

In The Matter Of:

BROOKLINE ZONING BOARD OF APPEALS HEARING

PROCEEDINGS - Vol. XII
September 15, 2014

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Volume XII

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Brookline Zoning Board of Appeals Hearing

Case Number 20130094

40B Application by Chestnut Hill Realty

The Residences of South Brookline

September 15, 2014 at 7:00 p.m.

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1 Proceedings

2 7:06 p.m.

3 MR. JESSE GELLER: Good evening. Thank you
4 for your patience. I want to welcome everyone to the
5 continued hearing on the Residences of South
6 Brookline. The last hearing was last Monday.
7 Tonight's hearing will be largely dedicated to
8 completing peer review related to both traffic and
9 stormwater.

10 I want to raise a scheduling issue that has
11 just arisen, and I want to raise this in particular
12 with the applicant. One of the members of the ZBA is
13 unavailable on October the 6th, and as you know, we
14 have bulked up in October with hearing dates. And
15 therefore I would like to formally request an extension
16 of the deadline for a period of two weeks. That would
17 bring us to November the 14th.

18 MR. SCHWARTZ: That's fine.

19 MR. JESSE GELLER: Thank you.

20 So let me filter that back into our schedule.
21 So what that would mean is that the next hearing, the
22 one following this one, was originally scheduled for
23 October the 6th. That next hearing will now be on
24 October 20th, so that is the next public hearing on

1 this matter, October the 20th, same time, 7:00. And at
2 that point there will be continued deliberations on the
3 plan including discussions of the applicant's request
4 for waivers and possible conditions.

5 Let me note a few other things. In order for
6 the board to render its decision, whether that's an
7 approval, whether that's a denial, or whether it's an
8 approval with conditions, the board will consider
9 whether there are any conditions that are consistent
10 with local needs that might make the plan more
11 accessible. That will be part of our process.

12 I would also remind everyone that in
13 considering a comprehensive permit application, which
14 we are doing, the board is required by statute to take
15 into consideration the recommendations of local boards
16 and to invite local boards and officials to participate
17 in the hearing. The town has therefore requested, on
18 behalf of the ZBA, input from boards, commissions,
19 department heads, and town officials relative to the
20 revised plan. As you remember, we did previously
21 obtain input from the various town boards and
22 departments and the response date for the new
23 submissions will be September the 30th.

24 In order for our decisions to be informed as

1 well as to provide the basis for the board's discussion
2 of waivers, I would formally request that the applicant
3 submit its list of requested waivers to the building
4 commissioner by the end of the business day on
5 September 23rd.

6 Mr. Schwartz, do you see any issues with that?

7 MR. SCHWARTZ: As far as the date is
8 concerned, I don't see any issues with it. I'm curious
9 to have a bit of a discussion about sort of the -- not
10 the protocol. It's too fancy a word for it -- but the
11 method that we had all been discussing for our
12 submission of requested waivers which was going to be
13 based on getting a better sense of where the board was
14 on the plan. Therefore, we would be sparing the
15 building department their time in going through
16 conditions, et cetera.

17 It sounds like you would like us to submit our
18 list of requested waivers by September 23rd regardless
19 of whether we've reached any kind of consensus with the
20 board on where we are in the planning. So I just want
21 to clarify that because by putting that -- we were
22 prepared -- we could have been prepared to submit a
23 list of requested waivers a month ago or more. We've
24 been holding off on that petition.

1 MR. JESSE GELLER: Sure. Okay. And the
2 intention is that if the next hearing date is
3 October 20th, then the deliberate effort will not take
4 place -- you know, there won't be a further honing of
5 the discussion until October 20th and the date we've
6 given them is September the 23rd.

7 MS. NETTER: The notion is that I think we
8 were -- first of all, the building department -- you
9 want the building department and all the various town
10 boards and relevant staff to review the waivers as
11 carefully and as completely as possible.

12 MR. JESSE GELLER: In time for their
13 response.

14 MS. NETTER: In time for whose response?

15 MR. JESSE GELLER: The town boards.

16 MS. NETTER: We want to get the request in
17 time -- yes, absolutely. And the thought is we were
18 assuming the project wasn't going to grow so that if,
19 in fact, there were waiver requests that were
20 presented, perhaps there would be fewer waiver
21 requests, not more, so it made sense to do this sooner
22 as opposed to later.

23 MR. JESSE GELLER: Okay. Does that help you?

24 MR. SCHWARTZ: I mean, I think that -- we'll

1 do it by September 23rd if that's the board's request.
2 As you'll hear later, we've been trying to address some
3 of the concerns that were expressed at the last hearing
4 as far as design is concerned. And while I think it's
5 true that the project is unlikely to grow in terms of
6 density, there may be changes -- there conceivably
7 could be changes in the plan which would change the
8 waivers. So that's the only thing. So we'll submit it
9 based on the best information we have at our disposal,
10 and we'll go from there.

11 MR. JESSE GELLER: Great. Thank you.

12 I want to acknowledge a number of emails that
13 we received providing us with some questions and some
14 information, and I particularly want to thank those
15 parties that did submit these issues. If you recall,
16 at the last hearing we had suggested that it would be
17 useful if, in the interim between the hearings, if
18 parties have additional information that they want to
19 submit, they could certainly submit it in the form of
20 written questions or written comments. So those of you
21 who did submit them, you know who you are and I want to
22 thank you. And we will address some of those in a bit.

23 In particular, I'd like to -- I'd like to be
24 able to read my notes, one.

1 Two, with respect to -- I think it was
2 Mr. Abner's question about height calculations -- and
3 forgive me if I have the party wrong, but I believe
4 that's who asked it -- the height calculations relative
5 to the revised plan have not been submitted by the
6 applicant, and therefore I would formally ask that the
7 applicant submit those calculations to the building
8 commissioner. And again, I would use the date of
9 September 23rd from that submission. And I assume the
10 work has been done, and therefore I assume it wouldn't
11 be difficult to submit that.

12 I have also -- again, to address some of the
13 questions that have been asked more than once -- asked
14 the Planning Department to prepare a number of reports
15 to be entered into testimony. One is a comparison of
16 the various iterations starting with what was submitted
17 to MassDevelopment in 2012. We have testimony where,
18 in a number of instances, comments have been made that
19 this is essentially the same plan that was submitted in
20 2012. And we've therefore asked for a comparison
21 because we want to see how the various iterations do
22 compare, and that will be available, I believe, on the
23 20th. Correct?

24 MS. MORELLI: Yes.

1 MR. JESSE GELLER: I also have asked for a
2 report on an issue that was raised at the last hearing
3 which is, what could be built as of right within what
4 some of us are calling the green belt area? So I think
5 that would be interesting information for us to see.

6 The third report that I have asked for is
7 simply a calculation of density within the area and the
8 neighborhood both in terms of the project parcels as
9 well as the immediate neighborhood.

10 So we should have those back, again, by
11 October 20th.

12 Tonight's hearing is going to be largely
13 dedicated to traffic peer review and stormwater peer
14 review. And following that, the ZBA will have a
15 discussion about what we have heard. The public will
16 then be invited to offer its testimony, and again, I
17 would ask that you listen carefully to what other
18 people say and if you agree with them, let us know you
19 agree with them, but obviously it will make for a long
20 evening if we hear the same testimony over and over
21 again.

22 After we hear from the public, we will hear --
23 or we will give an opportunity for the applicant to
24 offer its comments and respond, at which point the

1 hearing will be continued until the October 20th date.

2 Any other administrative details?

3 (No audible response.)

4 No? Okay.

5 So I'd like to call on Mr. Michaud from MDM.

6 MR. MICHAUD: Thank you, Mr. Chairman. For
7 the record, Robert Michaud, a principal with MDM
8 Transportation Consultants based in Marlborough,
9 Massachusetts.

10 I've got a presentation that focuses on four
11 aspects of traffic. It's relatively brief because I
12 believe that there is a level of concurrence with the
13 peer review consultant on the means and methods used in
14 the analysis and its findings, with the principle
15 discussion points being mitigation, frankly, which
16 we'll hear from Mr. Ho shortly about.

17 So the four topical areas include an overview
18 of the revised traffic report reflecting reduction in
19 the number of units being proposed from 192 to 184; a
20 discussion of the site plan revisions with Frank Holmes
21 from Stantec will be discussed in more detail; we'll
22 focus on the fire access components of the site plan
23 revisions; and the mitigation commitments both for
24 transportation demand management and improvements to

1 Independence and two other topical areas that remain
2 open for discussion.

3 BETA, in their October 28th peer review
4 letter, specifically cited that the traffic volumes,
5 both existing and future, and the intersection
6 operations analysis conducted as part of the traffic
7 impact evaluation are appropriate for this project. So
8 that's the level of concurrence that I just suggested
9 has occurred.

10 I'll recap the findings of our study to say
11 that the study locations, both signalized and
12 unsignalized locations, operate at below capacity
13 conditions defined as a level of service D or better
14 operation during peak hours, that there is no change in
15 that level of service, no material change, relative to
16 the project impact, and that the study locations,
17 including those locations within the neighborhood
18 setting, all exhibit a below-average crash history.

19 As a point of reference, the original traffic
20 report based on 192 units had predicted during the peak
21 hour morning condition that there would be just under
22 100 vehicle trips being generated from this development
23 and 123 during the weekday, evening peak hour. That's
24 a reduction in units to 184. We have a total of 94

1 vehicle trips versus the 98 and 119 during p.m. versus
2 the 123, so there is a net reduction in trips. It's
3 not a large reduction, but it's now reflected in the
4 most current submitted traffic report of July 2014.

5 The site plan itself has been modified to
6 address some specific input from the fire chief, and
7 that is to change the driveway dimensions to a 23-foot
8 width, which exceeds the minimum requirement but it
9 provides adequate flexibility for his purposes. And we
10 update the maneuvering diagram to show how the largest
11 response vehicle would circulate within the property,
12 which is the Brockton E-1 Bronto 100-foot tower truck.
13 It's a fairly large vehicle.

14 The board may be familiar with these
15 exhibits. They've been updated to reflect the most
16 current site plans and indicate in an illustrative way
17 the travel paths at various locations within the
18 property denoted as A, B, C, D, and E. And I'll walk
19 through each one of those locations.

20 Location A is the rear portion of the largest
21 building on the property. We refer to it as
22 Building 10. It's the largest apartment building.
23 Since the original site plan was submitted, there have
24 been modifications to allow an access road to travel

1 behind that building and to provide a reinforced
2 structural earth section here, grass paved-type design,
3 and what we call a "Y-type design" at the end of that
4 roadway that would allow for the full maneuvering of
5 that largest vehicle once they were in the service
6 position in the building.

7 That has been reviewed with the fire chief on
8 August 27th of this year along with the planning
9 director. The chief finds that this is acceptable for
10 his needs and purposes with the only request being that
11 under the final site plan review that the grass paved
12 section be specifically delineated with bushes or
13 plantings or lining of some sort that would provide a
14 visual indicator to responders of where that section
15 exists.

16 Location B, the existing cul-de-sac location
17 within the property, also has ample maneuvering area.
18 The cul-de-sac area on the most easterly portion of the
19 property nearest Building 9 has been modified and
20 expanded to provide additional maneuvering area for
21 that vehicle without any impedance to parking and
22 circulation. Again, reviewed and found acceptable by
23 the fire chief.

24 Location D, this is just off of Independence,

1 the east side of Independence. There's a short roadway
2 section that leads to Building 6. The design there,
3 again, envisions an L form of a cul-de-sac that would
4 allow a vehicle to conduct an appropriate maneuver to
5 access and egress the property.

6 And on the most westerly portion of the
7 property nearest building, there is closest to the
8 Baker School, that design element now includes a
9 circular cul-de-sac element that allows for unimpeded
10 circulation by a vehicle and the ability to, in this
11 particular area, have vehicles bypass one another,
12 another stated objective of the fire chief.

13 So we're satisfied and we believe that the
14 fire chief is satisfied with the types of changes that
15 have been adopted so that the emergency response to the
16 site will be adequate.

17 The third component -- and these speak to the
18 mitigation actions that were being contemplated --
19 provide some additional detail on three aspects of
20 travel demand management. The is regarding the shuttle
21 service that currently operates by Chestnut Hill
22 Realty. That service, as Marc Levin will point out
23 after I present, is a shuttle service that is offered
24 as an amenity to the tenants of Hancock Village. It's

1 a voluntary measure. It's a measure that's intended to
2 encourage tenants to stay longer at where they live and
3 to provide a certain level of convenience to existing
4 tenants.

5 That shuttle route will be expanded to include
6 one additional shuttle if service and actual demand
7 warrants. So following tenancy of the Residences of
8 South Brookline, to the extent demands do increase, the
9 shuttle service that Chestnut Hill Realty operates --
10 they're well aware of how many folks use this on a
11 daily basis -- it will be expanded. In fact, the
12 applicant will commit to promoting the service, the
13 understanding that the service exists, what its route
14 is, and what its schedule is to tenants during the
15 lease signing process for the units of South
16 Brookline.

17 The second component relates to Zipcar. The
18 applicant is committed to designate one additional
19 parking space for Zipcar use. There are two spaces
20 designated for that purpose today.

21 The applicant does not control whether or not
22 an additional Zipcar vehicle is assigned to this area.
23 That is a determination made by Zipcar. That's made on
24 an annual basis based on market demand records for the

1 prior year. That determination is typically made in
2 the spring of each year. My understanding is that an
3 additional vehicle may be considered once the use
4 characteristics of the existing fleet at this location
5 exceeds 60 percent. If more than 60 percent of the
6 time these vehicles are in use, Zipcar would consider
7 adding one to the fleet.

8 That's not a determination made by the
9 applicant, but if it is made and determined by Zipcar,
10 the applicant will provide an additional designated
11 space for that purpose.

12 And finally, on the bicycle accommodations for
13 the project, two inverted U-racks will be provided for
14 every four units of residential developed in the infill
15 buildings. What that means is that we'll have the
16 equivalent of one bicycle rack per unit of infill
17 building. So if you have an eight-unit building, there
18 will be four inverted U-racks. If you have a
19 four-unit, there will be two inverted U-racks.

20 Within the largest building, Building 10 on
21 the property, the basement area will have a reserved
22 section for bicycles. It'll have a capacity for
23 approximately 50 bicycles. These ratios, the applicant
24 feels, are appropriate and will meet the needs of the

1 potential residents of South Brookline.

2 The most significant component of mitigation
3 is the Independence Drive improvements which were
4 presented to this board. The nature of the
5 improvements are to convert the Independence Drive
6 roadway to a complete streets form of design.

7 What that means is that when you look at
8 individual pieces of the design, it's focused on moving
9 not only vehicles but pedestrians and bicyclists in a
10 fairly uniform and safe way. So under this complete
11 streets design, there will be a single travel lane
12 rather than two travel lanes in each direction of
13 Independence. The roadway will be restriped to include
14 bicycle accommodations on both sides of the roadway.
15 Curb bump-outs will be provided at two specific
16 locations of primary crossing points along that border,
17 and those bump-outs will allow for a much shorter and
18 visible pedestrian crossing of the roadway.

19 In addition to the physical improvements,
20 there will be pedestrian beacon options either to
21 include a high-intensity activated crosswalk, or a HAWK
22 system, or a cross-alert-type system which is a
23 pedestrian activated beacon system that would allow a
24 pedestrian to cross and enhance the level of visibility

1 to folks who are in their cars approaching that
2 crosswalk.

3 This is a good picture of what we're
4 attempting to achieve under that complete streets
5 design in another Massachusetts community where you, in
6 fact, have a single lane of travel with an adjoining
7 bicycle lane, curb bump-out features, and 24/7 curbside
8 parking along its edge as well as, of course, the
9 sidewalk elements. This example does not have beacon
10 systems, but you can perhaps imagine that beacons
11 assembled here would further enhance the visibility and
12 understanding that this is a pedestrian crossing.

