



PLANNING BOARD

Lirinda K. Hamlin, Chairman
Steven A. Heikin, Clerk
Robert Cook
Blair Hines
Sergio Modigliani
Matthew Oudens
Mark J. Zarrillo

Town of Brookline Massachusetts

REVISED

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**BROOKLINE PLANNING BOARD MEETING MINUTES
Room 111, First Floor, Brookline Town Hall
March 3, 2016 – 7:30 p.m.**

Board Present: Steven Heikin, Robert Cook, Sergio Modigliani,
Matthew Oudens, and Mark Zarrillo

Staff Present: Polly Selkoe, Maria Morelli

Chair Steven Heikin called the meeting to order at 7:30 pm.

BOARD OF APPEALS CASES

39 Columbia Street (cont.) – construct garage, requiring rear yard setback and usable open space relief (3/17) Pct. 9

Maria Morelli described the relief requested.

Architect D'Artagnan Brown provided an overview of how the plans were changed: The garage remains the same size (20 feet x 21 feet) but was moved 5 feet to the right, closer to the common driveway. The dimensions of the garage-roof deck are now 15 feet x 15 feet. The distance between the left side property line and the garage is now 15 feet instead of 10 feet (20 feet to the left side of the roof deck). The amount of usable open space, still non-conforming, slightly increases from 11% to 12 % of gross floor area, or 758 sf. Planting beds would wrap around the deck.

Attorney Bailey Gaffney and the architect noted that there are eight examples of properties between 38 and 60 Columbia Street they have two-car garages.

Steven Heikin asked if the existing fire escape stairs would be removed. The architect responded that they would not be. Mr. Heikin asked if the structure of the garage could support the landscaping on the deck. The architect responded that the landscape plan is preliminary and would require a landscape architect to engineer what load could be supported.

Matthew Oudens felt that the plantings need to be taller to provide more effective screening.

The public was asked to comment.

Charles Morgan, left abutter at 43 Columbia, was adamantly opposed to the garage. He felt that the eight properties with two-car garages have more open space than the project.

Mr. Schubert, rear abutter at 46 Russell Street, stated that Russell Street is at a lower grade than Columbia; therefore, the garage and deck would appear to be 18 feet high, in his opinion. He also felt that the limiting the amount of open space also negatively affects quality of life and sets a bad precedent.

Jon Danziger, the right abutter, reminded the Board that there is no easement for the common driveway. He felt he would be compelled to put up a fence or wall to delineate his portion of the driveway (he does not need to use a portion of the applicant's driveway to access his property).

Steven Katz, 29 Columbia, felt that the limited open space would change the feel of the neighborhood. He stated that there has not been a garage there since 1994.

Marty Rosenthal summarized efforts residents have participated in over the last twenty years to address policies that would maintain usable space standards in Brookline.

Maura Toomey, Pleasant Street resident, attended to support friends who live in the area. She noted the developer recently completed a project on Babcock Street with no garages. Ms. Toomey added that recreational activity on a deck that is too close to an abutter can be too noisy and disruptive.

Pam Katz, Town Meeting Member, stated that open space should be valued. She asked the Board not to allow a variance for a "high-end amenity that is not necessary."

Judith Vanderkay, 16 Columbia, was distressed about the variance that would be required. Ricky Morrell, 23 Thorndike, felt that more green space could be preserved, like a recent project on Thorndike Street.

Seth Lieberman, 15 Columbia, asked about the rationale for the project. He felt that it runs counter to the common good.

Applicant's response to public comment:

In regard to the common driveway easement, Attorney Gaffney stated that she was confident that the applicant had an easement by necessity; however, the applicant still plans to obtain a formal easement. Attorney Gaffney added that zoning requires four parking spaces; the garage would serve to screen two of the four vehicles. She stated that the project team has tried to work with neighbors since December but no one responded. Mr. Morgan disagreed.

Steven Heikin asked Mr. Danziger if he could access his rear yard with a wall delineating his portion of the common driveway. Mr. Danziger said that he could. Attorney Gaffney stated that any construction of a wall would certainly be litigated. Both parties share responsibility for maintaining the common driveway, including snow removal.

Robert Cook felt a garage was aesthetically more pleasing than four unsheltered cars.

Mark Zarrillo stated that the parking access plan does not seem feasible without an easement. Because there is no easement, he felt that the Board could not support this proposal.

Steven Heikin reminded the project team that the case was continued because the Board felt that a better solution existed, in particular one that would avoid the need for the open space variance.

Attorney Gaffney said she would make a case for a special permit and cite Chapter 40A, Section 6 (extension of existing non-conformities) before the ZBA. Mr. Modigliani cautioned that one of the criteria of the special permit is that the proposal cannot be more harmful.

