



Town of Brookline

Massachusetts

PLANNING BOARD

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

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

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

Staff Present: Polly Selkoe, Karen Martin

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

BOARD OF APPEALS CASES

100 Beverly Road – Construct a two-story side yard addition requiring FAR relief and side yard setback relief (11/10) Pct. 16

Karen Martin presented the case and described the relief required.

Attorney Allen introduced the project and noted that the homeowner, Mary Claire Decker, is living in the house with her daughter, Kate, son-in-law and three grandchildren. As a result, they need more space.

The architect, Steve Sousa, discussed the proposal which will add an extension to the existing garage and a new addition above the garage.

Attorney Allen stated that garages in this neighborhood tend to be small. This case falls under Deadrick because the FAR is already over the allowed FAR, and the addition will not be detrimental to the neighborhood. Next door is a house under construction that is being moved slightly further away from the applicant's house.

Mr. Modigliani pointed out on Sheet A0.2 that a small triangle of pavement seems to go over the property line. He asked who owns it. The architect will look into this. Mr. Modigliani also asked about Deadrick and pointed out that there are two non-conformities.

Attorney Allen replied that Deadrick applies as long as you don't add a new non-conformity.

Mr. Zarrillo asked if a variance is required under Deadrick. (Under Deadrick, the relief is a special permit.)

Mr. Modigliani asked if the house had been conforming, wouldn't a variance have been required? (Yes).

Mr. Cook asked how many feet are being added to the current structure. (4 feet).

Ms. Hamlin noted the large number of residents who came to speak on this project. She asked for a show of hands for neighbors that were in support of the project. All of the neighbors raised their hands. Ms. Hamlin also asked if there is a landscape plan in place. (There is not one yet). Ms. Hamlin suggested that the landscaping should be placed at the corner where the addition is being placed.

Mr. Heiken suggested that the utility room at the rear be shaved back by several feet in order to preserve the side yard dimensions. He believes that the proposed rear yard addition is asking too much and wants to preserve the side yard setback.

Mr. Zarrillo agreed with Mr. Heiken. He believes the proposal needs to be within the limits of a special permit. He wants Deadrick to be used to stay within the confines of what a special permit allows.

The Board discussed issues with the application of Deadrick, the allowable size of the addition and the difference between a variance and Deadrick.

Mr. Modigliani stated that the long wall at the rear would look better if off-set.

Ms. Hamlin stated that a 2.5' setback is very small and would cause concern for future owners.

The Board agreed that the addition should be cut back. The architect, applicant and Attorney Allen discussed and agreed that they can accommodate the proposed change by 2 feet. A condition will be added to address the revision.

Mr. Modigliani asked if the triple and double windows already exist. If so, he suggested sliding the entire design over and breaking the western elevation into two planes.

Ms. Hamlin motioned to recommend approval.

Mr. Cook seconded the motion.

Voted (4-1): The Planning Board recommends approval of the architectural plans by Sousa Design dated 6/14/2016 and 8/1/2016 and the site plan by Peter Nolan & Associates dated 7/20/2016 subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit final plans and elevations showing the enlarged side yard setback at the southwest corner at a minimum of 4.5 feet, 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.
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.

23 Browne Street – Finish 982 square feet of basement requiring FAR relief (11/10) Pct. 1
Karen Martin presented the case and described the relief required.

Attorney Allen stated that this is a typical Deadrick case and that there are no proposed changes to the footprint of the house.

Mr. Zarrillo stated that he understands the proposal but is still not convinced by the Deadrick argument.

Mr. Allen explained that the home is going to 235% FAR. The applicants have just put a lot of money into the house but now they have a family member who needs to move in.

Mr. Modigliani pointed out that the existing vs. proposed plans do not look very different. Why is the basement not included in the FAR currently? The architect, Kent Duckham, replied that the existing basement is not finished and is therefore not included in GFA.

Mr. Heiken asked about the windows on the plans and if they are being removed. The architect replied that windows under the deck will be filled in.

Mr. Zarrillo stated that he will abstain from voting as he doesn't agree with the intent of Deadrick.

Ms. Hamlin motioned to recommend approval.

Mr. Cook seconded the motion.

