



# Town of Brookline

## Massachusetts

### Board of Appeals

Jesse Geller  
Johanna Schneider  
Lark Palermo

### Minutes

Zoning Board of Appeals Virtual Public Hearing  
Thursday, January 1, 2023 at 7:00 p.m.

Link to Hearing Recording: <https://www.brooklinema.gov/2220/Recordings-of-Public-Hearings>

Link to Zoning Board of Appeals Decisions: <https://www.brooklinema.gov/Archive.aspx?AMID=76>

**Board Members Present:** Chair Johanna Schneider, Randolph Meiklejohn, Wadner Oge

**Staff Present:** Paul Campbell (*Deputy Building Commissioner*), and Madison Anthony (*Zoning Coordinator/Planner - Regulatory Planning*)

Chair Schneider opened the meeting.

370 Washington Street, Case #2021-000077, Pct. 6 was continued without discussion.

#### **750 Washington Street: 2022-000032**

- Attorney Dopazo Gilbert presented the case for the Petitioners.
- She stated that the Petitioners are seeking to update the existing two-story home.
- She stated that the goal of the project was to make small but impactful changes to update the house to modern standards while respecting the historic home.
- She stated that the Petitioner is requesting a finding under M.G.L. Ch. 40A, Section 6 to allow for the increase of the preexisting nonconforming FAR and side yard setback.
- Mr. Rochon (architect) presented the site plans to the Board of Appeals.
- Attorney Dopazo Gilbert then put;ined how the proposal meets the standards under Section 9.05.
- Chair Schneider then called for public comments in support of or opposition to the proposal. No public comments were submitted.
- Madison Anthony then presented the Planning Board Report
- Chair Schneider then called upon Paul R. Campbell, Deputy Building Commissioner, to deliver the findings of the Building Department. Mr. Campbell stated that the Building Department had no objection to the requested relief and added that should the Board grant the requested relief, the Building Department would work with the Petitioners to ensure conformance with the Board's decision and all applicable building codes.
- The Board then deliberated.

- The Board determined, by unanimous vote, that the proposal met the requirements for a finding under M.G.L. Ch. 40A, Section 6 allowing for an alteration or increase to preexisting nonconforming conditions as established Section 5.20 to permit an increase in the preexisting nonconforming FAR and under Section 5.60 for the side yard requirements to permit expansion of a preexisting and nonconforming side yard setback of 3'-7".
- 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 electronically submit final floor plans and elevations, stamped and signed by a registered architect, and a final site plan, stamped and signed by a registered engineer or land surveyor, to the Assistant Director for Regulatory Planning for review and approval.
  - 2. Prior to the issuance of a building permit, the applicant shall electronically submit to the Building Commissioner for review and approval a) the site plan, floor plans, and elevations displaying the approval stamp of the Assistant Director for Regulatory Planning; and b) evidence that the Board of Appeals decision has been obtained from the Town Clerk's office by the applicant or their representative and recorded at the Registry of Deeds.

**225 Pond Ave: 2022-000068**

- Nima Yadollahpour (architect) presented the case for the petitioner
- He stated that the proposed project consists of an approximately 1,400 sq. ft. addition to the existing house, which is currently about 2,000 sq. ft. Roughly 630 sq. ft. of the addition will be basement space.
- Chair Schneider inquired of the basement would be finished or unfinished. Mr. Yadollahpur explained that, since this is a historic neighborhood, they are limited to where they can put the addition and they will not be altering the front of the house in order to preserve the façade. Because of this, the entire addition will be to the rear. He continued, stating that the basement will be unfinished and mainly used for storage, since the existing one car garage cannot be expanded, since it is visible from the front yard and cannot be expanded.
- Board Member Meiklejohn inquired if the grade on the lot rises from Pond Avenue towards the back as you go up behind the house and away from the river. Mr. Yadollahpur responded that the grade does rise very gradually, but most of this rise happens towards the rear. He explained that the grade is relatively flat until it reaches the existing sunroom to the rear of the house, after which where there's a gradual incline.
- Board Member Meiklejohn stated that he is trying to better understand the overall impact and presence of the basement space since, looking at the site plan and elevation drawings, the grade looks essentially flat relative to the surrounding properties. He then asked if there are any windows to the basement space and, if there are, are they window wells or very small windows. Mr. Yadollahpur replied that there will be a reverse shelf on the foundation wall for the joist in order to maintain eight inches from the gray to the other side of the siding and that the windows would be window wells. Board member Meiklejohn then asked what the material the deck behind the house was made of and if the opening under the deck was meant to be a crawl space to the basement. Mr. Yadollahpur digitally displayed the proposed basement floor plan and pointed out where the crawl space would be. He then explained that the basement that was being counted towards the FAR was highlighted in red on the proposed plans and the remaining

portion, would be unfinished and pointed out where the deck would be in relation to the unfinished portion of the basement.

