



Town of Brookline

Massachusetts

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

BROOKLINE PLANNING BOARD MEETING MINUTES Room 111, First Floor, Brookline Town Hall September 29, 2016 – 7:30 p.m.

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

Staff Present: Karen Martin, Michael Yanovitch

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

BOARD OF APPEALS CASES

77 Mason Terrace – Construct an attached shed for recycling and trash storage requiring side yard setback relief (10/13) Pct. 11

Karen Martin presented the case and described the relief required. Mr. Gregg Eaton was present, representing the building's management company as well as the architect.

Mr. Cook commented that the diagram doesn't seem to show that there is enough room for the shed.

Mr. Heiken stated that it looks like there is a parking space in front of the shed. Is there enough room to access the shed and still be able to get in and out of a car parked here? Mr. Eaton replied that a concrete apron is being installed.

Mr. Modigliani asked if abutters were contacted. The applicant said that 71 and 73 Mason Terrace were contacted but they are rental units and he did not get feedback.

Mr. Oudens pointed out that one unit will see the shed right outside their window.

Mr. Heiken asked if there are units in the basement of this building. The applicant replied yes.

Mr. Hines stated that it seems like a big ask to bring the shed all the way up to the lot line when the building and parking lot already take up all of the lot. He asked where the bins are kept now. The applicant replied that they are stored behind the building.

Mr. Modigliani pointed out that the height dimension of the shed needs to be noted on the plans. He asked if the shed is fully enclosed. The applicant replied that yes, it has a roof and is accessed by double swinging doors.

Mr. Oudens noted that it seems like a tight squeeze between the shed doors and the parking area.

Mr. Heiken asked who takes out the trash. The applicant replied that the management company is responsible.

Ms. Hamlin stated that it seems like the shed is using the most disadvantaged portion of the property.

Mr. Hines stated that the shed is right on the lot line and asked what the public benefit is. He believes it would be nice to add something to the neighborhood.

Mr. Zarrillo asked what the proposed counterbalancing amenity is. He asked if the shed had to be a structure. The applicant replied that their counterbalancing amenity is the material that will blend into the existing building.

Mr. Hines mentioned the parking in the front yard and said he would like to see something to mitigate it.

Mr. Heiken suggested the removal of parking spaces.

Mr. Zarrillo pointed out that there is no proposed ventilation in the shed. He questioned if this was the right type of design for the use.

Mr. Hines stated that the applicant's counterbalancing amenity should be to restore the original 20 parking spaces indicated in the variance from 1961.

Ms. Hamlin stated that the Board seems to accept the location of the shed but will need more information on landscaping and counterbalancing amenities. Ms. Hamlin directed the Planning Board staff to look further into the 1961 site plan and parking plan that goes along with the variance cited in the Planning Board report.

The Planning Board would like to re-review this case and will continue it until the next scheduled Planning Board meeting.

66 Risley Road – Install a backup generator requiring side yard setback relief (10/20) Pct. 16

Karen Martin presented the case and described the relief required.

The owner, Mr. Kessler, stated that his power has gone out four times this year.

Ms. Hamlin asked if Eversource would be willing to pay for the cost of the generator. She also asked if the generator will impede the staircase shown on the plan. Mr. Kessler replied that he has asked Eversource but they will not. Also there is still plenty of room to use the staircase.

Mr. Modigliani asked why the rear yard or underneath the deck were not options for the generator. He also asked if the abutting neighbor had been spoken to. Mr. Kessler replied that the rear yard is used for recreation and that he has planted it is too wet and covered with artificial turf which makes

it not an option. Underneath the deck did not meet clearance requirements. Mr. Kessler replied that they are close friends with the abutting neighbor who does not mind.

Mr. Oudens pointed out that generators must be tested regularly. He advised that Mr. Kessler coordinate the timing of these tests with the neighbor.

Mr. Zarrillo asked where the gas tank is located

Ms. Hamlin motioned to recommend approval.

Mr. Heiken seconded the motion.

Voted (7-0): The Planning Board recommends approval of the site plan by Frank Iebba, dated 8/14/16, subject to the following conditions:

1. The decibel level of the proposed generator shall comply with all noise regulations under Section 8.15 of the Brookline General By-Laws.
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 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; and 2) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

105 Salisbury Road – Construct a one-story addition for a kitchen requiring design review and FAR relief (11/3) Pct. 11

Karen Martin presented the case and described the relief required.

The applicant, Nicole Chang, gave a description of her proposed addition. The kitchen addition will accommodate their growing family. She noted that the impact on any neighbor is low – the nearest neighbor will be 11 feet away from the addition. All of the materials being used will be designed to match the existing home and counterbalancing amenities will be added in the form of trees around the perimeter.