Mr. Heikin summarized his view of the proposal: He was troubled by the extent of the neighborhood opposition. He also referred to a recent project with no garage that the developer completed. On the one hand, properties with two-car garages are common in this area; however, the new stairway and roof deck push the massing over the top. The lack of an easement makes the project non-viable and there is virtually no landscaping proposed at the ground level.

Robert Cook agreed with Mr. Heikin. He felt the project was too complicated and he needs to see an access plan that would be feasible.

Mr. Zarrillo added that with a 60-by-43-foot rear yard, an alternative solution probably exists. The proposed garage serves too many functions: second egress, usable open space (deck), and parking. He noted the left abutter's encroachment on the site, and was not convinced that four cars would be able to maneuver the site as configured.

Overall, the Planning Board strongly considered rejection of the revised plan because of the extensive neighborhood opposition and the lack of easement for the common driveway, and because the driveway access and parking plan for four vehicles does not appear to be feasible. The Board was also concerned with the nearness of the deck to the rear property line, especially since the subject property is at a higher elevation than its rear neighbors, despite the applicant having pulled the edge of the deck back away from the rear garage wall to ensure more privacy for the rear neighbors. Even though the applicant moved the garage closer to the common driveway to allow for more usable open space between the garage and the side property line, the revised plan still does not restore as much usable open space as the Board had expected.

The Board asked the applicant if she would be willing to continue the case. Attorney Gaffney stated that she and her client did not want to continue the case and would proceed to the Board of Appeals.

*Steven Heikin motioned to recommend denial.
Robert Cook seconded the motion.*

Voted (5-0): the Planning Board recommended denial of the plans by Architect Embarc Studio, last dated 2/1/2016.

172 Dean Road (cont.) – design review for previously approved ZBA case to allow conversion of an attic and basement to habitable space (N/A) Pct. 14

Polly Selkoe explained why the case returned to the Planning Board. The ZBA approved the dormer. The ZBA also conditioned the approval of the addition on the second floor subject to the review of the Planning Board. The ZBA granted a special permit for FAR relief. Therefore, the Planning Board would review the design on the addition proposed over the first-floor sunroom.

In her argument before the ZBA, Attorney Bailey Gaffney cited the Deadrick decision (under Chapter 40A, Section 6) that would allow an extension of existing non-conformity, as long as the project poses no detriment to the neighborhood. Architect Stephen Sousa presented the plan for the addition on the second floor. He confirmed that casement windows would be installed.

The Board generally agreed that the proposal is not detrimental to the neighborhood (the first floor sunroom already exists, setbacks conform, and abutters have provided full support) and **it approved the plans with no changes.**

1616 Beacon Street (cont.) – construct a partial fourth story and deck requiring design review and usable open space relief (3/17) Pct. 11

Polly Selkoe described the relief requested.

Attorney Jeffrey Allen introduced the proposal and described how the plans were revised in response to the Board's previous recommendation. Options for stucco, clapboard, or brick were offered for the partial fourth story.

Sergio Modigliani noted for the record that he had requested a site section that would cut across Beacon Street, and that it was not provided. Upon reviewing the revised plans, he proposed eliminating the existing headhouse closest to Beacon Street and converting it to a low skylight.

Steven Heikin agreed with Mr. Modigliani. Mr. Heikin said that he prefers clapboard, but that brick would be acceptable if the existing headhouse were removed. He recommended that the open deck extend the full width of the roof.

The Board generally agreed with the recommendations to remove the headhouse and make the deck wider.

Steven Heikin motioned to recommend approval.

Robert Cook seconded the motion.

Voted (5-0): the Planning Board recommends approval of the site plan, dated 1/9/2015, by Peter Nolan and Associates, and the floor plans and elevations, **dated 1/21/15** and prepared by RAV and Associates. If approved by the Board of Appeals, the following conditions should be attached.

1. Prior to the issuance of a building permit, the applicant shall submit final site plan, floor plans, and elevations, subject to review and approval by the Assistant Director for Regulatory Planning. **The material used for the façade of the fourth floor addition shall be brick/stucco/or clapboard.**
2. Prior to the issuance of a building permit, the applicant shall submit a final landscaping plan, subject to review and approval by the Assistant Director for Regulatory Planning.
3. Prior to the issuance of a building permit, the applicant shall submit to the Building Commissioner for review and approval for conformance to the Board of Appeals decision: 1) a final site plan stamped and signed by a registered engineer or land surveyor; 2) final floor plans and elevations stamped and signed by a registered architect; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

1248 Beacon Street – construct an addition requiring design review, FAR, rear yard setback relief, usable open space and parking relief (4/28) Pct. 2

Polly Selkoe described the relief requested.

