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Volume I
Pages 1-55

Brookline Zoning Board of Appeals Hearing
1180 Boylston Street Comprehensive Permit Application
Chestnut Hill Investments, LLC
June 9, 2016 at 7:00 p.m.
Brookline Town Hall
333 Washington Street, 6th Floor
Brookline, Massachusetts 02445

Reporter: Kristen C. Krakofsky

1 APPEARANCES

2 Board Members:

3 Johanna Schneider, Chair

4 Jonathan Book

5 Mark Zuroff

6 Steven Chiumenti, Alternate

7

8 Town Staff:

9 Alison Steinfeld, Planning Director

10 Maria Morelli, Senior Planner

11 John Buchheit, Esquire, Associate Town Counsel

12

13 Applicant:

14 Raj Dhanda, Chestnut Hill Investments, LLC

15 Rachna Balakrishna, Chestnut Hill Investments, LLC

16 Bob Engler, President, SEB, LLC

17 Haril A. Pandya, AIA LEED AP, Principal,

18 CBT Architects

19 Jennifer Johnson, PE, CPSWQ, LEED AP, BD+C,

20 Senior Project Engineer, Nitsch Engineering

21 F. Giles Ham, P.E. Managing Principal,

22 Vanasse & Associates, Inc.

23

24

1 PROCEEDINGS:

2 7:01 p.m.

3 MS. SCHNEIDER: Okay. It is 7:00. We are
4 going to open the public hearing on 1180 Boylston
5 Street, the comprehensive permit application.

6 My name is Johanna Schneider. I'll be sitting
7 as the chair of these proceedings. I'm joined by
8 Jonathan Book and Mark Zuroff and Steve Chiumenti, who
9 will be an alternate on this panel.

10 Thank you all for coming. We appreciate the
11 participation of every single person who is here
12 tonight.

13 This meeting, just so that everyone knows
14 sort of what's ahead of us, is going to be largely
15 administrative. We are not going to be taking any
16 public testimony tonight. We will begin taking public
17 testimony at the next meeting. We are basically going
18 to do an overview of the process tonight, and a
19 presentation will be given now by Attorney John
20 Buchheit, who's here to talk about the 40B process.

21 John?

22 MR. BUCHHEIT: Thank you very much, Madam
23 Chair, members of the board. My name, again, is John
24 Buchheit. I'm an associate town counsel with the

1 Office of Town Counsel.

2 I'm here to provide an overview of the law
3 commonly known as "40B." 40B is a chapter of the Mass.
4 General Laws. The purpose of the law is to incentivize
5 developers to construct affordable housing in
6 communities that do not meet certain thresholds,
7 usually that 10 percent of the housing stock is not
8 affordable.

9 In general, a 40B developer can use this
10 process to bypass what are called "local concerns."
11 Local concerns include all development approvals that
12 are required by town boards, commissions, and town
13 departments. These include zoning requirements such as
14 height, setback, they include things such as the town's
15 stormwater requirements, and parking. Chapter 40B
16 allows a developer to request waivers from these local
17 requirements in exchange for the ability to construct a
18 residential, mixed-use development that contains a
19 certain percentage of affordable units.

20 With 40B zoning, the Zoning Board of Appeals
21 is the one stop a developer must make to obtain all of
22 the town's approvals for its development. The board
23 will receive input from all of the other various local
24 regulatory authorities, and you will represent and act

1 on their behalf. The board will have 180 days in which
2 to render its decision.

3 So speaking of the decision, the board can do
4 three things with this application. You can either
5 approve it, approve it with conditions, or deny it.

6 If a project is approved with conditions or
7 denied, the developer's trump card is to appeal the
8 decision to the Housing Advisory Committee, which is a
9 state tribunal that looks very favorably on affordable
10 housing. This tribunal will weigh the regional needs
11 for affordable housing versus the local concerns that
12 are at issue. And historically, this commission has
13 ruled in favor of the affordable housing.

14 So that's kind of an overview of my overview,
15 and I'm going to start using this PowerPoint
16 presentation to dig a little bit deeper into this and
17 try and move through this quickly.

18 So to begin with, there's a lot of good
19 information on the web about 40B. There are a couple
20 of different resources for you. In addition, I would
21 mention that the Housing Appeals Committee website also
22 has a good deal of information, including their own
23 decisions about 40B appeals.

24 Okay. Going back before today, I want to talk

1 a little bit about what has happened up to this point,
2 what the applicant has had to do. And the first step
3 was that the applicant has to obtain approval from
4 what's called a "funding agency." In this case, that
5 is Mass Housing, and Mass Housing has determined this
6 project is eligible and has approved the site as
7 suitable for an affordable housing project.

8 As an aside, Mass Housing Partnership is an
9 entity that provides technical assistance to boards and
10 commissions. And I should point out that typically
11 this presentation would be done by Judi Barrett, who is
12 going to be the board's consultant in this matter. The
13 town's gotten a grant for her to provide that
14 assistance. This is actually her PowerPoint
15 presentation, so I would like to give her credit for
16 it. Her and Laura Shufelt, who's on MHP staff, put
17 this together.

18 So this slide shows the statutory minimum that
19 a community must meet for affordable housing. So if it
20 does not meet the statutory requirements, the community
21 is then subject to Chapter 40B. So in other words, if
22 Brookline has not met the 10 percent threshold, we have
23 to take and look at applications for 40B projects.

24 There are a couple of other requirements that

1 are less well known and frankly the details -- the
2 technical details are somewhat beyond me. But I think
3 for purposes of this presentation, the town has looked
4 very closely at these and it's clear that we don't meet
5 these requirements and therefore are subject to 40B.

6 In addition, there's another part of
7 Chapter 40B. These are called "safe harbor
8 provisions," which, even if a town doesn't meet those
9 statutory requirements, if it is making certain
10 progress or has a certain plan in place to put
11 affordable housing in place, it can put the 40B
12 applications at bay. I would like to point out that
13 the town is working on housing production plans, but at
14 the time that this application was submitted, obviously
15 that's not finalized -- it's still not finalized, so,
16 again, the takeaway is that we're receiving
17 applications and we have to consider them.

18 Okay. So the regulations -- the 40B
19 regulations require three things of an applicant: The
20 applicant must demonstrate its status, and that status
21 must be either a public agency, a nonprofit, or a
22 limited dividend organization. I think before us now
23 we have a limited dividend organization. The applicant
24 must demonstrate site control of the project, and they

1 must also provide a project eligibility letter from the
2 subsidizing agency.

3 This slide shows what the applicant must
4 submit with his 40B application. I think importantly
5 is that the final plans -- preliminary plans must be
6 submitted, not final plans; they have to submit the
7 existing site conditions on a locus map; a
8 preliminary -- again, not final, but preliminary scale
9 of architectural drawings, tabulation of the proposed
10 buildings by type, size, and ground coverage; in this
11 case, a preliminary utilities plan, and a list of
12 requested waivers.

13 The list of requested waivers are waivers from
14 the local requirements that the town usually has.
15 Typically this list will change as the project -- as
16 more information comes forth about the project as the
17 project may change a little bit.

18 So here's a list of numbers. I just want to
19 quickly go through, basically, the deadlines that are
20 imposed by Chapter 40B, which are strict.