- Chair Schneider then called upon Planner and Zoning Coordinator, Madison Anthony, to present the Planning Board report.
- Chair Schneider then called upon Paul R. Campbell, Deputy Building Commissioner, to deliver the findings of the Building Department. Mr. Campbell stated that the Building Department had no objection to the requested relief and added that should the Board grant the requested relief, the Building Department would work with the Petitioners to ensure conformance with the Board's decision and all applicable building codes.
- Chair Schneider asked if the Board was sent any kind of analysis for the design review. Ms. Anthony responded that no analysis for the design review was sent to the Board.
- The Board then deliberated. Chair Schneider began deliberations by stating that normally under §5.09.2.J – Design Review, some sort of impact statement is required. She continued, stating that she wants to make sure there is evidence on the record to support the Board's decision. Board Member Meiklejohn asked Chair Schneider if this is something that can be addressed in the conditions. Chair Schneider responded that this was a good idea and asked the Mr. Yadollahpur if he would approve of the Board adding a condition stating the approval was subject to the submission and approval by the Assistant Director of Regulatory Planning of an analysis of the project in reference to the community and environmental impact and design procedures and standards outlined in §5.09.2.J.
- Chair Schneider continued, stating that in reference to the special permit criteria, outside of the issue of lacking an impact statement, the use is appropriate for the area, there does not appear to be any adverse impact to the neighborhood, and there do not appear to be any nuisances or hazards that will be created by this proposal. However, she stated she would like to hear from her fellow board members whether they feel adequate and appropriate facilities have been provided, as she knows there are window wells and a crawl space in the basement expansion space that are a part of the proposal. She added that the proposal does not appear to have an effect on the supply of adequate affordable housing in the area.
- Mr. Yadollahpur asked if the window wells would be under the jurisdiction of just building code, as opposed to the approval of the Board. Chair Schneider responded, stating that special permits have criteria that must be met under the bylaw, one of which is whether adequate and appropriate facilities have been provided for the operation of the use, and everything that is being proposed here falls within the jurisdiction of the board in reference to those particular factors.
- Board Member Meiklejohn stated that, looking at the project, it appears quite restrained and modest. He continued, stating that because of this, the added area does not appear to be impactful on the public way or from surrounding areas. He stated that he believed the criteria for a special permit have been met here and explained that he is comfortable making the impact analysis a condition because, looking at the language of the bylaw, the environmental and community impact standards are guidelines, rather than rigid requirements and the project was proposed in a way that has little impact on the community of environment. He stated that he would be in favor of granted the requested relief, subject to the additional condition.
- Board Member Oge stated that he agreed that it appears all the criteria for relief has been met and he appreciates the fact that the proposal has neighborhood support. He continued, stating

he would be comfortable adding the impact analysis as a condition and he would be in favor of granting the requested relief.

- The Board then determined, by unanimous vote, to grant the requested Special Permits and that the petitioner has satisfied the requirements necessary for relief under Sections 5.09.2.J, 5.22.3.B.1.B, and 8.02.2 of the Zoning By-Law. In addition, the Board made the following specific findings under said Section 9.05 based on the evidence submitted at the hearing and the Board's deliberation:
  - The specific site is an appropriate location for such a use, structure, or condition.
  - The use as developed will no 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.
  - Development will not have any effect on the supply of housing available for low- and moderate-income people.
  - Accordingly, the Board voted unanimously to grant the requested relief subject to the following conditions:
    - Prior to the issuance of a building permit, the applicant shall electronically submit final floor plans and elevations, stamped and signed by a registered architect, and a final site plan, stamped and signed by a registered engineer or land surveyor, to the Assistant Director for Regulatory Planning for review and approval.
    - Prior to the issuance of a building permit, the applicant shall electronically submit to the Building Commissioner for review and approval a) the site plan, floor plans, and elevations displaying the approval stamp of the Assistant Director for Regulatory Planning; and b) evidence that the Board of Appeals decision has been obtained from the Town Clerk's office by the applicant or their representative and recorded at the Registry of Deeds.
    - Prior to the issuance of a building permit, the applicant shall submit an analysis of the project in reference to the community and environmental impact and design procedures and standards outlined in §5.09.2.J. of the bylaw to the Assistant Director for Regulatory Planning for review and approval.