Attorney Jeffrey Allen addressed the parking: Three or four spaces can likely be accommodated now with the existing topography. Five spaces could be installed but at the expense of open space.

Architect Stephen Sousa presented the plans. The tower at the corner would be clad in yellow brick to match the façade of the building that fronts Beacon Street; a copper roof is proposed to introduce a traditional architectural element. He presented a shadow study that he felt would not affect living areas on the lower floor.

Steven Heikin noted a discrepancy in the treatment of the belt course on the elevations and the renderings. He also inquired about the vertical knife edge. The architect responded that he deliberately designed a reveal to mark a transition between the more traditionally designed tower and the modern-style rear addition.

Mr. Heikin asked if the circumference of the tower matches that of the other bays. The architect responded that it was intended to match. Sergio Modigliani stated that the drawings were then incorrect in this respect.

Mr. Heikin added that the window well seems stingy and could be deeper.

Matthew Oudens commented on the turret. He felt that it was not a successful transition between the existing traditional façade on Beacon and the new modern addition proposed at the rear. He stated that the design of the turret was a clumsy historic reference and that he would prefer to see a modern treatment instead.

Mr. Heikin agreed with Mr. Oudens about the awkward connection between the old and new portions of the building; however, he did like the turret as a concept.

The public was invited to speak.

Three members of the condominium association at the abutting building at 1244 Beacon Street are opposed to the project as designed. They want to work with the developer to resolve the following concerns:

- The shadow study is not convincing; loss of natural light is a top concern.
- Copper material proposed for the turret is incongruous; zinc is not an acceptable alternative.
- A structural engineer to be hired by the applicant should ensure that no damage will be done to foundation at 1244 Beacon Street.
- The applicant should provide alternative parking for the abutters' cars during construction to avoid damage.

Attorney Allen responded by stating that some of the abutters' issues pertain to a construction management plan that would be worked out with the Building Department. He stated that the applicant will not repair the abutters' property unless the damage was caused by the construction.

The Board generally agreed that it is in favor of the addition but is not convinced about the design or architectural details. In addition, the drawings need to be consistent. The Board recommended that the drawings of the rear of the building provide context, along with a parking plan. Steven Heikin also suggested that photographs of the buildings of the surrounding areas, and in particular James Street, be submitted so that the Planning Board can look at what the buildings on James Street look like.

Attorney Allen and his client agreed to continue the case.

*Steven Heikin motioned to recommend that the case be continued.
Bob Cook seconded the motion.*

Voted (5-0): The Board voted to continue the case for 1248 Beacon Street.

21 Crowninshield Rd. (40B) – Review revised design and façade details for construction of attached townhouses (3/8) Pct. 8

Maria Morelli stated that the project team was returning to the Board because it adjusted the plans to address the Board's recommendations stated in its February 5, 2016 letter to the ZBA.

New Sheet A-2a was added to provide a fence plan. On the plan, patio fences were changed to partitions to allow unobstructed egress, per the Building Commissioner's request.

The size of the windows on the front façade was increased and the drawings updated to show top alignment with the windows on the side facades. The diameter of the portico columns was increased

from 12 inches to 13 inches. A Wayne Dalton brand garage door that resembles carriage doors was illustrated on the elevations.

Ms. Morelli noted a discrepancy between the fence plan and the renderings. Landscape architect Phil Pryor confirmed that the fence plan shown in the presentation was updated since it was distributed to staff and the Board.

Janis Bellow, 25 Crowninshield (left abutter), asked why the 6 foot high fence between the buildings and the side lot line fences could not be shorter. Ms. Morelli suggested a four foot high solid fence with 2 foot high lattice. Mr. Modigliani added that the four foot high portion of such a fence would cross align with the four foot high brick walls used at the driveway entrance and would be visually more appealing.

The Board considered the comments from the neighborhood representatives, which included a recommendation for window boxes at the ground level to add heft. The architect disagreed because he felt that larger windows, or the effect of larger windows, would make the builder look taller. The Board agreed with the architect.

Maura Toomey, Pleasant Street, asked for clarification of the landscape plan. Mr. Pryor presented an overview of the proposed plantings.

The Board generally agreed that changes to the garage door, portico columns, fences, and fenestration were satisfactory. Ms. Morelli will prepare a written update to the Zoning Board of Appeals.

February 18, 2016 Minutes

Voted (5-0): Minutes of the February 18, 2016 meeting were approved with corrections noted.

Meeting adjourned at 10:20 pm.

Materials Reviewed During Meeting: Staff Reports, Site Plans, and Elevations