13 Other issues beyond those actions that arose
14 during the final peer review comment period, review
15 period, have to do with the provision of additional
16 alternate access to the VFW Parkway. The applicant
17 envisions that they will seek approval for a new
18 driveway on the parkway in the most easterly portion of
19 the property and that that is subject to the approval
20 of the Department of Conservation and Recreation, DCR,
21 so it's not a guarantee; that that will be sought in
22 collaboration with the town, and that the permitting
23 would occur following the issuance of the comprehensive
24 permit to the project.

1 The provision of a driveway on the VFW Parkway
2 is not a requisite to accommodating the project
3 itself. However, to the extent it is allowed and
4 permitted by DCR, it has the potential to reduce some
5 level of trip generations in the adjoining
6 neighborhood. We estimate anywhere from six to thirty-
7 eight vehicle trips per hour during peak hours.

8 The other benefit, if you will, of providing
9 that access is that they also allow an alternative
10 means of access and egress for emergency vehicles to
11 the property. And in our discussions with the fire
12 chief, we have an understanding that the site plan, as
13 it's currently proposed and independent of the VFW
14 Parkway driveway, is satisfactory to meet the needs,
15 the basic needs of emergency response to the property.
16 But we all recognize the added benefit of allowing this
17 secondary means of access and egress from that portion
18 of the property to the extent we can gain it.

19 Finally, as it relates to truck routing and
20 construction activities for the property, a
21 construction management plan will be developed for the
22 property that is submitted to the town and is reviewed,
23 to our understanding and knowledge, with the Public
24 Works Department to identify specific travel routes,

1 truck restrictions, hours of construction activity and
2 deliveries, worker vehicle parking hours and location,
3 and material lay-down areas. So all of those specifics
4 will be encapsulated within what we call the
5 construction management plan.

6 While that plan doesn't exist in a detailed
7 form currently, it is customary in the planning and
8 permitting process to provide such plan subsequent to
9 the issuance of the permit but before the actual
10 construction begins. And the objective, of course, of
11 that plan is to avoid or minimize the disruption of
12 traffic and parking on neighborhood streets. That's
13 the principal objective.

14 So in conclusion, we're pleased that there's a
15 level of concurrence in the traffic peer review
16 process. We understand that there are specific actions
17 and elements of mitigation that will need to be
18 identified and agreed to during this process. We
19 believe that the information that I've just presented
20 will provide an appropriate framework for that
21 discussion. And I'd be glad to answer any questions at
22 this point, or hand it to BETA.

23 MR. JESSE GELLER: Questions?

24 MR. LISS: I have one quick question.

1 When you did the parking on the side, you
2 referenced 24/7 parking.

3 MR. MICHAUD: Yes.

4 MR. LISS: Brookline doesn't have the
5 overnight parking. Did you consider the benefit -- you
6 know, the pros and the cons of taking away a lane of
7 traffic to add parking that, you know, really isn't a
8 huge asset overnight?

9 MR. MICHAUD: The nature of Independence Drive
10 is that during peak hours it can be a rather confusing
11 corridor to folks who aren't used to traveling it on a
12 regular basis, and it's not uncommon to be in that
13 inner lane or curbside lane, to discover that someone
14 parked there, and that results in a rather fast
15 transition into the center aisle, the center lane. So
16 there are some operational issues that, from a pure
17 traffic engineering safety perspective, would be
18 addressed by implementing this plan.

19 Nighttime hours when parking is prohibited
20 certainly today allows for that four-lane section, but
21 it's certainly not needed for capacity reasons.

22 So introducing this form of design would allow
23 for the designation of 24/7 curbside parking at least
24 in this section of Independence Drive. At the same

1 time, it would enhance safety for bicyclists,
2 pedestrians, and vehicles, so I think its benefits
3 certainly outweigh the disadvantage of losing that
4 extra travel lane.

5 MR. LISS: So my second follow-up is, in
6 situations where you've taken a two-lane and making it
7 one, what's your experience with, you know, just
8 getting the generally regular drivers that do traverse
9 this -- you know, do you find that it's a smooth
10 transition or have you found that it's a difficult
11 transition?

12 MR. MICHAUD: Well, this is a more coherent
13 experience to anyone who drives this corridor and
14 there's an expectation that there's a single travel
15 lane. There's no guessing as to whether or not if
16 there's someone parked in the lane, that you need to
17 avoid and transition over a lane and make a lane
18 shift. So I think that once this form of improvement
19 were implemented, it would actually be an easier
20 experience for folks who either currently use it on a
21 regular basis or those folks who may only occasionally
22 use it. So I think it's a vast improvement in a lot of
23 ways than what's here today.

24 From a capacity perspective, it's not hurting

1 anything. It's actually -- if you look at the
2 peak-hour conditions, the utility of that curbside lane
3 is very low in terms of capacity and, in fact, creates
4 friction and it will be avoided under this form of
5 design.

6 MR. JESSE GELLER: Is the result of vehicles
7 right now parking on the inside or the curbside, isn't
8 that traffic calming? You have to slow down to get --

9 MR. MICHAUD: You know, there's a fine balance
10 between traffic calming and creating friction, and I've
11 experienced this myself. I've seen it. I have been
12 here watching traffic for long enough that it is often
13 the case that you have these rather abrupt transitions
14 of traffic which create what I call friction and near
15 conflict to traffic flow.

16 My sense is that this design, because it's
17 designating a travel lane and including a bicycle lane,
18 a striped lane adjacent to it, there's a visual
19 perception to a driver that they have a very limited
20 amount of space in which to travel. So that feature in
21 and of itself will tend to encourage lower travel
22 speeds in combination with pedestrian-activated
23 crossings which will, I suspect, be activated on a
24 regular basis during these peak hours. Those

1 combination of factors will vastly improve the safety
2 aspect of this and will form conditions that tend to
3 reduce or promote lower travel speeds.

4 MR. BOOK: Have there been any discussions,
5 even on an informal basis, with DCR about access to the
6 parkway?

7 MR. MICHAUD: At this point, no. I have
8 permitted access with DCR. There's a formal process
9 that we need to undertake. It is the desire of the
10 applicant to obtain that access, but not within the
11 context of the comprehensive permit process as a
12 requisite. They want to do this in a collaborative way
13 with the town. I think there's a mutual benefit to
14 gaining that access and that that will be best placed
15 once the permit issues, they know they have a project,
16 and then they can bring to bear the resources of the
17 town and its perspective along with the money and
18 willpower and know-how of the applicant to actually
19 have the permit executed. But to this point, we have
20 not met with or discussed any specific aspect of that
21 driveway.

22 MR. BOOK: But you've done this in the -- been
23 involved in this process in the past?

24 MR. MICHAUD: Yes. On multiple projects.

1 MR. BOOK: So in your past experience, is this
2 a likely, possible, improbable -- or maybe you have no
3 opinion.

4 MR. MICHAUD: You know, to be honest with you,
5 I think the highest and the best use of a driveway on
6 VFW is one that would be based upon emergency access
7 more than anything. I think that would be, I believe
8 from the perspective of DCR, an appropriate basis upon
9 which to grant access. Whether or not that means gated
10 access, partial access, enter-only, or exit-only
11 remains to be seen.

12 I think the nature of the parkway as a parkway
13 with mature tree growth and aesthetic value would lend
14 itself to, you know, emergency access rather than full
15 access, but it's certainly not out of the question that
16 a driveway could be obtained. And until we actually
17 formally file plans and reports and analyses and have
18 that discussion, there's no guarantee. It's ultimately
19 up to DCR as to whether or not that driveway makes
20 sense and is permitable.

21 MR. BOOK: Thank you.

22 MR. JESSE GELLER: Other questions?

23 Mr. Zuroff?

24 MR. ZUROFF: I have a question for both you

1 and the developer. And I'm looking at the plan and I'm
2 seeing that the larger building leads right to
3 Asheville and then to the next street over. Was there
4 any thought given to offering another access to the
5 larger building through the existing roadway rather
6 than having everything drive through Asheville?

7 MR. MICHAUD: Could you be more specific about
8 what that access would entail?

9 MR. ZUROFF: Well, I guess it --

10 MR. JOE GELLER: I can answer it. Joe Geller
11 from Stantec.

12 We had looked at the possibility of coming out
13 onto Thornton. Is that the question?

14 MR. ZUROFF: Yes.

15 MR. JOE GELLER: The problem with that is that
16 because of the NCD, if we were to make any changes on
17 Thornton, we would have lost parking spaces, which
18 would have made it nonconforming, which negated that
19 possibility.

20 MR. ZUROFF: Thank you.

21 MR. JESSE GELLER: Anything else?

22 (No audible response.)

23 MR. JESSE GELLER: I had asked once before,
24 but I want to just be clear on it. So on the access

1 point on Independence, so the curb cuts, they seem
2 fairly close to one another, particularly when you walk
3 it. Is there any sense that vehicles entering and
4 exiting from those locations as well as other roadways
5 that access Independence, that there is heightened risk
6 due to how close they are to one another?

7 MR. MICHAUD: The primary determinant -- there
8 are probably two. One is the site line visibility, and
9 the second is the level of traffic generation
10 proposed. Both of those access points have a
11 limited -- serve a limited number of units, especially
12 in the revised plan. The number of units that were
13 once proposed along the westerly portion of the site
14 have now been substantially reduced, and there's only
15 two buildings over here on the east side.

16 The number of trips -- and I don't have the
17 exact number in front of me. My recollection is it was
18 on the order of maybe less than 10 vehicle trips being
19 generated over the course of an hour, principally
20 exiting in the morning and returning in the evening.

21 Your ability to access Independence Drive is
22 measured in terms of delay based on the volume
23 conditions that are there, and those have been reported
24 in the filing. Those results show the level of service

1 D or better, which is an acceptable urban design
2 standard, so there's no capacity constraint.

3 There's a relatively low number of units being
4 served, and the traffic volumes associated with those
5 units is low enough that the capacity analysis shows
6 that it's inconsequential to traffic flow on the road
7 and the site line standards are met at both locations.
8 So in my professional opinion, the location, the
9 proximity to the driveway is acceptable and customary
10 in an urban-type environment.

11 MR. JESSE GELLER: Acceptable, customary, and
12 safe?

13 MR. MICHAUD: And safe; correct.

14 MR. JESSE GELLER: Thank you.

15 Anything else?

16 (No audible response.)

17 MR. JESSE GELLER: Thank you.

18 MR. HOE: Mr. Chairman, just for the record,
19 my name is Kien Ho with BETA Group, the traffic
20 consultant for the Town of Brookline.

21 Before I get into my presentation, I do want
22 to comment on the question that was raised by
23 Mr. Chairman regarding the close proximity of the two
24 driveways. I checked on the traffic volume. When we

1 reviewed it, you know, we also had the same questions.
2 The volume that is shown, basically, as the proponent's
3 traffic consultant has indicated, the number of
4 residents coming out of those driveways are very
5 limited, so at any given time during the morning
6 commuting peak hour or the evening commuting peak hour,
7 depending on the time of the day, those volume ranges
8 from, you know, five vehicles to eight vehicles, so
9 there's very little cars coming out of those site
10 drives.

11 MR. JESSE GELLER: At peak moments.

12 MR. HO: Yes. This is during the peak
13 commuting period. So from a safety standpoint, you
14 know, we agree with the opponent that it's not a
15 concern at all.

16 So with that, what I'd like to do,
17 Mr. Chairman, if I may, is I'd like to provide a little
18 history before I get into, you know, the summary of our
19 recommendations for this presentation.

20 We've gone back and forth on this for quite a
21 little while. If you recall, our first review was
22 documented in the memorandum dated March 30th, and in
23 that review we had requested a lot of information
24 ranging from additional traffic volume data, additional

1 speed data, additional accident analysis from the local
2 police department, which is the Brookline Police
3 Department, and we have also requested that they look
4 at site distance analysis at some of the key
5 intersections for the site drive.

6 So I think since then, you know, the proponent
7 has conducted additional traffic data collection,
8 whether it's speed or traffic volume at the locations
9 that we have identified. And, you know, we have a
10 second round of review which is dated -- in our letter
11 on May 7th. The final letter which, you know, we have
12 reviewed is dated August 28th.

13 So since then, you know, the proponent has
14 provided all the additional data that we have asked
15 for. And as part of the new data that they have
16 collected, they've also updated their traffic analysis,
17 and we have reviewed all of the analyses. And at this
18 point, you know, we find the traffic analysis to be
19 performed, you know, under -- basically acceptable and
20 appropriate for this study and it's based industry
21 standards. This includes also the additional accident
22 that data that they have provided.

23 The site line analysis that we were concerned
24 with, we want to make sure that, you know, the site

1 drive that they're coming out of, whether it's the two
2 driveways that you have identified, there are other
3 locations, making sure that, you know, there aren't any
4 safety concerns that we have, that they need to be, you
5 know, validated. So they've done all that and we've
6 checked all the site distance analysis.

7 So based on the updated analysis and the
8 traffic results that they have provided, we have
9 identified the potential, you know, traffic impact
10 associated with the study area. So we have come up
11 with -- what I'd like to do is provide you with a
12 summary of our recommendation as to, you know, what we
13 have discussed with the proponent.

14 The first item that we have identified here is
15 the transportation demand management, which the
16 proponent's traffic consultant has just identified.
17 This is important because the transportation demand
18 management will actually encourage people to use
19 services such as the shuttle services and they could
20 bike to work on a nice day and certainly, you know,
21 using the Zipcar. Not every day. You know, you get to
22 generate the vehicle trips.

23 So TDM will essentially reduce the number of
24 vehicle trips on the roadway system. So we think

1 that's important and the proponent has committed to,
2 you know, the important TDM measures.

3 The second item that we have identified is we
4 have called -- you know, assigned TDM to be provide to
5 the town. In our experience, it is good practice to
6 provide a letter indicating that this is what the
7 proponent is committing to, and this serves as a future
8 follow-up, if I may use that term, if future
9 enforcement is needed in the event there is any traffic
10 operational issues.

11 The third item that we have identified here is
12 related to, you know, traffic calming. I know we have,
13 you know, discussed traffic calming throughout the
14 process. We think it is important to establish, in
15 this case, a funding source. And let me just explain a
16 little about -- you know, a little more detail as to
17 item three.

18 What we have in mind is that six months or,
19 you know, twelve months after completion of the project
20 when, you know, it's under full occupancy, we would
21 like to have a traffic calming study being performed
22 there. So basically this traffic calming is to collect
23 new data and there are, you know, at least four
24 locations that we have identified here within the

1 neighborhood that needs to look at when this project is
2 completed and under full occupancy. And that study
3 will actually -- will at least, you know, confirm or
4 validate the potential -- or if any -- there are any
5 traffic impacts to this neighborhood roadway system.

6 And so that funding, which we have estimated
7 for -- you know, to perform the traffic calming study,
8 which has to be based on the Town of Brookline's
9 traffic calming process/procedure. The town has a
10 fairly well-established procedure, and that needs to be
11 followed as part of this follow-up traffic calming
12 study. And that estimated fee, we have estimated that
13 is approximately \$15,000 to do that study.

14 Once the study is completed, the results or
15 the finding of that study, it could potentially be --
16 you know, there are no impacts. So if there aren't any
17 impacts, then, you know, there is really nothing to
18 mitigate, if there aren't any deficiencies.

19 If the follow-up study identifies there are
20 deficiencies in any of these roadway systems that we
21 have identified, the neighborhood streets, then we had
22 recommended that the proponent should set aside some
23 funding to implement those traffic calming measures.

24 It was a little challenging to come up with

1 that funding source to implement, you know, what that
2 is because we don't really know what the study is, the
3 finding. So for planning purposes, what we have done
4 is we have used common traffic calming measure
5 devices. In this case, we have used a speed bump as a
6 device for -- you know, to estimate for planning
7 purposes mainly because a speed bump is a good -- very
8 cost effective measures that you could use to
9 discourage cut-through or if there's a speeding
10 problem. So that's why we have picked a speed bump as
11 a example.