21 So as I said earlier, you know, this board has
22 180 days to complete this process. Within 7 days of
23 the application being submitted, the application has to
24 be submitted to all town boards, departments, and

1 commissions for comment.

2 Within 14 days of the application being
3 submitted, a notice of public hearing has to be sent
4 out.

5 Within 30 days of the application being
6 submitted, the public hearing has to be opened. So
7 here we are. We've met that requirement.

8 The 15 and 15 -- the board has 15 days to make
9 a determination if any of the safe harbor provisions
10 apply or the statutory minimum has been met. The
11 applicant has 15 days to rebut that. If there's a
12 dispute about that aspect, then within 30 days the
13 Department of Housing and Community Development, state
14 agency, steps in and they make a decision. Again, the
15 15, the 15, and the 30 aren't going to come into play
16 here, as far as I can tell.

17 Within 180 days of the opening of the hearing,
18 a decision has to be rendered by the board. The board
19 then has 40 days to reduce that decision to writing,
20 and then anyone wishing to challenge the decision then
21 has 20 days to appeal the decision.

22 So here are those numbers that I just went
23 through, so I'll skip ahead.

24 Scheduling a site visit: So site visits are

1 very important for 40B projects, and I would advise the
2 board to schedule a site visit as soon as it can. I
3 think that the -- for a number of different reasons.
4 It's important for the board particularly, I think, to
5 identify the issues of major impact early in the
6 process.

7 So the board is generally entitled to hire
8 peer review consultants, and the applicant is generally
9 required to pay for those consultants. Peer reviewers
10 review the studies and information submitted by the
11 developer. Peer reviewers can include civil and
12 traffic engineers, planners, architects, and if
13 necessary, financial consultants. It is important to
14 understand the scope of work for this peer reviewing.
15 They review and comment on the studies prepared by the
16 applicant.

17 Okay. So, again, here's some more practical
18 advice on how the board should go about analyzing the
19 projects. The board should focus on real issues -- the
20 real issues are the very impactful issues -- early.
21 This provides much more time for the town, the
22 applicant, and the community to come up with solutions
23 that might be able to help mitigate these impacts. So
24 peer review that calls for additional or more detailed

1 information should be delayed if possible until those
2 major issues are identified.

3 I would encourage the board to request
4 additional information from the applicant. As far as I
5 can tell, the applicant has a good architect on board
6 who I'm sure can provide nice graphics and things like
7 that that might help you to better understand the
8 project and to kind of inform your decision.

9 Okay. Negotiation and working sessions: So
10 negotiations with the applicant are possible. These
11 can be done at hearings or in what are known as
12 "working sessions." Ideas developed during working
13 sessions can be brought back to the board of appeals
14 for their consideration. And, of course, all meetings
15 and hearings must comply with the open meeting law.

16 So kind of getting back to the -- getting to
17 the meat of what the board does -- and, you know, this
18 was set forth in what's commonly called the "Amesbury
19 case," which is a 2010 40B decision. So the board's
20 authority stems from its traditional zoning authority
21 as well as the authority derived from all of the other
22 local boards. So the subject matter of its
23 jurisdiction is -- are called "local concerns." These
24 include health and safety, environment, design, open

1 space, planning, as well as other local concerns. And
2 this jurisdiction is a bit different than the
3 subsidizing agency, which has some other things that it
4 deals with, and we'll get to that.

5 So after the board has received all of its
6 information, toward the end of the hearing process it
7 will deliberate. So the board should deliberate in a
8 logical and orderly fashion, discuss potential
9 conditions that it might want to impose on projects,
10 review the requested waivers, and ideally discuss
11 before closing the public hearings so that the
12 applicant and the public know what to expect.

13 As I mentioned earlier, in making its
14 decision, the ZBA has three alternatives. They are to
15 deny the application, to approve it as submitted, or to
16 approve it with conditions. The first two almost never
17 happen. Almost always the projects are approved with
18 conditions. The only cases where an outright denial
19 has been upheld are cases where a serious health and
20 safety concern has prevented the development.

21 Again, so most applications are approved with
22 conditions. So the board is limited in the conditions
23 it imposes and that these conditions cannot render the
24 project uneconomic. Basically, they can't make it a

1 project where the developer is essentially going to be
2 loosing money.

3 It is incumbent on the applicant to tell the
4 board when conditions render a project uneconomic, and
5 the applicant then has the -- is required to support
6 its position by submitting what's known as a pro forma,
7 which is a financial analysis showing that the project
8 is uneconomic. If this occurs, the board can engage a
9 financial expert to peer review this financial
10 analysis.

11 Okay. Appeal of the decision: As I said
12 earlier, this is important because if the applicant
13 appeals the decision, it goes to one entity, the
14 Housing Appeals Committee, which, as I mentioned, looks
15 very favorably on affordable housing. Anyone else
16 appealing the decision has to appeal to either superior
17 court or land court.

18 So here's the case that I mentioned earlier,
19 the Amesbury case. And, again, it clearly defines the
20 scope of the ZBA's authority as derived from those
21 other local boards and departments which -- from which
22 it is charged with distributing the application and
23 obtaining comments and requests. It also clarifies the
24 jurisdiction of the subsidizing agency, which includes

1 matters such as the amount of profit that a developer
2 is entitled to make. Again, I encourage you to read
3 that decision.

4 Okay. So now we're at the point where if the
5 comprehensive permit has been approved, the applicant
6 is still not done. The applicant must then go back to
7 the subsidizing agency and get approval from them.
8 They have to submit final engineering and architectural
9 plans to accompany the application for a building
10 permit.

11 And there is a provision in the event that
12 there might be changes. Sort of in short, the
13 applicant would submit it to the board who would make a
14 determination of whether it's substantial or
15 insubstantial. If it is a substantial change, the
16 hearing is reopened; otherwise, the hearing -- I mean
17 if the change is not substantial, it's allowed.

18 Okay. Here's a little more information about
19 managing a comprehensive permit, and most of these are
20 things that are within the jurisdiction of the
21 subsidizing agency. Projects will have a regulatory
22 agreement; there will be deed riders recorded that
23 restrict the use of the property that ensure that it
24 remains -- that the units in the development that are

1 affordable remain affordable; and there will be a
2 monitoring agreement to monitor to make sure that the
3 applicant is compliant with all the provisions.

4 In addition, there will be -- the subsidizing
5 agency will have to approve the lottery so that the
6 people who are looking for the affordable housing will
7 be able to -- so it's a fair process in obtaining it.

8 Just shooting to the bottom, a couple
9 different things. So the permit is good for two years.
10 After that time it lapses unless the applicant requests
11 an extension. Three -- I stand corrected. Three
12 years.

13 The applicant can transfer the permit to
14 another entity. I think the subsidizing agency only
15 has to approve that.

16 And finally, inspections during construction
17 will occur, like any other building project in the Town
18 of Brookline, and the building commissioner will
19 oversee the construction of the project.

20 So in conclusion, 40B is a hammer designed to
21 force communities to accept projects that do not meet
22 many of the local regulations and requirements for the
23 sake of creating affordable housing. As such, a ZBA's
24 authority is constrained. Outright denials are rarely

1 upheld. Nevertheless, the board can place conditions,
2 and should, on the project to address local concerns,
3 and it can insist on those conditions unless the
4 applicant makes a showing that these conditions clearly
5 render the project uneconomic.

