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Volume II
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Brookline Zoning Board of Appeals Hearing
1180 Boylston Street Comprehensive Permit Application
Chestnut Hill Investments, LLC
July 11, 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

7

8 Town Staff:

9 Alison Steinfeld, Planning Director

10 Maria Morelli, Senior Planner

11 Deputy Kyle McEachern, Brookline Fire Department

12

13 40B Consultant:

14 Judi Barrett, Director of Municipal Services,

15 RKG Associates, Inc.

16

17 Applicant:

18 Rachna Balakrishna, Chestnut Hill Investments, LLC

19 Bob Engler, President, SEB, LLC

20 Haril A. Pandya, AIA LEED AP, Principal, CBT Architects

21 Stefan Vogelmann, RA LEED AP, Senior Associate,

22 CBT Architects

23 Michael Beck, Park Plus, Inc.

24

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2 Members of the Public:

3 Sherry Leventhal, 18 Pine Road

4 Bernice Wilner, 25 Holly Lane

5 Lisa Golden, 49 Woodland Road

6 Yuriy Gerzon, 1162-1164 Boylston Street

7 Gary Zanercik, 25 Holly Lane

8 Elias Delany, 965 Hammond Street

9 Jeffrey Wolk, 45 Woodland Road

10 Janice Khan, 63 Craftsland Road

11 Sharon Schoffmann, 6 Eliot Crescent

12 Peter Barkan, 20 Glenoe Road

13 Jeannie Chung, 14 Jefferson Road

14 Julie Gross, 629 Hammond Street

15 Richard Nangle, 854 Hammond Street

16 Donna Robinson, 19 Pine Road

17 Sergey Shafranskiy, 1164 Boylston Street

18 Hedva Kobes, 629 Hammond Street

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1 PROCEEDINGS:

2 7:07 p.m.

3 MS. SCHNEIDER: Okay. Being after 7:00, we
4 are going to get started. This is the second hearing
5 on the 1180 Boylston Street proposal. For those of you
6 who were not at the first meeting, my name is Johanna
7 Schneider. I am joined by Jonathan Book, Mark Zuroff,
8 and Steve Chiumentti. We are the board sitting on this
9 proposal.

10 The purpose of tonight's hearing is to hear
11 testimony from the town boards and also from the
12 public. We are going to start reviewing the testimony
13 and the information from the town boards, and then we
14 will move on to public testimony. After we hear the
15 testimony from the town boards, we will have an
16 opportunity for the applicant to respond. We'll do the
17 same thing after we receive the testimony from the
18 public.

19 I just want to point out that we have received
20 written statements from several of the town boards.
21 Copies of those comments, if they have not already been
22 placed online, will be placed online. They will be
23 available for folks to review.

24 And I guess we can just kick it off with Maria

1 Morelli from the Planning Department, please.

2 MS. MORELLI: Thank you and good evening.

3 I just wanted to respond as a follow-up on the
4 application completeness review. The applicant has
5 submitted all of the materials. There is a 3D model
6 which the applicant's team did prepare to give you an
7 overview this evening. And the shadow study was the
8 one thing I didn't receive in advance, but they do have
9 it available if you want to see it this evening.

10 Okay. Just to emphasize, I am giving you
11 comments on behalf of the Planning Board. The Planning
12 Board met on June 16th to review an overview of the
13 application and to discuss areas of concern.

14 Just to provide a little bit of background,
15 especially for the benefit of the public, to orient
16 ourselves, this is in the G, general business district.
17 It is abutted by the T5 zone in the rear, that's the
18 two-family, and then surrounded by the multifamily. Of
19 course it's on Route 9 at Hammond, which is a common
20 intersection. It's about a 14,000-square-foot lot.

21 Okay. A little bit of background about the
22 existing conditions: This, as you know, is the site of
23 a former gas and service station. It is a hot spot for
24 pollutants. The former owner is responsible for site

1 mediation, and the town has requested any
2 correspondence regarding the status of that process.
3 The ZBA can certainly stipulate and the Planning Board
4 absolutely emphasizes that there should be proof
5 required to ensure the site is safe for residential use
6 and certainly water quality as well.

7 This is a rendering from the applicant. This
8 is a 6-story building in total. There are 5
9 residential stories. There's 45 units for 55 and up
10 over ground-floor retail, about 4 tenants or 6,000
11 square feet of space. That is 69 feet to the top of
12 the story, not including the parapet or any
13 mechanicals.

14 I wanted to point out, there is a 3D model
15 available. What I have now are just some renderings.
16 And in addition, we did ask for site sections which
17 would give you an understanding of the relevant
18 heights, respective heights of the surrounding district
19 as well as any setbacks.

20 Just an overview of the proposal itself: It
21 covers most of the lot, as you can see, about 90
22 percent of it. The total floor area is a little
23 over -- almost 67,000 square feet. The proposed FAR is
24 about 4.5 in a district where the mass is 1. There is

1 a basement and garage area, a separate 13,600 square
2 feet.

3 I wanted to emphasize that there are 80
4 parking spaces proposed here, and that would be two
5 levels of parking which would involve some tandem
6 parking in that garage and two levels of stackers, 75
7 bedrooms, and largely there are some zero-setback
8 conditions, which I just wanted to show here.

9 First of all, just some characteristic
10 features of the proposal: There is a loading bay here,
11 so currently there is a curb cut, and this loading bay
12 would cut into the sidewalk. That hasn't been approved
13 by the Transportation Board. It would have to be
14 reviewed by them.

15 Some of those zero-setback conditions that I
16 was alluding to would be here. So you know on Hammond
17 Street there's a strip of low-rise buildings. And
18 there's essentially a zero setback condition here.
19 There's maybe one window here with a -- the building is
20 set back a little bit, but between the buildings
21 themselves, there really isn't much space. And that
22 continues toward the back where we have the Heath
23 Street two-family properties here.

24 To the right, at least on the site plan, there

1 is the driveway, which I am asking the applicant to
2 verify. There's discrepancies on the site plan
3 regarding the rear-yard setback. In one case it's 17
4 and a half feet, and here it's 20 feet, so I just
5 wanted to get clarification on that.

6 But a 20-foot-wide driveway would be
7 regulation for two-way traffic when you have more than
8 seven parking spaces on the lot. There's maybe about a
9 five-foot setback to the parking area. And this
10 property here, there are six units of affordable
11 housing that the town created.

12 At the front, this red dashed line indicates
13 the property line. There's a two-and-a-half-foot set
14 back here. Because it's a corner lot, there are two
15 front yards just to frame that. I'm pretty sure the
16 applicant is correct, but I do want to verify and see
17 it on the drawings that any overhang is not creating a
18 zero setback condition. I just want that better
19 clarified on the site plan or these site sections.
20 Okay. And that's just where I've seen the discrepancy,
21 and I'd like to go over that with the applicant.

22 So it's really important to establish and take
23 a step back and look at the surrounding context. You
24 might recall this. This is from the applicant's

1 overview or presentation of some buildings in the area
2 which are certainly 60 feet or more. But I want to
3 just zero in on the actual surrounding district.

4 Now, one thing the Planning Board, you know,
5 is supportive of is that Route 9 itself does need
6 revitalization. It warrants it. But there are
7 established -- there's new development at Hammondswood.
8 There are existing properties in the rear which
9 really -- they have established heights and setback
10 patterns, so we wanted to look at that just a little
11 bit closely for your benefit because that isn't
12 necessarily going to be undergoing any revitalization.
13 It is an established neighborhood.

14 This will just give you the perspective, of
15 course, from Route 9. You can see here -- the reason
16 I'm doing this is I don't have my laser pointer, so I'm
17 using the cursor and accidentally advancing. This is
18 the six-unit affordable housing property to the left,
19 and in the rear you'll see the two-family neighborhood
20 in the distance. There is the Hammondswood condos.

21 Actually, this is a better view of the
22 Hammondswood condominiums. These are about 59 units,
23 124 parking spaces. It is established over about three
24 acres, but the maximum height here is 40 feet. There

1 is 15 percent affordable housing, just for a
2 perspective, and the stories are about -- they're about
3 four stories.

4 Just additional views. Even the retail on
5 Route 9 is fairly low, so the development pattern along
6 Route 9 really doesn't advance above maybe one and a
7 half stories.

8 The site sections that we have here -- so
9 these were some of the things that we had wanted.
10 You'll see Site Section A. If you're on Hammond Street
11 with your back to Sheafe Street, as you see here --
12 sorry. Let's just look at Route 9. So this is --
13 Okay. So Site Section A is going to be -- if you're on
14 Route 9, you're facing the affordable housing complex
15 to the left. You'll see the comparative height. So
16 that building is 37 feet. What is proposed is 69.
17 There is about a 20-foot distance in that driveway
18 area. But as you can see to the right, the commercial
19 property on Hammond Street is about 20 feet. That's
20 just another view.

21 Here's another site section where you have
22 Sheafe Street behind you and you're looking at the
23 commercial district on Heath Street. Again, there's
24 that -- between the proposed building and the existing

1 commercial strip to the right, you can see that there's
2 really no setback between those buildings. And the
3 comparative heights, they really have -- nothing is in
4 that area above 37 feet. In fact, you could argue that
5 it's much lower than that for that entire strip.

6 This is just an example where I see -- confirm
7 the location of the property line. You can see
8 there's, like, just a little bump out. I'd just like
9 to see that indicated on the site section, where that
10 property line is and if that overhang is actually flush
11 with the property line or if it's set back. That would
12 be helpful to have clarification.