12 So we have estimated, you know, a worst case.
13 You know, let's say if we need two speed bumps on the
14 four neighborhood streets that we have identified, so a
15 total of eight speed bumps would be required. So the
16 cost per speed bump to design it and to implement one
17 speed bump is approximately, you know, \$8,000. It
18 could be less. So eight speed bumps times eight, so
19 that number comes out to about \$64,000. Again, that's
20 just for planning purposes that we have used that as a
21 total to estimate that number. So that's item number
22 three that we, you know, have suggested.

23 And item number four in terms of the
24 improvements on Independence Drive, I know that the

1 proponent had discussed this a few minutes ago, and I
2 think I do want to note that a complete street
3 improvement is what we're looking for. And what that
4 means is that street improvements, the safety
5 improvements, whether it's traffic calming or
6 operational capacity-wise, we want to make sure that
7 we're not only improving the roadway for vehicles. We
8 want to make sure that pedestrian safety, bicycle
9 accommodations, they're all factored in. And that's
10 why, you know, we're calling it a complete street
11 improvement, which is a term that MassDOT used, that
12 all the users on the roadway needs to be factored in
13 when we improve the roadway, not just cars alone. So
14 that's what that is.

15 I think it's important to note that, you know,
16 there are other factors, you know, whether it's
17 on-street parking, transit stops, those are all going
18 to be factored in as part of the design. And the
19 proponent, you know, when they do get into the design
20 phase, they would need to coordinate with the town's
21 various town officials, whether it's the engineering
22 department, or, you know, it could be, you know, the
23 fire dependent or the police department. So all those
24 various key stake holders, they would need to get

1 involved when they do get into the design phase to make
2 sure that everyone is on board on the complete design,
3 the complete street concept of Independence Drive.

4 Very quickly, as part of improvements in terms
5 of pedestrian safety, you know, they are proposing two
6 types of pedestrian signal systems. They're both very
7 useful. One of them is called the rapid flashing
8 beacon. That has been installed in a lot of
9 communities. Basically it's a traffic signal. When
10 you push the button, it provides a very strong strobe
11 light beacon that highlights to vehicles that there are
12 pedestrians in the crosswalk.

13 There's another system called a HAWK signal
14 system which the proponent has also identified. That's
15 also commonly used now. It's a fairly new traffic
16 signal system. It was approved by federal highway
17 about two years ago, three years ago. I know the Town
18 of Newton has installed a couple.

19 So those are the safety features that need to
20 be discussed as to which way, you know, to approach it
21 during the design phase.

22 Bicycle accommodates, you see it all over the
23 place. We have identified one of the design features
24 to consider, which is called "Cycle Track." And what

1 that means is, nowadays you see a lot of bike lanes
2 that are right next to a parking lane. There are times
3 that when someone opens the door, you know, the bicycle
4 could ram into that door. Basically, Cycle Track, what
5 it is is it provides a physical separation. It could
6 be in the form of a paving marking between the parked
7 car and the bicycle lane.

8 These are just design features that need to be
9 considered; and depending on the roadway width,
10 features that may or may not be able to be
11 accommodated. But it should not be overlooked, and
12 that's what we are recommending here.

13 Certainly, the lane reductions, you know, that
14 is a good safety measure. Based on the traffic volume,
15 certainly the capacity could handle it that we have
16 reviewed.

17 Number eight, I just want to talk a little
18 about the DCR process. As part of our review, the
19 proposed curb cut to VFW Parkway, based on our review,
20 we think that's a benefit to, especially, the
21 neighborhood because you're creating another access,
22 you know, that's basically to discourage people to use
23 the neighborhood routes to get to where they need to
24 get to and this is a direct connection to VFW Parkway

1 and that's where we want traffic to end up on the main
2 road, not the neighborhood roadway system.

3 In terms of the process, we would strongly
4 recommend that when the proponent does coordinate with
5 DCR that the town is involved. The town should be part
6 of that meeting so that, you know, the town could, you
7 know, basically express their viewpoint as to why --
8 you know, the connection. It's important from the
9 town's standpoint.

10 And in terms of what's the possibility of, you
11 know, DCR, whether they would accept this, approve it,
12 you know, we like to think that the connection -- it's
13 a right turn in and a right turn out. So from a
14 traffic impact to VFW Parkway, it's very minimal
15 because that's the first thing that DCR will look for,
16 how is the new curb cut going to impact my main
17 roadway? And we're not creating a major intersection.
18 We're not creating another traffic light, so this is
19 just a right turn in and right turn out. So we'd like
20 to I think that, you know, they would not have a
21 heartburn over such a proposal.

22 Then again, you know, VFW Parkway is under DCR
23 jurisdiction, as the proponent's traffic consultant has
24 indicated. Sometimes there is no guarantee as to what

1 they would approve or not approve.

2 Item number nine has to do with emergency
3 access vehicles. I know as part of the whole process
4 of the review, they were concerned with the adequacy of
5 Brookline fire trucks being able to physically -- you
6 know, access to all those varieties of roadway
7 circulation within the site.

8 The proponent has done a lot of the truck
9 turning analyses that -- you know, exact length of fire
10 truck. We have reviewed those truck analyses, and they
11 do meet the design criteria for a fire truck to get in
12 and out safely. And we have also been told, you know,
13 that the proponent has met with the fire department and
14 to date, the design, you know, the fire department has
15 no concern with, you know, fire trucks getting in and
16 out of the proposed roadway system.

17 We have talked about a pedestrian access to
18 Baker School, and the proponent has provided that. So
19 as part of their design, there's going to be, you know,
20 access connected directly to Baker School from their
21 site. There are also other features within the site
22 from a pedestrian safety standpoint that we have
23 identified like this crosswalk or if there's any curb
24 extension design, you know, the proponent has all

1 incorporated the recommendations for pedestrian safety
2 that we have suggested.

3 And finally, I know in my first presentation,
4 we had some concern with construction vehicles during
5 construction. And I think the proponent has offered,
6 you know, in their presentation, to work with the town,
7 which I think they did a great job identifying, you
8 know, not just construction vehicles, also construction
9 workers, where they would be parked, the station area
10 so there wouldn't be parking anywhere in the
11 neighborhood streets during construction. So I think
12 they would coordinate all that when the time comes for
13 a plan to -- you know, for the town to improve.

14 So I think that really, you know, summarizes,
15 you know, in a nutshell the analyses that we have
16 reviewed, the results that, you know, came out of the
17 analyses, and the recommendations, you know, that we
18 have suggested for the proponent for part of this
19 project as a result of the traffic impact.

20 MR. JESSE GELLER: Questions?

21 MR. HUSSEY: Yeah. Mr. Ho, I've got one
22 question.

23 We've received a letter from you dated
24 September 11, 2014, and it lists the recommended

1 conditions to be applied. And there are some of these
2 that don't occur, and there are some of these that you
3 haven't mentioned. I just would like to have, at some
4 point in the near future, a definitive list of the
5 recommended conditions that we should impose on the
6 developer. So if you could work that out in the coming
7 weeks and get it to us, that would be useful.

8 MR. HO: Sure, definitely.

9 MR. JESSE GELLER: Other question?

10 (No audible response.)

11 MR. JESSE GELLER: I've got a few, and forgive
12 me for maybe oversimplifying this.

13 But one, based on the modifications that have
14 been made to the plan since we first started this
15 process, I take it you did not see any increased risk
16 of traffic specific to any local?

17 MR. HO: Yes. That is correct.

18 MR. JESSE GELLER: You see no heightened
19 safety issues?

20 MR. HO: No.

21 MR. JESSE GELLER: The foundational
22 information that the applicant's engineer has provided
23 is accurate?

24 MR. HO: That is correct.

1 MR. JESSE GELLER: And obviously this is
2 subject to your recommendations, some of which include
3 further conditions and other things that need to occur?

4 MR. HO: That's correct.

5 MR. JESSE GELLER: Okay. Thank you.

6 MS. NETTER: What can be done, if anything, to
7 increase the likelihood of approval for access onto VFW
8 over and above emergency access?

9 MR. HO: I think neighborhood safety impact
10 and, you know, certainly emergency vehicles. And I
11 think if there's anything else -- if the proposed curb
12 cut is not provided, potentially, you know, they will
13 come out with the intersection, which I believe is
14 South Street, that traffic signal. So we could
15 certainly explain that to DCR that, you know, if the
16 curb cut is there, the impact to the other signal --
17 which a lot of the signals along VFW Parkway are very
18 critical, whether you're adding five cars, ten cars --
19 so I think the added curb cut will divert some of the
20 traffic from the existing signal, which would improve
21 the existing signal and at the same time you're also
22 improving traffic within the neighborhood.

23 MS. NETTER: So what you're saying is to
24 provide adequate substantive arguments on behalf of

1 allowing the curb cut. Is that what you're saying?

2 MR. HO: Yes.

3 MS. NETTER: Anything else on the part of
4 applicant, particularly?

5 MR. HO: I think that's pretty much it. I
6 think the most important thing is, you know, before the
7 applicant, you know, spends time and effort preparing
8 for the permit, our experience is that, you know, we
9 need to meet with DCR just to let them know, you know,
10 this is, you know, what we're proposing. And we want
11 the town to be involved in that meeting so that we
12 would have the opportunity to, you know, explain to DCR
13 and take it from there and see what would be their
14 reaction to the proposal.

15 MR. JESSE GELLER: Thank you.

16 Anything else?

17 (No audible response.)

18 MR. JESSE GELLER: Thank you.

19 MR. HOLMES: Good evening. Frank Holmes from
20 Stantec, principal and civil engineer, and I'm here to
21 talk about revisions that were made to the site design,
22 stormwater management design, and utility design as a
23 result of the peer review process in response to BETA's
24 comments.

1 So the first peer review letter that was
2 issued earlier in the spring had numerous comments, and
3 we reviewed those in conjunction with comments received
4 by the town, and we think that we've addressed -- or we
5 have addressed just about all of the comments from
6 BETA. And those comments were far ranging and relating
7 to the general comments, comments about site
8 preparation and earthwork, site plans and details,
9 utility services, stormwater management, and
10 environmental and cultural impacts.

11 At this point, there are a total of seven
12 comments that are remaining, and I would suggest
13 they're very minor in content, and BETA will address
14 those in more detail after my presentation.

15 So what I'd like to do is to review some of
16 the significant design changes and plan changes that
17 have resulted through the process from where we started
18 to where we are now with the drawings.

19 So the first several slides that I'll show
20 relate to the design of the site. And one of the
21 significant revisions was a change in the width of the
22 roadway to 23 feet, and that was a result of comments
23 received from the fire department and also from BETA
24 and shown graphically on the figure and on the plan.

1 Secondly, we replaced the hammerhead that was
2 at the end of the drive at the west side of the site.
3 We replaced that with a cul-de-sac.

4 We made several revisions to the grading of
5 the roadways on-site to reduce cross slopes and to make
6 them more manageable.

7 One more significant item -- and I'll come
8 back to this in talking about stormwater management --
9 but you'll recall that the original design was
10 utilizing the proposal of porous pavement for the
11 majority of the parking areas on-site, and the current
12 design has one porous pavement parking lot that is just
13 off to the side of Asheville Road. The remainder of
14 the parking lots on-site using more traditional
15 concrete payment with a more traditional stormwater
16 management system.

17 As a result of that change to move away from
18 porous pavement, we had to approach stormwater
19 management a little bit differently and we've
20 incorporated more subsurface detention -- subsurface
21 detention and infiltration systems. We also added on
22 the west side of the site a bioretention basin that is
23 off on the north side of the parking and site
24 driveway.

1 There were also some concerns after we first
2 proposed that with respect to how that basin would
3 function and whether it would drain and potentially be
4 an issue related to mosquito habitat. And so in
5 working with BETA, the design has been modified so that
6 sandy soils will be specified, it will drain, and so
7 the basin will not hold water. And we've also added an
8 underdrain into the design to give further assurance
9 that the basin will function as intended to slow water,
10 to detain it, reduce greater runoff, but also to
11 promote infiltration and drain within a reasonable time
12 after a storm ends. And in this -- the basin has been
13 designed to drain within 72 hours as is DEP standard.

14 Several comments about the stormwater
15 management design itself were related to a more
16 detailed design that was suggesting redundancy in the
17 stormwater system in the event that the porous pavement
18 would not drain, in the event that it got clogged. So
19 the question was, well, what would happen to
20 stormwater? Where would it go if it didn't drain
21 through the porous pavement as designed? And so
22 additional drainage structures have been added to the
23 design to collect the stormwater and also additional
24 water quality structures have been added to treat the

1 stormwater that is collected in the event that that
2 were to happen.

3 Similarly, the design incorporates several
4 trench drains to protect Independence Drive and other
5 public roads from receiving any stormwater from the
6 site. And there were some concerns about what would
7 happen if the trench drains were to clog due to a lack
8 of maintenance or for any other reason. So and
9 redundant grates have been added to drainage structures
10 so that if the trench drains were clogged, it would be
11 essentially a catch basin structure that would collect
12 stormwater.

13 Some of the comments were detailed and, in
14 this case, suggesting that an impermeable barrier be
15 placed to separate porous asphalt from the traditional
16 asphalt in an attempt to hold water back in the crushed
17 stone as the design intends.

18 And you might also remember that there were
19 several comments from BETA but also from the town about
20 groundwater and the elevation of estimated seasonal
21 high groundwater, whether or not the readings that were
22 taken in January of 2013 were representative of the
23 highest season of groundwater during the course of the
24 year.

1 And so in April of this year, we revisited the
2 site and took measurements in the monitoring wells that
3 had been installed on-site and compared those to what
4 we had measured in 2013. And they were slightly
5 higher. The groundwater elevations were several inches
6 higher pretty much consistently across the site.

7 And so in the redesign of the stormwater
8 management system, the storage systems were raised to
9 still provide the minimum two-foot separation between
10 estimated seasonal high groundwater and the bottom of
11 the drainage systems. And I'll note that that change,
12 you know, in conjunction with the movement away from
13 porous asphalt in providing chambers beneath the system
14 which are deeper and require more cover over them than
15 the porous asphalt, you know, resulted in higher
16 elevations, grades in some locations in the parking
17 areas and drives.

18 On the subject of utilities, there were
19 several comments related to the design of a pump
20 station that was shown in the original design on the
21 west side of the site to lift sanitary sewage from the
22 buildings on the west side up to Independence Drive.
23 With the change in the site design and change in the
24 grades, we're now able to provide a gravity sanitary

1 sewage collection system, so that's an improvement over
2 the design in eliminating the pump station.

3 There are some other comments related to
4 locations of hydrants, which we addressed, and notably
5 a hydrant added to the front of Building 10.

6 And there were also several comments related
7 to site design as it relates to landscaping, screening,
8 screening from neighbors, and including screening of
9 headlights and glare from cars entering the parking
10 lots. And so this is an example of one of the changes
11 that has been recently made, to add a fence along the
12 back of the parking area that's adjacent to
13 Building 6. That will shield headlights from the
14 adjacent residences.

15 A significant change to the site design was in
16 the parking area that's between Thornton Road and
17 Asheville Road. This parking lot had originally
18 extended all the way -- pretty close to Thornton Road,
19 and there was also a series of garages along the
20 property line, as you might recall.

21 And so some of BETA's comments related to
22 protecting the neighbors along Russett Road from
23 headlight glare and from a view of the parking area.
24 And so with the revised parking lot design, it's been

1 shifted away from the property line that's been
2 shortened. This all allows us to save existing trees
3 that are along that property line. That will be
4 supplemented with new landscaping and resulting in
5 addressing BETA's comments.

6 Other comments were related to the amount of
7 vegetation around Building 10, and the revised plans
8 have significantly increased the amount of planting.

9 And there were also comments about locations
10 of walkways to several of the units on a portion of the
11 site around Building 10 into several of the units. And
12 so the revised plans have added walkways, and these are
13 some of the details that we're still resolving.

14 So a lot has changed with the design from the
15 original filing, but the basic basis of design has
16 really not changed as it relates to a lot of the site
17 engineering, stormwater management, and compliance with
18 DEP's standards.

19 The project still does not have any
20 development that's located in any resource areas, state
21 or local resource areas, and it has been designed in
22 accordance with DEP stormwater management standards and
23 the local bylaws.

