



PLANNING BOARD

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

Town of Brookline Massachusetts

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BROOKLINE PLANNING BOARD MEETING MINUTES Room 111, First Floor, Brookline Town Hall March 17, 2016 – 7:30 p.m.

Board Present: Linda Hamlin, Steven Heikin, Robert Cook, Blair Hines, Sergio Modigliani, and Mark Zarrillo

Staff Present: Polly Selkoe, Maria Morelli

Chair Linda Hamlin called the meeting to order at 7:35 pm.

BOARD OF APPEALS CASES

329 Harvard Street – Increase restaurant seating from 58 to 108 for Jin’s Fine Asian Cuisine and Sushi Bar requiring parking relief (4/7) Pct 8

Polly Selkoe explained the required relief. Adam Barnosky, attorney for applicant, described the proposal. The restaurant owners are renovating to take advantage of underutilized space. This will increase the number of seats from 58 to 108.

Ms. Selkoe added that trash would be stored at the rear exit.

Linda Hamlin asked if more seats would require more dumpsters, especially if the owners are sharing a dumpster currently with Zaftigs.

Attorney Barnosky responded that the expansion would require more frequent trash pick-ups such as once every two days.

Steven Heikin asked how the applicant calculated 108 seats. The applicant responded that 18 inches were allotted for each banquet seat. Linda Hamlin asked about the square footage per occupant that was used in the seating calculation. Ms. Selkoe advised that the Building and Health Departments examine this, as does the Board of Selectmen when they review the proposal for a license.

The applicant replied that 15 sf per occupant was allotted for the portion of the space where loose tables and chairs would be located. Ms. Selkoe added that parking is the issue. Ten parking spaces can be waived for this restaurant in this location.

Ms. Hamlin responded that the question about how the seats were calculated is germane to the parking relief requested.

Sergio Modigliani asked if parking relief was previously granted for this property. Ms. Selkoe replied, No.

Mr. Modigliani confirmed in consultation with Ms. Selkoe that the parking waiver (versus the parking requirement) is not related to use. Ms. Selkoe clarified that the waiver is related to proximity to public transit.

Public Comment

Manny Howard, Bradford Terrace, stated that he lives in a condo building that shares a common alley with the restaurant. He offered the following comments:

- Tenants park in the alley and block it, yet they do not have rights to the easement.
- The dumpster is used primarily by Zaftigs. The previous restaurant, Mr. Sushi, has a temporary dumpster. Harvard Street businesses use their own trash collection services. The increased frequency of trash pick-up and the lack of coordination (that is, business sharing the same service provider) adds to increased noisy traffic. In addition, grease pick-up is separate.
- What are the closing times? Double the seats means that double the people will be leaving at late hours, another disruptive impact. The applicant responded that closing times are Sunday at 10 pm, Monday through Thursday at 10:30 pm, Friday and Saturday at 1 a.m.

Linda Hamlin stated that these issues should be directed to the Board of Selectmen. Robert Cook added that a plan to coordinate trash and grease removal in the area is necessary. Polly Selkoe asked Mr. Howard to put his concerns in writing and submit it to the applicant's attorney.

Attorney Barnosky replied that the case already went before the BOS which granted the license. Ms. Selkoe stated that this is unusual for a license to be granted without input from the Planning Board regarding zoning relief. Abutters commented that they did not receive notification of the licensing hearing. Polly Selkoe replied that she would address that with the Selectmen's office. She confirmed that the licensing case cannot go back to the Selectmen; however, abutters can go to the Selectmen and ask that the case be re-opened. Sergio Modigliani asked if the license was for renewal or expansion. Attorney Barnosky responded that the case was for a new license for 108 seats.

Bradford Street abutter Maya French was concerned about the increased number of deliveries on Babcock. She noted that bollards were placed in the nearby alley to protect her building from being hit by trucks making deliveries.

Tom O'Connor, Bradford Street, observed that Zaftig's has its dumpster emptied five to six times per week. Mr. O'Connor also noted that egress in the private alley is often blocked. Steven Heikin added that the Board does not have a plan of how the alley functions. Because this issue involves a

private alley, it is a legal matter between private parties, Polly Selkoe responded; nonetheless, egress clearly cannot be blocked.

Robert Cook said that the trash and grease removal needs to be better coordinated in the neighborhood, not just for the site. Property manager Hunneman should be involved in this coordination effort.