6 So thank you. And if the board members have
7 any questions, I'm happy to entertain them.

8 MS. SCHNEIDER: Thank you, John.

9 Does anybody up here have any questions for
10 John right now?

11 (No audible response.)

12 MS. SCHNEIDER: Thank you.

13 We're next going to hear from our planning
14 director, Alison Steinfeld.

15 MS. STEINFELD: Thank you very much. It
16 certainly sounds like a daunting process. It is. I
17 want to assure the board and the public, the planning
18 department is here to help you.

19 At a minimum, we will provide staff support to
20 you in order to help coordinate the process, arrange
21 for technical analyses by both municipal staff and peer
22 reviewers, ensure that this is a transparent process,
23 provide for timely public input, respond to your
24 questions and requests for additional information, and

1 we will serve as a conduit for information between you
2 and the public and the public and you. We want to
3 assure everyone that everything will be on the website,
4 and I urge you to follow everything that's going on on
5 the town's website under the planning department.

6 I also encourage the public to keep in touch
7 with the planning department. We're here to help you
8 get through this process as well and hear your
9 concerns, convey them to the board. Feel free at any
10 time to provide written comments to the board. Do it
11 through us. We will make sure that the board
12 immediately receives those comments and that they are
13 placed on the website. There will, of course, be ample
14 opportunity for public input, but as the chair has
15 previously indicated, tonight is focused on
16 administrative details.

17 So I do want to assure you that the planning
18 department is developing a schedule of procedures,
19 step-by-step, with the overall concern that we must
20 meet the 180-day deadline established by statute. That
21 deadline to close the hearing is December 6, 2016. In
22 order to meet that deadline, I recommend that you take
23 certain steps tonight. And the first is to agree with
24 the planning department's recommendation that you

1 authorize us to engage an urban design peer reviewer
2 and a traffic peer reviewer and to request the
3 developer to assume those costs.

4 We will be doing stormwater review in-house.
5 Our engineering staff is very capable and able to do
6 that, to perform that service on your behalf.

7 And I will also suggest, as Attorney Buchheit
8 indicated, that you schedule a site visit as soon as
9 possible. You may want to request that the applicant
10 provide -- indicate the footprint of the building
11 either through stakes or maybe it will make more sense
12 to use orange paint. But that -- once we're out there,
13 it does help to see the footprint of the building
14 relative to its environment.

15 And finally, we have prepared -- we have
16 scheduled the next public hearing for July 11th, and
17 I'd suggest at the end of this hearing tonight you
18 continue to the 11th. And as the chair, again,
19 indicated, that night will focus on testimony,
20 testimony by both municipal boards and commissions as
21 well as the public.

22 So thank you very much. I can certainly
23 answer any questions if you have any.

24 MS. SCHNEIDER: To the extent that we have --

1 the board has requests for information from staff, is
2 it better for us to communicate that in writing to you?

3 MS. STEINFELD: You can just send me an email.
4 We don't have -- feel free to call me, but it should be
5 through the chair, and it should be -- we do have,
6 obviously, our standard work as well as four other
7 40Bs, so we'd prefer that everything go through the
8 chair, so ...

9 MS. SCHNEIDER: Thank you.

10 We would like now to hear from the applicant,
11 and if whoever is kicking it off for the applicant can
12 introduce the entire applicant project team to start,
13 we'd appreciate that.

14 MR. DHANDA: Members of the zoning board, town
15 officials, and members of the public, my name is Raj
16 Dhanda. I'm the owner of Chestnut Hill Investments,
17 LLC, which is the applicant here.

18 You may have heard that we are proposing to
19 construct a mixed-use building at the corner of -- at
20 1180 Boylston Street, the corner of Route 9 and Hammond
21 Street. The building will have 45 residential units,
22 age restricted to 55 or over. 9 of these will be
23 affordable, and the remaining 36 will be market rate.
24 We have obtained a project eligibility letter from Mass

1 Housing, and now here we are at the beginning of the
2 comprehensive permit application process.

3 I want to start by telling you a little bit
4 about myself, my vision, as well as our management and
5 project team. I've been a resident of Brookline since
6 1971. I've had business and real estate interests in
7 Brookline for more than three decades. My wife, Neena
8 Gulati, has been teaching Indian dance to hundreds of
9 Brookline children for more than 40 years.

10 My vision for this project is to create a
11 beautiful, vibrant building which serves an important
12 segment of the population, 55 and over -- I believe
13 that's the only one -- only 40B project that addresses
14 that issue -- and enhances the neighborhood, the
15 building.

16 My management team includes my two children,
17 Rachna Balakrishna and Rajat Dhanda. Both of them grew
18 up in Brookline and attended Lawrence School.

19 Rachna has lived most of her life in
20 Brookline, including the last 16 years with her family
21 on Warren Street. She is a graduate of Brookline High
22 School, Harvard University, Georgetown Law.

23 Rajat Dhanda attended, after Lawrence School,
24 Roxbury Latin, Brown, and for 26 years he was at Morgan

1 Stanley in the capital markets department and headed
2 that department for last eight years. They bring
3 wealth of knowledge and experience to the project.

4 So Brookline is home to us. We are vested in
5 Brookline. We are proud to be in Brookline.

6 Our project team is led by Bob Engler from SEB
7 Consultants and Haril Pandya of CBT Architects. Both
8 of them are based in Boston area. Robert Engler has
9 been involved in many similar projects in greater
10 Boston. Haril Pandya is a principal at CBT Architects
11 and brings with him an immense amount of experience and
12 an outstanding team of consultants.

13 We have listened carefully to the issues
14 brought up by the Board of Selectman, the planning
15 department, and the community. We have made a sincere
16 effort to address them. We believe that we have a
17 project that Town of Brookline and Chestnut Hill
18 neighborhood would be proud of. The drawings and
19 plans, as was mentioned earlier, are on the planning
20 board website. We would like your support for this
21 project and are available to answer any questions you
22 have. Please feel free to contact us at
23 chestnuthillinvestmentsllc@gmail.com.

24 And now I want to turn this over to Rachna who

1 has a few comments before Bob Engler starts.

2 MS. BALAKRISHNA: Good evening. My name is
3 Rachna Balakrishna, and as you have just heard, I've
4 been a lifelong resident of Brookline, and we've been
5 working on this project for the last couple of years.
6 We all know that Brookline is a great place to live,
7 but it's also, obviously, a very expensive place to
8 live due to -- large part, to the limited supply of
9 housing here and the great demand for living here.

10 We also all know that Brookline is a great
11 place for senior citizens to live due to all of the
12 great amenities that we have here: the significant
13 public transportation, as well as so many things that
14 are available within walking distance. As we've seen
15 from discussions and also market studies, it's a
16 place -- in particular, this location that we've been
17 looking at would be in great demand. We think that
18 this would be a great addition to this neighborhood.

19 As some of you may know, after we bought this
20 property two years ago, we initially proposed a
21 commercial development on this site with a mixture of
22 retail and office space. Due to neighborhood concerns,
23 we've decided that this site would be better suited for
24 a residential building with retail on the first floor

1 and, as was mentioned, an age-restricted project for
2 people aged 55 and over. We think that this product
3 will be a great addition to the neighborhood and will
4 really enhance the area and this very important corner.
5 You'll see the plans, and you'll hear from our great
6 team of consultants, and we thank you for your
7 consideration.