#### **61 Hedge Road 2022-000071**

- Attorney Dopazo Gilbert presented the case for the Petitioners. Attorney Dopazo Gilbert stated that the single-family home located at 61 Hedge Road is in an S-10 Zoning District and that the Petitioners, who she noted have lived at the home for five years, are seeking to demolish their existing garage and construct a two-story attached garage. She noted that the Petitioners had reached out to each of their neighbors and had received no opposition in response. Attorney Dopazo Gilbert then stated that the project entailed demolishing the existing dilapidated garage and replacing it with an attached garage with living space above it. She continued that the project would add approximately 533 square feet of living area to the home, with internal modifications aimed at accommodating the Petitioners' growing family and visits by aging parents. Attorney Dopazo Gilbert further noted that after initially imposing a stay on the demolition of the garage, the Preservation Commission had offered its unanimous support for the proposed changes.

- Attorney Dopazo Gilbert stated that the Petitioners are first requesting a finding under M.G.L. Ch. 40A, Section 6 to allow for the increase of the preexisting nonconforming floor area ratio (FAR). She continued that the existing FAR is 0.42 and the proposed FAR is 0.48, whereas the S-10 zoning district permits a maximum FAR of 0.30. Attorney Dopazo Gilbert noted that under Deadrick, the proposed increase in FAR is permitted, because it is not substantially more detrimental to the neighborhood than the existing nonconformity. She stated that the Petitioners also sought relief for the rear-yard setback and that after meeting with the Building Commissioner, such relief was being sought under Zoning Bylaw §5.43. Attorney Dopazo Gilbert noted that §5.43 permits a reduction in yard or setback regulations if a condition or facility not otherwise required is provided to counterbalance that reduction. She noted that Petitioners were prepared to provide such a counterbalancing amenity in the form of a landscaping plan.
- Attorney Dopazo Gilbert then stated that the proposal meets the special permit standards enumerated in Section 9.05 and noted the following: 1) Specific site is an appropriate location for such use: The property is located in an S-10 district, where a garage is a permitted accessory use for a single-family home, and the new garage will be constructed in the footprint of the existing one. 2) Use will not adversely affect the neighborhood: The plan calls for replacing a dilapidated structure with a new garage, one that is well below the height of the house and located to its rear. As such, the project will be difficult to notice from the street, and neighbors have not expressed opposition to the proposal. 3) No nuisance or serious hazard to vehicles or pedestrians: There will be no change to the site circulation for vehicles or pedestrians. 4) Adequate and appropriate facilities will be provided for the proper operation and proposed use. 5) Development will not have any effect on the supply on housing available for low-and moderate-income people.
- Chair Schneider, at the suggestion of Board Member Meiklejohn, requested a presentation of the site plan. Project Architect Peter Grover, Slocum Hall Design Group, presented the site plan via a digital presentation. Mr. Grover noted that the existing garage, a detached one-story wooden structure, is undersized and in disrepair. He continued that the proposal, which had been finalized with input from the Building Commissioner, Planning Board, and Preservation Commission, calls for constructing a new garage that would better accommodate modern vehicles while increasing the living space for the family.
- Board Member Oge then asked Mr. Grover whether there was a reason that the existing garage had not been previously attached to the home. Mr. Grover noted that such a design would have blocked a number of windows on both of the house's floors. Attorney Dopazo Gilbert added that the design was necessitated by the Preservation Commission's preference that existing detached garages continue to appear detached. Board Member Oge concluded by complimenting the appearance of the design. Mr. Grover responded by stating that the design had been partly necessitated by the Petitioners' desire for the new garage to resemble an old carriage barn.
- Board Member Meiklejohn, in reference to the proposal, clarified that the rear-yard setback would be reduced by the design. Mr. Grover responded in the affirmative, noting that an appendage of the existing garage would be removed. Board Member Meiklejohn then inquired as to whether the proposed garage's second-story living space was included in the home's FAR. Deputy Building Commissioner Paul Campbell answered in the affirmative.