13 So the Planning Board was particularly
14 concerned about site circulation and especially how the
15 parking was going to be accommodated and some public
16 safety issues regarding the site design itself.

17 This is looking at that basement level, just
18 to give you an idea of how much space is actually, I
19 guess, planned for for use there. The Planning Board
20 really wanted to get an idea, you know, what does peak
21 occupancy look like and how is the circulation? So
22 this is really just a static view. We'd like to
23 understand, preferably through the applicant's parking
24 consultant, how this works.

1 One of the concerns was that there was going
2 to be, you know, one valet on the premises. And if
3 you're thinking of the different uses, both residential
4 and retail, how is that going to be managed? We
5 understand with retail there might be more short,
6 pop-in trips. You know, we think -- the Planning Board
7 feels that it's likely that -- likely consumer behavior
8 is going to be that people are not going to valet.
9 They're not going to go through that trouble. It's
10 much easier to circle in the neighborhood, and that
11 could be an additional burden on the already taxed
12 on-street parking.

13 Okay. This is just another view of -- it's
14 the multilevel stacking system. Again, this was
15 just -- it was really hard for the architects on the
16 Planning Board to really understand how this was going
17 to work. It just seemed like it was, you know, maxed
18 really beyond what could be realistically worked out.
19 And, again, it just seems like there might not be
20 enough space in there.

21 Another concern is certainly the proximity.
22 We think that the zero-setback conditions and the
23 stacker systems -- we in Brookline don't have a lot of
24 experience with them on staff. We're very concerned

1 about vibration and noise, not only the site
2 circulation, but if you think of the proximity to the
3 residential neighborhoods, not just the commercial,
4 that certainly is a quality-of-life issue.

5 Okay. So some things with the site
6 circulation. So this is a little bit of what the
7 Planning Board is talking about. You see here, this is
8 two-way traffic, and the entrance to the garage goes
9 immediately into the lift, so they're not -- we're not
10 seeing any place for queuing on the site.

11 One aspect, if you can recall how the gas
12 station site circulation worked, when you came in,
13 there was basically a strip that was parallel -- a
14 driveway that was parallel to Route 9 itself. That
15 kind of served, like, an off-set lane where cars could
16 queue, and that could help here. That certainly would
17 push the setback or reduce the footprint of the
18 building.

19 But with this particular plan where the
20 entrance -- the car is so -- right at the entrance of
21 the garage itself, and the driveway is really meant to
22 be used to keep that traffic moving, it's inevitable
23 that there will be queuing on Route 9. And you can see
24 how the applicant's traffic study itself -- we already

1 know that the service level is F, often at times during
2 peak rush hour, so that is a concern -- certainly a
3 safety concern if you now have -- traffic runs on that
4 state highway.

5 Another aspect where the public way is
6 affected is certainly this loading bay. You know, one
7 concern is how is that -- is that really adequate space
8 for, say, a huge delivery truck to actually enter? Is
9 there going to be a scenario where that truck might
10 need to back into that spot? Aside from the fact that
11 it is narrowing the pedestrian access on the sidewalk,
12 we feel that that's something that the Transportation
13 Board or the DPW really would not support.

14 In addition, you can see any overhang are
15 blocking or partially blocking the right-hand lane on
16 Hammond Street. It's definitely something the Planning
17 Board felt strongly about, that that was not
18 acceptable.

19 We just talked about the buffering. There
20 really isn't any space on the site that was usable open
21 space, certainly as an amenity for the occupants
22 themselves, or any way to offset the fact that there is
23 this building with not much articulation. It's
24 certainly an excessive height, maybe, in some cases, 30

1 feet above what is around the district. There's
2 nothing that is softening those edges and really
3 offsetting any of the noise that would be associated
4 with -- certainly with that driveway over the
5 activities on the site.

6 Okay. Another area of concern is visibility.
7 And you might know, under Section 6.04, that the
8 Engineering and Building Departments need to provide an
9 analysis of driver visibility. And the concept that's
10 illustrated here -- this is not a study that would have
11 to be done, but this is just a concept that's
12 illustrated showing you what's stipulated in that
13 regulation. The Department of Engineering would want
14 to know if a driver, in the midpoint of that driveway,
15 six feet behind the property line, would be able to see
16 a pedestrian within five feet on the sidewalk of either
17 side of that driveway entrance.

18 Now, keep in mind that this portion of
19 Route 9, it is one way. And the building, there is
20 virtually no setback. There are no adequate setbacks
21 where that building is. There's no real articulation.
22 And combined with that, there's probably going to be a
23 tendency to want to get out onto the sidewalk or the
24 ramp area to see oncoming traffic.

1 The concern the Planning Board has and poses
2 for Peter Ditto, who's the director of engineering, is:
3 What happens to pedestrians who are going to be on --
4 walking west on that sidewalk? They could easily be
5 overlooked. So there needs to be some thought given to
6 this particular arrangement and site plan.

7 And keep in mind, too, that there is a
8 six-unit development here, and any buffering would
9 actually have to be managed so that visibility is not
10 impinged upon. And that's just another consideration
11 for the site plan design.

12 That's just another look at existing
13 conditions.

14 Again, just to emphasize -- I won't belabor
15 the point -- the building itself doesn't have much
16 articulation, and that's certainly warranted if there's
17 going to be six stories or this much height, especially
18 where there is going to be, you know, windows blocking
19 all of the windows, certainly where the residential
20 districts are behind on Heath Street and on Route 9 is
21 a consideration.

22 Also, the fact that nothing like this exists
23 on Route 9. We certainly want to think outside the
24 box, but there could be certain care given to, you

1 know, how that building is articulated to help that
2 motif that currently exists where we have one- and
3 two-story retail. Articulation of that building could
4 be done in a way that helps that retail still breathe
5 and then set back the upper levels.

6 In either case, overall the Planning Board did
7 feel that this was, as designed, just a little
8 oppressive, incongruous with the surrounding area, and
9 certainly any effects -- and there will be impacts --
10 are not yet mitigated.

11 Those are just more evaluations.

12 And, again, this shadow study was included,
13 but it's just showing some as-of-right massing. We
14 want to see a proposed shadow study, preferably an
15 animation which would allow us to go through a 24-hour
16 period four times a year.

17 So early on in the process, even though these
18 are preliminary plans and that is only what is required
19 when so much density is going to be proposed for a
20 site, it really does behoove us to think about rubbish
21 and lighting plans early on in the process because that
22 certainly will have an impact on how the site is
23 actually designed.

24 As I understand it, the residential -- the

1 receptacles for trash and recycling for the residential
2 units will be in the public way when they have to be
3 removed by the town. You know, a lot of multifamily
4 complexes have their own private services, and that can
5 certainly offset some of the impact on the public way.
6 As you can see, I've already pointed out some of the
7 impacts on the public way, and this is certainly one of
8 them.

9 Retail, depending on what kind of retail it
10 is, certainly will generate its own, and it's not clear
11 to us, you know, if there's a commitment to actually
12 have private services for that as well. We certainly
13 don't want to impact the -- this is just really a
14 modest commercial district here, and having that kind
15 of impact wouldn't be so great.

16 This just summarizes some of the issues that
17 the Planning Board has. We talked about the height and
18 that ground level, which is about 15 feet, really
19 doesn't have much of a human scale, which we would like
20 to see returned or sustained.

21 The shallow and nonexistent setbacks, the site
22 lines and driver visibility; again, those impacts on
23 the public way. The queuing on Route 9 is a very real
24 possibility, the blocking of a lane on Hammond, any

1 trash in the public way.

2 The noise and light, air resources -- we think
3 that there needs to be much more attention on the
4 parking system, because right now it seems infeasible.
5 And overflow parking due to retail use is going to be
6 another impact on the public way that needs to be
7 addressed a bit more completely.

8 And then finally those environmental
9 conditions. I think we need to -- certainly with Peter
10 Ditto's involvement -- circle back on the issues that
11 he would be concerned with.

12 So that really sums up the issues that they
13 had described. I know that Peter Ditto did send a
14 letter, which you have. He's not here this evening.
15 He's on vacation this week. But certainly a lot of
16 those issues will be at the forefront when we have peer
17 reviews or address those issues.

18 I also wanted to acknowledge that Deputy Chief
19 Kyle McEachern from the fire department is here should
20 you have any follow-up questions for the fire
21 department.

22 MS. SCHNEIDER: Thank you.

23 Does anyone have any questions for Maria
24 before we let her sit down?

1 (No audible response.)

2 MS. SCHNEIDER: Thank you, Maria.

3 Would the applicant like to say anything in
4 response to the comments of the Planning Board?

5 MR. ENGLER: Bob Engler for the applicant,
6 from SEB. I think the applicant prefers to hear all
7 comments from both the boards and the neighborhood,
8 prepare a written response before your next meeting,
9 and turn it in. So while some of our team members may
10 wish to answer very specific things, which we could, it
11 may make more sense to have us do the whole thing as a
12 package at the end of the process. So we're taking it
13 all in at this point in time.

14 MS. SCHNEIDER: That's absolutely fine. Thank
15 you.

16 There was a mention of the 3D model that you
17 might have available to show us tonight. Is that
18 something that we could look at before we move on?