24 The utilities are still connecting to the same

1 general locations as they were before either on-site or
2 on Independence Drive or to other public ways.

3 One of the more significant changes to the
4 design was related to stormwater management, as I've
5 discussed, but there also -- even with the changes, the
6 design still remains conservative where we're not
7 taking any credit for exfiltration and the recharge
8 volumes are still based on the most conservative soil
9 classifications that we find on-site.

10 As I also noted before, the most significant
11 change is that we have one parking lot with porous
12 pavement now and have made a change to a more
13 subsurface storage.

14 In this slide, just to recall, one of the
15 advantages of porous asphalt is a very shallow profile
16 which would only be in the order of about two feet,
17 wherein with chambers, we have a section that is more
18 on the order of four feet. So that has resulted in
19 some of the changes with respect to grading.

20 So as I've noted before -- and I won't walk
21 through, you know, all of the DEP stormwater management
22 standards -- but as I mentioned, we still continue to
23 meet them all with the design. The rate of runoff will
24 be less than in the existing condition, the amount of

1 recharge volume that's being provided meets DEP
2 requirements and standards, water quality will be
3 improved with the incorporation of both structural and
4 low-impact development, water quality treatment, best
5 management practices. And the design also meets the
6 rest of the standards with regard to providing
7 construction period, erosion sediment control, an
8 operation maintenance plan, and a prohibition and
9 checks and balances against elicited discharges.

10 So BETA will discuss in a little bit more
11 detail the remaining outstanding items and their
12 recommendations going forward, but just about all the
13 comments have been addressed and what's remaining we're
14 confident will be addressed in short order.

15 And the last slide here -- this is something
16 that we just wanted to point out -- is that as a result
17 of the change to the design, the amount of earthwork
18 that's required on-site has been reduced fairly
19 significantly. So the amount of cut has been reduced
20 from about 48,000 cubic yards to 36,000 cubic yards.
21 There's been a slight increase in the amount of fill
22 on-site, but I think the most significant number is the
23 reduction in the amount of export that will be required
24 from the site from a little over 30,000 to about

1 17,000. There will be some rock removal required, and
2 we wanted to note that it will all be done in
3 accordance with the Town of Brookline ordinances and
4 state laws.

5 And so with that, if there are any questions,
6 I'd be glad to answer them.

7 MR. JESSE GELLER: Let me take your last
8 comment first. We've had a number of questions about
9 methodology of removal of what appears to be an
10 extensive amount of ledge. Have you started to think
11 through how that process will work? I know you're
12 going to comply with the Town of Brookline and state
13 ordinances. You have to. But in terms of the actual
14 mechanics of it, have you started to piece that
15 together? Can you respond to those questions?

16 MR. HOLMES: Well, the contractor that would
17 be performing the work would develop more detailed
18 plans, and I think that some of the recommendations
19 that BETA has is that prior to construction that those
20 plans will be provided to the town for information.

21 But generally, you know, what I can say is
22 it's the intent to process the rock on-site, try to
23 minimize what is leaving the site, and to use that
24 material, rock that is removed from the site, for use

1 in subbase material for pavements, for use underneath
2 porous asphalt, and for use around subsurface chambers
3 that we have. We're going to need crushed stone for
4 all of those uses, and so we'd use what we could from
5 what is being removed. That said, there will still be
6 an excess, and that will be removed from the site.

7 MR. HUSSEY: I want to make sure I understand
8 you correctly. So the volume of fill, the 19,000 cubic
9 yards, is that going to be supplied by the rock
10 excavation?

11 MR. HOLMES: Correct.

12 MR. HUSSEY: So the net rock excavation to be
13 moved off site is --

14 MR. HOLMES: About 17,000.

15 MR. HUSSEY: Okay. Thank you.

16 MR. LISS: My biggest concern was raised, and
17 you touched on it briefly, but the standing water, the
18 potential for -- whether it be mosquitoes or flies or
19 bacteria, tell me about this system compared to other
20 systems.

21 AUDIENCE MEMBER: Could you use your
22 microphone, please.

23 MR. LISS: Sorry. My question is pertaining
24 to my concern for bacteria, mosquitoes, or just in

1 general not -- you know, nothing good happening there.

2 The question has a couple of parts.

3 One is, first of all, you mentioned that
4 you're confident that that won't exist and if you can
5 confirm that.

6 And then secondly, how does this system that
7 we're implementing or that is being proposed to be
8 implemented compare to a site of this -- the relevant
9 density, the same density of people and usage and
10 obviously topography? Is this consistent? Is this
11 above? Is this something that's better, average, or
12 less -- and/or sufficient?

13 MR. HOLMES: Okay. So I'll take the first
14 one. So the bioretention basin is going to be
15 constructed and filled. And because that area of the
16 site had a high ground mark, the groundwater was only
17 about two feet deep in that location, so the bottom of
18 the basin will be constructed and filled in that area
19 and that fill material would be a sandy loam that would
20 be about 85 percent sand with some organic material in
21 it to allow the grasses that we plant there to grow.
22 And so the fill materials themselves would be very well
23 drained, and so any water that is in the basin would
24 drain through that sandy loam material.

1 In addition to that, we're adding along the
2 access of the basin a stone trench with a perforated
3 pipe. That would be an underdrain, and that perforated
4 pipe will drain into the stormwater system that is
5 on-site. So, you know, that would give additional
6 protection that there can't be -- or there won't be
7 standing water in the basin. And so hopefully that
8 answers that question.

9 The next question is, I guess, a little bit
10 more difficult to answer. Every site is different,
11 right. So how does this compare to other comparable
12 sites?

13 I guess I'm not sure that we have a site
14 that's exactly like this one, but I would say it's more
15 than sufficient, it's more than adequate. We're not
16 just meeting DEP standards, but we're exceeding them.
17 We're using a lot of the same kinds of techniques to
18 meet the standards. We're using traditional catch
19 basins, we're using water quality structures, particle
20 separators, subservice chambers. You know, these are
21 all techniques and products that we've used on many
22 other sites and that are commonly used in the
23 industry.

24 But I would say that the design, overall, is

1 more than sufficient and, again, exceeds both the DEP's
2 and the town's own bylaws and ordinances.

3 MR. LISS: Thank you.

4 MR. JESSE GELLER: I'm curious. What's the
5 system that currently exists for Hancock Village?

6 MR. HOLMES: It's basically catch basins with
7 pipes that carry the water away. There is very little
8 on-site in terms of -- I'm not sure that there is any
9 on-site where water is detained or infiltrated. When
10 the project was originally built, the standards that we
11 comply with now and that we have now didn't exist.

12 MR. JESSE GELLER: It was essentially runoff?

13 MR. HOLMES: It was essentially runoff, yes.

14 MR. JESSE GELLER: And the runoff that
15 currently exists, the system that you've designed,
16 obviously you're not putting up walls. Will it pick up
17 some of the overflow? Is that part of the intent?

18 MR. HOLMES: I'm sorry. Will it flow
19 from ...

20 MR. JESSE GELLER: From the existing project.
21 Is there any overflow from the existing project?

22 MR. HOLMES: There are limited portions of the
23 existing site or even from abutting properties that
24 drain onto our site that are going to be picked up by

1 our drainage system, the proposed drainage system. The
2 system has been designed to accommodate those flows.

3 MR. JESSE GELLER: That's the question. Thank
4 you.

5 Anything else?

6 (No audible response.)

7 MR. JESSE GELLER: Okay. Thank you.

8 MR. PARADIS: Okay. Thank you, Mr. Chairman,
9 for your patience. My name is Phil Paradis. I'm a
10 professional engineer with BETA Group. Along with my
11 colleague, Matt Crowley, we've been reviewing the civil
12 and stormwater management aspects of this project.
13 There will be some overlap with traffic and/or other
14 aspects of the project, but we didn't want to leave any
15 issue uncovered. So we apologize for that.

16 Just briefly we want to go through -- on my
17 presentation tonight, we're going to just do a little
18 summary of our coordination efforts in regards to the
19 civil aspects of the project. We'll obviously go
20 through the -- briefly my letter -- our letter
21 outlining the status of all the comments to date. I'm
22 not going to go through all 17 pages, but I'll hit on
23 the key ones. And then we'll summarize with just some
24 remaining issues, as Mr. Holmes mentioned. Then we

1 will go through just a number of recommended conditions
2 that we would recommend for the board to consider. And
3 then obviously we'll open up to some questions.

4 Just in the way of introduction, we did do a
5 peer review in the spring, of this project, and as
6 Mr. Holmes noted, there have been a number of changes.
7 We also, at that time in the spring, conducted a survey
8 for residents trying to understand the stormwater
9 issues already on their properties, and my colleague
10 will address those issues.

11 But we received a supplemental package, design
12 documents including plans and calculations. We
13 reviewed those. We drafted a letter in which we -- a
14 draft letter to share with performance engineers to
15 work through a lot of the technical -- you know, I
16 didn't know -- I didn't think we needed to bore the
17 board with technical issues.

18 In general, the project is an improvement over
19 the previous project. They have addressed most of the
20 issues. There are some minor issues left, and we will
21 outline those in our letter.

22 The peer review findings status, we had a
23 number of different categories and we'll go through
24 them quickly as a lot of the issues have been

1 addressed.

2 The first one was -- and this is a major
3 project in close proximity to local residents both
4 on-site and to adjacent sites -- a large quantity of
5 earthwork, a lot of moving parts, building
6 construction, et cetera, that is going to need to be
7 coordinated during the process. There's a discussion
8 already in terms of the trucks routes. As trucks are
9 coming in and going to the site, there will need to be,
10 as part of that construction management plan, a phasing
11 plan, a blasting plan, handling of the stormwater
12 management during construction, and then obviously
13 understanding the construction subsequence itself.

14 So those are all aspects that I think will
15 come later, but we just want to make sure and emphasize
16 the fact that those are extremely important to reduce
17 the impacts and/or discomfort for abutting residents.

18 As the proponent's engineer indicated, the
19 design has caused less of an export from the site,
20 which is a benefit. A lot of the materials will be
21 reused on-site, so that would provide for an improved
22 design as well as those issues. But again, the issues
23 are still going to be erosion control, the blasting,
24 and the construction and phasing plan.

1 They accommodated the site plan issues that we
2 indicated. You know, they are going to relocate the
3 displaced exercise equipment, they're providing
4 recycling and trash accommodations. In regards to site
5 access and parking and loading, as Mr. Holmes
6 indicated, they have reduced the severity of the design
7 for this. Right now this is an existing travel to get
8 down to the low -- the residents on the site. The
9 previous design had a number of people coming down and
10 driving and getting to buildings over here. So they've
11 taken that out by providing direct access. Also, the
12 first floor of the garage will be accessed via this
13 driveway as opposed to coming, again, over the top and
14 in through the side here. So they've reduced the
15 number of trips. They've mitigated a site -- safer
16 situation.

17 In regards to -- there's one issue in terms of
18 pedestrian access, as the sketch that the proponent's
19 engineer has showed, the sidewalks basically following
20 those green arrows. But in order to get from this
21 parking lot to this building following the sidewalk,
22 you'd have to go all the way around, so we want to look
23 for -- again, this is a minor circulation-type issue,
24 but that's one of the outstanding issues.

1 Another issue that was raised, most likely at
2 your last meeting, was the concern that this westerly
3 parking lot is a long linear parking lot, some 900 feet
4 long, and may be susceptible to high speeds or
5 something like that. This would be an ideal area for
6 the kids to ride their bikes and whatever, so we're
7 asking the proponent to consider some traffic calming
8 aspects in there. It may be just providing a walkway
9 of different materials to clearly show that it's a
10 means of pedestrian access or whatever, but I think
11 that's another aspect that the applicant can look at.

12 Some of the utility issues that we recommend
13 that the town obtain is obviously some flow test data,
14 you know, in order to make sure that the buildings have
15 an adequate fire service -- water for fire service and
16 potable water. As it was indicated, the sewer pump
17 station has been eliminated. We would expect to see
18 as-built plans. I know a lot of the utilities, private
19 utilities, are not fully designed, so we're just asking
20 that the applicant provide as-built utilities for the
21 town's records on those things. And as was mentioned,
22 an additional fire hydrant was added.

23 And I know there's an issue in terms of site
24 grading and the fact that in order to make the site

1 work -- and I mean a number of different areas -- but
2 as was discussed, the site had to be raised in order to
3 accommodate the systems. And so the applicant has
4 worked at providing solid barriers through vegetation,
5 evergreens and such, to minimize the occurrence of
6 lighting to abutting properties.

7 And finally, I think the -- as the final plans
8 are finalized, I think the lighting, the photometric
9 plan has to be updated to make sure that there's no
10 light spillage onto adjacent properties that would
11 negatively impact them.

12 Environmental and cultural impacts, I know
13 there's some concern about historical aspects of this
14 area. The proponent has indicated that they will be
15 working with Mass Historical Commission to accommodate
16 them and/or in conservation.

17 The area of mosquitoes, as was indicated, the
18 bioretention system is -- we are fairly confident that
19 they can design and construct a basin that will not
20 encourage mosquitoes.

21 And with that, I'm going to turn it over to my
22 colleague, Matt Crowley, to talk about more specifics
23 of the stormwater management.

24 MR. CROWLEY: Good evening. As Phil

1 previously mentioned, my name is Matthew Crowley. I'm
2 also a professional engineer with BETA Group. My role
3 throughout the design process has primarily been
4 reviewing the stormwater aspect.

5 So based upon previous submissions, subsequent
6 meetings, and input from both town officials,
7 residents, there were four major concerns of the
8 project which I have outlined here: Stormwater impact
9 to abutters, the suitable and long-term performance of
10 porous pavement, site grades as it relates to
11 stormwater detention structures, and the protection of
12 the Blakely Hoar Sanctuary.

13 So Phil mentioned already, earlier this year,
14 in collaboration with the town, we sent out the
15 drainage survey to residents who are in the vicinity of
16 the project in hopes of collecting data for any known
17 drainage issues on or near their property. This ranged
18 from flooding in the backyards adjacent to the
19 development property, flooding in basements, and also
20 flooding in the front yards of overwhelmed town
21 drainage systems.

22 Now, explained here and outlined in the blue
23 are the residents who provided us -- who responded to
24 the survey and provided us with some information as to

1 what the flooding issues were.

2 BETA has worked with the applicant to provide
3 area drains and subdrains to eliminate any adverse
4 impacts from the project. Really, there's two
5 situations here.

6 The first is that the raising of the site
7 grade will essentially create a blockage for stormwater
8 to flow off of residents' homes onto CHR property. And
9 the other situation is where the CHR properties will
10 push water towards those properties.

11 So the proponent has provided area drains in
12 cases of raised grades and blockages, and in any area
13 where stormwater flows off of the site onto adjacent
14 properties, those flows have been reduced when compared
15 to the existing condition. So this is just showing the
16 overall property -- we're going from east back to
17 west -- of where the proponent has provided area drains
18 and subdrains.

19 Another major concern was the use of porous
20 pavement. As you recall, porous pavement was proposed
21 extensively on the previous submission. The concern
22 with porous pavement was, one, was it well suited for
23 the site related to the high groundwater in the area;
24 and two, over time, if it were to fail, would it put an

1 undue burden on the existing town drainage system?

2 The applicant -- as already detailed, the
3 majority of porous pavement has been removed from the
4 site. There's only one parking area that has porous
5 pavement. That parking area has a redundant treatment
6 system. In other words, if it were to fail at any
7 time, there is a hydrodynamic separator or a stormwater
8 treatment chamber, in other words, to collect and treat
9 the water before discharging it.

10 They've also modified their operation
11 maintenance plan to specifically address that at the
12 end of the porous pavement's useful life, they will be
13 replaced in kind.

14 This was already discussed, I think, both by
15 the applicant and by Phil a little bit. There was a
16 concern with the raising of the site grades and whether
17 or not the infiltration system could be lowered and
18 then subsequently the site could be lowered.

19 Generally speaking, the systems are situated
20 the minimum of two feet above the groundwater table and
21 also have the minimum cover over them, so in short, it
22 would be difficult and it may involve substantial
23 changes to the design to try to be able to lower these
24 systems or alter the grading.