8 I would now like to introduce Bob Engler of
9 SEB Consultants. As you know, Bob has worked on
10 several projects here, and he will begin the
11 presentation for you. Thank you.

12 MR. ENGLER: Good evening. Bob Engler of SEB.
13 I have to laugh thinking 55 and older is for seniors,
14 because that was me 20 years ago. But nevertheless,
15 it's a project that really meets that demand.

16 We've talked to the town and we've -- they've
17 had other options. It's a great site and we thought we
18 could do -- meet a variety of needs. We really
19 decided, and the team decided, that a 55 and older and
20 also serving the affordable units for people that are
21 50 percent of the median income -- which you can do.
22 You can do 20 percent at 50 percent versus 25 percent
23 at 80. And that's a need that's gone unserved in this
24 community, so we feel doubly strong that we have a

1 great market demand, or will, and we have a tremendous
2 need to fill with people that are 55 and older that
3 earn 50 percent of the median and want to live in
4 rental housing in this opportunity in a great site. So
5 that's what we're trying to do. That's the objective.
6 You'll hear tonight about how the project works.

7 While I have the mic, I wanted to point out a
8 couple of process things because I've been doing this
9 for 40 years in 175 towns and 18,000 units, so I've
10 been around the block a few times. And the important
11 thing here for you all as well as for us is if there's
12 a discussion about the economics of the project, as
13 invariably there is, it always comes down to, why is it
14 so big. And we say we need it economically, and
15 there's a tension between that.

16 It's very clear that the regulations and the
17 court decisions have said that all the other
18 consultants for land use and design and engineering
19 work has to be done first, and having exhausted all
20 that discussion, at the very end you can take a straw
21 vote and say, we still think you're too big or
22 whatever. And only at that point, at the end of that
23 process, do we have a right to say we agree with your
24 conditions or we can't afford it, and then you can hire

1 a 40B consultant -- or a financial consultant, and we
2 can debate the economics of the project.

3 I didn't write these regs -- I've been on a
4 lot of task forces -- but I appreciate the sensitivity
5 that you have to wait until the end of the process and
6 you don't want to run out of time. So the last 30 days
7 or 45 days, if you get to that point and there's time
8 to have this evaluation, we're happy to do it because
9 I've been running numbers for all these years and I
10 know what projects cost. And we're our own developers
11 as well as development consultants, so we're happy to
12 engage in that. So I just wanted to put that out there
13 because I think it's important for you to know.

14 Without having said any more than that, we'll
15 let Haril talk about the whole design because that's
16 what we're here to look at and focus on and that's what
17 we'll do next. Thanks.

18 MR. PANDYA: Thank you very much. I'm just
19 going to quickly jump out of this presentation.

20 Good evening. My name is Haril Pandya. I'm a
21 principal at CBT Architects in Boston and, you know,
22 we're -- been very fortunate enough to be a part of
23 this project for a while, and I think there's a
24 tremendous amount of opportunity, vibrancy, and a real

1 great project on our hands here.

2 I think it really provides something really --
3 not only beautiful, but something really impactful for
4 the Town of Brookline. It's a really sort of
5 interesting and critical site. I think we've been
6 looking at this for a while, and I think it's really at
7 the -- a gateway opportunity for the Town of Brookline,
8 and I think that's really a big part of how we see this
9 project, is it's a really good gateway opportunity.

10 So just to back out a little bit to kind of
11 orient everyone, this is -- the red dashed line
12 essentially indicates the site in its before condition
13 or current condition with the previous gas station
14 which was there.

15 Essentially, then, diagonally, east, west,
16 Route 9, up and down, if you go up diagonally is
17 Hammond Street. And really, if you -- we'll look at
18 some images in a second, but really on the left side is
19 a lot of the retail development that's there. And as
20 you kind of go, maybe four or five minutes down the
21 road on 9 is really where you kind of get into downtown
22 Brookline, if you will. So it's really kind of leaving
23 Chestnut Hill to a degree and really kind of entering
24 Brookline, you know, not too far from the site. And,

1 you know, part of that, from an urban design
2 perspective, is really an opportunity to feel -- to
3 create something vibrant.

4 So this is the site, essentially, looking
5 eastward on 9, and you kind of see the site -- you see
6 the site right there. And then this is sort of looking
7 back westward, and you can see all the recent
8 development for retail in the distance.

9 And then on the street view -- it's not
10 looking so great on the screen here, but it looks good
11 on my laptop -- is the view looking at the site,
12 essentially, again, looking eastward. And then here it
13 is from Hammond kind of looking towards the tennis
14 club, Route 9 and beyond. And then this is further
15 back down Hammond looking back towards the
16 intersection, and then from across the street. And
17 this is sort of coming -- as if you're walking from
18 public transportation, if you're walking along the
19 sidewalk on your left and making your way across the
20 street, and then the traffic and the cars in the road,
21 essentially.

22 So this just gives you a sense of, obviously,
23 where we are. It's a very well-traversed area with a
24 lot of retail, a lot of residential in the area, and

1 there's a lot of pedestrian life. And I think that's a
2 big part of the value and the importance of the site,
3 is that sort of pedestrian engagement. And that's the
4 importance of, I think, developing it, sort of right,
5 if you will, and then try to create sort of a
6 destination, which I think is really important for the
7 folks who will be living there, creating a vibrancy,
8 potentially a retail that really kind of add to that.

9 So here's the proposed outline of the building
10 on the existing site and sort of occupying most of the
11 site. And then similarly from the rendering in the
12 front, this kind of gives you a sense of the -- a
13 little bit of the street life, kind of, you know,
14 showing tall retail, you know, very glossed, if you
15 will, on Hammond and really trying to create a -- and
16 continue, if you will, a retail outlay that's already
17 sort of established along here in the back, really kind
18 of complete the corner which, I think, urbanistically
19 is sort of really the right way to go and really
20 creates a nice end to the destination and punctuates
21 the corner, really, between Hammond and 9.

22 And then on the Boylston Street side, you can
23 see here, you know, the sort of gentle setting back of
24 the building, sort of diminishing the mass of it and

1 then looking back on Hammond and Heath and sort of
2 seeing it from beyond.

3 You know, part of the materiality of the
4 building really is trying to create a sense of warmth
5 and inviting sense of the building. This is something
6 that we do not want to have a lot of steel or glass and
7 make it look very corporate. We wanted to have it very
8 sort of warm. It is a residence, after all. We wanted
9 to use warm materials, warm tonality. Even if --
10 whatever metals are being used, again, they're warmly
11 toned and also create a sense of light and life at the
12 ground plane so that the ground plane retail level
13 would also be lit with a nice warm glow and really kind
14 of create an attractive quality to the corner.

15 This is an elevation of -- on the west looking
16 at the building, 69 feet in height, so it's essentially
17 five stories over the retail.

18 And this the south, so this side, you know,
19 you're kind of blocked by some of the buildings here,
20 so there's fewer -- a little bit less fenestration.

21 And then the north elevation, really kind of
22 looking back at the front. So if you are -- this is,
23 like, as if you were on Route 9 kind of looking back at
24 the building.