19 MR. PANDYA: Sure.

20 MS. SCHNEIDER: Thanks.

21 MR. VOGELMANN: And we can hold any view or
22 zoom in on anything you wanted to see in particular.

23 This is just the ground level right here on
24 Route 9.

1 MR. PANDYA: I guess a couple of things that
2 we can respond to -- just as more corrective measures
3 than anything else -- is there's only one level of
4 parking. There's not two. And the driveway width is
5 the 20 feet. And actually, the 17 is a result of a
6 slight overhang, which you can see on the model here.
7 So the distance to the building, as was requested, was
8 denoted as 17, 6, so the driveway width is the 20 feet
9 required width. So a few corrective things there.

10 The intent is to hold the facade of the
11 building that's above the retail level slightly away
12 from the property line, not to be up against the
13 property line. But the reason that we've been holding
14 back the retail level is because of the out-swing of
15 the door which cannot encroach upon -- or encroach
16 past, rather, the property line. So that's all taken
17 into consideration.

18 As far as zero lot lines are concerned, we
19 have -- or will be beginning, as part of this process,
20 an analysis on foundations, soil systems, and
21 geotechnical to understand where the foundations can
22 go. It is obviously more than likely that it will not
23 be up against a building or up against the lot line,
24 considering that there is going to be some distance

1 required as part of foundation work. That exact
2 distance is indeterminate at this time until we go
3 through that process of, you know, full structural
4 engineering, full geotechnical understanding.

5 So, you know, it ranges between a few inches,
6 which may ultimately range to maybe a foot and a half,
7 you know, or plus or minus, in that realm, at the end
8 of the day. So there's no party wall zero lot line
9 true condition at the end of the day.

10 MR. ZUROFF: Can I ask you, what is the soil
11 or ground composition underneath the lot?

12 MS. BALAKRISHNA: There is ledge. I think
13 it's approximately 30 percent ledge through the lot.

14 MR. PANDYA: I don't know if you heard that.
15 So approximately 30 percent ledge.

16 MR. ZUROFF: Will that require blasting?

17 MS. BALAKRISHNA: Yes. It would require
18 some -- it have to be removed.

19 MR. PANDYA: I mean, it's not uncommon in,
20 obviously, many parts of Massachusetts to have ledge
21 and to remove it. And it's done with a lot of
22 dampening blankets and detonating things that are done
23 in hours that are respective to neighbors and vibration
24 and whatnot. It's a very common practice.

1 MR. ZUROFF: Do you know the composition of
2 the foundations of the neighboring buildings?

3 MR. PANDYA: Not at this time.

4 Anything else on the model that you wish to
5 view?

6 MR. BOOK: On Hammond Street, if you wouldn't
7 mind -- so the building right immediately to your
8 right, so it's -- you're showing 37 feet in height but
9 not to the -- not the apex of the roof.

10 MR. PANDYA: Yeah. We assume there's probably
11 another seven, eight feet of apex. This is our best
12 guesstimation through Google Earth and a few others.

13 MR. VOGELMANN: But, actually, we used a laser
14 measurement device, and we only hit the underside of
15 eave to register that 37 feet.

16 MS. SCHNEIDER: Are you able to swing it
17 around to show us the view from Heath Street?

18 MR. PANDYA: I'm sorry. Which --

19 MS. SCHNEIDER: From Heath Street, the
20 backside.

21 MR. PANDYA: Yup.

22 MR. ZUROFF: Can you swing it so that we're
23 looking directly from Heath Street perpendicular to the
24 building, to the right?

1 So have you taken into account the sight lines
2 from the apartments into the neighboring buildings? I
3 mean, are there going to be windows directly pointed at
4 these neighboring buildings?

5 MR. PANDYA: So there's -- when we get very
6 close to the lot line, we are reduced in the amount of
7 windows that were actually allocated for fire code
8 reasons. So it's not as perforated as the alley side,
9 the Hammond Street side, and the Route 9 side, so
10 there's less fenestration on the Heath Street
11 elevation, if you will, then there are -- so there will
12 be some openings, and we have -- I think it's --
13 increases as we go taller.

14 MR. VOGELMANN: It's 40, 45 percent.

15 MR. PANDYA: So 40 to 45 percent versus the
16 full fenestration, which is on the other side.

17 MR. ZUROFF: Okay. But there will be some
18 windows looking directly into houses?

19 MR. PANDYA: There will be some. There's a
20 fair amount on this side that's circulation, and some
21 core, so we're not -- we won't have windows there.

22 MS. SCHNEIDER: What's the distance between
23 the windows on the backside of the building and the
24 windows on these buildings fronting Heath Street that

1 we're talking about?

2 MR. VOGELMANN: So you're trying to find the
3 distance between --

4 MS. SCHNEIDER: Yeah. That gap right there
5 that we're seeing.

6 MR. VOGELMANN: 27 to 30 feet.

7 So are you -- right here?

8 MS. SCHNEIDER: Yes.

9 MR. PANDYA: 17 feet -- 24 to the face. We
10 were 17 to the bay. Well, it depends on where you're
11 taking this thing from. At the ground plane, you're at
12 a certain distance back to the inset. This is a wider
13 drive. The building cantilevers over, so approximately
14 a little bit closer to 17ish.

15 MR. VOGELMANN: Our setback is dictated from
16 the property line, not the building.

17 UNIDENTIFIED AUDIENCE MEMBER: There's four
18 feet from the property line to the building, so you can
19 add four feet back.

20 MS. SCHNEIDER: Anything else?

21 MR. ZUROFF: Since you're showing us the
22 model, you did make mention of one question that I had
23 about the door opening to the retail stores calculated
24 so they don't actually go over the lot line.

1 MR. PANDYA: Correct.

2 MR. ZUROFF: But they actually go as far as
3 the lot line; correct?

4 MR. PANDYA: Yeah. They'll be inset some, so
5 they'll be just short -- they'll be just short of the
6 line at the end of day.

7 MR. ZUROFF: Okay. But that still leaves room
8 on the sidewalk for pedestrians to pass?

9 MR. PANDYA: Yes.

10 MR. VOGELMANN: So these are the doors. This
11 is the property line. The doors are swinging -- do not
12 actually swing beyond the property line, as you can see
13 on the drawing.

14 MR. ZUROFF: Okay. And is that actually
15 the --

16 MR. PANDYA: Yeah. That's the --

17 MR. ZUROFF: -- the sidewalk, the outside
18 lines there?

19 MR. PANDYA: Yeah, the outside line here, this
20 is the property line right there. And that will be the
21 sidewalk similar here; that's the property line here
22 and the sidewalk.

23 MR. ZUROFF: Okay. So the curb cut that
24 you're proposing as the loading zone still allows for

1 pedestrian traffic to go by unless they're running a
2 ramp or they're running carts back and forth to their
3 truck, which means that pedestrian access could be
4 compromised by that loading.

5 MR. PANDYA: During the times that they'd be
6 loading.

7 MR. ZUROFF: Now, one of the issues that has
8 come up is parking for the commercial use, the stores.
9 I know you're going to address that.

10 MR. ENGLER: Yeah.

11 MR. ZUROFF: My question, so that you can
12 address it, is: Realistically you expect the retail
13 users will be driving into the garage?

14 MR. ENGLER: Well, Michael Beck is here, our
15 traffic consultant for the whole parking operation.
16 We'd like him to tell you, because he's been asked to
17 answer the questions the Planning Board raised and you
18 have raised. So he's here if you can address those
19 questions.

20 MR. ZUROFF: I'll address them to whomever
21 wants to answer them. That's fine.

22 MR. ENGLER: Okay.

23 MR. BECK: Okay. So your question about the
24 commercial use --

1 MR. ZUROFF: Yes.

2 MR. BECK: You first have to look at the
3 overall parking garage operation. The parking garage,
4 as it's designed, holds 80 cars. And as Haril had
5 said, it's not a two-level garage. It's a one-level
6 garage. Of the 80 spaces, there are 30 that are
7 elevated and there's 50 spaces on slab. Okay? It is
8 approximately 40-some-odd apartments. If you look at
9 this layout here, there's 20 spaces that are not even
10 under the lifts. They're sitting on slab where you go
11 in or out. Okay?

12 So if you had a full garage the way it's
13 designed, like this -- which it's inevitable, you're
14 not going to have 80 cars. Typically, in a residential
15 setting like this, you're not going to have one for
16 one. So with 40-some-odd residences, even if you had
17 40 cars, you would not be using a stacker. Okay?

18 In the morning, if you did have, let's say, 40
19 spaces, or 40 cars, and people were going out to
20 work -- and remember, this is 55 and over, so not
21 everybody's going to work in the peak hours of 6:30 to
22 9:00 in the morning. Okay? So if you had 30, 40
23 percent of those vehicles that were exiting between the
24 peak hours -- egress hours of 6:30 to 9:00, you're

1 basically looking at cars that are parked on slab and
2 will not have to use a stacker. So realistically, the
3 stackers are there for the zoning.

4 MR. ZUROFF: Is it your intention that the
5 resident who wants to get their own car can go down
6 into the --

7 MR. BECK: No, they cannot.

8 MR. ZUROFF: It's always valet?

9 MR. BECK: It's always valet.

10 MR. ZUROFF: Okay. So if you have 10 people
11 that want to get to work at 9:00, 10 people arrive at
12 the valet station at the same time --

13 MR. BECK: Well, it's unrealistic to have 10
14 people waiting for their vehicle. What typically
15 happens in a parking garage is that people will go out
16 every day at the same time, give or take a few minutes,
17 because of issue with the line and so on. So typically
18 with two attendants on duty, which there will be, okay,
19 you do have queuing space upstairs of five vehicles
20 plus two elevators.