1 The last major concern is the protection of
2 the Blakely Hoar Sanctuary. This also relates to --
3 back to the porous pavement. And the thought was that
4 if the porous pavement were to fail, would untreated
5 runoff now go directly to the sanctuary? So with the
6 elimination of the porous pavement and the use of
7 conventional pavement, all stormwater would be routed
8 through a conventional treatment system and will be
9 treated as required by the Massachusetts Stormwater
10 Management Standards.

11 There was also a concern with there being some
12 sewer contamination discharging to the sanctuary. The
13 applicant has been working directly with the town and
14 has agreed to provide some sampling, do some testing to
15 both locate -- to locate the source of the
16 contamination. And it's just worth noting that the
17 contamination may be outside of the proponent's
18 controlled property.

19 So I'll turn it back over to Phil for the
20 summary.

21 MR. PARADIS: Thank you, Matt.

22 Just to summarize the remaining issues,
23 they're minor -- we feel like they're minor in nature
24 and there's nothing, I don't think, the applicant can't

1 accommodate. One is the pedestrian access to
2 Building 7.

3 There's also an issue of -- because the
4 parking lot is long and extended, there's an issue
5 about providing handicapped spaces. Basically the
6 applicant has indicated that they will locate the
7 spaces. They'll redistribute the spaces as necessary
8 to accommodate residents.

9 We asked the applicant to consider traffic
10 calming, redo the photometric plan to make sure there's
11 no light spillage, and then there was also an issue
12 of -- they're putting a storage system over a rock bed,
13 so we asked them to provide an extra depth to that rock
14 for the system.

15 And then they provided an operation and
16 maintenance estimate. It was just a figure, so we'd
17 like a little more back up on that. And then the
18 detail of the soils and the basin design for the
19 bioretention system. Again, those are minor in
20 nature.

21 And now I'd like to go through just a recap of
22 our recommended conditions, and a lot of these are
23 going to be construction-related issues.

24 We would expect the construction management

1 plan to include, as was stated before, truck routes for
2 the neighborhood, a phasing plan, a blasting plan, a
3 stormwater pollution prevention plan, and obviously a
4 construction sequence so that the town can have some
5 sort of understanding of what those can be. And it's a
6 tight site. It's going to be important that the
7 construction consider all these aspects. As was
8 mentioned, we would expect that the applicant provide
9 the sampling, as they promised, the water testing, the
10 as-built plan, and also correspondence with the
11 Historical Commission.

12 With that, I'll take any questions.

13 MR. JESSE GELLER: Let me jump in.

14 Based on the modified plan, the existing
15 subsurface drainage system is adequate so that there is
16 no flooding either to the site itself or off site?

17 MR. PARADIS: Yes. The -- I'll let Matt
18 answer that.

19 MR. CROWLEY: Yes. I would say that's a
20 correct statement. There shouldn't be any adverse
21 effects.

22 MR. JESSE GELLER: And any retaining walls
23 that exist, is drainage adequately addressed? It has
24 been suggested that they would essentially act as

1 dams -- water's got to go somewhere -- and that would
2 create potential flooding for abutters. Has that been
3 addressed?

4 MR. CROWLEY: So I believe the initial design
5 contained up to seven retaining walls. I'm not sure on
6 that number. But the revised design has one retaining
7 wall and I believe one large tree well that could also
8 be considered a retaining wall, but neither of these
9 should have an impact to restricting drainage. I
10 actually believe there are area drains provided
11 adjacent to abutters' properties behind the larger
12 retaining wall.

13 MR. JESSE GELLER: And the existing retention
14 basin, there is a -- it will drain within 72 hours; is
15 that correct?

16 MR. CROWLEY: Just to clarify, you're talking
17 about the new bioretention basin?

18 MR. JESSE GELLER: No. I'm talking about
19 the -- there's a -- I forget the location of it. There
20 was a retention basin where there was some concern that
21 water would stand in it for extended periods of time.

22 MR. LISS: That was the retention basin.

23 MR. JESSE GELLER: That is it?

24 MR. CROWLEY: Yes. That is correct. So the

1 basin itself, calculations were provided to demonstrate
2 that it will drain within 72 hours and, in fact, in
3 much less time. We also asked that they provide a
4 detail for the subgrade soil to make sure that it was
5 sandy in nature and the water would soak into it. And
6 we also raised the issue of adding a subdrain, so yes.

7 MR. JESSE GELLER: And therefore, that would
8 resolve the possibility of mosquitoes?

9 MR. CROWLEY: Yes.

10 MR. JESSE GELLER: Correct?

11 MR. CROWLEY: Correct.

12 MR. JESSE GELLER: Do have any questions along
13 those lines?

14 MR. HUSSEY: Not along those lines.

15 MR. JESSE GELLER: I think that's it for now.

16 MR. HUSSEY: I've got a couple of questions
17 referencing your letter of September 11th. On page 15,
18 item U6, "Any existing utility services to be
19 disconnected must be done at the main or manhole. BETA
20 recommended this be included as a condition."

21 Is that covered under your recommended
22 conditions under item 8, "provide as-built drawings,"
23 or does that meet another condition -- number 10?

24 MR. CROWLEY: I believe we clarify that

1 further in the conditions to address that specifically.

2 MR. HUSSEY: Okay. And similarly, on item 17,
3 L17, regarding the light spillage onto adjacent
4 properties, the issue remains outstanding. Does that
5 require a condition as well or is that already
6 covered?

7 MR. CROWLEY: It's our understanding that
8 we're going to continue to work with the proponent and
9 they're going to revise their lighting to essentially
10 eliminate all light spillage.

11 MR. JESSE GELLER: It's been suggested that
12 the additional screening would prevent any kind of
13 overflow of light, and I assume you'll look into that?

14 MR. CROWLEY: Yes.

15 MR. HUSSEY: Thank you.

16 MR. JESSE GELLER: Other questions?

17 MR. BOOK: Yeah. Just to follow up on the
18 previous line of questions, as a result of the -- will
19 the project improve negative conditions in terms of
20 stormwater moving onto abutting properties? I heard
21 you say there will be no negative impact. I think it
22 had been suggested by the applicant previously that
23 this work was actually going to improve the current
24 situation.

1 MR. CROWLEY: I think as a whole that is a
2 correct statement. Each area has a specific drainage
3 pattern. In some areas the reduction in runoff will be
4 minimal, in other areas it will be moderate, so it
5 would vary location to location. But in no cases will
6 it increase to abutters' properties.

7 MR. BOOK: Okay.

8 MS. NETTER: I just want to follow through so
9 you might clarify for people. When you say "reduction"
10 and "runoff," are you talking about volume or rate or
11 what is it you're talking about?

12 MR. CROWLEY: In this case, specifically rate.
13 The majority of drainage that heads towards the
14 abutters' properties is from vegetative grass areas,
15 and that will continue to be so today. So without
16 looking at all of the calculations in front of me, I
17 would say generally there will also be a reduction in
18 volume as well.

19 MR. JESSE GELLER: Gravity subsurface waste
20 system is an improvement over the pumps that they --

21 MR. PARADIS: Yes. Anything that doesn't
22 require maintenance is -- and obviously, you know, in
23 an emergency situation they would have to have a
24 generator, et cetera, so it's a fairly involved process

1 to, you know, install and operate a sewer pump
2 station. So whenever possible, it's best to let
3 gravity do it.

4 MR. JESSE GELLER: Thank you.

5 Anything else?

6 (No audible response.)

7 MR. JESSE GELLER: Thank you.

8 So I'd like to now invite the ZBA to have a
9 brief discussion -- or as long as you want -- a
10 discussion on traffic and stormwater. We've obviously
11 heard a fair amount of technical detail, in particular
12 as it relates to the modifications.

13 Let me jump in. It seems to me that the
14 conclusions of the traffic studies, although there were
15 some open questions that required some additional
16 information, it seems like we had additional
17 information that was provided. The prior traffic
18 studies seem to indicate that the major thoroughfare,
19 which is Independence Road, is operating at a level of
20 D, which apparently is -- D is acceptable in the world
21 of engineering parlance, but that it functions. We've
22 had a number of suggestions and the town's peer
23 reviewer as well as the applicant's engineer has gotten
24 together to try to address any outstanding questions,

1 issues, and informational gaps and it seems to me that
2 they've done that. That's at least the information
3 that we've got.

4 We're not taking questions now. We'll take
5 your testimony in a bit.

6 So it seems to me that the suggestions that
7 largely exist are about traffic calming both within the
8 neighborhood roads as well as on Independence. It
9 seems to me the discussion acknowledged by peer review
10 is the volume created by this modified plan and,
11 frankly, even the original plan does not overwhelm the
12 traffic grid. There is some question whether -- in my
13 mind, there's some question whether adding, frankly,
14 eight speed bumps in the neighborhood is a good thing
15 or a bad thing. Since I drive over a speed bump
16 relatively close to me on Center Street fairly
17 frequently, I'm not sure whether it's a good thing or a
18 bad thing.

19 But it does seem to me that thinking
20 holistically about Independence is good. It seems like
21 a full plan would, at the very least, create a safer
22 condition for pedestrians crossing that street. It
23 seems to me that would be a larger number of
24 pedestrians.

1 So overarching, it seems to me that the
2 traffic does not, in my mind, present, according to
3 peer review, any red flags that would create safety
4 concerns, traffic concerns, things of that nature. And
5 I acknowledge that the nature of peer review is quite
6 different than a consultant, and obviously this is peer
7 review.

8 With respect to the stormwater review, it
9 seems to me they addressed one of the larger issues
10 which is the weaknesses of porous pavement -- whether
11 they're perceived or real -- have been addressed by
12 eliminating it largely, all but in one parking lot.

13 One question we didn't ask was: Is that
14 parking lot essentially -- is it a flat parking lot?
15 Is it on a grade? A de minimus grade?

16 MR. JOE GELLER: It's on a grade.

17 MR. JESSE GELLER: A significant grade?

18 MR. JOE GELLER: I don't have the percentage.
19 It's less than 5 percent.

20 MR. JESSE GELLER: Does that create any kind
21 of issues?

22 (No audible response.)

23 No. Okay. And there have been redundancies
24 built in in case of failure.

1 The conventional system has been added. It
2 seems to me that although it's a better system, the
3 downside to that kind of a system is that -- if I
4 understood the testimony correctly -- it essentially
5 raises the grade height by two feet; is that correct?

6 No. You're shaking your head.

7 MR. LEVIN: There were a combination of
8 factors that created that two feet.

9 MR. JOE GELLER: Correct. A combination of
10 the higher groundwater elevations that were found
11 and --

12 MR. JESSE GELLER: Right. The distance -- the
13 gap spaces.

14 MR. JOE GELLER: Change in grade is
15 approximately two feet.

16 MR. JESSE GELLER: Okay. From the perspective
17 of the project, you wind up with a higher project.

18 With the stated issues, we've had testimony
19 about the potential for light infiltration to simply
20 aesthetics. Again, based on testimony of peer review,
21 it does not seem to me that there are any red flags
22 based on the amended stormwater treatment facility.
23 And, in fact, based on the testimony, it's been
24 proven. And, at least marginally, it appears to

1 improve drainage issues that may or may not exist
2 within the neighborhood. So let that be the kicking
3 off.

4 MR. HUSSEY: Well, I think most of the
5 questions have been answered in that September 11th --
6 I think the only leftover question I have is, as I
7 understand it, those speed bumps, if they're installed,
8 they're to be installed postoccupancy, after a
9 postoccupancy study of the neighborhood. Is that
10 right?

11 MR. JESSE GELLER: I'm not sure he said that.

12 MR. HUSSEY: Well, I'd like some clarification
13 on that. That is, are the speed bumps being
14 recommended to be installed as part of this
15 construction now or after the postoccupancy traffic
16 study is done, which is going to cost about \$15,000?

17 MR. HO: The proposed speed bump
18 recommended -- you know, it's a result of the
19 post-traffic calming evaluation. If the need is --
20 based on the study, if the need is required, that's
21 when the speed bump will be installed.

22 MR. HUSSEY: After the project is done?

23 MR. HO: That is correct.

24 MR. JESSE GELLER: Okay. Anything else?

1 MR. BOOK: No. I did not hear the peer
2 reviewer raise any issues that were troubling. Well,
3 in terms of traffic and stormwater, they didn't seem to
4 identify any issues.

5 One of the things that was mentioned that I
6 have some concern about are the items that they have
7 indicated -- they've identified for paying attention
8 to, sort of, later, the construction management and the
9 blasting plan and the phasing and all of that. And so
10 one of the things that I wonder is -- and maybe some
11 input from the building department might be helpful --
12 is all of this feasible?

13 MR. JESSE GELLER: In what way?

14 MR. BOOK. Well, you know, it's a project
15 that's a number of buildings. It's going to continue
16 over a period of time and --

17 AUDIENCE MEMBER: Microphone.

18 MR. BOOK: It is a project that is sort of on
19 a larger scale. There are a lot of buildings. It
20 seems like there's an awful lot of rock that needs to
21 be moved and removed. And I guess the question I have
22 is: Is it all within -- is there a plan -- is it
23 possible to do all of this -- to do all of this in a
24 way that isn't going to just -- for lack of a better

1 term -- just be miserable for the entire neighborhood
2 for some long period of time?

3 MR. JESSE GELLER: I don't think right now
4 we're going to discuss the content of either a ledge
5 removal plan, whether it's blasting or with a jewelry
6 hammer --

7 MR. BOOK: Well, one doesn't exist yet.

8 MR. JESSE GELLER: No. Exactly. And I don't
9 think we're going to have a conversation about a
10 construction management plan, but we will.

11 MR. BOOK: So when you say "we will," this
12 board? When does that -- who's "we"?

13 MR. JESSE GELLER: As a part of a discussion
14 about the -- whether this project moves forward and the
15 basis for that project moving forward and what the
16 conditions of that are, we will have a discussion which
17 is likely to include the conversation of what we would
18 typically see in a 40A project of this size, which will
19 be a construction management plan. And although we may
20 not technically write the construction management plan,
21 we are going to have a discussion about it.

22 MR. BOOK: Okay.

23 MR. JESSE GELLER: The technical details of
24 it, we will get input from those who know --

1 MS. NETTER: I think you're asking a question
2 that's appropriate to this peer review because, like
3 the peer review, they're not certifying that
4 everything -- I mean, they don't have final plans, as I
5 understand it, but they're saying if things are built
6 according to plan blah, blah, blah, it's all feasible.
7 At least that's what I'm hearing.

8 Now, you're asking a similar question with
9 respect to the set of -- part of the set of conditions
10 that's being recommended by BETA, which is the
11 construction mitigation plan. And I think what you're
12 asking, as I hear it, is if there's an appropriate --
13 is there an appropriate mitigation plan that can be
14 developed given the site -- at least according to --
15 and I don't remember who said it -- is a tight site.
16 So I think that's the question that's being asked.

17 Is that okay for him to, perhaps, ask?

18 MR. JESSE GELLER: Yes. But I don't know that
19 you -- you know, you're clearly not going to get that
20 answer tonight.

21 MR. BOOK: No. Nor was I expecting to,
22 because I realize that the plan doesn't exist yet.

23 But I think the question for the building
24 department and perhaps for the next meeting is that

1 this is all within the realm of feasibility, that we're
2 not kicking these cans down the road, so to speak, and
3 saying, oh, well this will be dealt with in a
4 construction management plan, this will be dealt with
5 in a phasing plan, without really understanding if
6 those things are feasible, and not necessarily for this
7 board to develop those plans, where it's well beyond my
8 technical, you know --

9 So that's really the question. It's just that
10 the peer reviewer raised these items as these things to
11 be dealt with, and I feel like these things to be dealt
12 with are rather significant issues and I want to make
13 sure that we're just not leaving it for someone else to
14 work out -- well, we are leaving it for someone else to
15 work out, but I want to make sure that there is
16 something that can be worked out, that there is a
17 realistic solution that can be implemented, and that
18 we're not leaving somebody with an impossible task.

