



Town of Brookline

Massachusetts

BOARD OF APPEALS
Jesse Geller, Chairman
Christopher Hussey
Jonathan Book

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. 2014-0060
**OWNER: 1070 Beacon Street Tenants'
Housing Cooperative Corporation c/o
Dannin Management Corp.**

Petitioner, 1070 Beacon Street LLC, applied to the Building Commissioner to convert the ground-level unit from office to medical office use at 1070 Beacon 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 October 30, 2014 at 7:00 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 October 9, 2014 and October 16, 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:

1070 BEACON ST – CHANGE OCCUPANCY FROM GENERAL OFFICE TO MEDICAL USE in an M-2.0, Apartment House, residential district, on October 30, 2014, at 7:00 PM in the 6th Floor Selectmen's Hearing Room (Petitioner: 1070 BEACON ST TENANTS' HOUSING COOP CORP.; Owner: TEN SEVENTY TENANTS HOUSING CO C/O DANNIN MANAGEMENT CORP).

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

- 1. Section 4.07, Table of Use Regulations: Use #20**
- 2. Section 6.01.2: General Regulations Applying to Required Off-Street Parking Facilities**
- 3. Section 6.02, Paragraph 1, Table of Off Street Parking Space Requirements**
- 4. Section 6.02.5.b: Off-Street Parking Space Regulations**
- 5. Section 8.05: Substitution**

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

Publish: October 9, 2014 & October 16, 2014

At the time and place specified in the notice, this Board held a public hearing. Present at the hearing was Chair Mark Zuroff, and Board Members Jonathan Book and Christopher Hussey. The applicant's attorney, Robert Allen of 300 Washington Street, Brookline, MA,

02445, requested that the hearing be continued to December 4, 2014 at 7:30 p.m. Mr. Allen stated that additional off-street parking required for the proposed conversion would be located on an adjacent parcel that is under common ownership. This detail was confirmed during Planning Board review, and required modification of the Building Department denial letter and public hearing notice to include additional special permit relief under Bylaw Section 6.03.1.b: Location of Required Off-Street Parking Facilities.

Board members unanimously voted to continue this case to December 4, 2014 at 7:30 p.m.

Updated 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 November 13, 2014 and November 20, 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:

1070 BEACON ST – CHANGE BASEMENT UNIT FROM GENERAL OFFICE TO MEDICAL OFFICE USE in a M-2.0, APARTMENT HOUSE, residential district, on December 4, 2014, at 7:30 PM in the 6th Floor Selectmen’s Hearing Room (Petitioner: 1070 BEACON ST LLC.; Owner: TEN SEVENTY TENANTS HOUSING CO C/O DANNIN MANAGEMENT CORP). *Precinct 1*

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

- 1. Section 4.07, Table of Use Regulations: Use #20**

2. **Section 6.01.2: General Regulations Applying to Required Off-Street Parking Facilities**
3. **Section 6.02, Paragraph 1, Table of Off Street Parking Space Requirements**
4. **Section 6.02.5.b: Off-Street Parking Space Regulations**
5. **Section 6.03.1.b: Location of Required Off Street Parking Facilities**
6. **Section 8.05: Substitution**

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.

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*Jesse Geller, Chair
Christopher Hussey
Jonathan Book*

Publish: November 13, 2014 & November 20, 2014

At the time and place specified in the notice, this Board held a public hearing. Present at the hearing was Chair Johanna Schneider, and Board Members Jonathan Book and Christopher Hussey. The applicant's attorney, Robert Allen again requested to continue the hearing to February 5, 2015 at 7:15 p.m. Mr. Allen stated that lease negotiations between the petitioner and potential tenant had stalled as a result of the lengthy permitting and licensing process. For this reason, the petitioner was not prepared to present finalized plans before this Board.

Board Members informed the petitioner that this application should be withdrawn if the proposal is significantly modified moving forward, but unanimously voted to continue this hearing to February 5, 2015 at 7:15 p.m.

At the time and place specified, this Board held a public hearing. Present at the hearing was Chair Jonathan Book, and Board Members Johanna Schneider and Christopher Hussey. The applicant's attorney, Bailey Gaffney of 300 Washington Street, Brookline, MA, 02445, requested to withdraw this special permit application without prejudice. Ms. Gaffney stated that the petitioner has explored various tenant options, and is no longer requesting special permit or variance relief to convert the ground floor office use at 1070 Beacon Street.

The Board deliberated on the merits of this withdrawal request. Board member Johanna Schneider indicated support for the applicant's request, and both Jonathan Book and Christopher Hussey concurred.

Accordingly, the Board voted unanimously to grant the request to withdraw this special permit application without prejudice.

Unanimous Decision of

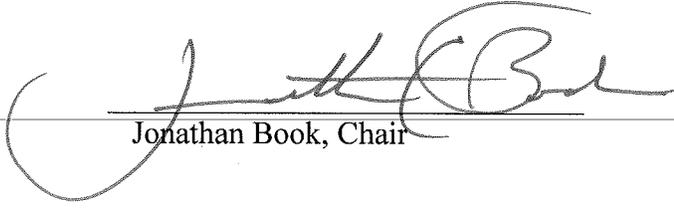
The Board of Appeals

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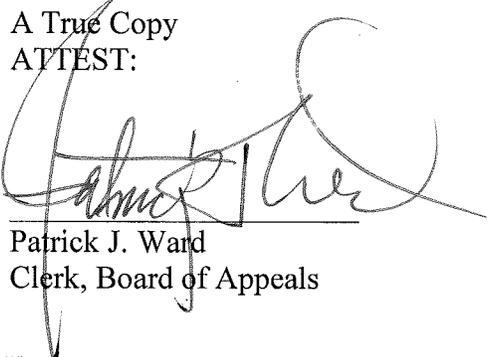
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Filing Date:

3/11/15


Jonathan Book, Chair

A True Copy
ATTEST:


Patrick J. Ward
Clerk, Board of Appeals