1 So there's, you know, a lot of layers to the
2 building, which I think helps not looking -- making the
3 building look like an extrusion. So the thing that we
4 really wanted to be sensitive towards is creating a
5 sense of layers, having a playful elevation that's not
6 just a series of repeating events that kind of create a
7 monotony. I think we wanted to create a very lifelike
8 quality to the facade of the building as well as
9 creating opportunities where the mass can move and push
10 and pull a little bit and then really kind of address
11 the gentle curve at the corner of the building.

12 This is the east elevation as if you were sort
13 of looking back towards Chestnut Hill. And this is a
14 section -- sort of section elevation, if you will,
15 which will kind of cut through the drive aisle that's
16 here, which we'll look at in a minute. But we're
17 looking back. Again, sort of lesser fenestrated on the
18 left and a little bit more -- because the building sort
19 of is at a slight angle, so that's what you're looking
20 at is the -- the density of the lines is really because
21 we're down here looking at the aggregate of all the
22 lines.

23 And then this section of the building is -- we
24 are going to have a level of parking below, and the

1 level of parking below is accommodated because it's
2 residential. It will be both through stackers and some
3 remainder parking in the area there. And you can see
4 the next level up here is indicated with the lobby of
5 the building and the retail and then the upper levels
6 are the units above that. Similarly, the section
7 looking up the other way through the drive aisle.

8 At the lower level, this is the basement, so
9 essentially -- we'll look at the ground plane in a
10 second. But as you come down, there are two garage
11 elevators, essentially, that bring the vehicles down
12 through valet. And the valet service essentially parks
13 the car and, on demand, essentially, will retrieve your
14 car as needed. But an overall count of 80 spaces. So
15 29 stackers and 58 spaces there, and then on the floor
16 there's around 22, so that's how we get to 80.

17 And then on the ground plane I'll explain a
18 few things and then I'll bring up Nitsch Engineering
19 and they can talk a little bit further and provide some
20 more detailing. But on the ground plane here you can
21 see that there's -- we're creating a multi-tenant
22 retail opportunity -- some of it faces Route 9, some of
23 it faces Hammond -- a little area for the lobby which,
24 you know, allows the residential guests to kind of come

1 in and get up into the building.

2 And then on the drive aisle side here on the
3 right is where you would pull in, essentially, with a
4 small queue area and then essentially go into the lift
5 through the valet and that'll take the car and you can
6 continue to walk into the building if you were coming
7 that way through the bottom and then get to your unit
8 from that side.

9 Or, you know, because, I think, Hammond is a
10 much more lower scaled, if you will, side, the
11 residential side, it made a lot more sense to create
12 the residential entry off of Hammond. It's a nice
13 tree-lined street, et cetera, and I think that provides
14 a really nice residential entry to the building.

15 MS. JOHNSON: My name is Jennifer Johnson.
16 I'm a civil project engineer at Nitsch Engineering, and
17 I'm just going to highlight a few of the other exterior
18 site features here.

19 As Haril mentioned, you will access the site
20 vehicularly from Boylston Street and head down a heated
21 concrete driveway that will provide access to the
22 subgrade garage. Although the building takes up much
23 of the site, there's a nice wide sidewalk to provide
24 pedestrian access to each of the retail units. And

1 then on Hammond Street, that's where the pedestrians
2 will be able to access into the tenant space for the
3 residential area.

4 To provide additional enhancement along the
5 streetscape, there's going to be five new trees as well
6 as a planting area along Hammond Street.

7 And if you look also on Hammond Street,
8 there's a vehicular loading area that's sized
9 adequately for both residential and retail delivery
10 trucks, local FedEx trucks, and trucks of that size.

11 With regards to utilities, sewer, drainage,
12 gas, and electric will all be brought to support the
13 building's operations.

14 Specific to stormwater management, I'll give a
15 quick overview, and I know we'll probably have more
16 discussions about that as engineering has a chance to
17 review. But with the existing site as a gas station,
18 there was a heavy use of vehicular loading, obviously a
19 lot of pollutants, kind of a pollutant hot spot from
20 our perspective, and maybe some water quality issues by
21 not having a lot of stormwater treatment.

22 So with the new building, since most of it
23 will be a roof rather than having a lot of vehicular
24 traffic, there's going to be a pretty substantial

1 improvement to water quality. And that's something
2 that we did look at and quantify as part of our
3 calculations.

4 The drainage itself will be captured from the
5 roof and brought into the building's basement where it
6 will be stored and detained in a 4,500 gallon
7 stormwater retaining tank, and then it will be pumped
8 up into the drainage main that's currently located
9 within Boylston Street.

10 MR. PANDYA: I'll just backtrack because we
11 skipped over a couple of slides. So you can see here
12 where we left off, there's the ground floor plan and
13 the entries for retail tenants. So on average, around
14 2,000 square feet each for retail with one smaller
15 retail in there. But, you know, this could be
16 compressed into two or four. I think we just wanted to
17 create more flexibility to provide the opportunity for
18 the retailers to come in.

19 And then we'd like -- we're going to be having
20 the planted areas with new trees, and then that will be
21 sort of surrounded by where the entry to the
22 residential area is going to be.

23 Typical floor plan for the units essentially
24 kind of lays out like this. You know, the square

1 footage sort of averaging from, you know, the mid 7s
2 all the way up to some units that are around 1,200.
3 This one is 1,300. That's a two-bedroom. But it gives
4 us a variety of size and scale that comprises 45 units.

5 So on setbacks, you know, we have one required
6 (indecipherable) --

7 (Interruption by the court reporter.)

8 MR. PANDYA: There's a setback on the rear
9 yard -- which is what we're calling over here from the
10 lot line -- of 17 foot 6, and then there are other
11 areas where we're also providing setbacks from the lot
12 line, which is over here at 14 feet. Over here we're
13 at sort of a zero lot line, or close to it, for the
14 adjoining building. And then we're -- the ground floor
15 is set back all around just to provide a little bit of
16 ease of tension from the lot line back so we can
17 provide for some overhangs and retail signage and
18 canopies.

19 We did quickly look at the shadows and the
20 impact of the building, both in an as-of-right
21 condition, which essentially kind of says, you know, if
22 we were to sort of build as of right , what the impact
23 would be, and that's essentially demarcated by the blue
24 shadow. So the blue shadow is really just the new

1 shadow created by the building, and all the other
2 shadow lines are essentially the existing buildings
3 that create the shadow.

4 So you can imagine when the sun is at its
5 lowest in the winter, you know, your shadow lines are
6 the longest. But in reality, I guess, if you look at
7 it in December in the as-of-right condition, sun sets
8 at 4:30. You know, you're really looking at -- by the
9 time the building creates any impact to its adjoining
10 neighbor around noon, you're looking at -- you know, by
11 the time it really kind of starts covering the
12 building, maybe just, you know, a couple of hours of
13 shadow as the sun sets so quickly in the winter,
14 unfortunately.

15 But overall, as the sun angles are higher in
16 June, you know, the impact is -- and the as-of-right
17 study's on the left, so there's a few hours that the
18 building remains in shadow.