- Chair Schneider then called for public comments in support of or in opposition to the proposal. No public comments were submitted.
- Chair Schneider then asked Attorney Dopazo Gilbert whether any letters from neighbors had been submitted. Attorney Dopazo Gilbert responded that no such letters had been received.
- Chair Schneider then called upon Planner and Zoning Coordinator, Madison Anthony, to present the Planning Board report.
- Chair Schneider then called upon Paul R. Campbell, Deputy Building Commissioner, to deliver the findings of the Building Department. Mr. Campbell stated that the Building Department had no objection to the requested relief and added that should the Board grant the requested relief, the Building Department would work with the Petitioners to ensure conformance with the Board's decision and all applicable building codes.
- The Board then deliberated. Board Member Oge stated that he was in favor of the project because it met the criteria for a special permit, as triggered by Ch. 40A, Section 6. He continued that he did not believe the proposal would be substantially more detrimental to the neighborhood and that it would not have an effect on the availability of affordable housing. Board Member Oge further stated that the proposal represented an enhancement to the neighborhood and that he would vote in favor of approval. Board Member Meiklejohn then asked whether a counterbalancing amenity had been mentioned. Chair Schneider responded that Attorney Dopazo Gilbert had stated that the Petitioners would provide a landscaping plan. Attorney Dopazo Gilbert reiterated this statement, noting that the Petitioners had no objections to adding a landscaping plan as a condition of approval for the proposal. Board Member Meiklejohn then added that he concurred with Board Member Oge's statements that the design met the requirements for relief under Ch. 40A, §6 and §5.43. Board Member Meiklejohn added that he, too, would vote in favor of the proposal. Chair Schneider stated that she agreed with the foregoing comments and that the request meets the standards under M.G.L. Ch. 40A, Section 6 and the standards under Section 9.05 of the Zoning By-Law. She continued that so long as providing the counterbalancing landscaping plan was added as a condition of the approval, she would also vote in favor of the proposal
- The Board then determined, by unanimous vote, that the proposal met the requirements for a finding under M.G.L. Ch. 40A, Section 6, to allow for an alteration or increase to preexisting nonconforming conditions as established, under Section 5.20 to permit an increase in the preexisting nonconforming FAR, and under Section 5.43 to permit the construction of a structure with a nonconforming rear-yard setback of 12.3 feet.
- In addition, the Board made the following specific findings under Section 9.05 based on the evidence submitted at the hearing and the Board's deliberation:
  - The specific site is an appropriate location for such a use, structure, or condition.
  - The use as developed will no 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.
  - Development will not have any effect on the supply of housing available for low- and moderate-income people.
- Accordingly, the Board voted unanimously to grant the requested relief subject to the following revised conditions:

- Prior to the issuance of a building permit, the applicant shall electronically submit final floor plans and elevations, stamped and signed by a registered architect, and a final site plan, stamped and signed by a registered engineer or land surveyor, to the Assistant Director for Regulatory Planning for review and approval.
- Prior to the issuance of a building permit, the applicant shall electronically submit a final landscaping plan, showing counterbalancing amenities, to the Assistant Director for Regulatory Planning for review and approval.
- Prior to the issuance of a building permit, the applicant shall electronically submit to the Building Commissioner for review and approval a) the site plan, floor plans, and elevations displaying the approval stamp of the Assistant Director for Regulatory Planning; and b) evidence that the Board of Appeals decision has been obtained from the Town Clerk's office by the applicant or their representative and recorded at the Registry of Deeds.

