



BOARD OF APPEALS
Jesse Geller, Chairman
Jonathan Book
Christopher Hussey

Town of Brookline

Massachusetts

Town Hall, 1st Floor
333 Washington Street
Brookline, MA 02445-6899
(617) 730-2010 Fax (617) 730-2043
Patrick J. Ward, Clerk

**TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2014-0047
Owner: Town of Brookline**

Petitioner, Andrew Pappastergion, DPW Director, Town of Brookline, applied to the Building Commissioner for permission to construct an equipment wash building at 870 Hammond Street. The application was denied and an appeal was taken to this Board.

The Board administratively determined that the properties affected were those shown on a schedule in accordance with the certification prepared by the Assessors of the Town of Brookline and approved by the Board of Appeals, and fixed September 4, 2014 at 7:10 p.m. in the Selectmen's hearing room as the time and place of a hearing on the appeal. Notice of the hearing was mailed to the Petitioner, to their attorney of record, to the owners of the properties deemed by the Board to be affected as they appeared on the most recent local tax list, to the Planning Board and to all others required by law. Notice of the hearing was published on August 14, 2014 and August 21, 2014 in the Brookline Tab, a newspaper published in Brookline. A copy of said notice is as follows.

Notice of Hearing

Pursuant to M.G.L., C. 40A, the Board of Appeals will conduct a public hearing at Town Hall, 333 Washington Street, Brookline, on a proposal at:

870 HAMMOND ST – CONSTRUCT TRUCK AND EQUIPMENT WASH BUILDING in an I-1.0, Industrial Services district, on September 4, 2014, at 7:10 PM in the 6th Floor Selectmen’s Hearing Room (Petitioner: TOWN OF BROOKLINE DPW GARAGE; Owner: TOWN OF BROOKLINE DPW GARAGE)

The Board of Appeals will consider variances and/or special permits from the following sections of the Zoning By-Law:

- 1. Section 5.43: Exceptions to Yard and Setback Regulations**
- 2. Section 5.60: Side Yard Requirements**
- 3. Section 5.64: Side Yard for Non-Dwelling Uses in Business and Industrial Districts**
- 4. Modification, as Required, of BOA case #3313, November 30, 1995**

Hearings may be continued by the Chair to a date/time certain, with no further notice to abutters or in the TAB. Questions about hearing schedules may be directed to the Planning and Community Development Department at 617-730-2130, or by checking the Town meeting calendar at: www.brooklinema.gov.

*The Town of Brookline does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. Individuals who need auxiliary aids for effective communication in Town programs and services may make their needs known to **Robert Sneurson, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone: (617) 730-2328; TDD (617)-730-2327; or email at rsneurson@brooklinema.gov.***

*Jesse Geller, Chair
Christopher Hussey
Jonathan Book*

At the time and place specified in the notice, this Board held a public hearing. Present at the hearing was Chairman Jonathan Book, and Board Members Chistopher Hussey and Avi Liss. Ray Masak, Project Manager for the Town of Brookline, presented the case.

Mr. Masak said 870 Hammond Street is the Department of Public Works Facility, which is a brick building that was constructed in 1999. The building is setback a fair distance from Hammond Street and is screened by dense vegetation. To the side and rear of the property is the Putterham Golf Course. Surrounding uses are primarily residential.

Mr. Masak said The Town, is proposing to construct a 1,363 square foot drive through wash building for municipal vehicles. The proposed structure will be on the south side of the property, 6' from the side yard property line adjacent to the Town golf course. The wash bay will have doors on the west and east sides for vehicles to enter and exit. It will be replacing the wash station that is currently inside the municipal garage. He said the relief requested is for side yard as well as a modification of a previous Board of Appeals case that allowed the construction of the existing DPW facilities on the site.

The Chairman asked if anyone wished to speak in favor or in opposition of the proposal. Scott Epstein of 8 Aston Road expressed his concerns about noise. Mr. Masak explained the operation hours would not change and there would be no truck or equipment washing at night.

The Chairman called upon Lara Curtis Hayes, Senior Planner, to deliver the findings of the Planning Board:

FINDINGS

Section 5.43 – Exceptions to Yard and Setback Regulations

Section 5.60 – Side Yard Requirements

Section 5.64 – Side Yard for Non-Dwelling Uses in Business and Industrial Districts

<u>Dimensional Requirements</u>	<u>Allo</u> <u>wed</u>	<u>Ex</u> <u>isting</u>	<u>Pr</u> <u>oposed</u>	<u>Relief</u>
<u>Side Yard Setback</u>	<u>25'</u>	<u>N/</u>	<u>6'</u>	<u>Special Permit*</u>

* Under Section 5.43, the Board of Appeals may waive by special permit yard and setback requirements if a counterbalancing amenity is provided.

Modification, as required, of BOA Case #3313, November 30, 1995

(See attached conditions)

The Planning Board is supportive of this proposal to construct a new wash building. The Board does not anticipate a negative impact to the affected property to the South, which is also owned by the Town, nor an increase in traffic, since the current vehicle wash inside the municipal garage is being replaced by this new structure. The Board recommends that the applicant install landscaping to screen the building from the golf course to the greatest extent possible.

The Planning Board recommends approval of the plans by HKT Architects Inc., dated 6/30/14, subject to the following condition:

1. Prior to issuance of a building permit, final elevations and materials shall be submitted to the Assistant Director of Regulatory Planning for review and approval.
2. Prior to issuance of a building permit, the applicant shall submit to the Building Commissioner to ensure conformance with the Board of Appeals decision: 1) a final site

plan, stamped and signed by a registered 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.

The Board deliberated on the merits of special permit relief as requested. The Board voted unanimously that the requirement have been met for the issuance of a special permit under Sections, 5.43, 5.60 and 5.64 of the Zoning By-Law and to modify the previous special permit to the extent necessary to permit the special permit relief requested. The Board made the following specific findings pursuant to Section 9.05 of the of the Zoning By-Law:

- a. The specific site is an appropriate location for such a use, structure, or condition.
- b. The use as developed will not adversely affect the neighborhood.
- c. There will be no nuisance or serious hazard to vehicles or pedestrians.
- d. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

Accordingly, the Board voted unanimously to grant the requested relief subject to the following conditions:

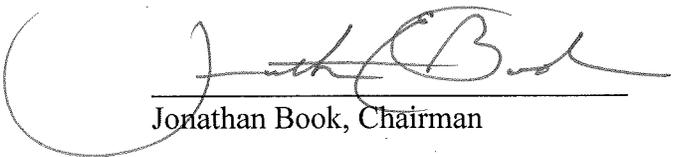
1. Prior to issuance of a building permit, final elevations and materials shall be submitted to the Assistant Director of Regulatory Planning for review and approval.

2. Prior to issuance of a building permit, the applicant shall submit to the Building Commissioner to ensure conformance with the Board of Appeals decision: 1) a final site plan, stamped and signed by a registered 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.

3. No washing of vehicles allowed at night or early morning (except in emergencies).
Vehicle and equipment washing to take place during normal daytime business hours.

Unanimous decision of the
Board of Appeals

Filing Date: 10/1/14
Patrick J. Ward, Town Clerk


Jonathan Book, Chairman

RECEIVED
TOWN OF BROOKLINE
TOWN CLERK
2014 OCT -1 A 11:20