21 MS. SCHNEIDER: When you say "upstairs,"
22 where's --

23 MR. BECK: Yeah. In the driveway. Anywhere
24 in the United States where we talk about queuing, any

1 municipality that questions a queue, you're talking
2 about a driveway and you're also talking about the
3 elevators for the lifts. Not the stackers, but the
4 elevators themselves. So if you look at the entrance,
5 there's actually five spaces before you even get to the
6 elevator on an egress, okay, plus the two spaces in the
7 elevator. So you're looking at almost 10 percent of
8 the total capacity of the garage as queue. Okay?

9 So getting back to this, if all the 40
10 residents were going -- that had cars -- and even
11 50 percent of the people that were going out in the
12 morning, you'd never have to use a stacker. You'd
13 never even have to park under a stacker because right
14 there you have 19 spaces that are in the drop off.

15 MR. ZUROFF: But you still have people
16 waiting. The elevators have to bring the cars up.

17 MR. BECK: Yes. But understand, you'll have
18 two attendants in the morning. Okay? Both elevators
19 will have the ability to be raised or lowered, or you
20 can always pull a car up without an attendant in the
21 elevator. So the attendant doesn't ride the elevator.
22 The upstairs attendant sends it down, and the attendant
23 downstairs sends it up. So he's feeding the elevator,
24 or he's feeding both elevators at the same time. It

1 takes about three minutes to get a car from the
2 basement to the grade level.

3 So in my experience, okay, I'm doing this
4 about 42 years, I've been in parking for about 35 of
5 42, I've lived in Boston for 10 years, I ran all the
6 major garages in town, and this is typical of what you
7 see today.

8 MR. CHIUMENTI: Is there a garage like this
9 somewhere that you know of, this compact, this many
10 cars?

11 MR. BECK: Oh, yeah. There's garages all over
12 Boston. I mean, look at the new development on
13 Haywood, look at the new development Millennium did on
14 Washington Street. There's 134 stackers there alone.

15 UNIDENTIFIED AUDIENCE MEMBER: Yeah. That's a
16 60-story building.

17 MR. BECK: That is correct. But you're only
18 looking here at 40-some-odd residents, of which many
19 won't have cars or use them on a daily basis. And
20 remembering that your egress time to go to work is 6:30
21 in the morning to 9:00 in the morning, so for a
22 two-and-a-half-hour period, you need to exit or deliver
23 20 cars, 30 cars. We're not talking -- we're talking,
24 you know, one every five or eight minutes, so you don't

1 have the impact of a commercial garage or a very large
2 residential garage.

3 MS. SCHNEIDER: I'm sorry. Can I just ask one
4 question? And if you could please direct your comments
5 to the board instead of members of the public that
6 would be helpful for the process overall, and the
7 public will have a chance to ask questions momentarily.

8 So you're making a lot of emphasis on the
9 orderly way that cars allegedly will be able to pull
10 out of the garage for residents during the peak a.m.
11 times. Is there not going to be -- are the retail
12 spaces not going to be operational during that time?
13 I'm just wondering --

14 MR. BECK: Exactly.

15 MS. SCHNEIDER: So there will be some sort of
16 restriction so that the retail uses will not open until
17 after the a.m. peak hour?

18 I guess the applicant is nodding yes, so there
19 will be no Starbucks, there will be no bagel store,
20 there will be nothing like that where people might
21 want --

22 (Multiple parties speaking. Interruption
23 by the court reporter.)

24 MR. BECK: So to address your question, the

1 activity in the garage from 6:30 in the morning to
2 9:00 a.m. is for residents exiting. Typically, with
3 this type of retail, there will not be any cars
4 entering, so everything is going out. So
5 realistically, there won't be a backup of cars coming
6 in off of Route 9 because all the cars that are leaving
7 will be exiting to the right.

8 Now, the other question that was raised is
9 that any retail cars that are coming in will typically
10 come in after 9:00 or 9:30 or 10:00 in the morning,
11 depending on what type of retail, but you're not going
12 to have a Peet's or a Starbucks or a Star Market or any
13 of those types of food establishments.

14 If you have a lighting store or a furniture or
15 something like that, people are not going to the
16 establishments before 10:00 in the morning.

17 So realistically, between the hours of
18 10:00 a.m. and 5:00 p.m., you have about a seven-hour
19 period where you may experience about 30 to 35 cars, so
20 you're looking at three to four to five cars an hour
21 entering and existing. And remember, you have five
22 queue spaces coming off of Route 9 plus two elevators.

23 Now, if someone does come into the parking
24 garage or the driveway at 10:00 in the morning and

1 they're running into the store to pick something up,
2 that car is not going to go downstairs. That car is
3 going to be turned around and facing out for that
4 customer to leave in a few minutes. So you're not
5 going to have that many retail customers needing to go
6 downstairs in the garage unless they're there for
7 three, four, five hours, which is pretty unlikely.

8 MR. CHIUMENTI: How physically does a car
9 turn? Do you have to go downstairs to the lift to turn
10 it around or --

11 MR. BECK: No. You have a 20-foot turning
12 radius, so you can certainly turn your car around.

13 MR. BOOK: The customers are going to --

14 MR. BECK: No, no, no. The parking
15 attendants.

16 MR. BOOK: So I'm just curious, so somebody --
17 (Multiple parties speaking. Interruption
18 by the court reporter.)

19 MR. BOOK: So somebody's driving on Boylston
20 Street, they're turning into the driveway, and they
21 tell the attendant, I'm running into X, Y, Z store for
22 10 minutes, 15 minutes. The parking attendant will
23 take the car and keep it in the driveway?

24 MR. BECK: Correct. Facing out. He turns it

1 around and faces it out.

2 MR. BOOK. Okay.

3 MS. SCHNEIDER: And if during -- I'm sorry.

4 If during that time a resident wants to come or go, how
5 do you control for congestion in the driveway?

6 MR. BECK: Well, there's two elevators, so one
7 elevator could be dedicated to the residents and one
8 could be dedicated to retail or another way.

9 But, again, typically after 10:00 in the
10 morning, if a resident is going to go out to play golf
11 or tennis, they're going to call and say, I need my car
12 within the hour or I need it at a certain point. A lot
13 of garages, what they'll do is they'll ask the night
14 before to call down. So if your car is on a lift, the
15 attendant in the evening will bring the car down and
16 park it in a space somewhere on the slab, the 19 spots,
17 and it will be ready for the person to go out. And if
18 someone says, I'm going out at 10:00 in the morning,
19 they can bring it upstairs and leave it in the elevator
20 facing out.

21 MR. ZUROFF: And there are no employees going
22 to be allowed to use the garage; is that correct?

23 MR. BECK: Oh, yeah, there will be employee.
24 Yeah, there will be two employees --

1 MR. ZUROFF: I'm talking about the retail
2 employees.

3 MR. BECK: A retail employee will replenish
4 the space that a monthly went out -- that a resident
5 went out. So you're looking at -- you know, in that
6 type of retail, you may have five or six employees in
7 total in the four stores, but you have residents that
8 are leaving in the morning, so whatever spaces are
9 emptied in the morning, the retails would replenish.
10 And then in the evening when the retail closes, the
11 residents come back.

12 MS. SCHNEIDER: Okay. So I think that the
13 applicant and its team have a good sense of the types
14 of concerns that we have about the operation of the
15 parking garage and the traffic flow from the site.
16 What I think we ought to do, particularly in the
17 interest of time this evening, is to defer further
18 discussion of traffic and parking and site circulation
19 to a later hearing when we have completed our traffic
20 peer review and have a peer reviewer present.

21 MR. BECK: Can I just make one comment that
22 was raised?

23 MS. SCHNEIDER: Certainly.

24 MR. BECK: These stackers or parking lifts are

1 located in the basement. Each stacker is slid into the
2 slab, so there's no vibration whatsoever. And as far
3 as noise, there is no noise.

4 And I just want to make a point that on Tully
5 Street here on Route 9, Grove Company installed
6 stackers outside, and they're a lot more noisy than
7 ours. So I'm not sure if you're aware of the stackers
8 on Tully, but they're there and there's about two
9 dozen.

10 MR. ZUROFF: Are they electric?

11 MR. BECK: They are hydraulic.

12 MR. ZUROFF: I assume that that --

13 MR. BECK: They're hydraulic and electric,
14 same as the ones that would be going in this site.

15 MR. ZUROFF: If there's a power failure,
16 they're nonoperational?

17 MR. BECK: If there's a power failure with my
18 lifts, you could lower the vehicle. You can't raise
19 it, but you could lower it and you could deliver a car.
20 But in this facility, there will be a backup generator,
21 so it's not a problem with power failure.

22 MR. ZUROFF: So if you have a car on the top
23 and you want that car on the top and there's a car on
24 the bottom, you have to pull the car out on the bottom,

1 lower the car on the top, put the car somewhere in the
2 garage while you're moving the car back?

3 MR. BECK: Yes.

4 MR. ZUROFF: Okay.

5 MS. SCHNEIDER: Sir, before you sit down, I
6 don't think I caught your name or your --

7 MR. BECK: Michael Beck, B-E-C-K.

8 MS. SCHNEIDER: And you're with what company?

9 MR. BECK: Park Plus.

10 MS. SCHNEIDER: Thank you.

11 MR. BECK: Thank you.

12 MS. SCHNEIDER: Do we have anyone else from
13 any town board or commission who wishes to make any
14 comments tonight?

15 (No audible response.)