#### **4 Greenway Court: 2022-000012**

- Attorney Dopazo Gilbert presented the case for the Petitioner. She stated that 4 Greenway Court is located in the M-2.0 zoning district, where the maximum allowed floor area ratio is 2.0, with the FAR of the present proposal being 1.97. Attorney Dopazo Gilbert continued that the property at 4 Greenway Court is one of five separate buildings connected by a shared party wall, with each structure remaining under different ownership. She further noted that 3 Greenway Court consists of condominiums and that 9 and 10 Greenway contain eight and fourteen apartment units, respectively. Attorney Dopazo Gilbert then stated that a proposal at 4 Greenway Court had previously been granted relief by a 2014 decision of the Board, with that project consisting of seven total units and three parking spaces.
- Attorney Dopazo Gilbert noted that the Planning Board had, upon its review of an earlier version of the present proposal, insisted that more than two additional units be created with the conversion, given its location in the TPOD and 0.1 mile distance from a T stop. Attorney Dopazo Gilbert noted that project architect David O'Sullivan and his team had managed to create three additional units, resulting in a proposed 10 total dwelling units at 4 Greenway Court. She added that the Preservation Commission had determined that the proposal did not trigger the demolition by-law.
- Attorney Dopazo Gilbert then reviewed the requested zoning relief. She stated that due to the creation of the additional dwelling units, the project would have to satisfy the Affordable Housing requirements of Section 4.08, with the requisite cash payment to be made to the town's Affordable Housing Trust. She continued that Special Permit relief was also requested under Section 5.05, allowing the Board to waive all dimensional requirements for a conversion, and under the new parking requirements by-law, which had been approved by the Town Meeting but was as-yet unpublished, permitting a waiver for all but three required parking spaces.
- David O'Sullivan, the project architect, then presented the site plans to the Zoning Board of Appeals. Using a digital presentation, Mr. O'Sullivan stated that landscaping would be improved along the right-side and front of the property, with parking to remain at the rear of the structure. He continued that, consistent with many other homes in the neighborhood, two new terrace patios would be created for use by the existing basement unit and new first-floor unit. Mr. O'Sullivan then briefly displayed the species of plants that had been selected for the

proposed landscaping. He further noted that while no setbacks would be changed with the project, the proposed additional square footage would decrease the usable open space to 9.2%, an amount below the required minimum of 10%.

- Mr. O’Sullivan, displaying photographs of the exterior of the building, then identified a courtyard, the parking area, and the structure’s basement level. He then presented the proposed floor plans, stating that a new terrace would be created for the existing basement unit, that a new one-bedroom apartment would be created from existing space on the first floor, and that the second and third floors would remain largely unchanged, save some changes to the stairs on the third floor. Mr. O’Sullivan then detailed the planned addition: Two dwelling units, each consisting of three bedrooms, would be built on the roof, where they would be setback by three feet in order to preserve the building’s existing façade. He noted that the structure’s height would be increased by 11 feet while remaining in compliance with the zoning by-law, with a three-foot tall parapet wall to also be installed around the roof’s edge.
- Mr. O’Sullivan then stated that the planned terraces in the building’s front would largely mimic the design captured in a photo of the landscaping at 3 Greenway Court. He further noted that minor changes were proposed to the building’s existing windows in order to increase the supply of natural light.
- Chair Schneider then inquired as to what materials would be used in constructing the roof addition. Mr. O’Sullivan stated that the addition would consist of panel siding, or a similarly nondescript material, oriented to match the horizontal lines on the building’s existing façade.
- Board Member Oge stated that a neighbor had noted the proposed height of the structure. Mr. O’Sullivan responded that the design was within the permitted zoning envelope, adding that other buildings in the neighborhood could undertake identical changes. Attorney Dopazo Gilbert stated that a similar comment had been made at the Planning Board meeting, with the Chair of that Board having expressed his support for the creation of more dwelling units in the area. She further noted that the Board felt that it had satisfactorily addressed the possible effects of the height increase, including any shadow impacts.
- Board Member Oge then asked whether the addition’s exterior color would match that of the existing building. Mr. O’Sullivan stated that a final decision on the matter had yet to be made, but he noted that the color would almost certainly be a light one to blend with the sky.
- Board Member Meiklejohn then asked to review the basement plans. He then inquired as to how the additional unit on the first floor was being created. Mr. O’Sullivan responded that the living area and bathroom in the new unit would be converted from presently unused office and storage space. He further stated that the new unit’s kitchen and bedroom area would consist of what is now mechanical space.
- Board Member Meiklejohn then stated that, according to the details of the Planning Board report, Special Permit relief was available under Section 5.05, thereby allowing the usable open space requirement to be waived if an existing unit is being converted to create additional units. He then asked whether any of the three additional units were being created by conversion from an existing dwelling unit.
- Attorney Dopazo Gilbert stated that there was no definition of “conversion” provided in the Zoning By-laws. She then read the relevant portion of the by-laws, stating that, given “the conversion of a dwelling to create additional dwelling units..., the Board may waive any of the dimensional requirements...” Attorney Dopazo Gilbert stated that she agreed with the earlier



findings of the Planning Board and Building Commissioner, who had also read the aforementioned language as permitting the Zoning Board of Appeals to waive dimensional requirements for the proposal because it is a “conversion.”

