



MINUTES

BOARD OF SELECTMEN

IN BOARD OF SELECTMEN TUESDAY, JANUARY 24, 2017 6th FLOOR HEARING ROOM

Present: Selectman Neil Wishinsky, Selectman Nancy Daly,
Selectman Benjamin J. Franco, Selectman Nancy S.
Heller, Selectman Bernard W. Greene

REMOTE PARTICIPATION

Chairman Wishinsky:

Pursuant to this Board's Authority under 940 CMR 29.10 (8), Selectman Heller will be participating remotely via telephone due to Geographic distance.

There is a quorum physically present and all votes taken will be recorded by roll call. Selectman Heller will be allowed to vote.

ANNOUNCEMENTS/UPDATES

Selectmen to announce recent and/or upcoming Events of Community Interest.

The Pay as You Throw system will be starting in the near future. Residents that will participate are asked to choose a new waste cart by March 10, 2017. Information cards are being sent out and there is information on the Town's website. DPW encourages choosing the smaller 35 gallon totes; you can always upgrade to a larger one if needed.

Brookline's Pan Asian Lunar New Year Celebration will take place on Saturday, February 4th from 1-3pm, at the Brookline High School.

Soul Witness, The Brookline Holocaust Witness Project will be showing at the Coolidge Corner Theatre on January 26, 2017. This sold out show is the result of many years of interviews and tapes of Brookline residents spearheaded by Stephen Bressler years ago, and has been revitalized into this documentary.

Meeting updates:

February 1st Senior Tax Policy Committee will be held at Town Hall room 111 at 6:30.

Selectman Greene reported that he attended the Mass Municipal Association Meeting on January 20 and 21, including the induction of Town Administrator Kleckner as President. He added that although some residents may not appreciate the use of town funds for events like this, he can assure them that these events provide Selectmen essential information related to their ability to work effectively for the Town. He said that Selectmen learn a lot from being outside of our bubble in Brookline and interacting with other communities and learning about their problems and how they address them.

The Board congratulated Mr. Kleckner on his appointment to President of the Mass Municipal Association.

January 30th the Coolidge Corner Study Committee will meet to discuss some housekeeping efforts relating to the Waldo/Durgin garage site, and 1200 Beacon Street projects.

PUBLIC COMMENT

[Public Comment period for citizens who requested to speak to the Board regarding Town issues not on the Calendar.](#)

Up to fifteen minutes for public comment on matters not appearing on this Calendar shall be scheduled each meeting. Persons wishing to speak may sign up in advance beginning on the Friday preceding the meeting or may sign up in person at the meeting. Speakers will be taken up in the order they sign up. Advance registration is available by calling the Selectmen's office at 617-730-2211 or by e-mail at sorsini@brooklinema.gov. The full Policy on Public Comment is available at <http://www.brooklinema.gov/376/Meeting-Policies>

Chairman Wishinsky stated that there is public comment relating to issues at the Brookline Audi dealership. He noted that this format may not be the best format; there is no staff to respond or representatives of Brookline Audi present. He has committed to having this topic on a future agenda if requested.

Dr. Rosenblatt, 20 East Milton Rd. spoke about the dealership unloading vehicles on Cypress Street, both sides of Cypress Street, and on Route 9. The police have been responsive and concerned; this blocks the sidewalk and the bike lane. Dr. Rosenblatt said that he has documented that these actions occur after 9 pm. They are parking cars next to the showroom which is in violation of their license and he noted the abutters are seeking help to ensure public safety.

Richard Moore, 18 East Milton Rd. spoke about the dealerships constant shuffling of cars at the end of East Milton Rd. causing congestion. It feels like this private way is an extension of Audi's property. The Building Department claims they have no jurisdiction over the license and by the time the police get there the incident is over.

Jon Motsis, 10 East Milton Rd. spoke about the dealership performing work in the open uncontained area. There is compressor noise, alloy dust, and spray paint being used. He is concerned about health and environment related issues. An inspector did issue a cease and desist order; the neighbors are fed up with the noise and air pollution stemming from this property.

MISCELLANEOUS

Approval of miscellaneous items, licenses, vouchers, and contracts.