16 MS. SCHNEIDER: Okay. Thank you. We are now
17 going to move on to the public testimony component of
18 the hearing. I want to just lay down some basic ground
19 rules so that this goes as smoothly as possible. We've
20 got a very full room, and we want to make sure that
21 everybody has the opportunity to comment.

22 So I'm going to ask folks to line up behind
23 the microphone. We'll take you in the order that you
24 are lined up. When you get to the microphone, please

1 state your name and your address for the benefit of the
2 board, the audience, and for the woman who is doing the
3 transcription. Please speak loudly. Please speak
4 clearly. And she may need you to spell your name or
5 your address, and please do so to help her out.

6 I'm going to ask, so that we can move through
7 everybody and give everybody a fair opportunity to
8 speak, that you limit your comments to no more than
9 three minutes. I'm going to try not to be obnoxious
10 about timing it, but if people run much more than three
11 minutes, I will ask you to sit down.

12 Also, out of fairness to your neighbors, if
13 someone has already said the exact same thing that you
14 want to say, please just say, what Mr. Smith said, what
15 he said, what she said. I echo their concerns. You
16 can still give your name and go on record, but there's
17 no real reason to say the exact same thing over and
18 over again.

19 In addition, I would urge everybody here to
20 please submit your comments in writing as well. That
21 is very, very helpful to us, it's helpful to the
22 applicant, it's helpful to the process. Just because
23 you comment here, it doesn't mean you can't submit
24 written comments as well and vice versa. And those

1 comments should be to the ZBA, care of the Planning
2 Department. And I think those comments can be
3 submitted online; right?

4 MS. MORELLI: Yes.

5 MS. SCHNEIDER: Online, by mail, by hand,
6 however you want to submit them.

7 I do want to note this is not the only
8 opportunity, folks, you're going to have to comment.
9 There will be other opportunities to provide public
10 testimony at future hearings.

11 So if that's all clear, I invite the --

12 Yes? I'm sorry. Could you go to the
13 microphone if you're going to speak?

14 MS. LEVENTHAL: Hi. My name is Sherry
15 Leventhal, and I live at 18 Pine Road. And I actually
16 have comments, but I wanted to ask a question first to
17 Mr. Beck. Is that okay?

18 MS. SCHNEIDER: No, we're not going to have
19 questions directly to the applicant's team. You can
20 raise the questions, and then we will raise those
21 questions to the applicant and their team to answer at
22 another time.

23 MS. LEVENTHAL: Okay. Well, I'll ask the
24 question to you all. I don't understand how traffic

1 flows once a resident calls for their car. They come
2 out on Route 9, and then where does the valet go to
3 bring the car to the resident? Does it have to come
4 down Heath Street, stop at that light, make a right
5 turn, and bring it to the Hammond Street entrance?
6 That's my question.

7 MS. SCHNEIDER: I think what we're going --
8 Mr. Beck, do you want to just answer that question?

9 MR. BECK: If you see the two elevators, okay,
10 the resident calls for their vehicle, the car is
11 brought up, and it's sitting in the elevator if the
12 elevator is not being used. If the elevators are in
13 use, the car is pulled out and parked in the driveway,
14 okay, as far back as possible over Route 9.

15 So you're not -- the attendants aren't
16 delivering the cars on either Hammond or Route 9. The
17 resident or the transient parker is taking their
18 vehicle, going down the driveway, and making a right-
19 hand turn onto Route 9.

20 So when we say "valet," you may be thinking
21 about when you go to Boston and you go to a restaurant
22 and the valet brings your car, okay -- takes it away
23 and then brings it back from wherever he parked it
24 during the time that you were away. But the valet

1 attendants do not leave this site at all. They're on
2 site all the time. Hopefully that answers your
3 question.

4 MS. LEVENTHAL: Yes.

5 MS. SCHNEIDER: Okay. I invite any other
6 members of the public who are here to come up to the
7 microphone and speak.

8 MS. WILNER: Good evening and thank you for
9 the opportunity. My name is Bernice Wilner. I live at
10 25 Holly Lane, which is one block off Route 9 East from
11 the proposed site. I'm the president of
12 Sheafe/Holly/Heath Neighborhood Association, which
13 includes Hammond Street, and therefore I represent the
14 neighbors and their concerns.

15 I totally understand that 40B projects are
16 supported by the town, and understandably so. But in
17 this case and in this location, I strongly urge that
18 this project, as proposed, be mitigated to take into
19 account the traffic and the congestion that overruns
20 our neighborhood.

21 One of the issues that are of concern is the
22 retail parking. For people that are going to be in
23 stores, I find it hard to believe they're going to be
24 in and out. Parking on Holly Lane and neighborhood

1 streets is already at full capacity leaving no spaces
2 for the residents. If they have guests or work people,
3 there's no place for them to park. Also FedEx and
4 other UPS delivery trucks will double park on Route 9
5 East.

6 As it presently exists -- and this is a major
7 problem -- we cannot get through the light, the traffic
8 light at Hammond and Heath because of the backup from
9 the traffic light at Hammond and Boylston Streets.

10 40B is important, but the neighborhood and
11 residents are also. There will be too much business,
12 traffic, and activity in a very small area.

13 Thank you so much for listening.

14 MS. SCHNEIDER: Thank you very much.

15 MS. GOLDEN: Hi. I'm Lisa Golden. I'm
16 speaking also on behalf of my husband, Matt Golden, who
17 couldn't be here. We live at 49 Woodland Road. To us,
18 the proposed site plan -- proposed site plan shows a
19 complete lack of understanding by the developer of the
20 challenges that the area between the Heath/Hammond and
21 Boylston/Hammond area present for the neighborhood.
22 Not just at rush hour, but throughout the day.

23 We also believe that the site plan presented
24 shows -- it does not show sensitivity by the developer

1 to the impact on the community. The developer is
2 asking for waivers from almost every single restriction
3 designed to protect the safety and quality of life of
4 the other residents of the neighborhood. These
5 requests include not only a waiver of the very type of
6 development being proposed -- multifamily is not even a
7 permitted use -- but more importantly, a waiver of the
8 height restriction, building setbacks, parking
9 requirements, and off-street loading requirements.

10 These waivers each potentially have an adverse
11 impact on the traffic/pedestrian movement, including
12 the two or three nursery schools located around the
13 intersection, safety, and the light and air of the
14 neighbors, as was discussed before.

15 MS. SCHNEIDER: I need to ask you to slow down
16 just a tiny bit.

17 MS. GOLDEN: I don't want to get in trouble.
18 It's okay. I'll slow down. I'm sorry.

19 The most basic example of the -- because of
20 the massing, the plan does not provide for any area for
21 delivery vehicles or inevitable maintenance vehicles to
22 load, unload, or even park during the day, et cetera,
23 in front of the residents' lobby. And even that space
24 is not wide enough for the parked trucks to actually

1 get out of the driving lane. Plus, if there are parked
2 trucks there, then the residents themselves will be
3 loading and unloading in the street.

4 Permitting this development, which is so out
5 of character for the neighborhood and so inconsistent
6 with the protections afforded by the zoning regulations
7 as they relate to size, scale, and the operational
8 challenges that the building will present upon
9 completion, will irreparably harm the neighborhood and
10 the local residents.

11 That is why we want to reiterate the concerns
12 of many of the residents here tonight as well as the
13 town experts such as the Planning Commission and the
14 Board of Selectmen in their letters to the ZBA and
15 MassHousing who have all expressed serious concerns
16 about the density; massing; parking, both on street and
17 underground; traffic impact; pedestrian movement; and
18 lack of appropriate loading and unloading area.

19 MS. SCHNEIDER: Thank you. And if you do have
20 that in that written form and would like to submit it
21 to us, that would be very helpful. Thank you.

22 MR. GERZON: Hi. My name is Yuriy Gerzon.
23 I'm actually speaking on behalf of the residents of
24 1162 and 1164 Boylston Street. That's the affordable

1 housing that currently exists in the lot directly
2 adjacent to the proposed 40B project at 1180 Boylston
3 and stands to be most affected by the proposed
4 development.

5 As affordable housing residents ourselves, we
6 believe that 40B affordable housing is a wonderful
7 thing. Your board has a tough job with a wonderful
8 mandate: to create space as needed for affordable
9 housing to be able to exist within communities where
10 it's lacking.

11 Unfortunately, as with every good program,
12 there will be people who look to take advantage and
13 abuse such a mission and mandate for their own gain
14 with no regard to consequence for others.

15 Many developers listen to the community. They
16 compromise. They try to fit within the structures that
17 exist. They attempt to add value to the community and
18 to do so in a way that does not take away value from
19 those who are already existing within the community.

20 Sadly, this development does not fall into
21 that category. There has been zero attempt to solicit
22 true feedback from the neighbors, no attempt to modify
23 the proposal even remotely to conform to the area, and
24 no attempt to hide taking a clear advantage of 40B

1 rules. Zero attempts have been made to make the
2 project tolerable for the already existing affordable
3 housing next door.

4 In making 80 percent of the units
5 non-affordable, in threatening the quality of life of
6 the next-door residents and retail businesses alike, in
7 trying to squeeze 45 homes and more retail in an
8 F-rated traffic zone, and in modifying his building
9 plans for 1180 Boylston to 40B only after the selectmen
10 rejected an even more outrageous proposal, the
11 developer has not shown that he is driven by the spirit
12 of the 40B mandate.

13 Meanwhile, there are many pending 40B projects
14 in Brookline that included compromise, have attempted
15 to fit in within the community, and have not ruined
16 existing affordable housing. We hope the ZBA focuses
17 its efforts on these projects in meeting the affordable
18 housing ratio in Brookline.