- Chair Schneider then asked Paul Campbell, the Deputy Building Commissioner, to provide his thoughts on the issue. Mr. Campbell stated that in previous cases, particularly some along Strathmore Road, waivers of dimensional requirements under Section 5.05 had been granted where existing dwelling units, including some attached by a shared party wall, have proposed the addition of new dwelling units.
- Board Member Meiklejohn then asked Mr. Campbell whether a proposal could be considered a “conversion” when its additional units do not include the space of an existing dwelling. Chair Schneider agreed with Board Member Meiklejohn’s suggestion that earlier cases may have differed insofar as their additional units involved at least some conversion of existing dwelling space.
- Board Member Oge asked whether the entire structure could be considered a dwelling. Mr. Campbell responded that this case was unique from earlier cases but noted that there was ambiguity in the by-law because of its failure to specify the requirements of a conversion. He continued that the plain language of the statute appeared not to restrict the concept of a “conversion” to only those additional dwelling units created by existing dwelling or unfinished space.
- Board Member Meiklejohn commented that the existing structure appeared to already contain enough extra space to create an additional dwelling unit, unlike the buildings in previous cases, where existing dwelling space necessarily had to be converted to create a new unit.
- Chair Schneider stated that she also shared reservations about the applicability of Section 5.05 to the present proposal. She stated that it was appropriate for the applicant, therefore, to have an opportunity to seek alternative relief for the proposed amount of usable open space, given that all of the other requested relief appeared warranted.
- Attorney Dopazo Gilbert then stated that, while additional units were being added on top of the existing building, interior space was still being converted into an additional dwelling unit. Chair Schneider clarified that this applied to only one of the proposed additional units. Attorney Dopazo Gilbert responded that the proposal was a hybrid, with Section 5.05 applying to the entirety of the project because it was, at least to some extent, undoubtedly a conversion. She further stated that there was no provision that excluded the application of Section 5.05, either partly or fully, from a conversion that also involved an addition.
- Attorney Dopazo Gilbert then stated that nevertheless, 4 Greenway Court had previously been granted zoning relief in the form of a variance. She continued that, while she found such an argument unnecessary, she would make a request for similar relief if the Board thought it appropriate.
- Chair Schneider asked Mr. Campbell whether she agreed with the interpretation of Section 5.05, as offered by Attorney Dopazo Gilbert, that “hybrid” addition-conversion projects may be granted relief. Mr. Campbell responded that while he was still uncertain to the extent that the section was ambiguous, the ambiguity enabled him to agree with Attorney Dopazo Gilbert’s reading of the by-law.
- Board Member Meiklejohn then stated that he was focused on whether the proposal’s decrease in usable open space was attributable to the additional square footage to be contained in the

converted unit. Mr. O'Sullivan stated that roughly 300 square feet was already included in the calculation of open space, with 300 square feet having been added to calculate the proposed usable open space figure.

- Mr. O'Sullivan then stated that an alternative design included roof decks. He continued that these decks, to be accessible from each of the new roof units, would constitute open space, thereby bringing the project into compliance with the minimum amount required. Attorney Dopazo Gilbert noted that the Planning Board had also offered its support for this design. Mr. O'Sullivan added that the decks would bring total usable open space to 11.2%.
- Board Member Meiklejohn then asked whether the project could proceed by granting relief under Section 5.05 to the extent that the building's existing space would be included in the new dwelling units.
- Chair Schneider stated that she believed the section was inapplicable to a hybrid scenario. She continued that relief may be available by the application of Section 5.05 in the partial manner suggested by Board Member Meiklejohn. Chair Schneider, noting that the 2014 decision regarding 4 Greenway Court appeared marginal, further stated that a variance argument could be made or that an interpretation of the statute from other bodies could be sought.
- Attorney Dopazo Gilbert stated that she would explore the aforementioned alternatives, in addition to using roof decks, to satisfy the proposal's usable open space requirement. She also advised the Board that a Special Permit would also be required under a new bicycle parking requirement, with the same by-law allowing the Board to waive up to half of the required 11 parking spaces.
- Attorney Dopazo Gilbert then requested a continuance for the matter of 4 Greenway Court to the Board's public hearing on January 19, 2023.
- The Zoning Board of Appeals then granted, by unanimous vote, the requested continuance of the matter of 4 Greenway Court to January 19, 2023.