



BOARD OF APPEALS
Jesse Geller, Chairman
Christopher Hussey
Jonathan Book

Town of Brookline

Massachusetts

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Brookline, MA 02445-6899
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Patrick J. Ward, Clerk

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2015-0005
OWNER: LEEDER TR JUDITH C/O LEEDER
MANAGEMENT CO

Petitioners, Haim Cohen of Pure Cold Press Juice and Salad Bar, applied to the Building Commissioner for permission to increase restaurant seating from 20 to 47 at 326 Harvard Street. The application was denied and 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 March 12, 2015 at 7:15 p.m. in the Selectmen's Hearing Room as the time and place of a hearing for the appeal. Notice of the hearing was mailed to the Petitioner, 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 February 19, 2015 and February 26, 2015 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:

326 HARVARD STREET – EXPAND RESTAURANT SEATING FROM 20 TO 47 in a G-1.75 (CC), General Business, zoning district, on March 12, 2015, at 7:15 PM in the 6th Floor Selectmen’s Hearing Room (Petitioner: PURE COLD PRESS c/o HAIM COHEN; Owner: LEEDER TR JUDITH C/O LEEDER MANAGEMENT CO) Precinct 9

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

- 1. Section 6.02: Paragraph 1, Table of Off-Street Parking Space Requirements**
- 2. Section 6.02.1.b: Off-Street Parking Space Regulations**

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: February 19, 2015 & February 26, 2015

At the time and place specified in the notice, this Board held a public hearing. Present at the hearing was Board Chairman Jesse Geller, and Board Members Mark Zuroff and Christopher Hussey. The applicant, Haim Cohen presented project details to the Board.

Mr. Cohen stated that he is requesting to expand restaurant seating at Pure Cold Press Juice and Salad Bar from 20 to 47. Mr. Cohen’s family has operated Rami’s, located directly adjacent to the subject property, for 25 years. This new retail/restaurant location became available and Mr. Cohen wished to expand in order to complement the success of Rami’s. Current seating does not maximize the floor area and layout, necessitating this request for additional seats. Mr. Cohen stated that the Coolidge Corner location is transit rich, pedestrian friendly, and in close proximity to adequate off-street parking so this proposed seating increase will not place significant strain on area parking availability.

Chairman Geller called for public comment in favor of, or in opposition to, the applicant’s proposal. No members of the public wished to comment.

Mr. Geller requested that Zoning Coordinator Jay Rosa deliver the opinions of the Planning Board:

Findings

Section 6.01, Paragraph 2: Table of Off-Street Parking Space Regulations – Conversions

Section 6.02.1.b: Off-Street Parking Regulations

L-1.0 District	Required	Existing	Proposed	Finding
Parking Spaces	5 additional spaces	0	0	Special Permit *

*Under Section 6.02.1.b the Board of Appeals may waive up to 10 parking spaces, or 50% of increased parking requirements after considering business operating hours, parking demand, area public parking, and proximity to public transit.

Mr. Rosa stated that the Planning Board unanimously supported this proposal to expand restaurant seating at 326 Harvard Street. The property is located in Coolidge Corner which provides a variety of public transit and parking options. Also, the applicant has initiated interior renovations and continues to work with the Planning Board on signage and façade

improvements. Overall, the Planning Board felt that the as-built project will be an asset within this primary commercial area and will not have adverse impact on area parking availability.

Therefore, the Planning Board recommended approval of the special permit application to increase restaurant seating for up to 47 seats at 326 Harvard Street, and the floor plans submitted by Schopf Design Associates, dated 12/9/14, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit final floor plans stamped and signed by a registered architect, 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 to ensure conformance to the Board of Appeals decision: 1) final floor plans stamped and signed by a registered architect; 2) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Chairman Geller requested that Michael Yanovitch deliver the opinion of the Building Department. Mr. Yanovitch stated that the Building Department has no objection to this proposal. Parking relief is provided under Zoning Bylaw Section 6.02.1.b for projects of this nature within general business districts. The location provides adequate floor area for the additional requested seating, and the Building Department intends to work with the applicant to ensure compliance with Building Permits if necessary relief is granted.

The Board deliberated on the merits of special permit relief as requested. Board Members noted that the Zoning By-law Review Committee promoted regulations that allow for partial parking waivers specifically for business expansion projects of this type and location. The Board voted unanimously that the requirements have been met for the issuance of a special permit under **Sections 5.22.3.b.1.b** and **9.05** of the Zoning By-law, granting relief from application of the provisions of **Sections 6.01, Paragraph 2** and **6.02.1.b** of the Zoning By-Law.

The Board made the following specific findings pursuant to the aforementioned Section 9.05 of the Zoning By-law:

- The specific site is an appropriate location for such a use, structure, or condition.
- The use as developed will not adversely affect the neighborhood.
- There will be no nuisance or serious hazard to vehicles or pedestrians.
- 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 the issuance of a building permit, the applicant shall submit final floor plans stamped and signed by a registered architect, 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 to ensure conformance to the Board of Appeals decision: 1) final floor plans stamped and signed by a registered architect; 2) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Unanimous decision of the

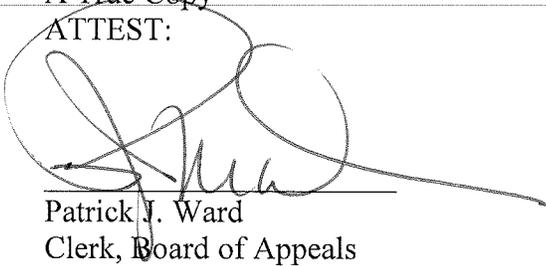
Board of Appeals

Filing Date: 3/30/18



Jesse Geller, Chairman

A True Copy
ATTEST:



Patrick J. Ward
Clerk, Board of Appeals

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