19 Without substantial changes, as outlined in
20 the comments that were submitted to the Planning Board,
21 1180 Boylston does not deserve to have a mandate to
22 build such a building for the benefit of one
23 corporation's commercial profitability and to the
24 detriment of an entire neighborhood.

1 Us residents of affordable housing do not have
2 lawyers, consultants, and friends in high places in the
3 town. We are relying on you to enforce the existing
4 zoning laws, within reason, and to protect the quality
5 of life of our affordable housing from those who seek
6 to elicit personal gain from a great program like 40B
7 truly is.

8 Thank you for your time hearing these
9 comments.

10 And I have one other question that's separate
11 from this statement -- unrelated. Mr. Beck had said
12 that cars would be idling in a queue within the
13 driveway, and I'm wondering if the peer traffic study
14 can make sure they take into account idling vehicles
15 right under the homes of 1162 and 1164 because that was
16 never previously mentioned in any of the prior
17 documentation that was submitted. Thank you so much.

18 MR. ZANERCIK: I'll give you this in writing
19 when I'm done so you can rest.

20 My name is Gary Zanercik. I'm a resident at
21 25 Holly Lane, Apartment 3D.

22 I commend the applicant for changing the prior
23 proposed project which consisted entirely of commercial
24 use to senior residential use with first-floor retail

1 use, both of which are entirely appropriate for the
2 neighborhood. Also, if the artist renderings of the
3 proposed building in the application are to be
4 believed, the building will be handsome indeed.

5 But there is one obvious negative aspect of
6 the project. The proposed building is so huge as to be
7 entirely out of character for the site and for the
8 neighborhood. The hugeness problem is manifested not
9 only in the building footprint, which extends almost up
10 to the Route 9 public right-of-way sidewalk line and
11 leaves minuscule open space, but most obviously in the
12 six-story building height. Underlying zoning has a
13 height maximum of 40 feet. The proposal is over 71
14 feet. All the neighboring buildings along Route 9 and
15 the surrounding site are at or below that height with a
16 possible exception of a few grandfathered three-decker
17 residences. The floor area ratio of the proposal is a
18 whopping 460 percent of the underlying zoning
19 maximum -- 4.60 versus 1.0.

20 Eastbound down Route 9 there are three-deckers
21 abutting the site, all set back with significant open
22 space. If you cross Hammond Street along Route 9 to
23 the west, the existing building all the way to Holly
24 Lane are single-story with open space parking. Past

1 Holly Lane, the existing and under-construction
2 buildings are a maximum of two stories all the way to
3 the Newton town line.

4 The board has the authority to take size and
5 massing into consideration when making its
6 determination under Subsection (4)(c) of 760 Code of
7 Massachusetts Regulations 56.04.

8 "That the conceptual project design is
9 generally appropriate for the site on which it is
10 located, taking into consideration factors that may
11 include proposed use, conceptual site plan and building
12 massing, topography, environmental resources, and
13 integration into existing development patterns, such
14 finding with supporting reasoning, to be set forth in
15 reasonable detail."

16 Clearly and obviously, a six-story building is
17 not "appropriate for the site" and does not "integrate
18 into existing development patterns." Accordingly, it
19 would be entirely appropriate for the board to impose
20 conditions requiring less building mass unless and
21 until the applicant provides objective evidence
22 produced by third-party, disinterested professionals
23 proving a smaller building is "uneconomic" as defined
24 in the regulations.

1 Specifically, in my view, the board should
2 require that the building be no more than three stories
3 tall and be set back from the Route 9 sidewalk line by
4 an appropriate distance determined by the board to
5 provide safe view lines for pedestrians crossing the
6 proposed driveway to the underground parking garage.

7 Finally, currently there is nothing in the
8 application that proves that a smaller, more
9 appropriate size building would be "uneconomic" as
10 defined in the regulations. At a minimum, the board
11 should engage a third-party forensic accountant to
12 review all projected project cash-flow calculations
13 supplied by the applicant purporting to demonstrate the
14 need for such a huge building. Under the regulations,
15 the board has the right to require the applicant to pay
16 the reasonable cost of such an independent review.

17 MR. DELANY: Good evening, members of the
18 board. My name is Elias Delany, and I own the property
19 at 612 and 614 Hammond Street, and that's even closer
20 in direct abuttance than the affordable housing unit to
21 the applicant's property.

22 My family has owned 614/612 Hammond Street for
23 over 40 years. The property consists of six commercial
24 businesses, which includes a tailor shop, a sushi

1 restaurant, a moving company, a women's boutique, and a
2 vacant unit.

3 We also owned the property -- and own the
4 property at 1154/1160 Boylston Street, which is the
5 first commercial tenancy past the affordable housing on
6 Route 9. We've owned that property for 29 years, and
7 which, as you may know, consists of a number of
8 commercial tenants including Peet's Coffee Company, MZ
9 Skin Care, a jewelry store, and a number of commercial
10 tenants, a wine store.

11 I also live in the neighborhood at 965 Hammond
12 Street, so I have a lot of experience with real estate
13 in this general area.

14 What I've observed here over the years is that
15 the Hammond Street neighborhood, the Heath Street
16 neighborhood, and the Route 9 area -- I have seen a
17 great diminishment of the parking spaces available to
18 the public in these areas. And while this has
19 happened, the need for parking has increased.
20 Currently, we're in a crisis situation when it comes to
21 parking. Customers of my existing tenants routinely
22 search for parking and threaten to take their business
23 elsewhere.

24 As I said, we have lost parking spaces on

1 Hammond Street, Route 9, and Heath Street all over the
2 last 20 years. I have no doubt that the number of
3 commercial properties in the general neighborhood have
4 lost customers due to lack of parking.

5 I do want to be clear, though. I do not
6 oppose the building being proposed by the applicant. I
7 welcome more commercial entities and residents in the
8 neighborhood, provided appropriate and reasonable
9 provisions are made for parking.

10 Selectman Daly, at the selectmen's hearing,
11 personally said that she would never use the valet
12 parking system and that she would only use on-street
13 parking. That concerns me because I had just spoken
14 about all the parking spaces that have been removed
15 over the years of on-street.

16 I urge you and ask you to look at what is
17 being proposed and that there is not an adequate
18 attention being made to this parking situation of
19 on-street with this increased building size. It
20 doesn't mean it can't be overcome, but I think it
21 really needs to be addressed.

22 I urge you to make any approval for the
23 project before you conditioned upon the creation of
24 additional parking in order to ease the already

1 inadequate number of parking spaces.

2 And if you don't take that step, I believe
3 that even the new proposed building and its businesses
4 will suffer or the existing businesses in the
5 neighborhood will suffer even greater than they have
6 over the last several years when parking spots have
7 been already diminished.

8 Finally, Hammond Street is not Coolidge
9 Corner. Most of our customers drive to our location.
10 I can't overemphasize that. We are not a walking
11 community like Coolidge Corner. The connection between
12 the customer parking and patronage is inseparable. If
13 the format gets any worse, people will take their
14 businesses elsewhere. I'm here not only speaking for
15 myself, but for all the businesses in my building and
16 in the general neighborhood, and I thank you for your
17 time.

18 MS. SCHNEIDER: Thank you.

19 MR. WOLK: Good evening. I'm Jeffrey Wolk,
20 and I live at 45 Woodland Road, which is around the
21 corner from the proposed location.

22 First I want to thank the Planning Board and
23 the Planning Department for the work they've done. A
24 lot of the concerns that my neighbors and I have were

1 elucidated in that report. I'm not going to repeat
2 them. I would say a few things in addition, however.

3 Besides the massing, traffic, and the height
4 issues, there's a significant pedestrian safety issue
5 that only got touched on briefly, particularly with
6 that pulling over on Hammond Street. Hammond Street,
7 as you may know, is completely backed up in the
8 morning. It's a significant traffic issue. It
9 actually creates a cut-through on Woodland Road, the
10 road that I live on, because it's so backed up. And
11 adding the ability for trucks to pull in and do
12 deliveries there I think creates a significant safety
13 issue.

14 I think the biggest concern I have is that
15 this development would affect not just the abutters and
16 the folks who would typically be noticed in this kind
17 of process, but the entire neighborhood. So many
18 people beyond Woodland, even further down on Hammond
19 Street, rely on that intersection, and that
20 intersection is already so overburdened in all
21 directions that adding a development that is so out of
22 scale with the neighborhood and so in need of zoning
23 relief in order to proceed I think speaks for itself.
24 Anybody spending time on that intersection would

1 realize how overburdened it is.

2 So thank you for your consideration, and I
3 hope that the developer will see a way to scale back
4 the development considerably, more in line with the
5 neighborhood. Thank you.

6 MS. KHAN: Hi. Janice Khan. I live at 63
7 Craftsland Road, and I'm a Town Meeting member,
8 Precinct 15.

9 I was hoping that the fire -- the
10 representative from the fire department would be here.
11 I talked to my neighbors, and one of the issues that
12 was brought up by them, which has not yet been touched
13 on, actually, is actually, since this is a 55-plus
14 development, the thought was that -- the need for EMS
15 and just emergency care, ambulances and stuff. And the
16 concern was: Where would they pull in? How would
17 people really access that? How would emergency
18 personnel access this building should that be
19 necessary? So that was something that I actually
20 hadn't heard before that came from my neighbors.