19 If you look at the proposed building, you'll
20 notice that, actually, the timing of shadow is very
21 similar because the height, you know, is relatively
22 consistent. You're still getting impacted by the
23 neighbors that surround it, and similarly your impacts
24 of shadow that's new shadow is a very, sort of, overall

1 minimal change between the as-of-right and the
2 proposed.

3 I'm going to bring up Giles.

4 MR. HAM: Good evening. For the record, Giles
5 Ham with Vanasse and Associates, and just a couple of
6 quick points.

7 We've done a very detailed traffic study,
8 submitted it to the town staff for review. Senior
9 housing is a very low traffic generator in terms of
10 residential. These are just some of the traffic
11 generation numbers for this project. So during a
12 one-hour weekday morning period, we generate about nine
13 vehicle trips. There's four vehicles entering and five
14 vehicles exiting over a one-hour period. A little more
15 in the evening time, 19 vehicle trips, as you've got
16 the retail activity as well as the residential
17 activity. About 248 daily trips. And that's based on
18 the industry standard in terms of traffic generation.

19 We've compared that to the proposed gas
20 station, the prior use. And as you can see, and it
21 makes sense, that this proposed use in terms of traffic
22 is much less than the prior gas station used, about 10
23 to 20 percent of the prior numbers for a gas station.

24 And just a couple of things I'll also note.

1 Boylston Street is under MassDOT jurisdiction, so to
2 modify the driveway, to put the driveway on there, we
3 need MassDOT approval. We've met with them, we've had
4 discussions with them. The driveway will be about 20
5 feet wide and will be a right-in, right-out-only
6 driveway on Boylston Street.

7 Just a couple design criteria. Again, it will
8 be a 20-foot wide driveway. There are three driveways
9 that service the site today, one on Hammond Street and
10 two on Boylston Street, so we've closed two driveways.
11 And in terms of conflicts with vehicles or your
12 pedestrians, that's a much better and safer condition
13 you have today. You have one conflict driveway versus
14 three.

15 Eighty parking spaces we'll add to service the
16 project. And I will note on Boylston Street along our
17 frontage that there will be no parking there, and the
18 state will probably put some signs up there or have us
19 put signs up there so there will not be any parking
20 along our frontage on Boylston street.

21 And really in summary, we also have MBTA
22 access, so we have a portion of people who will be
23 using the Green Line or the MBTA, less traffic than the
24 prior use, and again with the design, with MassDOT

1 approval, we'll have safe and efficient access to the
2 site.

3 MR. PANDYA: We looked in the neighboring
4 areas for buildings that are sort of similar in height.
5 There are some. I think if you go a little bit further
6 out, sort of at very -- in close vicinity to our
7 building that sort of are not too far off our 69 feet.
8 There are some close by that are 45, 60. There's one
9 within Brookline that's probably not too far away right
10 there. That's 70 feet, as you can see. So it's not
11 right next door, but there is sort of some level of
12 precedence of having taller buildings.

13 If you go in the opposite direction towards
14 the village and get near Cypress Street, you know,
15 which is probably like four minutes away or a couple
16 miles, there are many examples of 5 over 1 at that
17 level of height, buildings that are in the vicinity.

18 So, you know, given where this particular
19 building is, again, like I mentioned, it's really sort
20 of at that threshold of where Chestnut Hill ends and
21 Brookline sort of starts kicking off, just as a really
22 good gateway opportunity to create something that's
23 there, and we feel like it fit in rather quite nicely.

24 Here's some images of some those buildings

1 that are maybe 60, 70-ish feet, but these are .3 miles,
2 .6, .8 miles away that are, you know, neighboringly
3 close in height, just to give you a sense of what's
4 nearby.

5 And, you know, we are looking to put those
6 trees back in. These are sort of similar species that
7 are there that we are looking to put back in along the
8 curb of the project.

9 So I think, you know, just by looking at this
10 last image, part of it is really trying to create that
11 vibrant retail plotting, having some warm materiality
12 for the units above. We are trying to create sort of a
13 nice punctuation to the corner and then setting back
14 the upper levels with some different materiality that's
15 sort of set back from the main mass. So really the
16 main mass reads as a 4 over 1, you know, that upper
17 story set back some, just to kind of not only, you
18 know, fluctuate the mass, but to provide some visual
19 relief as well.

20 And that's it. Thank you very much.

21 MR. ENGLER: I will just finish up with a
22 couple of thoughts.

23 One is -- parking is going to be an issue.
24 Our parking consultant couldn't be here tonight, so

1 that's a topic for another day, probably when your
2 traffic peer reviewer is involved. But the whole
3 question about how the parking of the building works
4 for retail, for residential, for the overlap, for the
5 concierge, we'll go into all that detail. Right now we
6 have one space per residential unit, which the other
7 40Bs I know that I'm working on don't come close. So
8 that's an issue to talk about.

9 We're treating the parking as an amenity here.
10 We don't feel everybody will need it. There's places
11 to walk to. And so if people want it, they can, you
12 know, purchase a space. Some will, some won't. So
13 we'll get into all that. That's down the road.

14 The other thing is density, and I want to
15 raise this because it comes up all the time. Density
16 to some people -- it means something different to
17 everybody. And it's certainly, in my mind -- how many
18 units an acre, it doesn't really mean anything. It
19 doesn't tell a story.

20 Density remains a performance measure,
21 particularly under 40B where you don't have to rely on
22 a zoning bylaw. It's the performance that you have to
23 look at, and that is, what are the impacts of the
24 building? Does it work on the site?

1 MassHousing has architects and they look at it
2 and says it works.

3 But basically you look at traffic impacts,
4 land use impacts, impacts on the environment, impacts
5 on the utilities, and visible impacts. And the visual
6 impacts get measured not on what you're looking at, but
7 the shadows. So we went ahead and did the shadow study
8 because, to me, that's the only real demonstrable
9 impact that we can look at. And we can discuss that
10 more later, about how many hours in a day in the whole
11 course of the year is our building going to cast a
12 shadow that a building as of right that could be built
13 on this site would cast. So we can talk about that.

14 But so I'm -- when we look at those impacts,
15 we're careful about measuring those impacts to see
16 whether this works, bearing in mind that the local
17 concerns with health and safety have to be weighed
18 against affordable housing. And we think we've done
19 the weighing in our study, and feel that there's no
20 health and safety serious issues. Let's talk about
21 that over the next several months and see where we come
22 up.

23 But that's our overview for the moment. I
24 appreciate your time.

1 MS. SCHNEIDER: Any questions?

2 MR. CHIUMENTI: The only real tall building
3 that's near this is 45 feet. I suppose that if this
4 were 45 feet tall, that that would take two floors off
5 this thing to get 45 feet.

6 The public transportation is the Green Line
7 and the bus. I presume the Green Line is the D, which
8 is way past the post office. What bus is it?

9 MS. BALAKRISHNA: 60.

10 MR. CHIUMENTI: The 60 bus goes by there?

11 It presume that -- is the soil going to be a
12 problem as far as that having been a gas station? Is
13 there some special consideration for that? Is there
14 some special process that's going to be required? Has
15 someone been talking -- have you been ...

16 MS. BALAKRISHNA: Cumberland, which was the
17 prior owner and which had the gas station there for
18 many years, has been doing a remediation process with
19 MassDEP. They've been doing regular filings, they
20 removed the tanks, and they've been reporting on the
21 testing of the soil.