Sergio Modigliani asked how many employees would be on site. The applicant responded that 10 staff members would be on site during a shift. The restaurant has a company van that picks up employees. Other employees use public transit. There is no TDM plan, or subsidy for T-passes, other than the company's shuttle service.

Blair Hines noted that most of the issues raised do not involve the Planning Board.

Ms. Selkoe recommended a meeting with Hunneman Management (property manager), the applicants, and staff. She added that the issues raised would also involve the Health Department. She summarized the list of issues: noise, blocked egress, trash management.

*Linda Hamlin motioned to recommend approval.
Robert Cook seconded the motion.*

Voted (6-0): the Planning Board recommends approval of the plan submitted by People Architects, dated 12/17/2015, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall schedule a meeting at the site with at least 10 day notice to the building's management company, other businesses using the rear alley for trash and/or deliveries, neighbors abutting the alley, and the Assistant Director of Regulatory Planning to discuss the proposed use of the alley for deliveries, trash/grease removal and parking.
2. Prior to the issuance of a building permit, the applicant shall submit to the Assistant Director of Regulatory Planning for review and approval a final site plan indicating dumpsters and employee parking and final floor plans.
3. Prior to the issuance of a building permit, the applicant shall submit to the Director of Public Health and the Assistant Director of Regulatory Planning for review and approval a trash and grease plan, including location of dumpsters and other containers, name of company (ies) servicing the trash/grease pick-up, and hours of pick-up.
4. 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) final site plan showing dumpster location and employee parking, 2. floor plans including 108

restaurant seats stamped and signed by a registered architect; 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

60 Hillside Road – install a parking court requiring front yard setback relief (3/31) Pct. 14

Case continued. Applicant was not present for meeting. Maria Morelli called the owner during the meeting to confirm that the owner agreed to have the case continued.

63 Hillside Road – install a parking court requiring front yard setback relief (3/31) Pct. 14

Polly Selkoe described the relief requested.

Case continued.

118 Pleasant Street – convert from a three- to a four-family and construct a multi-level garage requiring FAR, front and side yard setback, landscaped and usable open space and parking relief (3/24) Pct. 2

Sergio Modigliani recused himself from the case.

Polly Selkoe described the relief requested.

Attorney Bailey Gaffney introduced the proposal on behalf of her client. This case was brought before the Board of Appeals in 2007 and was granted a special permit for seven parking spaces; however, the owner did not act on the permit. A site plan was provided at the meeting.

Blair Hines had questions about the topography and spot elevations; the drawings did not clearly indicate to him how a vehicle could access the upper level [roof] of the garage with the radius of the drive proposed. Robert Cook noted that the circulation looked very tight.

Mark Zarrillo added that the site plan does not work with the current design.

Linda Hamlin commented that one space needs to be eliminated.

Public Comment:

Steven Pell, 116 Pleasant Street, stated that he uses the access road and was concerned that the access way would become too narrow, especially with trash and snow storage. He was particularly concerned that a parked vehicle would partially obstruct the access way.

Steven Heikin recommended a parking configuration of two over two in the garage with two surface parking spaces retained. Another possibility some Board members recommended was eliminating one surface parking space and one space from the garage. Attorney Gaffney responded that her client wants to retain the two existing surface parking spaces.

Mark Zarrillo commented that the garage is too big and the driveway slope seems too steep. Mr. Heikin added that with the 5% decline into the garage, water will freeze in this parking area and could be hazardous.

Mr. Heikin also added that the location of the trash storage needs to be reconsidered. The architect responded that the trash barrels can go into the garage.

Linda Hamlin motioned to recommend approval.

Robert Cook seconded the motion.

Voted (5-0): the Planning Board recommends approval of the plans titled “118 Pleasant Street” prepared by CYMA2 Inc., dated 12/31/15, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit final floor plans and elevations subject to the review and approval of the Assistant Director of Regulatory Planning.
2. Prior to the issuance of a building permit, the applicant shall submit a final landscaping plan indicating all counterbalancing amenities subject to the review and approval of the Assistant Director of Regulatory Planning.
3. Prior to the issuance of a building permit, the applicant shall submit a final site plan indicating only six parking spaces on site as well as all drainage improvements.
4. 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 building 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.