21 And I actually live closer to Chestnut Hill
22 Square, so I'm very, very familiar with the kinds of
23 problems that building this kind of building and
24 detonating and blasting, the kind of havoc that it can

1 create in this kind of neighborhood.

2 And speaking to the engineer who did that
3 project, the fault line surrounding -- and this is
4 really important for this developer to know, too. The
5 fault lines run north to south, so the properties south
6 of Route 9 are the ones that are going to get the
7 vibrations and the ones that are going to be
8 potentially very much affected by any blasting that is
9 done. So that's something that needs to be really
10 thought of carefully when they do blasting.

11 And I did have a question. I'm glad that
12 you're going to focus more on the parking and the
13 traffic. And one of the things that I think was not
14 clear in the overview of that that could come out later
15 is the five parking spaces. My understanding was that
16 there were -- cars were going to be parked on both
17 sides of that driveway, and if that was the case, there
18 would not be a way for cars to get, actually, into that
19 parking. So that's something that can be clarified at
20 a later time.

21 Many of the comments that were made clearly
22 are of concern to the greater neighborhood. I
23 represent, also, Chestnut Hill Village Associates,
24 Inc., which is my neighborhood association, and the

1 Chestnut Hill Village Alliance, which takes into
2 consideration the greater Newton/Brookline border, so
3 we really look at the impacts of development on both
4 sides of this border. We will also have impacts, not
5 just on the Brookline side, but also the Newton side,
6 and it would be good to also get input, I think, from
7 our neighbors in Newton, to be good neighbors.

8 The other thing, too, I also want to commend
9 the Planning Department for the presentation thus far.
10 They've really, I think, identified a lot of the key
11 concerns of the people in the neighborhood, and I thank
12 them. Thank you.

13 MS. SCHNEIDER: Thank you.

14 MS. SCHOFFMANN: Hi. My name is Sharon
15 Schoffmann, and I live at 6 Eliot Crescent. I'm a Town
16 Meeting member from Precinct 14, and I have a very
17 short list that I just compiled, as I've listened to
18 the presentation, of questions or concerns.

19 The plans show that there was an indentation
20 for the delivery trucks. If you're going to have four
21 or five retail businesses, there's often the
22 possibility of having more than one delivery truck.
23 And having double parking and extra delivery trucks on
24 Hammond Street or Boylston Street is going to create

1 terrible traffic problems that already exist, as you've
2 heard from others. But putting a big truck there with
3 ramps and delivery trucks -- deliveries that often last
4 for a half an hour, so it's going to create huge
5 traffic backups.

6 I know, from living nearby, that it's already
7 treacherous for pedestrians in that whole intersection.
8 I know, from living nearby, that it's treacherous for
9 drivers because we have to mind for pedestrians. If
10 you're adding 45 units, it could easily be 90 people.

11 And the reasoning is that those people are not
12 going to congest -- be in and out of the parking lot
13 because supposedly they're retired. They're going to
14 be pedestrians. And I know that I'm over 55, and I
15 have no plans to retire. And there are many here who
16 are over 55, including the people presenting the
17 project. They're not retired. So with more commercial
18 businesses and more residents, there will be more
19 pedestrians, and I worry, as a driver, that that will
20 create safety issues for me and for the pedestrians.

21 It was presented that the driveway would be
22 for two-way traffic. And if there are cars parked
23 there or idling there, and maybe even on both sides, is
24 there any room for two-way traffic when that's

1 happening? That's a question I have.

2 I also know, from living in this neighborhood
3 for over 20 years, that the parking lot where Star
4 Market is has flooded many times and is terribly
5 flooded during big rain storms, sometimes to the point
6 of covering cars in the parking lot. And I'm wondering
7 how that might impact the basement level where the
8 parking is under this building. Thank you.

9 MS. SCHNEIDER: Thank you.

10 MR. BARKAN: Good evening. My name is Peter
11 Barkan. I am an owner, developer, and manager of
12 affordable housing, most of it elderly, about 1,500
13 units. My business also manages about 2,200 units of
14 residential, mostly high-rise buildings around the
15 Boston area and up and down the east coast, so I have
16 some experience with both the 40B process and the
17 operations of multifamily buildings.

18 My assessment is that this parking scheme is
19 implausible. You started with the idea that this
20 driveway is about as wide as this row of seats, and
21 somebody's going to make a turn of a car and change it
22 from an inbound to an outbound car without taking it
23 down into the garage while there's a bunch of cars
24 idling and waiting for their residents to get in.

1 Secondly, I'll tell you from my experience
2 with affordable housing and elderly housing is that
3 they all have cars. They all want cars. I would
4 believe that there's demand for at least one car per
5 unit. And to make this project economically feasible,
6 the developer is going to want to rent every single
7 space that they can, probably not leaving any for the
8 retail use.

9 As a resident of 20 Glenoe Road around the
10 corner here, I can tell you that that Hammond Street is
11 tight, even not at rush hour. If you ever drive down
12 there, cars on the sides of the street always encroach
13 on the middle lanes because it's just narrow.

14 And now you're going to put one delivery space
15 to accommodate not only the four businesses in this new
16 development but the six owned by the gentleman who
17 spoke earlier and half a dozen others around here. And
18 to think that only one delivery van is going to arrive
19 at the same time -- and by the way, there's not going
20 to be any selfish shopper who says, well, I'm just
21 going to pop in for a minute. So that's completely
22 implausible.

23 Another issue that I think the study needs to
24 look at is the foundations. So I'm sure that they've

1 drawn this parking garage utilizing the full zero-
2 lot-line foundations, and yet they've said that the
3 foundations need to come in from the lot lines. So now
4 how many parking spaces do you actually cut out when
5 you shrink a foot and a half on any side of that
6 garage? I think it's probably substantial.

7 Finally, the valet service. We're talking
8 about at least one person 24/7 and a second person at
9 rush hour. So that's four people employed just for the
10 one permanent position, plus whatever else, so maybe
11 six jobs to run this parking operation, and they're
12 talking about economic feasibility. So it just doesn't
13 add up here to say we need the mass of the building to
14 generate economic feasibility, but we're going to
15 create hundreds of thousand of dollars of annual
16 expense to deal with this parking.

17 I'll leave you with that. Thank you.

18 MS. CHUNG: My name is Jeannie Chung. I live
19 at 14 Jefferson Road, which is, if you go eastbound on
20 Route 9, the third block from the proposed
21 development.

22 I also apologize to the board. I didn't have
23 any well-versed comments. I just found about this
24 meeting last night, and there are a lot of emails

1 circulating among the neighbors who are just finding
2 out about this, and I'm sure at the next town hall
3 meeting there may be a lot more people attending.

4 I first just wanted to let the developers also
5 know that I am not opposed to some sort of development
6 going on in that corner. Currently, right now, it's a
7 little bit of an eyesore. But I think what you're
8 proposing has a complete lack of respect and a lack of
9 understanding for the neighbors and people who live
10 there.

11 There are a lot of assumptions that were made
12 and, again, I haven't looked at all the "studies" that
13 have been done, but I know Mr. Beck had made a lot of
14 assumptions about 55 and older people playing golf in
15 off-hours. And I'm planning on working 'till I'm 80,
16 so I'm not quite sure where he's finding these people
17 over the age of 55 who really don't work.

18 From a practical standpoint, I'm actually here
19 speaking to you as a mother of two little girls. We
20 are a neighborhood. We are a community. There are
21 multiple schools in this area. We have the Chestnut
22 Hill School, which is where my kids attend across
23 Route 9, you have Park School.

24 My kids right now can't even bike or walk to

1 school down Route 9 because I'm concerned about even
2 the exit and entrance to Peet's Coffee, which has a lot
3 more of a sight line than the current proposed driveway
4 that they have. So I won't risk my children walking
5 down Route 9, possibly getting hit by a car coming out
6 of Peet's Coffee, which has a much smaller proposed
7 lot. Kids need to be able to bike -- to be able to
8 cross Route 9.

9 So I understand that Mr. Beck was telling us
10 that when cars exit in the morning, they're exiting
11 eastbound. I have a question about what happens
12 after hours when people return home when they're coming
13 from Boston and they're coming westbound on Route 9.
14 One gentleman previously mentioned that the whole
15 neighborhood gets affected by the cut-throughs. So I
16 currently know that when a lot of people come home,
17 they come down Route 9 westbound and they cut through
18 on Heath Street to avoid this light. It affects
19 streets all over the neighborhood.

20 And I'm actually embarrassed to admit that
21 even -- these places that are currently in business on
22 Hammond Street, such as Oishii or even the little
23 diner, there's no parking. People double park to run
24 in to get something. It takes one car, one car, to

1 back up all of Hammond down to the rotary past the fire
2 station.

3 So this is not something that's just affecting
4 this area. It affects my friends on Newton Street by
5 the rotary, everything gets blocked up, and also the
6 safety of a neighborhood that has a lot of little kids.

7 And interestingly, the demographics of the
8 neighborhood are changing. On Randolph, Jefferson,
9 Harris alone, multiple homes are being turned over with
10 small children entering the neighborhood, and we really
11 can't have this sort of structure going up.

12 And, again, I think the developers have to
13 understand that we would embrace something in this
14 area. It just really has to fit within the culture and
15 the neighborhood feel. Thank you.

16 MS. GROSS: Hi. I'm Julie Gross. I'm at
17 629 Hammond Street, Hammondswood. I'm a trustee on the
18 board, and I just really want to echo -- all of us,
19 actually. We have about eight people here who wanted
20 to echo what Maria Morelli -- all the points she made,
21 specifically with, you know, the size and the height,
22 the parking, the traffic, the loading zone. I feel
23 like she actually really expressed everything we were
24 concerned with. And we've, you know, written letters

1 with more detail, so I won't go into it. But just,
2 again, thank you, Maria, for a great presentation.