22 MS. SCHNEIDER: And I don't think we need to
23 get into it tonight, but I think at some point down the
24 road we would be interested in hearing a more full

1 explanation of the environmental condition of the site
2 and what type of activity and use limitation or the
3 like you're intending to put on the site to make it
4 suitable for residential use.

5 MR. CHIUMENTI: I have a question, and tell me
6 if it's inappropriate, but I'm curious. Was this --
7 initially you were thinking of a commercial project
8 that the town had a problem with. Was there
9 something -- I'm curious to know why, because it seems
10 like a good commercial site.

11 MR. DHANDA: That's correct. We proposed a
12 four-story commercial building, one-story retail,
13 underground parking, and offices. And we had several
14 meetings, at least two, with the public in the
15 neighborhood and some of the private meetings.

16 The issue there, really, is that the FAR
17 allowed there is G-1. And we felt that given the
18 public comments that we received, for us to climb the
19 mountain from G-1 to what we really thought we needed
20 was just under 3, we didn't think we could get there.
21 But we tried very hard and, as you can imagine, spent a
22 lot of money, came away empty handed.

23 MR. ZUROFF: I do have one question. And you
24 don't have to answer it now, but I'm going to ask you

1 to provide me, or us, with -- at the next hearing, of
2 an explanation. This is my first 40B hearing that has
3 mixed uses, and I don't know, without some research,
4 how 40B and a commercial development conjoined
5 together, how that complies with the law. So I would
6 like to hear from you about that particular issue so
7 that we can evaluate it. Thank you.

8 MS. SCHNEIDER: And just by way of -- I think,
9 as Mark was suggesting -- previewing other issues that
10 I think we're going to want to hear more about at
11 future hearings, one issue that I'm particularly
12 interested in is how you are planning on handling
13 loading, particularly for the retail uses.

14 It was my understanding that initially the
15 project was seeking a waiver with respect to loading
16 requirements but is not anymore. It looked, from the
17 site plan that was shown in the presentation, that the
18 loading is going to be achieved off of Hammond, but I
19 could not tell if that was on-site loading or if that
20 was loading that was going to be impacting Hammond
21 Street by blocking a lane of traffic or whatnot, so I
22 think we're going to be needing more detail about that
23 when the time comes.

24 Another thing that I think would be very

1 useful to this board to review -- and, again, this is
2 just based on this initial presentation. We did see an
3 array of heights of buildings that you deemed
4 comparable to this project, and that is helpful. But I
5 would like to see a similar slide showing the heights
6 of the buildings that are actually in the immediate
7 area of this building. Not buildings that are a half
8 mile, an eighth of a mile, you know, .8 miles away, but
9 what the heights of the immediate neighborhood and the
10 abutting properties are.

11 And I think that the last thing that I would
12 be looking for more information about -- your traffic
13 consultant said that the trip generation numbers, I
14 think, were based on the presumption that this is
15 senior housing. I don't know enough about how the land
16 use codes in the ITE work, but I thought this was 55
17 and over. I think that senior housing generally does
18 take into account that you've got people who are not
19 commuting to and from work, and so it is a lower
20 traffic generating use.

21 It strikes me that folks who are 55 and older,
22 which is not much older than I am, are still going to
23 work every day. And I think that, you know, there may
24 need to be some adjustment in the traffic analysis for

1 that.

2 Anything else?

3 MR. BOOK: Well, I guess we'll get into it,
4 whether or not the traffic analysis took into
5 consideration the retail component or is it just
6 focusing on the housing above.

7 MS. SCHNEIDER: Again, I don't think any of us
8 are looking for answers to any of these questions right
9 now. I think we're really just trying to be helpful to
10 the process and giving some kind of off-the-cuff
11 questions of things that have come up during this
12 presentation that we know we will want to hear more
13 about that you can prepare yourself for subsequent
14 hearings. And these questions, I think, will be probed
15 in further detail.

16 MR. ENGLER: Madam Chair, we will endeavor to
17 respond in writing ahead of time for the next hearing
18 so we're not just giving them to you on that night.
19 But we will answer those questions and have them a week
20 in advance of the hearing.

21 MS. JOHANNA: We would appreciate that. Thank
22 you.

23 Okay. Nobody else up here has any questions
24 or requests for information that would be helpful in

1 advance?

2 (No audible response.)

3 MS. SCHNEIDER: Okay. We'd like to bring up
4 Maria Morelli, who's a senior planner with the planning
5 department, and she's going to talk to us about the
6 issue of the completeness of the application.

7 MS. MORELLI: Good evening, members of the
8 board. I've reviewed the application for completeness
9 against the state regulations found at 760 CMR 56.05
10 that specifies the components for a complete
11 application. I've also reviewed our local ZBA
12 regulations regarding a complete permit application.
13 And I've given that short list to the applicant. We
14 expect materials June 27th.

15 In addition, there are some other materials
16 that are not required as part of a complete application,
17 namely the 3D model, that I've requested, and the
18 applicant has agreed to that. And as part of any peer
19 review or staff review, there might be additional
20 materials that wouldn't be part of this letter but
21 would come up during, of course, the public hearing.

22 MS. SCHNEIDER: Thank you.

23 So the next thing we would like to discuss
24 with the applicant is whether the applicant is willing

1 to fund peer reviewers for urban design and for
2 traffic. We think that both of those areas would be
3 very, very helpful to have peer review, and we ask the
4 applicant to fund them.

5 MR. ENGLER: Yes. We're very cooperative.
6 I'll just say a couple of things.

7 We usually -- and this doesn't have -- well,
8 I'll take that back. No, I'll say it anyway. Usually
9 you get two or three bids, and the applicant and the
10 zoning board kind of cooperate on what the scope of
11 service is and what the prices are.

12 As I understand it, because the town has so
13 many applications, they've engaged a design reviewer
14 already to do all the applications, so we don't really
15 have much say about that.

16 However, I've heard who it is and I have no
17 problem with that design reviewer. So once they figure
18 out how they're going to proportion their work between
19 the various applications and we hear what that price
20 is, we'll, you know, talk about it. But we're happy to
21 fund that peer review. We think it's an important
22 consideration.

23 As for the traffic, the irony is when you
24 deliver this little traffic, the state guidelines say

1 you don't even need a traffic study based on the
2 numbers. And so not only did we do a traffic study,
3 now we're going to pay for somebody to review it. It
4 is a lot.

5 But, again, in the spirit of cooperation, we
6 will look at the scope of services and see what's
7 involved. I've had this experience in other small
8 projects. Sometimes the peer reviewer charges you more
9 than the applicant -- or the consultant who did the
10 study in the first place. So if we can understand that
11 they're only looking at what we have and what that
12 costs, we don't have a problem with taking care of
13 that.

14 MS. SCHNEIDER: We appreciate your commentary.
15 We appreciate the applicant's willingness. Although
16 you may consider this a small project with only 45
17 units, given this location, we think that the traffic
18 impact warrants further study by a peer reviewer.
19 Thank you.

20 MR. ENGLER: That's why we agreed to it,
21 because we agree with you.

22 MS. SCHNEIDER: I think the next thing we
23 would like to take up is scheduling a site visit, so if
24 folks can take out their calendars, I would propose

1 that we do it first thing in the morning if people have
2 availability to do it then.