Voted (4-0 and 1 abstention): The Planning Board recommends approval of the plot plan by Verne T. Porter dated 9/29/2016 and basement floor plans by Kent Duckham dated 9/6/2016, subject to the following conditions:

1. Prior to the issuance of a building permit, final basement floor plans shall be submitted to the Assistant Director of Regulatory Planning for review and approval.
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; 2) final basement floor plan; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

47 Craftsland Road (continued) – Construct retaining walls in side and rear yards requiring setback relief (12/8) Pct. 15

Karen Martin presented the case and described the relief required.

Mr. Allen described additional background on the case and noted that this issue has now been ongoing for a very long time and that neighbors are very upset. The process has been complete and the Conservation Commission is on board with the current plan.

Mr. Modigliani stated that some details still seem to be missing such as the type of fill and the engineering of the wall.

Ms. Selkoe suggested that a condition for final landscaping and fencing review by the Planning Board could be added.

Mr. Zarrillo stated that the wall is facing out and that it creates usable space for the house. The wall appears to meet the design criteria.

Mr. Cook asked if the concern is the engineering. Attorney Allen stated that the applicant has met with Peter Ditto twice.

Mr. Modigliani stated that the Town engineer should not be reviewing the project but rather an outside third-party engineer.

A member of the ConComm spoke and pointed out that the ConComm only considered the wetlands impact and not the actual construction of the wall.

Mr. Zarrillo noted that the wall will be put up with geotextile mats.

Ms. Hamlin pointed out that the Planning Board is responsible for looking at the wall height and can write conditions.

Public Comment:

Jeeyuan Yu (31 Craftsland) stated that the owner has asked him about his preference for the color of the stone. The owner also told him that he would set it back 3 feet. Mr. Yu has no problems with the design.

Mr. Modigliani asked if the fence is for safety or for privacy for neighbors? (It is for safety due to steep grades).

Jerry Lazar (42 Craftsland) recalled the meeting from one year ago. He is distressed that the owner is not present and has not created a trustworthy feeling on the street. He gave a history of the property. He has spoken with Janice Kahn who couldn't attend.

Another neighbor who is an engineer stated that this project needs close over-sight by the Building Department. The uncertified fill should be removed. The plans are too sketchy and vague. The neighbors want it done properly.

Doris Hanna, 12 Lyons Road, is also concerned about other plans for the house and garage in relation to the retaining walls.

Jonathan Baer Parks, 20 Lyons Road, hasn't seen any plans. He doesn't know what exactly he will see but will see the wall. He wants it broken up with landscaping. He would prefer three walls of lower height.

Jerry Lazaar said the neighbors have two goals: 1) that the wall be aesthetically appealing and 2) that it be sound. He questioned if the applicant could remove the fill and slope the property and not install walls.

Ms. Hamlin motioned to recommend approval.

Mr. Cook seconded the motion.

Voted (5-0): The Planning Board recommends approval of the proposal and plans, including the site plan prepared by registered land surveyor Verne T. Porter and revised August 26, 2016 and elevations by registered architect David O'Sullivan revised September 7, 2016.

1. Prior to the issuance of a building permit, the applicant shall submit final plans, including grading and a wall section, and elevations of the wall stamped and signed by a registered land surveyor or engineer, subject to the review and approval of the Assistant Director of Regulatory Planning and the Director of Engineering.
2. Prior to the issuance of a building permit, the applicant shall submit to the Assistant Planning Director and Building Commissioner a pre-construction affidavit that a registered engineer shall oversee the construction of the wall, including verifying the location of the footings as complying with the property line and shall submit an affidavit at the end of construction that the wall conforms to standard engineering practice.
3. Prior to issuance of a building permit, the applicant shall submit a final landscaping plan, subject to the review and approval of the Assistant Director of Regulatory Planning. This plan shall be submitted after input from abutters who have requested to review and approve it. The plan may include landscaping on the abutters' properties as a counterbalancing amenity to mitigate the appearance of the wall.
4. Prior to issuance of a building permit, the applicant shall submit to the Building Commissioner to ensure conformance to the Board of Appeals decision: 1) a final site plan, stamped and signed by a registered land surveyor or engineer; 2) final elevations, drawn to scale and stamped and signed by a registered architect; and 3) evidence the Board of Appeals decision has been recorded at the Registry of Deeds.

Minutes of 9/29/2016, 10/6/2016, 10/13/2016, 10/19/2016 and 10/20/2016 were approved with corrections.

The meeting was adjourned.

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