Mr. Modigliani asked if slate will be used on the addition to match the rest of the roofing. The applicant replied that they will not be using real slate, but a synthetic replica.

Ms. Hamlin questioned the use of lattice on the piers supporting the addition. The applicant's architect stated this was to let light come into the basement underneath. Ms. Hamlin pointed out that minimal light will reach the basement due to the six foot addition.

The Board suggested that lattice be used and that it be the horizontal, not diagonal, variety.

Mr. Oudens asked about the roof design and why that design was chosen. The architect replied that it was designed to match the roof on the opposite side of the house.

Mr. Zarrillo suggested a foundation with a crawl space underneath which would keep the added space warmer.

Ms. Hamlin motioned to recommend approval.

Mr. Cook seconded the motion.

Voted (7-0): The Planning Board recommends approval of the plot plan submitted by Clifford Rober and dated 1/29/2016, and the modified elevations and floor plans submitted by Halliday Construction Group and dated 7/14/2016 and 9/16/2016 subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit a final site plan, elevations showing the finish of the crawl space to grade with lattice, and floor plans subject to the review and approval of the Assistant Director for 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 elevations 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

70 Princeton Road (continued) – Construct a second story addition requiring relief for FAR and rear setback (10/20) Pct. 15

Karen Martin presented the case and described the relief required.

The owner spoke and described how they purchased the home 8 years ago at which time it was the right size for their family. They now have 3 parents from India coming to live with them.

The architect went over the existing conditions and proposed changes to the first floor and new second floor which will include 3 bedrooms. He described that, as a cost-saving measure, the design will build over the existing roof.

Mr. Modigliani asked for a detail of the cedar impression.

Ms. Hamlin stated that there seems to be a lot going on. She is worried about the front façade. By keeping the ceilings on the first floor, the second story will look disproportional and have a big face. She is not sure this design will be very successful and asked if the front could be broken up.

Mr. Heiken stated that he has never seen a project that left the existing roof and added a second floor on top. He offered suggestions for altering the materials to articulate the first floor versus the second floor.

Mr. Hines stated that the porch should be made to look like a porch. Otherwise he believes it will look unusual.

Mr. Modigliani asked if the roofs have substantial overhang on the right side elevation and saw that there was more relief than initially understood. Ms. Hamlin similarly asked if there is a way to pull out the massing so that the front is not so flat.

Mr. Oudens stated that the proportions look good at first glance. The front façade is flat and has a lot of materials. He believes there is a missed opportunity to break up the massing. He inquired about leaving the roof on the brick addition but cutting off the eave. He is also unsure about the vertical siding and suggests horizontal.

Mr. Heiken stated that leaving or recreating the eave would help the front of the house.

Attorney Allen suggested that a condition be added that Polly Selkoe and the Planning Board will review final plans after revisions are made to the porch and front façade.

A neighbor at 21 Princeton Road spoke in support of the proposal.

Ms. Hamlin motioned to recommend approval.

Mr. Zarrillo seconded the motion.

Voted (7-0): The Planning Board recommends approval of the architectural plans by I.S. Hernandez Design Services, Inc. dated 4/28/2016 and the site plan by Antonino Land Surveyors, Inc., subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit final floor plans and elevations indicating all salient dimensions, windows, roof plan, and materials showing modifications to the front façade subject to the review and approval of the Assistant Director of Regulatory Planning and the Planning Board.
2. Prior to the issuance of a building permit, the applicant shall submit a landscape plan indicating all counterbalancing amenities.
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 or engineer; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

1471 Beacon Street – Construct a rear two car parking area, rather than the previously approved four car garage, requiring front and side yard setback, landscaped open space, and design review relief (10/13) Pct. 7

Mr. Hines recused himself from this case.

Karen Martin presented the case and described the relief required.

Attorney Allen stated that there was a previous proposal for a 4 car garage that created a lot of concern with neighbors. The proposal also turned out to be too complex to construct and was never built. This new proposal is seen as a simpler plan.

Katya Podsiadlo from B.H. Associates discussed the landscape proposal for the project. The plan includes a vegetated slope. The new plantings will create a nice rear yard for the residents. A new retaining wall will surround 2 parking spaces.

Mr. Modigliani commented on the height of the wall. He believed 9 feet was high. He asked if it is possible to two-tier the wall and asked what type of foundation support for the building was under the sloped land. He also asked if it is structurally possible to build such a wall.

Mr. Heiken supported the idea that a two-tier wall could be an improvement and that a structural engineer should be involved.

Mr. Zarrillo commented that the existing stone wall should be shown on the plan. He also asked about overseeding ahead of time to stabilize the slope. The landscape architect replied that it will be looked into.

Ms. Hamlin opened the floor to public comment.

