that some of the things that were
8 submitted to the Board were sort of half-baked, that
9 there wasn't sufficient studies yet of the impact on
10 cueing on the street, that the parking system is
11 still under investigation as to what is going to be
12 selected or how it's going to work.

13 I think we've heard some questions.
14 We're still not sure how the retail spaces are going
15 to be programmed, and there were some changes with
16 respect to whether or not there is going to be open
17 space offered.

18 I guess I would ask the applicant to
19 spend some very focused time, given the short amount
20 of time we have and what the Chairman has outlined
21 in terms our next steps, to please focus on these
22 things and provide us with the detailed information
23 that we need so we can start providing that
24 feedback. Based on what we have now, I don't know

1 how we do that.

2 There are a lot of questions and I
3 would ask you to start filling in those gaps sooner
4 rather than later, please.

5 MR. GELLER: I don't necessarily
6 agree with how you have articulated it, but I think
7 the notion is that ambiguity or lack of information
8 does not allow us to give you guidance. I think
9 that is the point. So there is missing information
10 where if there is ambiguity about specific aspects
11 that are critical to this project, we're not going
12 to be able to direct you as well as we might otherwise,
13 or, in fact, we might have to say that doesn't work
14 and take it out. So I think that further definition
15 will help us to help you.

16 MS. POVERMAN: Something I would like
17 to say just setting out beforehand, there are a
18 couple of areas where I know I need further
19 information than just setting it out. Some of this
20 is going to come from the Town on issues they
21 raised, just fully understanding as, What in the
22 world the confluence is going to be with the
23 projects going on at KI Devotion on Center Street?

24 The only more manageable one or noble

1 one may be Devotion because that is actually
2 ongoing. But I really have no idea how to take any
3 of that into account. So it would be really helpful
4 to -- I don't even know how to ask the question
5 relating to that, but...

6 MR. ENGLER: You're asking about a
7 full-build scenario. As part of any traffic
8 analysis, the traffic engineer has the
9 responsibility to not only look at the existing
10 conditions but to look at everything before the
11 Planning Board, to look at all the projects that are
12 ongoing that are proposed so that when they do their
13 future build conditions, that incorporates all those
14 things.

15 Now, things that are speculative or
16 rumored, those won't make it in, but projects that
17 are under construction or have been submitted for
18 permits, those absolutely would be factored into
19 future traffic, towns, and whatnot when the traffic
20 engineer does he or she's analysis.

21 MS. POVERMAN: Does that take into
22 account like all the construction that's going to be
23 going on for the next 5 million years?

24 MR. ENGLER: They do apply, yes,

1 beyond. They apply kind of like a CPI, if you will,
2 as it relates to traffic in terms of anticipated
3 rates of growth based on historical information.
4 That's separate and distinct from specific projects
5 that are on the board. So they don't look at all of
6 that in terms of their analysis.

7 MS. POVERMAN: Is it anticipated -- I
8 know we have a traffic analyst. Our analyst does
9 peer review. And then does the developer respond to
10 that and that's the way we will get a dialog going
11 on that? So I need more information before I draw
12 any conclusions, so in next four months, from the
13 fire department. I don't know how we're going to
14 get the fire department people in at some point, but
15 I know I've been saying this, I would like to have
16 them at the next meeting.

17 And also I know we've been talking
18 about shadow studies. I would love to have a
19 sophisticated, as Maria said, 3D animation thing of
20 the shadow studies because I would find that really,
21 really helpful. So if we can have that. It
22 wouldn't be at the next meeting we have but as soon
23 as possible.

24 MS. MORELLI: I think that's

1 something the urban design peer review would do.

2 MS. POVERMAN: That's fantastic.

3 Also, several people have referred to power failures
4 that go on in the neighborhood. God knows I'm
5 familiar with those. How would we get information
6 about power failures that go on, just to factor
7 those into any analysis if there is mechanized
8 system going into place because it is something that
9 happens with regularity, certainly in my
10 neighborhood and probably even more? Who would have
11 records of that? Who would be asked to produce
12 records of that?

13 MS. MORELLI: Start with the DPW.
14 Start there.

15 MS. POVERMAN: Could I request those
16 to be produced?

17 MS. MORELLI: Sure.

18 MS. POVERMAN: I think I'm done.
19 Hold on one second. Yes, I'm done. Thank you.

20 MR. GELLER: Thank you. So we are
21 adjourned for the evening. See everyone on the 30th
22 at 7 p.m.

23 (Whereupon, the hearing was adjourned
24 at 9 p.m.)

1 C E R T I F I C A T E

2 COMMONWEALTH OF MASSACHUSETTS

3 Worcester, ss.

4 I, Jennifer A. Doherty, Certified
5 Shorthand Reporter and Notary in and for the
6 Commonwealth of Massachusetts, do hereby certify
7 that the foregoing Pages 1 to 96 to be a true,
8 complete and accurate transcript of the testimony of
9 the aforementioned hearing held at the time and
10 place hereinbefore set forth, to the best of my
11 knowledge, skill and ability.

12

13

14

15 IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY
16 HAND AND SEAL THIS 3RD DAY OF AUGUST, 2016.

17

18

19 Certified Shorthand Reporter

20 CSR No. 1398F95

21

22 My Commission Expires:

23 November 4, 2016

24

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