CHANGE OF ALTERNATE MANAGER

[Question of approving the application of New England Treatment Access, Inc. d/b/a NETA for a Change of Alternate Manager from Bry Rodriquez to Lisa Bamel and for the addition of an Alternate Manager, Simone Burg.](#)

Chairman Wishinsky noted that the paperwork is in order.

On motion it was,

Voted to approve the application of New England Treatment Access, Inc. d/b/a NETA for a Change of Alternate Manager from Bry Rodriquez to Lisa Bamel and for the addition of an Alternate Manager, Simone Burg.

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

CONTRACT

Question of approving and executing a contract in the amount of \$453,000.00 with HMFH Architects, Inc. for the Brookline High School Expansion Project Feasibility Study.

Project Manager Ray Masak stated that this contract relates to the feasibility study for the High School Expansion Project.

On motion it was,

Voted to approve and execute a contract in the amount of \$453,000.00 with HMFH Architects, Inc. for the Brookline High School Expansion Project Feasibility Study.

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

PERMIT TO SERVE ALCOHOL (NON-SALES/ALL KINDS)

Question of granting a permit to serve Alcohol (Non-Sales/All Kinds) to Larz Anderson Auto Museum for a Cocktail Reception on Thursday, February 9, 2017 from 5:30PM-11:00PM at 15 Newton St.

On motion it was,

Voted to grant a permit to serve Alcohol (Non-Sales/All Kinds) to Larz Anderson Auto Museum

for a Cocktail Reception on Thursday, February 9, 2017 from 5:30PM-11:00PM at 15 Newton St.

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene
KENT STREET LOT STUDY COMMITTEE

Question of appointing Alan Christ to the Kent Street Lot Study Committee.

Selectman Daly stated that she inadvertently left Mr. Christ off the proposed membership list.

On motion it was,

Voted to appoint Alan Christ to the Kent Street Lot Study Committee.

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

CALENDAR

[Review and potential vote on Calendar Items](#)

BOARDS AND COMMISSIONS - INTERVIEWS

[The following candidates for appointment/reappointment to Boards and Commissions will appear for interview:](#)

Transportation Board

Jonathan Kapust
Judith Kidd

Jonathan Kapust is a new applicant. He is a Project Manager in roadway planning and design. He has worked on the Casey Arborway Project that connects to the Emerald Necklace, public transit routes, and is interested in modernizing the town's intersections and bicycle and pedestrian infrastructure.

Judith Kidd is a new applicant. She is a public transportation user and an avid walker. She is interested in fair policies for both bicycle users and pedestrians, and promoting safe access for senior citizens on the public ways. Ms. Kidd has been involved in various town committees and is a Town meeting member.

FY2018 BUDGET OBJECTIVES **item taken out of order*

Review of the Selectmen's FY2018 Budget Objectives.

Assistant Town Administrator Austin Faison reviewed the FY2018 budget objectives.

There are 40 items.

The Selectmen made some additions and recommendations to the list. Mr. Faison will incorporate them for next week's meeting and possible approval.

GRANT OF LOCATIONS

1. Public Hearing on the petition of Verizon New England, Inc. and NStar Electric Company d/b/a Eversource Energy for permission to relocate an existing jointly owned utility pole, locate and construct, such a new line of electric conduits and manholes with the necessary cables therein under the following public way:

Crafts Road – relocate jointly owned pole 43/3 approximately 305 feet northeasterly of Norfolk Road, northeasterly a distance of about 15 feet.

Crafts Road – new electric conduit running southwesterly from relocated pole 43/3, approximately 290 feet northeasterly of Norfolk Road, a distance of 20 feet to 19-23 Crafts Road.

Director of Engineering Peter Ditto stated that this is a request for pole relocation due to new homes at the pole site. The pole will be moved and a new conduit will be put in for underground electricity service. This pole has joint ownership. The work will be performed during the day with no road closures. The pole relocation work will be performed by Verizon.

Public Hearing:

Lynn Segal, Crafts Rd. asked about the underground electrical service, and if it will have any impact on her property. She also inquired about her service, if it is not in good condition, would it be upgraded.