A friend of a resident at 1471 Beacon, Unit #1, spoke about a garaged spot that was promised to the resident. She also expressed concern over destabilization and the aesthetics of the rear of the property.

Ms. Hamlin responded that the Board does not address condo owner issues but that the landscape architects on the Board have addressed the stabilization issues.

Ms. Hamlin motioned to recommend approval.

Mr. Cook seconded the motion.

Voted (6-0): The Planning Board recommends approval of the site parking plans by J.F Hennessy Co. dated 6/27/16, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit final 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 landscape plan, stamped and signed by a registered landscape architect, indicating substantial 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 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.

55 Baker Circle – Construct a single family house requiring relief for height [an administrative appeal of the Building Commissioner’s determination on height has also been submitted] (10/13) Pct. 16

Karen Martin presented the case and described the relief required.

Mr. Modigliani asked for clarification on what the Board's charge is regarding this case.

Mike Yanovitch, Deputy Building Commissioner, provided an overview of his interpretation of the height issue.

A discussion ensued between the Board and Attorney Jeffrey Allen about the Board's role in this case related to the administrative appeal and the special permit. Mr. Cook asked Attorney Allen if he would recommend that the applicant go to the ZBA first. Attorney Allen replied yes – he did not believe the case was ripe to be heard tonight. The Board, however, felt strongly that they had the right to weigh in on this matter.

Mr. Zarrillo stated that he visited the site today and took note of the abutters lot. He believes that 5.31.2 does apply. He also wants to hear from neighbors first in order to get a sense of their feedback.

Mr. Hines believes that the Planning Board's purview is 5.31, though what the Board comes up with may be moot.

Attorney Allen stated that the applicant's administrative appeal will be successful. He cited two similar Brookline cases that he believes set precedent for this case. He read Section 5.30.1.c out loud and pointed out the reference to lot line. Attorney Allen referenced a letter indicating a past interpretation of this language by former Building Commissioner Shephard where grade is measured at the abutting lot line. This strategy was used in 2015 at Beaver Country Day.

The surveyor for 55 Baker Circle spoke and explained that the lot line was shot at 7 locations which kept the mean grade at 180 feet resulting in a grade three feet lower than could be allowed.

Mr. Hines stated that, for 5.31.2, the Board needs to know if this is an "exceptional" site. He believes the outcroppings/shape/situation do seem unusual.

Mr. Modigliani stated that he has a different view and wants to hear Mr. Yanovitch's view.

Mr. Yanovitch explained that both 5.30.1.b and 5.30.1.c could be correct. C is the more restrictive interpretation. Mr. Yanovitch explained the method for arriving at a height calculation using the mean of the abutting lot. He emphasized that it refers to lot and not lot line. A discussion ensued on how you can measure the mean grade of a lot.

Mr. Modigliani asked if the lowest lot refers to Murphy's lot. He asked the surveyor if he believes he can develop a mean grade. The surveyor explained why he believes 5.30.1.b would also apply by digging down around the foundation.

Mr. Modigliani stated that he did not believe the intention was to make modifications based on one's own benefit.

The floor was opened to public comment.

Richard Murphy (61 Baker Circle) – The immediate abutter to the site gave a PowerPoint presentation. He first stated the intent of the Brookline Zoning By-Law and presented photos. He also introduced neighbors at 51 Baker and on Payson Road to the rear who spoke out against the project.

Mr. Murphy went over the various By-Law interpretations – 5.30.1a-c. He explained that A does not apply. B results in a mean grade at the lot line of 178.98 feet. Mr. Murphy believes C does apply. C would use a mean grade of his lot which he estimated at 168.9 feet. This measurement was found by taking measuring grades at various points on the lot and throwing out the highest and lowest points.

Mr. Hines asked if the proposed house conforms with all other zoning.

Mr. Zarrillo stated that he believes under 5.31.2 a height must be established based on the character of surrounding houses and that the developer must design a custom built home according to constraints.

Mr. Modigliani referenced a condition of the ANR approval that restricted the grade of the driveway. He also asked about next steps moving forward. He stated that if either B or C were applied, the next step would be to get a professional survey completed. If 5.31.2 is the direction, it will go to the ZBA.

Mr. Hines proposed using a measurement of 170 feet. With the 35 foot house, the result would be about 8 feet less than what is currently proposed.

Mr. Zarrillo asked if the Board should go with Mr. Murphy's proposed numbers.

A discussion ensued on which numbers should be used and how to arrive at the correct number. The Board, Attorney Allen and Mr. Yanovitch determined that they will sit down together with the developer and Mr. Murphy to agree on a number to be used.

The developer stated that he is willing to go with 5.30.1.c to get a starting height

Mr. Yanovitch stated that they will continue with their discussion and this process unless the project becomes an as-of-right proposal.

The meeting was adjourned at 11:18 pm.

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