19 MS. NETTER: So why don't you turn that
20 question to the peer reviewer or -- and see whether you
21 can get a beginning response. It's a valid question
22 that you're asking.

23 MR. BOOK: Okay. Well, then let's start with
24 BETA Group. In your experience and what you have seen

1 and what you know of this site, are these types of
2 things, are they manageable?

3 MR. PARADIS: Yes. I mean, there are projects
4 done in all facets in different sites.

5 I think the challenge that the contractor is
6 going to have is: How much can I do at the same time?
7 They may have to extend and do a phasing project that,
8 you know, you do a certain amount of the rock ex, you
9 do the west end. You know, there's a number of
10 different scenarios, but you obviously want to control,
11 you know, stockpile areas, you want to control erosion
12 during construction, so that has to be managed in each
13 location because it's a long, linear project. You want
14 to obviously manage where contractors park, you know,
15 where they store materials and such, so it's going to
16 be a process, you know, that the contractor really
17 needs to develop.

18 And maybe we can outline some guidelines for
19 them, you know, some parameters for them to stay
20 within, but obviously, their work schedule is going to
21 be one, you know, noise levels, dust, and erosion. So
22 those things all have to be considered when developing
23 a management plan.

24 MR. BOOK: The amount of material that needs

1 to be removed, is that within the realm of what --
2 given the site and the constraints of the site, is
3 it -- and maybe I'm asking the same -- a variation of
4 the same question I've already started -- is it
5 reasonable to be able to remove that amount of material
6 from the site, from this type of a site?

7 MR. PARADIS: Right. It will be difficult.
8 It will be a challenge, but I think there are different
9 ways to manage it, to organize it. You know, looking
10 from the big picture, you know, it is going to be a
11 process that's going to -- you know, you have to, you
12 know, also consider maintaining roadways and people's
13 access to their residences over there. So it's not
14 impossible. It's going to be a significant challenge,
15 though.

16 MR. BOOK: Okay. We've heard prior testimony
17 in terms of, in particular, some of the rock removal,
18 that it -- in terms of getting it out of the site.
19 We've got a site that's surrounded by a scenic parkway
20 and neighborhood roads on the other end. Is there a
21 way to get it out? I don't know if that's a question
22 that's outside your --

23 MR. PARADIS: Again, I think it would be a
24 process that would have to be developed in a plan

1 acceptable to the town and/or any access to the VFW
2 Parkway or other roadways. And, you know, it is a
3 large quantity. There may be impacts to local roads as
4 a result of that, but I think that's got to be planned
5 and approved by the town. The contractor hasn't -- you
6 know, this plan is in the planning stage and, you know,
7 what's it going to look like in the future. But in
8 order to get it built, is going to be another ...

9 MR. BOOK: Okay. Thank you. I think
10 ultimately this is --

11 MR. JOE GELLER: Can I respond?

12 MR. BOOK: Oh, yeah.

13 MR. JOE GELLER: I did actually comment, when
14 there was more yardage going off the site, that the
15 rock excavation operation would be about a two-month
16 period with overall earth work occurring for a six- to
17 eight-month period. So I think it's something that we
18 agreed with in that discussion with the average of six
19 to nine trucks exporting materials a day. So that's
20 the kind of volume that's kind of --

21 And, frankly, I've worked on much tighter
22 sites and situations where we've exported as much as
23 65,000 yards of rock material and it -- it's just
24 done. The contractor has to develop a plan, which

1 we're all going to agree on, and then we'll go forward
2 with that. So it's not an unreasonable volume. It's
3 not an unreasonable -- how we do it has got to be dealt
4 with the contractor, and we can't do that until we have
5 a contractor and the project's moving in that
6 direction.

7 MR. BOOK: So, Joe, in the context -- when you
8 said it's not an unreasonable amount, in the context of
9 this kind of a location, you know, residential --

10 MR. JOE GELLER: The advantage is that we have
11 Independence Drive --

12 AUDIENCE MEMBER: Microphone.

13 MR. JOE GELLER: -- Independence Drive on
14 either end of the site for the project. We'll move
15 materials across the site, so it doesn't go through the
16 neighborhood, and then the export will go out in the
17 same fashion. This is what I anticipate, but we won't
18 know until we have a contractor who will provide that
19 to us.

20 MR. HUSSEY: This raises a fundamental point
21 about the construction management plans. Ordinarily
22 the contractor has to be part of this process. You can
23 do guidelines and you'll be able to do certain things,
24 but traditionally, means and methods are the province

1 of the contractor.

2 Do you have a contractor on board now? And if
3 not, how are you going to select the contractor? Is it
4 going to be a bid process? Is it going to be a
5 negotiated process where you could get a contractor on
6 beforehand to assist in this management plan,
7 construction management plan? Can you answer that?

8 MR. LEVIN: Well, we've used a number of
9 different methods from construction management to
10 stipulate some GCs to actually self-performing. So
11 what we're going to do is select -- solicit, excuse
12 me -- bids and see whether or not it's worthwhile for
13 us to self-perform or whether to hire an outside
14 contractor.

15 MR. HUSSEY: Thank you.

16 MR. JESSE GELLER: Anything else?

17 MR. LISS: I have a question real quick, and
18 then I'll comment on the storm and traffic.

19 The transportation management plan, all right,
20 this construction management plan, is it approved by
21 the town ultimately or is it subject to review by the
22 town but the town really can't say anything about it?

23 MS. MURPHY: It's the town --

24 MR. LISS: The town has to approve it. So

1 presumably, whatever the end result is, it will be
2 feasible because the town's not going to sign off on it
3 without it being feasible. Is that a correct
4 presumption?

5 MR. HUSSEY: Neither is the contractor.

6 MR. LISS: Right. So at the end of the day --
7 I understand what you're saying, Jonathan, about can
8 this be done. And then we're putting it -- and they're
9 saying that ultimately it can be done. It may be
10 difficult.

11 But my question or comment is that at the end
12 of the day, if it can be done, that's their
13 responsibility between the proponent, the contractor,
14 and the town to confirm this management plan. I don't
15 know if that impacts our -- that's for our
16 consideration.

17 MR. JESSE GELLER: For our consideration are
18 the conditions under which, if we vote for this
19 project, they may proceed. And those conditions may
20 include conditions about the construction, conditions
21 about removal of waste including the ledge.

22 And those parameters, while we are, it seems
23 to me, not technically capable of initiating how many
24 yards per foot you remove or are allowed to remove

1 within an eight-hour time span and how many trucks you
2 can put on a highway or a city street, we will get
3 suggestions from our technical advisors that will
4 assist us in that process from our perspective.

5 In my mind, our job is to determine whether --
6 assuming we decide that this project can be granted the
7 permit, whether the -- what the conditions are and
8 whether one of those conditions should include the how
9 of construction, the content of it, the parameters that
10 we feel is appropriate to protect those effected by
11 it. So that's the discussion.

12 The risk of can't be done, it seems to me -- I
13 sort of circle back to your comment -- it's your
14 problem.

15 MR. LISS: All right. That was my -- you hit
16 it on the head. I mean, I was saying that -- I just
17 want to know what our role is, that these can be part
18 of the restrictions and considerations that we are --
19 you know, if we do implement, that this can fall into
20 that category. So thank you.

21 And as far as the presentations today, my
22 primary concerns throughout the process is related to
23 traffic. I see no significant issues raised today
24 based on the redeveloped -- or the amended plan or

1 revised plan.

2 The stormwater, I was concerned about the
3 potential for standing water and bacteria and
4 mosquitoes, and I think that's pretty safely
5 addressed.

6 You know, I don't know -- the neighbors -- I
7 remember hearing some of the abutters saying that they
8 get significant flooding, and I remember conversations
9 about weep holes and retaining walls.

10 I didn't hear anything about weep holes or
11 retaining walls. I'm presuming we're going to have
12 some comments, but that is of concern. You know, at
13 the end of the day, if this project creates or impacts
14 an already existing water problem for these neighbors,
15 that obviously has to be addressed, I think. I didn't
16 hear anything about that.

17 MR. JESSE GELLER: I did ask that question,
18 and I think they answered it. We can hear further
19 testimony.

20 MR. LISS: I think the question you asked was,
21 does this make the problem any worse.

22 MR. JESSE GELLER: No. I asked broader than
23 that, but okay.

24 MR. LISS: All right. Well, then, tell me

1 what you asked so I know so I'm not in the dark here.

2 MR. JESSE GELLER: Well, ask him the same
3 question.

4 MR. LISS: So the question is: What's the
5 impact on an already existing problem apparently
6 existing?

7 MR. CROWLEY: So to address this, there are
8 many subtle variations in drainage areas. Some
9 properties have water come onto their property, others
10 have water come off. So in the cases where water flows
11 off of the development property onto abutting parcels,
12 there is a reduction in flow that ranges from minor to
13 modest. So overall there probably aren't going to be
14 significant improvements, but there will be
15 improvements broadly.

16 MR. LISS: Thank you. That's very helpful.

17 MR. JESSE GELLER: Anything else?

18 MR. ZUROFF: Yes. Mr. Geller, from start to
19 finish, assuming you get the permit that you're asking
20 for, how long a project is it going to be?

21 MR. JOE GELLER: That's a Marc question.

22 MR. ZUROFF: Okay.

23 MR. LEVIN: First I'd like to say that, you
24 know, we've worked on much tighter sites than this and

1 I think that the construction management plan will not
2 be quite as challenging as might have been implied.

3 That said, when we do have situations -- which
4 is always the case -- that impact the surrounding
5 neighbors in one form or another during construction,
6 in the end, the abutters, the neighbors, the
7 neighborhood prefer the shortest period for
8 construction and we're all for that. So when it comes
9 to the notion of conditioning the number of trucks
10 going off site to a low number, you should think about
11 that very carefully because, in fact, it's probably
12 better to have the tooth pulled out and be done with it
13 rather than prolong the pain.

14 So that all said, I think it's a 24-month
15 construction period as we have it planned.

16 MR. ZUROFF: And that does not include your
17 bidding process, your actual submission of plans for
18 approval, which I assume will take some time, although
19 I know you're well along in the project. But you still
20 have to do the actual plan. We don't have building
21 plans to look at or --

22 MR. LEVIN: Without question. I mean --

23 MR. ZUROFF: So the 24-month construction
24 process, there's probably going to be some lead-up time

1 to that as well?

2 MR. LEVIN: Without a doubt.

3 MR. JESSE GELLER: 24 months, I assume, is the
4 build period?

5 MR. LEVIN: Yes.

6 MR. ZUROFF: Thank you. So that being said,
7 the way I look at this is, we have a concept in front
8 of us that we are being asked to opine on and to review
9 from the town's point of view to see whether it is
10 feasible and whether there are conditions or
11 restrictions that we want to impose on it -- assuming
12 we approve the project overall -- that make it better
13 for the town or better for the neighborhood or, you
14 know, if we can fit in the parameters over which we
15 have control.

16 And so it's hard for us to evaluate the actual
17 mechanics of the construction. Construction management
18 is a major part of any construction project, and this
19 is a major construction project, of which there aren't
20 many in Brookline. But we have all witnessed the
21 construction of sky scrapers between two other sky
22 scrapers, not necessarily in Boston but in other
23 towns.

24 Feasibility -- I think anything can be built

1 these days. The technology is there. The question is,
2 how the process goes. And I think what we're concerned
3 about more is, we know the concept, we know what the
4 requested result is, and we can look at the process and
5 see -- what are we going to see the process do. You
6 know, it's a two-year construction, there's probably
7 six to eight months of planning involved, and we can
8 have our building department working on the mechanics
9 of the actual construction.

10 But we have some -- we've got peer review. We
11 know that they've addressed stormwater, they've
12 addressed drainage, they've addressed traffic, they've
13 reduced the project, and they've responded to the peer
14 review, and I think fairly well.

15 Now it's time for us to start discussing,
16 okay, what do we want to see in the process and in the
17 planning that's reasonable, and does it protect the
18 interest of the town. But we can start with some of
19 the conditions that have been raised in the peer
20 review, and we can start by discussing the size of the
21 buildings, the size of the project, the design of the
22 project somewhat. The slate is clean as far as where
23 we start -- where we start with what they gave us. But
24 we can also start tearing it down or suggesting things

1 that might be better. So, you know, I think that's
2 where we start. We have addressed a lot of the
3 physical concerns. Now what do we want to see the
4 project become, and how is it going to be managed?

5 MR. JESSE GELLER: Anything else?

6 (No audible response.)

7 MR. JESSE GELLER: Okay. We're going to open
8 up the floor now to public testimony. I see
9 Mr. Varrell is chomping at the bit. He's the first one
10 in line.

11 MR. VARRELL: William Varrell, 45 Asheville
12 Road, professional engineer. And I'm sorry for
13 interrupting earlier. I just wanted to say that a lot
14 of the points I'll make in my presentation contradict
15 what was made in the earlier presentations, so it might
16 have been helpful to hear this first, but nevertheless,
17 I do apologize.

18 I have a PowerPoint presentation. Okay, so
19 first think we'll talk about is drainage and traffic,
20 so I'm going to start with traffic, and I do have
21 several slides, so I'll try and go as fast as I can
22 without hurting our stenographer here.

23 So the first thing I want to talk to about --
24 is this dangerous situation made worse? People know

1 that the site down below, the VFW Parkway runs across
2 it east to west. There's the Hynes playground which is
3 directly across from the site. And as you see in this
4 picture, there's a mother and child running across four
5 lanes of traffic trying to get from Hancock Village to
6 the water park that exists in Hynes playground. This
7 is a very dangerous situation. I see this daily as I'm
8 in the neighborhood walking across, mother, one child,
9 two children, five children trying to go across four
10 lanes of traffic.

11 And on the other end of the project,
12 Independence Road, where there's going to be one lane
13 of traffic in each direction, they have a HAWK system,
14 all these other high tech buzzers, beepers, whatever,
15 so the kids can get to the Baker School.

16 Well, in the summertime they're not going to
17 the Baker School. They're going to the playground.
18 When you get rid of the green space, there's going to
19 be nowhere to play in Hancock Village, so they're going
20 to go to the playground and there's no way to get
21 safely from this project to the playground. I think
22 that's very important. I don't know why it wasn't
23 addressed in the study.

24 The other thing I want to point out, as you

1 look at the map below, you'll see there are
2 crosswalks. The first one is on South Street, which is
3 two blocks to the east, so you'd have to walk about
4 five blocks to get across that one. The next one down
5 is by CVS, which is three blocks to the west, so that's
6 about seven blocks to get to the playground. So if you
7 think a mother who is tired, three- or four-year-old is
8 going to go seven blocks to get across the street --
9 no, she's going to take the chance and run across it.
10 So I really think that that's an important thing that
11 was left out and should be studied.

12 The next think I want to talk about is, poor
13 parking leads to dangerous double parking. Now, we
14 talked a lot about the parking spaces, and I know there
15 was a lot of discussion about, well, if the parking
16 spaces are 1,000 yards across Independence, people will
17 just park there and walk back.

18 Now, this is a picture I took from my
19 driveway. I see this all the time. This is a car that
20 is stopped on Asheville Road. They're putting their
21 groceries from the car, they're walking them over to
22 their residence about 300 feet away. The parking lot
23 for the site is about 50 feet to the left behind that
24 green tree on the left of the picture. So this person

1 couldn't carry their groceries from there to their
2 apartment. They had to park on this steep slope. This
3 is a rainy condition, windy curve. There's a crossing
4 right in front of that car. They're very dangerous
5 conditions. So when you're looking at parking and how
6 it's laid out, this is something that needs to be
7 considered and they haven't done anything about it.

8 The next thing I want to talk about is -- we
9 heard a lot about, well, we did studies. We have
10 AutoTURN to look at our fire trucks. We took the
11 biggest fire truck, and we laid it on the plan.