Mr. Ditto replied that her service will now feed off the new underground location. He added that the service will not chase back to her home, just the new line. He added that the service upgrades would be determined by the providers.

Nstar representative Renee Banks added that they will inspect that at no cost to her.

On motion it was,

Voted to grant the petition of Verizon New England, Inc. and NStar Electric Company d/b/a Eversource Energy for permission to relocate an existing jointly owned utility pole, locate and construct, such a new line of electric conduits and manholes with the necessary cables therein under the following public way:

Crafts Road – relocate jointly owned pole 43/3 approximately 305 feet northeasterly of

Norfolk Road, northeasterly a distance of about 15 feet.

Crafts Road – new electric conduit running southwesterly from relocated pole 43/3, approximately 290 feet northeasterly of Norfolk Road, a distance of 20 feet to 19-23 Crafts Road.

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

2. Public Hearing on the petition of NStar Electric Company d/b/a Eversource Energy for permission to construct, and a location for, such a line of conduits and manholes with the necessary cables therein under the following public way:

Chestnut Hill Avenue – conduit from MH9159 near the Town Line a distance of about 150 feet southeasterly to 375 Chestnut Hill Avenue.

Director of Engineering Peter Ditto stated that this request is related to new service at the Circle Cinema site.

Ms. Banks added that the project should run about two weeks during the day and there will be no road closures or service interruptions anticipated.

Public hearing: No speakers

On motion it was,

Voted to grant the petition of NStar Electric Company d/b/a Eversource Energy for permission to construct, and a location for, such a line of conduits and manholes with the necessary cables therein under the following public way:

Chestnut Hill Avenue – conduit from MH9159 near the Town Line a distance of about 150 feet southeasterly to 375 Chestnut Hill Avenue.

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

[1299 BEACON STREET – 40B ELIGIBILITY SITE](#)
[PUBLIC HEARING](#)

[Public Hearing on the application of Brighton Allston Properties, LLC to MassHousing to secure a determination of a 40B Eligible site at 1299 Beacon Street.](#)

Chairman Wishinsky explained that this is a public hearing on the revised Chapter 40b proposal for 1299 Beacon Street. Chapter 40b allows developers to override our local zoning if 20% of the housing

units in a particular development are affordable. Brookline is almost at the safe harbor of 10% total affordable housing stock. This has prompted an unprecedented number of 40b applications to get in before that threshold is reached. Brookline has been granted some relief from the state that extends the timeline for the process; this allows time for staff and ZBA members to sort through the applications, and schedule the required hearings.

There was a previous hearing for this development and the Town submitted a letter to the subsidizing state agency with concerns about the project. Since then the project has been revised and scaled back. Tonight the revised plans will be presented.

Affordable Housing Consultant Geoff Engler representing the developer stated that they went back made modifications to the plan.

Architect Haril Pandya stated that it takes time to come together and collaborate, and we are presenting a revised development. He made a PowerPoint presentation that showed the neighborhood and tagged the height of nearby buildings.

- This proposal drops the overall height from 160 feet to 122 feet. The tall retail height is within the scale of the area, and is 25-30 feet on Beacon Street.
- The revised parking is now at 93 spots below grade and 6 above for a total of 99 parking spots. There has been a fair amount of due diligence for the parking system. The revised parking is reduced by 85 spaces.
- There are 74 units in total with 16 affordable, a reduction of 34 units.
- There will be curb cuts on Sewall Ave. to allow turning within the property.

Selectman Daly noted that they heard about a complaint the last time from a neighbor about an emergency egress being blocked.

Developer Raj Dhanda replied about the emergency egress, and said this issue was litigated 5-6 years ago. He had to understand what his property rights were and had it investigated. It was determined that 1295-97 Beacon Street has no easement or right to exit from there. He then went one step further and applied for a permit to put up a fence. The fence was installed with a sign from the Fire Department stating it is not an egress. The next occupant was told to put in a sprinkler system to be in compliance.

He is under no obligation to provide an egress to the abutting building; however they may be able to give them one, but as it stands today he is in compliance.

