



BOARD OF APPEALS
Enid Starr, Co-Chair
Jesse Geller, Co-Chair
Robert De Vries

Town of Brookline

Massachusetts

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TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 090042

Petitioner, Brookline Housing Authority, applied to extend the relief granted under case #080016 dated August 14, 2008 at 347 St. Paul Street.

On June 25, 2009, the Board met and 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 August 13, 2009, 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 his attorney (if any) 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 July 23 and 30, 2009 in the Brookline Tab, a newspaper published in Brookline. Copy of said notice is as follows:

NOTICE OF HEARING

Pursuant to M.G.L. C. 39, sections 23A & 23B, the Board of Appeals will conduct a public hearing to discuss the following case:

Petitioners: **BROOKLINE HOUSING AUTHORITY**
Location of Premises: **347 ST. PAUL ST BRKL**
Date of Hearing: **08/013/2009**
Time of Hearing: **7:00 p.m.**
Place of Hearing: **Selectmen's Hearing Room, 6th. floor**

A public hearing will be held to extend the time period for one year in Board of Appeals case #080016 dated August 14, 2008.at **347 ST PAUL ST BRKL.**

Said Premise located in a **M-1.0** district.

Hearings, once opened, may be continued by the Chair to a date and time certain. No further notice will be mailed to abutters or advertised in the TAB. Questions regarding whether a hearing has been continued, or the date and time of any hearing may be directed to the Zoning Administrator at 617-734-2134 or check meeting calendar at:<http://calendars.town.brookline.ma.us/MasterTownCalendar/?FormID=158>.

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 programs and services of the Town of Brookline are invited to make their needs known to the ADA Coordinator, Stephen Bressler, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone: (617) 730-2330; TDD (617) 730-2327.

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At the time and place specified in the notice, this Board held a public hearing. Present at the hearing was Chairman, Enid Starr and board members Jonathan Book and Mark Zuroff. Attorney Susan Cohen presented the request before the Board.

Attorney Cohen said that the Board of Appeals had previously approved an application by the Brookline Housing Authority to convert an 84-unit apartment complex into 86 units, construct stair additions, and reconfigure the parking lot.

Attorney Cohen described the property at 337-347 St. Paul Street, 7-33 Egmont Street, & 144-156 Amory Street as a Brookline Housing Authority-owned lot with 84 apartment units, known as the Trustman Apartments. The apartments are located in three separate buildings, one facing St. Paul Street, one facing Egmont Street, and another facing Amory Street. The center of the property is used for parking and open space. The site is located one block from Commonwealth Avenue, and surrounding properties are typically either commercial in nature or multi-family dwellings. Some single-family dwellings exist nearby in the Cottage Farm Local Historic District.

Attorney Cohen said that the petitioner proposed and received approval in 2008 to construct various renovations and modifications to the three buildings, reconfiguring some of them to be handicapped accessible and others to be more suitable for their tenants. The proposed changes would result in an increase in two units in the building facing St. Paul Street. Also, four new rear additions for stair structures on the building facing Egmont Street were proposed; these additions would reconfigure the stair egresses, would lower the overall height of the stair penthouses, and would not extend beyond the building's existing rear wall. The new additions would be finished with metal paneling, and a metal canopy would extend over the ground floor egress. The first floor of the three-story additions would be finished with brick veneer to match the existing building. Other modifications to the site include the construction of a wheelchair ramp on the north corner of the St. Paul Street building; minor exterior changes to the St. Paul Street building, including the installation of two new doors where there are currently windows; and the reconfiguration of the on-site parking spaces. The Planning Board had requested the applicant consider an alternate scheme for the wheelchair ramp, relocating it behind the building. After consulting with Town Counsel, the Board of Appeals determined that M.G.L. Ch. 40A Sec. 3 precluded the Board from requiring the repositioning of the handicapped access ramp, and voted to approve the original proposal.

Ms Cohen said that the Brookline Housing Authority is requesting a one-year time extension of this approval due to time delays resulting from the required Department of Housing and Community Development (DHCD) review, and from the financial crisis impacting the Commonwealth and DHCD, resulting in an unclear financing environment. The Brookline Housing Authority cannot proceed with construction until it is certain the funding for the project will be available.

Polly Selkoe, Assistant Director for Regulatory Planning, delivered the findings of the Planning staff.

Section 9.07 – TIME EXTENSION: The applicant is seeking a one-year time extension of the relief previously granted and described below.

Section 5.05 – Conversions: When a dwelling is converted to create additional dwelling units in an M district, the structure shall conform to all dimensional requirements, however, the Board of Appeals by special permit may waive any of the requirements except minimum lot size, provided that no previously existing nonconformity is increased and that all other requirements of this By-law for such conversions are met.