3 I would ask the applicant, are you willing to
4 host a site visit on the site?

5 MR. ENGLER: Do we have to provide
6 refreshments?

7 MS. SCHNEIDER: It could be bring your own. I
8 think that's just fine.

9 So I would suggest some time in the next few
10 weeks, certainly before the next hearing.

11 MR. DHANDA: I wanted to comment that
12 currently there's a tent sale going on of some rug
13 company.

14 MS. SCHNEIDER: Yes.

15 MS. BALAKRISHNA: It's one of the Hammond
16 Street neighbors. It's a woven art store.

17 MR. DHANDA: Right. They have a store almost
18 next door. And they're finishing ...

19 MS. BALAKRISHNA: June 14th, I believe.

20 MR. DHANDA: There for another week or --

21 MS. BALAKRISHNA: They just started this week,
22 and they will finish at the end of next week, and then
23 they need a few days to remove everything from the
24 site.

1 MR. DHANDA: So maybe later part of the week
2 after.

3 MS. SCHNEIDER: So what if we tried to do
4 something the week of the 27th? Does that work for
5 folks on the board? Would that work, sometime the week
6 of the 27th?

7 MR. ZUROFF: Morning of the 28th?

8 MS. SCHNEIDER: Morning of the 28th?

9 MR. BOOK: Would the 29th be all right?

10 MS. SCHNEIDER: The 29th at 8:30 a.m.?

11 Okay. So the site visit will be on June 29th
12 at 8:30 a.m. If this is at all feasible, I would
13 request that the applicant, either with spray paint or
14 stakes or some other markers -- it would be really
15 helpful for us to see the footprint of the building on
16 the site if that can be done.

17 MR. DHANDA: There's an issue of an existing
18 structure which might create a problem, but --

19 MS. SCHNEIDER: Do the best you can. Okay.

20 MR. DHANDA: Yeah. We'll give it a shot.

21 MS. SCHNEIDER: Okay.

22 MR. BOOK: I don't know how to -- some way for
23 them to show us the height, something to compare it
24 against -- I want to understand what 70 feet is.

1 MR. ZUROFF: A balloon is not going to do it.

2 MR. BOOK: No, a balloon is not going to do
3 it.

4 MR. ZUROFF: Do you want them to build a
5 tower?

6 MR. BOOK: No. I don't know. If you could
7 all figure out -- I was thinking, maybe, just trees or
8 other -- in reference to the neighboring buildings, how
9 much higher we're going to that. Just some reference
10 point.

11 MS. SCHNEIDER: So I think that we are going
12 to continue this hearing now. The next hearing on this
13 is going to be July 11th. I think it's going to be in
14 this room, and it will be at 7:00 p.m.

15 At that hearing, we are going to be taking the
16 testimony of town boards and commissions, we're going
17 to be hearing comments from planning staff and other
18 town folks, and then we will be opening up to the
19 public at that hearing for public comments. That will
20 be the beginning of us taking public testimony.

21 I do want -- for those folks who are here
22 tonight, again, thank you for your patience as we walk
23 through all of this administrative -- all these
24 administrative matters.

1 I would certainly encourage everybody who has
2 an interest in this to please put your comments in
3 writing. Send them in to the planning department.
4 They will see that we get copies. Comment early,
5 comment often. Whatever you want to convey to this
6 board, please do put it in writing. Of course, you
7 will also have an opportunity to speak, but it would be
8 helpful for us to have the comments in writing as well.
9 And those comments, as I understand, will be posted to
10 the website as soon as they are received.

11 Anyone have anything further tonight?

12 (No audible response.)

13 MS. SCHNEIDER: Okay. The hearing is
14 continued to July 11th at 7:00 p.m. Thank you.

15 (Proceedings adjourned at 8:11 p.m.)

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1 I, Kristen C. Krakofsky, court reporter and
2 notary public in and for the Commonwealth of
3 Massachusetts, certify:

4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth and
6 that the foregoing is a true and correct transcript
7 of my shorthand notes so taken.

8 I further certify that I am not a relative
9 or employee of any of the parties, nor am I
10 financially interested in the action.

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

13 Dated this 21st day of June, 2016.

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Kristen Krakofsky, Notary Public

19 My commission expires November 3, 2017.

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<p style="text-align: center;">1</p> <hr/> <p>1 39:16 40:16</p> <p>1,200 35:2</p> <p>1,300 35:3</p> <p>10 4:7 6:22 37:22</p> <p>1180 3:4 19:20</p> <p>11th 18:16,18</p> <p>14 9:2 35:12</p> <p>15 9:8,11,15</p> <p>16 20:20</p> <p>17 35:10</p> <p>175 24:9</p> <p>18,000 24:9</p> <p>180 5:1 8:22 9:17</p> <p>180-day 17:20</p> <p>19 37:15</p> <p>1971 20:6</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2,000 34:14</p> <p>20 9:21 23:14,22 37:23 38:4</p> <p>20-foot 38:8</p>	<p>2010 11:19</p> <p>2016 17:21</p> <p>22 31:16</p> <p>248 37:17</p> <p>25 23:22</p> <p>26 20:24</p> <p>27th 48:14</p> <p>29 31:15</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>3 40:1 44:20</p> <p>30 9:5,12,15 25:6</p> <p>36 19:23</p> <p>3D 48:17</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>4 40:16</p> <p>4,500 34:6</p> <p>40 9:19 20:9 24:9</p> <p>40B 3:20 4:3,9,15,20 5:19, 23 6:21,23 7:5,7,11,18 8:4,20 10:1 11:19 15:20 20:13 25:1 41:21 45:2,4</p> <p>40bs 19:7 41:7</p> <p>45 19:21 25:7 35:4 39:8 43:3,4,5</p>	<p>4:30 36:8</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>5 39:16</p> <p>50 23:21,22 24:3</p> <p>55 19:22 20:12 23:2,13,19 24:2 46:16,21</p> <p>56.05 48:9</p> <p>58 31:15</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>6 17:21 35:10 40:2</p> <p>60 39:8 40:1 43:9,10</p> <p>69 29:16 39:7</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p>7 8:22</p> <p>70 39:10</p> <p>70-ish 40:1</p> <p>760 48:9</p> <p>7:00 3:3</p> <p>7:01 3:2</p> <p>7s 35:1</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p>8</p>	<p>40:2 46:8</p> <p>80 23:23 31:14,16</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>9 19:20,22 26:16,21 27:5, 14 28:21 29:23 31:22</p> <hr/> <p style="text-align: center;">A</p> <hr/> <p>ability 4:17</p> <p>able 10:23 15:7 18:5 33:2</p> <p>abutting 46:10</p> <p>accept 15:21</p> <p>access 32:19,21,24 33:2 38:22 39:1</p> <p>accommodated 31:1</p> <p>accompany 14:9</p> <p>account 46:18</p> <p>achieved 45:18</p> <p>acre 41:18</p> <p>act 4:24</p> <p>activity 37:16,17 44:2</p> <p>add 28:8 38:15</p> <p>addition 5:20 7:6 15:4 22:18 23:3 48:15</p> <p>additional 10:24 11:4 16:24 33:4 48:19</p>
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