Selectman Daly inquired about the parking system, and noted that they heard that this system has caused some noise complaints in other communities. Also what happens when there is a system failure; where would the vehicles go? Sewall Ave. would not be able to accommodate them even short term.

Mr. Pandya replied that there will be routine maintenance, and the placement of the system is isolated so the noise level would be minimal. The system is two levels below. Like any elevator system there is built in redundancy; it is very unlikely that both systems would be down at the same time. There would be back up power in the case of a power outage.

Selectman Greene asked if the retail component's finances are essential to the development. Mr. Dhanda replied yes. In response to further questioning, he added that the 1 bedrooms market rate units will range between \$2k-\$3k and the 2 bedrooms around \$3600.00 a month and that this will be an age restricted development, 55 years old and over with high end finishes throughout.

Selectman Franco noted that the deliveries would be a challenge with the neighboring post office and current traffic congestion in the area. He also asked about ledge and sandy soil which may prompt blasting during construction.

Mr. Dhanda replied that that has not been studied yet. He feels that there is no evidence of ledge and feels it would be very unlikely; this will be investigated at the ZBA hearing.

Selectman Heller said it looks like two building combined as one, and she is still concerned about the massing. This revised project is still big and massive and overwhelms the community.

Chairman Wishinsky replied that there are two segments to the building; the front is lower than the back.

Mr. Dhanda spoke about current traffic congestion in the area and the poor enforcement. The post office employees park on the street for hours each day; and many parked vehicles exceed the thirty minute parking rule.

Selectman Greene asked about efforts to relieve congestion on Sewall Avenue.

Mr. Engler stated that there is no secret Sewall Ave. is plagued by problems, which will be presented as part of zba process. The town has good peer review traffic consultants to look at that. Under 40b, it is not our responsibility to solve existing issues; the project just can't make it any worse. A lot of the issues boil down to enforcement and taking a liberal approach to what is allowed.

Public hearing:

Janet Schwartz, Sewall Ave. spoke about parking in the area with the mail trucks and post office employees, parking is a mess. She also noted that the spot has never had a successful retail store, and

the presentation showed the height of various local buildings, but did not show that they also have setbacks and open space related to them. She is concerned about traffic congestion.

Arjun Shivdasani, 51 Sewall Ave. said the area is already taxed to the limits. He thanked Mr. Engler for reminding us they are not obligated to fix the current traffic issues, but asked how this project could not make it substantially worse with 74 units and 99 parking spaces. There are safety concerns with the additional traffic of this scale. The underground parking would lead onto Sewall Ave. Deliveries are another concern.

Nancy Doyle, 11 Longwood Ave. spoke about safety and health concerns. This road is a direct route to the hospital area and many ambulances go through. The current traffic flow is already a logistical nightmare, this will add to the problem. She feels the project is inappropriate and there is no need for a retail space there.

Nora Abrahamer, President of Temple Sinai, Sewall Ave. said that they are very much in favor of affordable housing however 15 out of 75 units is not enough in our minds to warrant the amount of stress and danger that will result on Sewall Avenue. Parking and deliveries will happen on Sewall Ave. which is already a difficult street to navigate. Temple Sinai has 160 students and several children programs; she is concerned for their safety. She feels this is not the right location for a development like this.

Kyle Spellman, 1309 Beacon St. Trader Joes said that he understands the push to reach 10% affordable housing stock, but at what cost. This project takes advantage of a loop hole with zero regard to Coolidge Corner. The development went from a double XL to an XL it is still too large. He also is concerned about retail parking.

Yuval Gilbert, Temple Sinai, Sewall Ave. spoke about concerns with parking and the construction phase. Understanding that the developer has no legal obligation to mitigate traffic, it can only get worse; the post office vehicles will remain. Trader Joes already has overflow parking. This proposal is out of scale for the neighborhood.

Selectman Daly stated that the Selectmen will write a letter to the State agency expressing concerns about the proposed development. It is up to the state agency from there, and they are often approved and move on to our ZBA process. This Board has no authority to say no to a 40b development.