12 A couple of week ago, I was playing tennis
13 down at the Baker court with my son and heard a
14 commotion. Not one fire truck, not two fire trucks,
15 four fire trucks showed up for a backyard barbecue, is
16 what I think it was. Four fire trucks, a few police
17 cars, they come down this much wider road and they're
18 all stuck. They're stuck on the hill. They can't get
19 to the site. If you look at the lower picture, you can
20 see all the cars and fire trucks stacked up.

21 In the upper picture, you can see that that
22 gray car right there next to the fire truck is parked
23 in a handicapped spot about two feet from the curb.
24 Now, they didn't just pull over because of the fire

1 truck. It's been there the whole time. They couldn't
2 find the driver because they left.

3 So AutoTURN is great, but if you don't take
4 real life into consideration -- you can't count on
5 software as a design guide. You have to look at the
6 real-life situation. This is real life. There are
7 kids darting in and out of this thing planned. This
8 was a Sunday afternoon, and it was a serious situation
9 right there. Someone could have gotten seriously
10 hurt. So this is real life. This isn't AutoTURN
11 where, you know, they must have done it at like 3:00 in
12 the morning on Christmas Eve, no one's around, there's
13 no cars, there's just -- the fire truck came in, moved
14 it around, and by squeezing back and forth miraculously
15 fit, so it's a good design. I don't know why it wasn't
16 studied.

17 Here's some additional traffic stuff: So
18 safety to pedestrians, I don't think that was fully
19 studied at all; the traffic and parking issues, I think
20 there are still a lot of concerns there; Beverly Road
21 is one-way in the winter months. It's brought up many,
22 many times. It's always ignored.

23 The intersections -- there was a great point
24 about the VFW Parkway. You know, should it have a

1 driveway right to the parkway? And, you know, they
2 kind of said, well, it could be a very difficult sell.

3 If anyone's been on the VFW Parkway, they know
4 it's a residential street. Every single driveway on
5 these houses goes out to the VFW Parkway. I don't
6 think one extra driveway is going to be that big of a
7 deal to sell to the VFW Parkway or the DCR or
8 whatever. Why isn't that the primary route to the
9 project, and Asheville Road has a gate for the
10 secondary emergency access? That would solve all the
11 traffic problems.

12 The second thing that I want to bring up is
13 when they were talking about selling that to DCR they
14 said, well, if you can prove that South Street, which
15 is two blocks away, is going to be helped by this, then
16 it could be a sale because that's a very tight
17 intersection. And it is. If you're going across the
18 parkway on South Street, you have like three seconds to
19 get across.

20 But for some reason both the peer reviewer and
21 the designer felt that leaving the South Street
22 intersection out of the whole traffic study made
23 perfect sense even though in Brookline it's the primary
24 access east towards Boston. Then Russett Road on the

1 parkway is the primary access west. Those are left out
2 of the study.

3 And no one brought up the point -- even though
4 I brought it up and it's been on the website forever --
5 that these are the primary routes. 50 to 70 percent of
6 my trips from my house are to the parkway, either west
7 or east through either Russett Road, a right turn, or I
8 go up South Street and make a left turn. It wasn't
9 even considered in this study for some unknown reason.
10 That doesn't make any sense to me. So those are my
11 traffic concerns.

12 If I move on to drainage, the first thing I
13 want to talk about is the vernal pools. I don't know
14 if anyone knows what a vernal pool is, but basically a
15 vernal pool -- and this is from the EPA's website -- a
16 vernal pool is an area that can be completely dry for
17 most of the summer and fall, but it's a wetland that
18 ranges in size from a small puddle to a shallow lake.
19 A vernal pool is a wetland, and we have to decide -- I
20 heard many times that the wetlands won't be impacted,
21 but those pictures up there are from the site. And in
22 my opinion -- and I'm not the final judge. I don't
23 want to say I'm the final judge -- those are vernal
24 pools right there. This area right here that they're

1 concerned about is your bioretention basin and this is
2 wetland.

3 And what does Massachusetts have to say about
4 vernal pools? According to the Mass Office of Energy
5 and Environmental Affairs, some vernal pools are
6 protected in Massachusetts under wetlands protection
7 regulations. So it's protected. It's like a wetland.
8 It's really -- anyone who's ever done any kind of
9 development, they know wetlands are -- do not go
10 there. There's offsets. There's buffers. You can't
11 touch them.

12 And one thing I want to point out there in
13 red, if you look at that photo shot -- that snapshot
14 photo, it's from their website, the EPA's website. And
15 if you look at that vernal pool, it gives an example.
16 And then you look at this site on the lower right hand,
17 that's the exact same picture, just taken from a
18 slightly different angle.

19 So there is a considerable possibility that
20 there's a vernal pool where they want to build a
21 bioretention basin. So whose responsibility -- I
22 totally understand that Chestnut Hill is not running
23 around saying, hey, we have vernal pools on our
24 property. We want to build this huge -- I can't fault

1 them for that. That would be ridiculous from a
2 business point of view. Why isn't anyone from the Town
3 of Brookline, why isn't a peer reviewer looking at
4 this? Those photos I showed were all part of those
5 reviews. I think it's a very serious issue that has to
6 be addressed before you even start considering what
7 kind of development is appropriate for the site.

8 Now I want to get to a point -- and I don't
9 want to discredit the peer reviewer. I know he made
10 some statements about the drainage is going to be
11 improved, but I have to disagree wholeheartedly with
12 him.

13 So what I'm showing right here is, if anyone
14 actually bothered to read the appendix of the drainage
15 report --

16 AUDIENCE MEMBER: Microphone.

17 MR. VARRELL: -- if anyone actually bothered
18 to read the appendix of the drainage report, they would
19 have seen a lot of these graphs. They're called
20 "hydrographs." And basically what these hydrographs do
21 is, those little greens lines, they show the amount of
22 water flowing through the site, and it comes in really
23 low. There's hardly any water. Then during a storm, a
24 24-hour storm event, it peaks. And this one peaked at

1 17.29 cubic feet per second. It stays up there for a
2 half hour or so, and then it drops off after 24 hours.

3 Now, what the stormwater regulations say is if
4 your -- say this is the existing hydrograph of the
5 site. If your proposed hydrograph of the site is less,
6 does not exceed the 17.29 cubic feet per second, then
7 you're good. So that red line there is 17.28 cubic
8 feet per second.

9 Now, you still have 24 hours to dissipate the
10 water, so in reality, you could have -- you could build
11 a giant fish tank on your site, collect all the
12 rainwater that falls on it, then start at a 24-hour
13 period. You put a pump line, that 17.28 cubic feet per
14 second. You pump the water onto the neighbor's yard
15 for 24 hours, you turn your pump off. You have not
16 exceeded the 17.29 cubic feet per second. How much
17 water have you put on your neighbor's yard? A quick
18 calculation would show you put 11,167,500 gallons of
19 water on your neighbor's yard.

20 But you have not violated the standard,
21 because standards are written for people to use with
22 common sense and appliance. If it was only the
23 standards that we had to go by, then we'd have
24 computers. We'd just put input and output. But people

1 have to use these. And it's the best thing we have
2 right now, so people have to interpret it and know what
3 that means.

4 So let's look at what it means for our site.
5 How much additional water is being generated? Now, you
6 just heard direct testimony that it was being reduced.
7 But, again, if you dig through the appendix of the
8 report and you look for a 10-year storm, the existing
9 runoff from the site is .717 acre-feet. For a 10-year
10 storm at the proposed site, the runoff is 1.45
11 acre-feet. That translates into an additional 241,781
12 gallons of water, which is equivalent to 15 standard
13 swimming pools, 30 by 12 by 6 feet deep.

14 For a 100-year storm event, you're going to do
15 the same calculations. You're going to get about
16 450,000 gallons of additional runoff, which is 28
17 swimming pools. So if someone told you that -- is this
18 an improvement, what they're doing here? And they
19 said, yeah, we're going to get the neighborhood 28
20 swimming pools, that could be misconstrued. The truth
21 is, more water is coming -- there's more runoff
22 generated by this project in the postdevelopment phase
23 than in the predevelopment phase. Those numbers are
24 directly from the report and can easily be verified.

1 Now, if you look at it -- is the whole report,
2 the crux of the report, based on flawed data
3 gathering? The seasonal high water table is estimated
4 based on two readings. They have eight wells. They've
5 been doing this project for several years, and they
6 decided to look at this on two dates.

7 Now, the dates they chose are interesting.
8 The 10-day period for each of the readings was
9 extremely dry. .4 inches of rain fell, even though it
10 was spring -- the winter leading up to January 22,
11 2013, so we asked them to look in the spring when it's
12 higher. But miraculously, the 10 days leading up to
13 that, there was only .5 inches of rain leading up to
14 that reading date. Those are extremely small sample
15 sets.

16 If you look at the rainfall data for 2011,
17 2012, there was only 41.7 and 40.7 inches. That's
18 30 percent less rain than happened the two previous
19 years, the 56 and 59 inches, so of course the
20 groundwater is going to be lower. There hasn't been
21 that much rain in years.

22 You've got to look at a larger event, and
23 there are many comprehensive methods used to determine
24 the seasonal groundwater elevations. These are

1 available. Engineers do it all the time. They don't
2 just look in a well twice and call it a day. The whole
3 design is based on these groundwater elevations being
4 correct. Remember they're mounding up dirt to build
5 their system above the seasonal high groundwater, so if
6 they're off by two feet, then their grades are going to
7 change by two feet. If the groundwater was seven to
8 eight feet below the site, then it wouldn't be an
9 issue. But when the whole project hinges on the
10 seasonal high groundwater, it's a very important
11 calculation and you've got to get it right.

12 Now they're talking about how are they going
13 to do this? So we know that they've got a lot more
14 runoff coming off the site. How do they get those
15 numbers, those CFSs to be below in the postcondition
16 than in the precondition?

17 They've got these magic boxes. These magic
18 boxes are essentially plastic milk crates, and they're
19 going to bury thousands of them in the ground two feet
20 above the groundwater table, one foot below grade.
21 They have plastic pipes running to these boxes, and
22 these boxes are going to store the water like that
23 giant fish tank I was talking about and then slowly,
24 according to their calculations, let it off in a

1 neighbor's yard, keeping that CFS under the allowable.
2 But still the water is going there eventually. Whether
3 it comes in a 20-minute burst or a four-hour burst,
4 it's all coming there. It's leaving the site and going
5 into the neighbor's yard.

6 So you think this is a standard system. They
7 went with a traditional system, they said. StormTank
8 is not something that's been used extensively for many
9 years and has a long history of success. If you go to
10 their website, you will see that they only offer a
11 12-month limited warranty on the product. So 12
12 months later when this fails, they say, hey, you bought
13 the egg crates. I don't know what you did with them.
14 Don't blame me.

15 Who's going to know? Who's going to make sure
16 it works? Where's the history that shows it works? I
17 don't know if Stantec's been using them for many years.

18 The Geotech: So Stantec says, we designed
19 this system to work; and BETA says, we checked their
20 calculations, so we know it works.

21 Well, if you look down the bottom, this
22 foundation quote is directly from StormTank's website
23 and it says, "The foundation, the subgrade of the
24 subsurface storage structure is the most important part

1 of the installation." It's the key. "This is the
2 location where the system applies the load generated at
3 the surface. If the subgrade lacks the adequate
4 support or encounters potential settlement, the entire
5 system will be affected. A geotechnical
6 investigation" -- (Indecipherable. Interruption by the
7 court reporter.)

8 MR. VARRELL: I'm sorry. I'm just reading the
9 quote. And so on the quote goes.

10 But basically, a geotechnical engineer has to
11 be involved. There's no indication anywhere in the
12 report that a geotechnical engineer provides bearing
13 capacity, limiting zones, so how can they stand behind
14 this? And how can BETA say it's correct?

15 Now, where are they implementing these milk
16 crates? The architectural reviewer recommended keeping
17 the natural grades for the existing site, so why is the
18 site built up in places?

19 Well, this is Basin 1A, which is by the Baker
20 School. They have a groundwater problem. So to solve
21 it, they decided to mound up this land so they can have
22 a two-foot separation below the structure and a minimum
23 of one foot of separation on top of the structure so
24 they don't crush it. If the seasonal groundwater

1 elevation where they dig is a foot higher, all the
2 grading plans are out the window and they've got to
3 start again. But they'll probably just bury that as
4 quickly as possible. I can't imagine a contractor or
5 someone is going to bring that up. So this is
6 something that has to get -- they have to get it right.

7 Now let's go to the porous pavement. So the
8 EPA fact sheet on porous pavement says it's a
9 75 percent failure rate for porous pavement. Now, I
10 have to quote Steven Wright, a comedian, here who once
11 said that, "I heard 90 percent of accidents happen
12 around the home, so I moved." 75 percent of the porous
13 pavement would fail, so they got rid of 75 percent of
14 it. But that other 25 percent is still going to fail.

15 They call for a minimum infiltration rate of
16 three feet below the stone reservoir. The infiltration
17 rate -- the minimum infiltration rate three feet below
18 should be 0.5 inches per hour. Bedrock has an
19 infiltration rate of zero inches per hour. The minimum
20 depth to bedrock should be four feet. I don't think
21 you'll find that. The minimum setback from upgraded
22 foundation is 100 feet. Existing buildings and homes
23 are closer than that to the porous pavement.

24 So this line is taken right out of their

1 report and it says, "A service parking and driveway
2 constructed of porous pavement is proposed. The porous
3 asphalt pavement will allow stormwater to travel
4 vertically through the stone base before infiltrating
5 into the subsoil."

6 AUDIENCE MEMBER: Louder, please.

7 MR. VARRELL: I'm sorry -- "before
8 infiltrating into the subsoil."

9 So the drainage study states that water held
10 in the porous pavement will infiltrate into the
11 subsoil. And you'll see that the only place that's
12 used is over bedrock, so how will it go into the
13 subsoil?

14 So the infiltration rates provided by the
15 designer are 1/2 to 1/3 of the 0.5 inches per hour
16 recommended by the EPA. At the far right of the chart,
17 you can see their rates are 0.17 to 0.27, so these
18 soils have poor infiltration rates.

19 This is a picture of the site. One thing I
20 want to point out, that in the lower portion there's a
21 five-foot cut into rock to make this parking lot grade
22 work. You can see the gray lines going diagonally
23 across from the lower portion to the top. Those are
24 drain lines and sewer lines which are not shown on the

1 cross section. I guarantee that they're probably not
2 as deep as they need to be to make these grades work.
3 So it should be shown on the plan, but I think BETA
4 rightly pointed out that they need to see the as-built
5 plan.

6 The blue lines -- this is engineering 101, the
7 first day -- where does water flow? It flows
8 perpendicular to the contour lines. So the dashed
9 lines in gray are contour lines. The water is going to
10 flow perpendicular to it. So you can see, the water is
11 going to flow -- the existing grade flows towards
12 Asheville. And you can assume that the ledge under
13 there has a similar contour and will continue to flow
14 towards Asheville. So if this parking lot is going to
15 absorb all this water -- it's a bathtub on three sides
16 because it's cut into ledge on the left, right, and
17 bottom of the page, so the only way for this water to
18 escape is towards Asheville Road. They do provide in a
19 very -- near that small circle in the middle, one
20 four-inch subdrain but that subdrain is right on the
21 boundary of the asphalt pavement and the porous
22 pavement.

23 You know, I live on that road. I know how
24 often they sand. Within a matter of one or two

1 seasons, that will probably be completely clogged up
2 with sand. But the water probably won't grade towards
3 that four-inch pipe because the natural grading of the
4 ledge is going to tell you where it's grading to.
5 Right now the indications are it's going towards
6 Asheville.

7 The other thing they talk about is area
8 drains. It's on the top. It's hard to read, but it's
9 the red line. It's says "grade to drain." Well, if
10 you look on the grading line of the dark black line,
11 there is no grading up there. They don't propose
12 grading up there. This is one of the areas that they
13 proposed to save vegetation, yet somehow they're going
14 to install these area drains. They're going to grade
15 the drain, but they're not going to disturb the
16 vegetation. I don't know how.

17 This is a profile of the porous pavement
18 parking lot on the left. Again, there's no utilities
19 shown, even though they're clearly shown on the plan.