126 Thorndike Street – construct garage requiring rear yard setback (4/7) Pct. 9

Maria Morelli described the relief requested. She noted that, according to her measurements and calculations (and the surveyor’s confirmation on the revised certified site plan), the garage roof deck is not needed to meet minimum usable open space requirements.

Architect Alex Svirsky described the proposal. The goal is to provide two parking spaces. The roof deck was included only to meet usable open space requirements, as necessary. The driveway itself would not be expanded.

Robert Cook asked if the applicant has reached out to the neighbors. The architect responded that the applicant did reach out to abutters, but did not receive any responses. The property to the right is a rental property and the owner does not live on the site.

Mr. Ho, the rear abutter, visited the Planning Department to review the plans. He was concerned about the massing of the roof deck.

Linda Hamlin stated that the site plan does not show how one would back out of the parking spaces. She asked if the garage could be moved to the left. The architect responded that doing so would take up valuable usable open space. Ms. Hamlin confirmed that the roof deck should be eliminated.

Steve Heikin recommended a sloped roof if the deck is eliminated. The architect agreed and emphasized that the goal is to maintain water runoff on the applicant's property.

Sergio Modigliani noted that if the deck is removed from the plans, then stairs leading to the deck will also be eliminated.

The Board generally supported the two-car garage if the roof deck and stairs could be eliminated and water runoff retained on the applicant's property.

*Linda Hamlin motioned to recommend approval.
Robert Cook seconded the motion.*

Voted (6-0): the Planning Board recommends approval of the site plan by registered land surveyor Peter McManus dated March 9, 2016, and the architectural plans by registered architect Alex A. Svirsky dated December 15, 2015 and March 9, 2016, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit final site plan with open space calculations certified by a registered land surveyor, floor plans, and elevations subject to the review and approval of the Assistant Director of Regulatory Planning.
2. Prior to the issuance of a building permit, the applicant shall submit a landscape plan indicating all counterbalancing amenities subject to the review and approval of the Assistant Director of 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 building 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.

132 Carlton Street – convert single-family to a 17 room lodging house with a caretaker suite for Children's Hospital requiring a use variance, design review, parking design, and loading relief (3/24) Pct. 1

Polly Selkoe described the relief requested. The property is in the Cottage Farm Local Historic District. All changes were approved by the Preservation Commission.

Steven Heikin noted that the parking configuration looked tight.

Robert Cook asked who would be parking on the site. The architect responded that hospital administration would use the parking spaces.

Steven Heikin asked if the property was a taxable asset. The hospital representative stated that Children's Hospital entered into a voluntary tax-payment agreement. In addition with the extensive renovations, the assessment will only increase.

Mark Zarrillo asked if the fireplaces would be retained. The architect responded that they will remain ornamental and not functional.

Public Comment:

Jim Franco, Amory Street, commented that when the lodging license expires or when ownership changes, the use should revert to single-family.

Susan Long, Worthington Street, stated that this proposal is setting a negative precedent.

Polly Selkoe responded that the required relief is a use variance; appeals of granted variances are usually successful. She also added that the applicant could invoke the Dover Amendment.

Amy Lieberman, Carlton Street, was concerned about potential noise from maintenance workers, for example laundry pick-up.

The project team responded that laundry would be done on site. The goal was to provide a residential rather than institutional experience for the guests. The hospital representative added that meetings have been scheduled once a month with the community to provide a forum for concerns.

Linda Hamlin motioned to recommend approval.

Robert Cook seconded the motion.

Voted (6-0): Therefore, should the Board of Appeals find that the statutory requirements for a use variance are met, the Planning Board recommends approval of the plans titled "132 Carlton Street Renovations" prepared by Isgenuity, dated 1/04/2016 and 3/7/16, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit final floor plans and elevations, including color, window and material details, subject to the review and approval of the Preservation Commission and the Assistant Director of Regulatory Planning.
2. Prior to the issuance of a building permit, the applicant shall submit a final site and landscaping plan, indicating all parking space dimensions and pickup areas, mechanical equipment, lighting, walls, fencing, and counterbalancing amenities, subject to the review and approval of the Preservation Commission and the Assistant Director of Regulatory Planning.

3. One identification sign shall be allowed subject to the review and approval of the Assistant Director of Regulatory Planning.
4. 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 building 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.

Meeting adjourned at 11:00 pm.

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