3 MR. NANGLE: Hi. I'm Richard Nangle. I'm a
4 Town Meeting member with Precinct 15. I live at
5 854 Hammond Street.

6 In the past couple of years, I've seen
7 something that I never sort of anticipated, which is,
8 as one previous speaker mentioned, there's traffic
9 backing up past my house, which is next to a town
10 garage, next to a golf course, and going all the way
11 back to the rotary.

12 So when you consider that and you consider the
13 impact of this development on that and then you
14 consider -- and I don't know how many people in this
15 room know this, but the Baldwin School is being
16 considered as a possible elementary school, which means
17 that Baldwin would be demolished in its present state,
18 rebuilt to three times its current size.

19 It would also be the least walkable school in
20 Brookline, drawing from a very large geographic area.
21 More than 80 percent of the people who sent their kids
22 to that school would be driving them. It would be
23 insane, and that needs to be taken into account. I
24 hope the ZBA will coordinate with the school department

1 for any traffic studies that are going on. But what's
2 happening at the Baldwin School -- what may happen
3 there needs to be part of this conversation. Thank
4 you.

5 MS. ROBINSON: Hi. I'm Donna Robinson. I'm a
6 resident, 19 Pine Road, and I represent both -- and my
7 husband, Chris. We've lived there for almost 35 years.

8 And I don't have anything really prepared. I
9 just wanted to also back up the previous comments about
10 the scale, the traffic. In the 35 years I've lived
11 here, I've never seen traffic this way. I can't get
12 out to Pine Road to get onto Hammond. I have to go via
13 Heath -- Woodland and Heath, so it's really become a
14 big issue.

15 But I really feel that this project, as
16 described, is really not sensitive at all to what I
17 feel is the Chestnut Hill that we moved to more than 30
18 years ago. It's -- the scale is completely off from
19 anything surrounding it. It is a structure that is
20 placed on the smallest amount of space.

21 When I see that the doorways open onto the
22 street, I'm also thinking of our winters and the snow
23 which is going to possibly -- well, just use the word
24 "snow" there and think about that for just last winter.

1 And I'm also concerned that there is very
2 little -- there's no outside space. There's no green
3 space. There certainly will be no trees.

4 And I would just beg that you consider some of
5 those concerns: the scale, the green space, and what
6 it looks like to the rest -- it's not sensitive to the
7 other buildings around it and to the neighborhood
8 around it, I feel. I certainly support a structure
9 there of this type, but not the scale. Thank you.

10 MS. SCHNEIDER: Thank you.

11 MS. LEVENTHAL: I'm Sherry Leventhal again, at
12 18 Pine Road, and I just want to reiterate what
13 everyone else has said.

14 But I also want you all to consider how
15 difficult it is for emergency vehicles to get down
16 Hammond Street during rush hour today where school
17 isn't even in session. The traffic was backed up past
18 Pine Road. I couldn't get out. And there is no way a
19 fire engine or an ambulance could get in, or for sure
20 couldn't get to this -- easily get to this project
21 where you're going to have senior citizens living,
22 which I consider much older than 55.

23 And I also wanted to say that many of us that
24 are over 55 -- not just one car. We have two cars. My

1 husband has his own car. So I think that garage is
2 going to be filled, and I think it's going to be a
3 nightmare to get in and out of there.

4 And I think the people that do live next door
5 are going to have a lot of congestion and idling cars
6 and people trying to get in and people trying to get
7 out and there will be a queue on Route 9. And it's
8 just -- it's already a nightmare.

9 And this is just -- I think you're taking this
10 infrastructure on Route 9 and Hammond that was built in
11 the 1920s when there was no density there and it has
12 been overtaxed and overtaxed with all of these
13 residential units and now we're throwing 45 more
14 residential units, which I bet will have two cars a
15 unit if the people are married or living together or
16 something, and it's going to be -- you are breaking the
17 back of a dysfunctional traffic flow right now if you
18 approve this project the way it is. Thank you very
19 much.

20 MR. SHAFRANSKIY: Hello. My name is Sergey
21 Shafranskiy. I live at 1164 Boylston Street, right
22 next door.

23 And just for -- so because of -- all concerns
24 were raised. There's nothing else to say except for

1 only one. Maybe it sounds a little selfish, but it is
2 next door, right to the parking lot or wherever, the
3 driveway, and the neighbors above me -- I'm going to
4 raise only one issue, health issue.

5 Who did research about idling engines right
6 next to my windows? Not only do we lose all of the
7 light, as mentioned before -- because nobody said we'd
8 lose all trees and all the green stuff. But also
9 because the building is so close and it also was
10 proposed like four feet between the -- also mentioned
11 between my building.

12 And I think the garage itself is right on the
13 borderline, so it's four feet between the foundation of
14 my building and theirs. So we're talking -- we're
15 still talking -- doesn't matter what the gentleman from
16 the parking company promised you, but I'll tell you any
17 hydraulics, it will shake so it will be some noise, it
18 will be some vibration issues, and it's, too, very
19 close to my building, my apartment. So I worry about
20 me, myself, my kids, and everyone who lives next to me.
21 So thank you. Thank you very much.

22 MS. SCHNEIDER: Is there anyone else here from
23 the public who would like to make comments tonight?

24 I just want to remind everyone there will be

1 further opportunities for comments, and I would
2 encourage everyone, to the extent that you have not
3 yet, please do feel free to submit written comments to
4 us. It is very helpful to the process.

5 Yes?

6 MS. KHAN: Janice Khan, Town Meeting member,
7 Precinct 15.

8 So one of the issues that I -- I was glad to
9 see the -- I would really like to hear from the fire
10 department whether or not there is actually -- has
11 been -- whether the plans have been looked at by the
12 fire chief yet or, you know, whether, you know, there
13 are concerns for public safety and ...

14 MS. SCHNEIDER: I believe he did submit a
15 letter.

16 You submitted something; correct?

17 MR. MCEACHERN: I did. I can answer those
18 questions.

19 MS. SCHNEIDER: Why don't you come on up
20 and -- thank you.

21 MR. MCEACHERN: Deputy McEachern, Brookline
22 Fire Department. I'm in charge of fire prevention
23 currently.

24 We did review the plans. As proposed, the

1 building does meet all the fire codes, so we didn't
2 have a lot of concern as far as fire code or even
3 access to the building.

4 To answer your question previously about
5 responding, you know, to emergencies, I did not look
6 into the -- you know, what that might generate as far
7 as call volume for us. But pretty much every building
8 on Hammond Street or on Boylston Street, we're kind of
9 stuck parking on the main thoroughfare -- you know, the
10 road, so that would be an issue obviously, so ...

11 Anything further?

12 MS. SCHNEIDER: I'm sorry. When you say that
13 you're stuck parking on the main thoroughfare, to serve
14 this building, would you envision that emergency
15 vehicles would park on Route 9 or on Hammond?

16 MR. MCEACHERN: Depending on the nature or
17 where the call was, you know, it could be one vehicle
18 or it could be several. We're kind of in that
19 predicament now anyway, but yeah, that would definitely
20 be an issue.

21 MS. SCHNEIDER: Okay. Anyone else have any
22 questions for the fire department?

23 (No audible response.)

24 MS. SCHNEIDER: Okay. Thank you.

1 MS. KOBES: My name is Hedva Kobes. We live
2 at 629 Hammond. And I would really like to reinforce
3 what someone mentioned -- several people mentioned
4 about the current traffic situation at Hammond and
5 Heath. And I'm aware of it because I have a two-year-
6 old granddaughter whom I walk to the school day care
7 right on -- a block from that intersection.

8 And irrespective of this project, I was so
9 concerned about the traffic at that intersection that I
10 came to this building to talk to the traffic planners
11 and asked if anyone had looked at it, if they're aware
12 of the difficulty of just getting across that
13 intersection, let alone older people and younger
14 people.

15 And they told me that so much concern has been
16 raised about that intersection that there is, in fact,
17 a study underway and a report that's supposed to be
18 issued in September. And they were kind enough to give
19 me a gentleman's name to whom I should write to express
20 my additional concern.

21 So I just speak to say that the question about
22 traffic at Hammond and Heath is not being raised simply
23 because of this projected proposal, but it is, as
24 people have said, a very serious and ongoing public

1 safety issue. Thank you very much.

2 MS. SCHNEIDER: Thank you.

3 Okay is there anyone else from the public
4 who would like to speak now? Anyone else from the
5 public?

6 (No audible response.)

7 MS. SCHNEIDER: Okay. Does the applicant
8 want to say anything here tonight, or do you want to
9 hold your comments to another time?

10 MR. ENGLER: Could you give us one second?

11 MS. SCHNEIDER: Sure.

12 MR. ENGLER: Okay. We're fine.

13 MS. SCHNEIDER: Okay. The next hearing is
14 going to be covering the issue of urban design, and
15 we anticipate that our urban design peer reviewer
16 will provide a preliminary report at that meeting.

17 So right now we are going to continue the
18 hearing until August 9th, and in the interim, please
19 feel free to submit comments, et cetera. Thank you.

20 (Proceedings adjourned at 8:46 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 July, 2016.

14 
15
16

17 _____
18 Kristen Krakofsky, Notary Public
19 My commission expires November 3, 2017.
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