Roberta Sydney, KS Company Trust, 1309 Beacon St. spoke about the earlier statements regarding the easement. She believes there is a building code violation and it is being pursued. The parking ratio appears to be a problem, and could result in zero parking for retailers. She proposed requesting to the State that no parking be issued for this site; it is a very public transit orient area, or request for the removal of a retail storefront.

Lisbeth Shaw, Beacon St. asked what the obligation is of the town, regarding community concerns and local impact. She also noted small businesses moving to Chestnut Hill and Boston due to parking constraints in this area.

Selectman Daly explained that the Town is close to our 10% affordable housing stock threshold and developers are coming in under the deadline to override our zoning. This is not a project we approve of. The ZBA tries to be responsive as much as they can within the law. We sent a strong letter to the state authorizing agency about the prior iteration of this project and the project was reduced somewhat. The 40b state law allows developers to override most of our local zoning if providing 20% affordable housing. The ZBA can deny a project, then it is appealed to the state; there is risk involved with that.

Susan Roberts, Greene St. TMM2 addressed the revised proposal and said she appreciates a smaller version, but agrees with Selectman Heller, it is still a terrible project, and now is a little less terrible. Under 40b law character and fit into a neighborhood can be considered. Also, the presentation does not represent the abutting buildings on this block. The pictures are out of context. She also noted a resolution approved by Town Meeting sending a message that town officials aggressively challenge developers of 40b projects.

Roger Goldstein, Sewall Ave. noted that things are moving in the right direction, however the traffic issues will be a challenge and the building is still larger than it should be. The parking demands will be significant and Sewall Ave. does not have the capacity to handle it. He offered a suggestion of rehousing the Post Office into the new building to accommodate their vehicles onsite, and supports no vehicles for this development.

Selectman Greene noted that if you don't provide parking it doesn't mean residents won't bring cars. Many buildings do not provide parking, and the residents seek it elsewhere, increasing the demand for parking lots that are heat islands.

Ken Wexler, Sewall Ave. spoke about the logistics of parking, dumpsters and loading docks, which will be an issue. He added that the building proposal is smaller now, but was way too big to begin with so anything smaller would look better; the building is still too big and inappropriate for this site.

Lisa Shivdasani, Sewall Ave. spoke about 55 plus communities and how parking is a challenge due to caregivers, nurses, ambulances etc. and is concerned about what is going to happen at this property; where will they park? She hopes that something else will be produced that will support affordable housing.

Mike ? Sewall Ave. spoke about the parking lots and noted that Trader Joes needs a detail police officer there, and someone was killed in that lot a few years back. The postal vehicles are double parked to the point a fire truck could never get through. There are young children and students in the area, which raises safety concerns with increased traffic. He also noted the presentation does not accurately reflect this neighborhood block.

Chairman Wishinsky summarized the comments. He added that the revisions move in right direction; however there are still some serious concerns with the massing and size of the development in context with the neighborhood. The biggest concern is with the traffic relationship to Sewall Ave, parking, and the proposed parking system. The disputed facts about the egress with the adjacent building will also need to be looked at, and the proximity of the synagogue and the children that attend programs there should be looked at.

Selectman Daly also expressed serious concerns about the effect of 90 additional cars on Sewall, a very small street with a synagogue and the post office. She added that we should be mindful that the Post Office provides a critical service to the town, and officials are working with them to address the parking issues. The number of vehicles on this very busy street is a concern.

Selectman Franco acknowledged the impact on Sewall Ave. and the conflict between pedestrians and delivery trucks is troublesome. He also noted that this location is on a crest of a hill so the height would be reflected much larger; also the other buildings of the same height offer generous setbacks that do not give one the sense of a tower looming over you.

Selectman Heller agrees with the other Board members' comments. If you take away parking it will be a problem and if you leave it, it will be a problem. She also noted the significant safety concerns.

Selectman Greene added that anything you do with this site will exasperate the parking and traffic congestion. It is impossible to deal with the congestion on this street.

John Larso, Longwood Ave. asked that the extended streets in this area also be considered as impacted by this development, not just the residents on Sewall Ave.

There being no further business the Chair adjourned the meeting at 10:00 pm.

ATTEST