



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
August 25, 2016 – 7:30 p.m.**

Board Present: Linda Hamlin, Blair Hines, Robert Cook, Sergio Modigliani, Steve Heiken and Mark Zarrillo

Staff Present: Polly Selkoe, Karen Martin

Linda Hamlin called the meeting to order at 7:30 pm.

BOARD OF APPEALS CASES

28 Fernwood Road – construct a tennis court requiring relief for occupying more than 25% of required rear yard (9/8) Pct. 15

Karen Martin presented the case and described the relief required.

Attorney Angela Vastey described the project. The property is one of three subdivided lots that have no homes yet constructed. The foundation is in place at 28 Fernwood Road. The architect went over the design for the site and described the layout of the tennis court, the proposed fencing and proposed plantings for screening.

Ms. Hamlin asked about the usable open space requirement and if it applies to this case.

The Board discussed a letter received from abutters at 6 Fernwood Road which included two suggested conditions – higher fence height and shielding on lighting fixtures as well as concerns about noise.

Mr. Modigliani asked why setbacks were not cited. Ms. Selkoe read the Zoning By-Law description for Use #62 (tennis court or swimming pool) which determined that the applicant meets the setback and screening requirements.

Mr. Heikin stated that he doesn't believe the abutters' request for solid walls would be effective in reducing noise. He questioned whether the proposed lighting is strong enough to be effective.

Mr. Hines asked who would be responsible for ensuring that the lights are screened after they are installed.

Mr. Modigliani asked about the kind of shielding for the proposed light fixtures.

Ms. Selkoe stated that the tennis court would be viewed by staff before an occupancy permit would be issued. The Board added a condition that will require the lighting to be reviewed prior to issuance of a Certificate of Occupancy in order to ensure that it conforms to zoning.

Ms. Hamlin motioned to recommend approval.

Mr. Zarillo seconded the motion.

Voted (6-0): The Planning Board recommends approval of the site plan “Fernwood Residence” by TL Studio, Inc,” dated 6/6/16, subject to the following conditions:

- 1. Prior to the issuance of a building permit, the applicant shall submit final plans and elevations indicating all dimensions and materials subject to the review and approval of the Assistant Director of Regulatory Planning.**
- 2. Prior to the issuance of a Certificate of Occupancy, the tennis court lighting shall be reviewed and approved by the Assistant Director of Regulatory Planning to ensure it conforms to zoning requirements.**
- 3. Prior to issuance of a building permit, a final landscaping plan shall be submitted for 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 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.**

85-87 Harvard Street (Benefitness) – convert retail space into health club requiring relief for parking and size (over 2,500 s.f.) (9/8) Pct. 6.

Karen Martin presented the case and described the relief required.

Attorney Robert Allen described the background of the case. Benefitness has been in operation in Brookline since 1979. It is currently located at 62 Harvard Street and owned by CC Maher. The gym was informed that its current lease will not be renewed because the schools have chosen to move into that space. The space across the street at the former Phillip’s Radio has been vacant and the club has decided to move in.

Mr. Heikin asked about access to the three parking spaces. He also pointed out the proposed changes to the façade windows.

The architect, Mark Armstrong, described the proposed changes to the building including the storefront and ceiling changes.

Mr. Modigliani asked if design review was required for this project. Ms. Selkoe answered that this is a grey area. Because the façade changes are a piece of the entire application, they can be reviewed under regulated façade review and the Board can provide input on the design as a part of tonight's discussion rather than at a separate design review meeting.

The architect added that the façade needs significant improvements because it is currently falling apart.

Mr. Modigliani asked about MAAB requirements on the handicap access ramp. The applicant responded that they will seek a variance.

Ms. Selkoe mentioned that changes have previously been made to this building without a permit and that the building is currently vacant.

Public Comment:

Resident at 33 Aspinwall raised concerns about a second health club in his neighborhood receiving a parking exemption. He believes this creates less parking for residents and he already struggles to find parking during the day on his street.

Attorney Allen stated that he did not believe much in the neighborhood in terms of parking would change because this club currently exists across the street.

Mr. Heikin asked about bike parking facilities. Mr. Hines inquired about bike parking on parking meters.

Mr. Heikin stated that while he understands the resident's concerns, the vacant retail spaces need to be filled.

Ms. Hamlin stated that this use could potentially have fewer cars than other possible uses since gym members may walk or ride their bike. When parking becomes more challenging, people should start to find other alternatives to driving.

Mr. Hines stated that he does not see this request as unreasonable.

Mr. Modigliani asked if the hours of operation were remaining the same and if the parking spaces were dedicated to employees. He also asked if the owner would consider T pass incentives for employees. The owner replied that all current employees walk to work.

Mr. Zarrillo suggested that the architect submit extended elevations.

Ms. Hamlin motioned to recommend approval.

Mr. Cook seconded the motion.

Voted (6-0): The Planning Board recommends approval of the site plan and floor plans labelled “Benefitness Health Club” by Mark Armstrong Architect, LLC, dated 6/21/16, subject to the following conditions:

- 1. Prior to the issuance of a building permit, the applicant shall submit final plans and elevations indicating all dimensions and materials 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 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 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.**

Minutes

The minutes for the August 11, 2016 Planning Board Meeting were approved with amendments.

New Business

Mr. Modigliani raised an item for new business. He stated that he was worried about time commitments for Planning Board members and the additional time required attending sign by-law meetings.

Mr. Heikin stated that this topic was just discussed at the most recent sign meeting with Andy Martineau. Mr. Martineau suggested the idea of administrative sign approval.

Mr. Zarrillo raised numerous issues regarding the sign by-law and sign approval in light of the recent case decision on “content neutral” signage. He has read through Mr. Martineau’s revisions to the sign by-law and thinks they are good. Mr. Zarrillo believes the Town needs to define “content neutral” in the by-law.

The Board discussed the idea of a sign committee that would review fewer sign applications.

Mr. Modigliani raised the question of whether this would entail a General By-Law or Zoning By-Law change.

Mr. Cook stated that a staff proposal on potential changes should be presented to the Planning Board. Ms. Selkoe replied that this would be possible.

Mr. Zarrillo also inquired about requesting landscape guidelines that would be held to a certain standard with three components – a plan locating the plants, a plant list and photos of plant species.

The meeting was adjourned at 8:35 pm.

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