20 Then you can see in the middle of the
21 profile -- so the very top dashed line is existing
22 ground. Closely following below is the assumed ledge
23 line. You can see right in the middle that ledge line
24 drops about 12 feet. That's how they assume it fell

1 down based on one well that's not anywhere near the
2 baseline.

3 But if you go to that previous slide and look
4 at the plan, that picture on the right shows ledge
5 sticking right up through the ground exactly at
6 Station 2040 right on the baseline. So they assumed it
7 was 12 feet below.

8 Why would they assume that the ledge had
9 dropped 12 feet in the site where anyone -- you don't
10 have to be a geotechnical engineer to know that the
11 ledge is sticking through the ground. And you can see
12 that other tree behind it. There's ledge sticking out
13 of the ground behind that tree. And directly across
14 Asheville Road, there's ledge sticking out of the
15 ground there. All along the baseline, there's ledge.
16 So you assume that ledge is just below ground
17 everywhere, so why would they want to think that the
18 ledge somehow miraculously drops there? I'll get to
19 that in a minute.

20 So this is their details that they show
21 already of the porous pavement. If you look at their
22 detail in the lower left, it says this detail subgrade
23 will be loamy sand, which we know is not true. It's
24 going to be ledge. There's ledge everywhere on the

1 porous pavement area. There's no loamy sand. Ledge
2 does not drain.

3 The detail calls for check dams. And how you
4 make these wavy check dams and ledge? They're going to
5 have some pretty crafty demolition experts blasting
6 ledge to form those waves right there. This section is
7 about three feet deep. In some cases the proposed
8 elevation is five feet below the existing grade. That
9 means in this parking lot you're looking at some places
10 where you're doing over eight feet of rock excavation
11 just for this parking lot.

12 As I said before, the bathtub effect will be
13 created because it's all cut into ledge, and a
14 four-inch drain is only located at the west end of the
15 parking lot. It's unreasonable to think that all 270
16 feet of that water is going to drain towards that
17 subdrain. It's going to drain in the direction of the
18 ledge which, based on the current information, is
19 probably sloping towards Asheville Road just like the
20 ground is.

21 So this is, again, looking at their section.
22 So there's a well. That well had a water reading of
23 174.5, it had a 2-foot buffer, then 176.5. The lower
24 point of the parking lot is 179 with 3 feet of porous

1 pavement. 179 minus 3 is 176, so it's only 1 1/2 feet
2 of separation. So their own plans say -- even based on
3 their most beneficial reading of high groundwater, they
4 don't have that minimum of two feet of separation
5 everywhere.

6 So this is the site, what it looks like after
7 a little bit of rain. This happened on March 30th of
8 this year. If you look to the right, this is Boston
9 Water and Sewer. This is the rainfall data for
10 Roslindale in the month of March. So the photo was
11 taken around early morning on March 30th. That's
12 towards the right end of that graph. About 1 1/2
13 inches of rain had fallen. The site is completely
14 saturated with zero capacity to store water. Just that
15 little bit of rain completely flooded the site and
16 turned it into a total wetland. There's water
17 everywhere. It's not water just running through the
18 site. It's coming up through the ground. It's
19 completely saturated. All this water in this photo is
20 flowing towards Asheville Road.

21 Now, you could say, is this the worst case
22 event? So this is the rainfall data from March 2010,
23 only four years ago. If you can look on that graph,
24 that's a different scale. On March 14th there was over

1 five inches of rain, and there are six rain events
2 equal to the one you just saw on the slide before that
3 happened in that month in 2010. So this is not a 1 in
4 100 year event, 1 in 20 year, 1 in 10. This is a
5 common and reoccurring event that happened over and
6 over and over again. Despite running my pumps 24 hours
7 a day, my basement was completely flooded with
8 approximately one foot of water. My neighbor directly
9 across on Asheville Road, Mrs. Green, also had her
10 basement flooded and a lot of stuff destroyed.

11 So to get back to the point, why would they
12 think the ledge fell off as much as it did, 12 feet,
13 even though there's clearly ledge sticking above the
14 ground?

15 Because their drainage system, the catch
16 basins they want to put in as a redundant system are
17 right at that location. You can actually see in the
18 photo the catch basin is right next to where there's
19 really rock outcropping on the existing surface. That
20 catch basin is 12 feet deep -- some catch basins. In
21 order to get that in, they have to blast the hole 12
22 feet down, at least 8 feet in, 4 foot in diameter plus
23 the structures, plus getting it in. They're going to
24 be coring a giant hole in the ground trying to get that

1 drainage system in.

2 The problem is, all the drainage going into
3 and out of that catch basin, all of it has to be
4 blasted through the ledge so they can get it into the
5 catch basin and out of the catch basin. This is not
6 standard construction by any means.

7 So my conclusion: The existing site has not
8 been adequately studied to determine potential
9 wetlands; limits of ledge, they're just guessing and
10 they're obviously wrong, and it's right in front of
11 them; locations of underground utilities, they're not
12 shown and they should be noted on the plan; soil
13 capacity for the structure that they're designing, that
14 the manufacture clearly says is the most critical part
15 of the design; and most importantly, I think, seasonal
16 high groundwater.

17 Second, the soil mitigation method is not
18 typical. Grading is used to build up land to provide
19 separation between structures and groundwater. This is
20 not a typical design. Usually the groundwater is much
21 lower than the existing basin. You're not trucking in
22 thousands of gallons of material to build a basin or a
23 cover or a driveway just so you can have room to stick
24 in those milk crates.

1 The EPA recommendations are not being followed
2 with regard to porous pavement and, I'd have to say,
3 the vernal pool. There's no history of success with
4 the proposed storage systems because they're just too
5 new. It will take an extreme amount of maintenance to
6 keep the system operational. If you go to the
7 StormTank's website, first of all, one of the things
8 they forgot to do, they recommend observation ports
9 every 30 feet. The designer did not put those in.
10 They only have them in the inlets and the outlets, even
11 though some of the lines of the structure are 50 to 70
12 feet long. So obviously they're not very familiar with
13 the system because they would have known that. It's a
14 basic thing. I learned that in 20 minutes on a Sunday
15 afternoon.

16 Failure to maintain the system will definitely
17 result in a impact on adjacent sites. I think the
18 StormTank website and the package clearly says that
19 failure of the system could happen without maintenance
20 and proper installation, and that will directly impact
21 the adjacent sites.

22 And the designer has made clear mistakes. The
23 reasons behind the errors in the plans and calculations
24 need to be addressed. I'm an engineer and I've made

1 mistakes in the past too. But why they came here, are
2 they corrected, have they been corrected and reviewed
3 by another engineer and proved that they're right,
4 these are the kinds of things that have to be satisfied
5 before you can even judge based on the report and
6 review. I mean, these are obvious errors. Thank you
7 for your time.

8 MR. BERMAN: My name is Kenneth Berman, and I
9 live at 353 Russett Road, and I promise I'll be very
10 brief.

11 As the hearings of the ZBA are coming to an
12 end, there's a serious problem that has not been
13 addressed. That is the effect that blasting tons and
14 tons of rock would have on the surrounding
15 neighborhood.

16 My concern was prompted by an article in the
17 West Roxbury Bulletin dated September 11, 2014 which
18 described the widespread opposition by West Roxbury
19 residents and public officials including Senator Rush
20 and Representative Ed Coppinger to a planned new
21 natural gas line running through West Roxbury and
22 particularly the pipe running about 500 feet from the
23 quarry.

24 One of the concerns was, what might happen to

1 this new pipe when blasting occurs at the quarry? One
2 neighbor who lives near the quarry said when blasting
3 occurs her whole house shakes and she wondered how the
4 pipe could be safe.

5 In the Russett Road neighborhood, we have many
6 natural gas lines that are 70 to 80 years old and there
7 have already been reported leaks from them. In fact,
8 it is believed that the death of many trees on Russett
9 Road was caused by gas leaks. It is very conceivable
10 that the continual blasting of huge amounts of rock
11 from an area that is over 100 feet long and over 40
12 feet deep could cause a rupture and explosion of any of
13 these old and deteriorating gas lines. This is a huge
14 safety problem.

15 Until there is conclusive evidence that
16 blasting would not cause rupture of any of these old
17 gas lines, some of which are within 500 feet or less
18 from the proposed blasting area, the ZBA should not
19 allow any blasting and should not allow the
20 construction of the proposed huge seven-story
21 building. There is no evidence that Chestnut Hill
22 Realty has addressed this safety concern with any
23 written policy or proposal. Thank you.

24 MS. KOOCHER: Hello. I'm Robin Koocher,

1 285 Beverly Road. I'm an abutter, and I have a
2 question, because I know that the Chair likes
3 questions.

4 On the conceptual roadway improvement slide,
5 which I believe began this process this evening, we
6 were talking about the flashing of the traffic and
7 pedestrian lights, we were talking about going from
8 four lanes to two lanes with a dedicated bike lane and
9 dedicated parking lane and somehow the buses will be
10 able to stop and people and cars and will be getting
11 around it, plus people walking and all of that.

12 But what I have not heard is where is it going
13 to start from? We know it finishes at the
14 Boston/Brookline line, because Chestnut Hill Realty has
15 made it very clear that they're not going one inch over
16 into Boston. But I think that's really important when
17 you take what the proposal is, and I would really like
18 to know from the developer where it's going to begin.
19 We know where it ends. But how will that be safe when
20 you're going to have probably -- I don't know how many
21 hundreds of feet which will have this new plan and then
22 it switches into what's currently there. And I think
23 that should be a concern in terms of traffic and
24 safety.

1 The other question I had -- and you addressed
2 it and I appreciate finally hearing about it -- had to
3 do with the blasting. And I know that, you know, you
4 have certain charges and certain responsibilities, and
5 I'm not sure where the line is in terms of how far you
6 go, but the blasting really has not been addressed.
7 You know, some people heard on the walk-through that
8 you took and invited residents to go with you the
9 number of feet down it was going to go. This, I've not
10 heard from this group. And there seems to be two types
11 of blasting which can be conducted. And we have heard
12 in the past that pictures can be taken of the inside
13 and outside of people's homes in terms of if there was
14 damage.

15 What we haven't heard is how long would that
16 blasting continue and, in fact, questions -- and I live
17 on Beverly not Russett -- is, you know, what kind of
18 compensation would there be for damages? You know, is
19 there going to be a letter sent to abutters stating
20 that any antiques or anything that might be on a mantle
21 you should be wrapping in, you know, paper and putting
22 in a bin? The issues of blasting, I feel really
23 strongly that we need to hear more about and understand
24 more fully what will come about from that. Thank you.

1 MS. JAMISON: I'm Francine Jamison. I live at
2 11 Intervale Road, which is between the building site
3 without blasting on Intervale Road that has been
4 waylaid by its lack of being able to get rid of ledge
5 and the infamous small traffic circle at the corner of
6 Intervale, Thornton, and South Street.

7 And I'd like to go back to where I walked in
8 and we were talking about the allowance of parking on
9 Independence 24/7, which was very much more
10 urbanization, caught my attention right away, from what
11 we have here in North Brookline. And I'd like to point
12 out a difference in the northbound and southbound
13 traffic patterns.

14 For that matter, the biggest problem with the
15 parking is actually on the Boston side of that line as
16 you approach Harvard Community Heath Plan where more
17 people park along the street as opposed to in
18 Brookline. But when you come north on Independence and
19 the traffic calming for South Street was to re-route
20 people through Independence, there are in rush hour
21 from Beverly Road up to South Street two lanes solid.
22 You almost can't always make a right turn coming in
23 from the road just beyond South Street. How the heck,
24 if we move to one lane only, are we going to not cause

1 people who cut through the neighborhood who are not
2 part of the neighborhood to not revert to going up
3 South Street?

4 And I think our traffic flows are interrelated
5 between West Roxbury Parkway, South Street, and
6 Independence. It's beautiful to paint the picture as
7 though it would happen all the way through the
8 Boston/Brookline line of having -- I think of it as
9 Beacon Street because you have the wonderful wide
10 separation for the parking which you could envision
11 being used for these bicycle tracks. And I don't know
12 what we would do with the bikes, but I do know that we
13 don't have enough space on South Street. We were
14 denied the ability to have traffic bumps or whatever
15 you want to call them. They're different on different
16 streets.

17 MR. JESSE GELLER: Traffic calming.

18 MS. JAMISON: Traffic calming. We have the
19 traffic circle. I don't know how much traffic calms,
20 and this was all to avoid having a four-way stop sign.
21 I'm not going to try to be an expert about what the
22 domino implications are, but some of the lessons of
23 South Street really do apply to making changes on
24 Independence Road where you want children to be able to

1 cross for going to school. They are the stories we
2 dealt with in this venue, now maybe two years ago.

3 Thank you.

4 MR. JESSE GELLER: Thank you.

5 MR. WISHINSKY: Hi. Neil Wishinsky. I'm on
6 the Board of Selectmen, and I'm speaking for myself.

7 I'd just like to comment briefly on a term I
8 heard used at the beginning of the night, and that's
9 "transit demand management." And having come off the
10 Brookline Place process where we had robust transit
11 demand management and that's going to be a part of that
12 project, I would venture to say the term transit demand
13 management, though it's the same term, what we saw here
14 is not transit demand management. It doesn't have any
15 of the principles that we saw in Brookline Place.

16 Now, Brookline Place is a very different
17 project, it's a different part of town. It's a part of
18 town that has probably the most transit. This probably
19 has the least transit. But their transit demand
20 management had measurable goals, it has an enforcement
21 mechanism, it has meaningful penalties, and it's also
22 linked to a reduction in parking.

23 Now, I don't see any reduction of parking
24 suggested here. I think they're asking for at least

1 two parking spaces per unit. And the elements seem to
2 be -- to me, to be public relations amenities rather
3 than real things that would reduce car ownership.

4 So I would suggest that if we're going to have
5 transit demand management, we demand real transit
6 demand management and a reduction of parking,
7 measurable goals, and penalties if those goals aren't
8 met. Thank you.

9 MR. JESSE GELLER: Anybody else?

10 MS. FRAWLEY: Hi. Regina Frawley, Russett
11 Road, almost 50 years a resident there, bought the
12 family home.

13 I've been very involved with Chapter 40B for
14 most of my adult life, since my family has been in
15 affordable housing, as work for the state, different
16 divisions, FAA, DHCE. I've taken training in 40B. And
17 there's one thing I want to remind you. 40B doesn't
18 trump everything.

19 We've heard tonight from two of our neighbors
20 about the infrastructure damage, the 80-year-old gas
21 line that leaks routinely on my block and definitely
22 have been -- in fact, the town is suing the gas company
23 because of the damage that the leaking gas pipes do to
24 trees in Brookline. So that's a given. That's a

1 fact.

2 And the other thing is what the gentleman from
3 Asheville, the engineer told you about the
4 environment. There are two reasons for rejecting a 40B
5 outright. One is the public safety component, and the
6 other is damage to the environment. So please open
7 your heart and mind to that realty. It is not a given
8 to have a 40B. Thank you.

9 MR. JESSE GELLER: Anybody else?

10 (No audible response.)

11 MR. JESSE GELLER: Okay, I'd like to now call
12 on the applicant to see if they have any further
13 comments.

14 MR. SCHWARTZ: No.

15 MR. JESSE GELLER: Nothing. Okay.

16 I want to thank everyone for their comments
17 and testimony this evening.

18 Mr. Varrell, is it possible to obtain your
19 presentation in a written format?

20 AUDIENCE MEMBER: He had to leave, but he said
21 he would submit that to the website.

22 MR. JESSE GELLER: Okay. Thank you. We are
23 adjourning this hearing and continuing until October
24 the 20th, if I got that right, at 7:00 p.m. Thank you

1 again, everyone.

2 (Proceedings suspended at 10:25 p.m.)

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1 I, Kristen C. Krakofsky, Court Reporter and
2 Notary Public in and for the Commonwealth of
3 Massachusetts, certify:

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

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

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

13 Dated this 25th day of September, 2014.

14 _____

15 Kristen Krakofsky, Notary Public

16 My commission expires November 3, 2017.

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