Section 5.09.2.d – Design Review

Exterior additions or alterations to multiple dwellings with four or more units that require a building permit shall require a special permit subject to the design review standards listed under *Section 5.09.4(a-l)*. The most relevant sections are described below:

- a. *Preservation of Trees and Landscape:* The proposal would require the removal of some existing landscaping, including a tree and some shrubbery, where the wheelchair ramp is proposed to be located. The building improvements are primarily located within the building, and the proposed stair additions on the Egmont Street building will be located on already impervious surface.
- b. *Relation of Buildings to Environment:* The proposal should not substantially change the exterior of the building and its relationship to surrounding features.
- c. *Relation of Buildings to the Form of the Streetscape and Neighborhood:* The proposed changes are either contained within the buildings or at the rear of the buildings, where they will not have a substantial effect on the streetscape. The proposed handicap ramp will be located along the side of the building along Dummer Street, but it does not interfere with the sidewalk.
- d. *Open Space:* The proposed changes to the buildings and site layout do not interfere with the existing open space on site, as they make use of existing parking areas and impervious surface.
- e. *Circulation:* The proposed changes to the parking area should not be detrimental to vehicular circulation and should improve handicap accessibility, both for vehicular parking and access to the St. Paul Street building. The proposed ramp does not interfere with the existing sidewalk along Dummer Street.

Section 5.50 – Front Yard Requirements: Under M.G.L. Ch.40A §3, no dimensional lot requirement of a zoning by-law, including set back, front, side and rear yard, and open space requirements shall apply to handicapped access ramps on private property used solely for the purpose of facilitating ingress or egress of a physically handicapped person.

Section 6.02.2.d – Off-Street Parking Space Regulations: The number of spaces required for housing having age of occupant or maximum rents or sales prices controlled in order to comply with the conditions of federal, state, or local legislation may be reduced by the Board of Appeals by special permit where it can be demonstrated that the parking needed for occupants and visitors will be below that otherwise required. A special permit under this section shall not reduce the parking requirement below one-fifth of the number of spaces that would otherwise be required.

PARKING

	Required	Existing	Proposed	Finding
Parking Spaces	184	72	72	Special Permit*

*See Section 6.02.2.d as mentioned above.

Section 8.02.2 – Alteration or Extension: A special permit is required to alter a non-conforming structure.

Ms. Selkoe said that the Planning Board was supportive of the proposed time extension for the project, which would reconfigure the units at the Trustman Apartments to make them more desirable and some of them handicap accessible, as well as install a new wheelchair access ramp. The new parking arrangement will enable handicap vehicle access, and the site is located sufficiently close to public transportation to lessen the need for additional parking spaces. The rear additions to the Egmont Street building will improve the appearance of the building's rear façade. Therefore she said, the Planning Board recommended approval of the proposed time extension and the previously submitted plans, including the floor, site and elevation plans titled "Trustman Apartments," prepared by Powers & Co., and last dated 3/28/08 and 6/11/08, and the submitted accessible ramp and parking plan titled "Accessible Ramp Site – Option 1," prepared by Powers & Co., and dated 7/1/2008, subject to the following conditions:

1. **Prior to issuance of a building permit, final elevations of the additions to the Egmont Street building, the modifications to the St. Paul Street building, and the wheelchair ramp, indicating materials, shall be submitted to the Assistant Director for Regulatory Planning for review and approval.**
2. **Prior to issuance of a building permit, a final parking and landscape plan, indicating the revised parking layout and wheelchair ramp, shall be submitted to the Assistant Director for Regulatory Planning for review and approval.**
3. **Prior to 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 building 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.**

Michael Shepard, Building Commissioner, delivered the comments from the Building Department. He said that given the current state of the economy it is not unusual for previously planned projects to be delayed. Mr. Shepard said that the Building Department supports the granting of a one year time extension for the project.

The Board, having deliberated on this matter and having considered the foregoing testimony, concludes that it is desirable to grant a one year time extension for the previously approved relief.

Accordingly, the Board voted unanimously to grant the requested time extension subject to the same conditions delineated in Board of Appeals case # 080019.

1. Prior to issuance of a building permit, final elevations of the additions to the Egmont Street building, the modifications to the St. Paul Street building, and the wheelchair ramp, indicating materials, shall be submitted to the Assistant Director for Regulatory Planning for review and approval.
2. Prior to issuance of a building permit, a final parking and landscape plan, indicating the revised parking layout and wheelchair ramp, shall be submitted to the Assistant Director for Regulatory Planning for review and approval.
3. Prior to 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 building 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.

Unanimous Decision of
The Board of Appeals

TOWN OF EGDMONT
CLERK
TOWNSHIP

AUG 24 12:33

Filing Date: August 24, 2009



Enid Starr, Chairman

A True Copy
ATTEST:



Patrick J. Ward
Clerk, Board of Appeals