



# Town of Brookline Massachusetts

Town Hall, Third Floor  
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[www.brooklinema.gov](http://www.brooklinema.gov)

## PLANNING BOARD

Steve Heikin, Chair  
James Carr  
Linda K. Hamlin  
Blair Hines  
Matthew Oudens  
Mark J. Zarrillo

## BROOKLINE PLANNING BOARD MINUTES Room 111, Brookline Town Hall January 30, 2020 – 7:30 p.m.

**Board Present:** Steve Heikin, Linda Hamlin, James Carr, Mathew Oudens, Mark Zarrillo  
**Staff Present:** Victor Panak

Steve Heikin called the meeting to order at 7:30 pm. He asked if there were any members of the public in attendance who wished to make comments on matters not on the agenda. There were none.

### BOARD OF APPEALS CASES

**100 Cottage Street** – Construct a single family dwelling requiring design review.

Mark Zarrillo recused himself from all discussion and votes on this case.

Victor Panak introduced the case and the required zoning relief noting that the Planning Department is supportive of the proposal.

Ken Goldstein (attorney for the applicant), introduced members of the design team, described the site and the neighborhood, and reviewed the zoning requirements.

Paul Apkarian, architect for the applicant, presented the proposed plans, noting that the plans included basement space that could be converted to habitable area in the future.

A resident of the neighborhood asked how the existing and proposed footprints of the buildings compare. Mr. Goldstein showed that the proposed footprint is similar to other houses in the neighborhood.

A resident of the neighborhood asked if the project would require any blasting. Joe Porter (engineer for the applicant) responded that they cannot be sure until they start digging but he does not currently expect the need to blast. Mr. Heikin suggested that if blasting is needed, a construction management plan should be submitted.

Linda Hamlin said she thinks a landscape plan should be submitted before approval and that she had concerns with how the basement was designed; it seemed to be designed for easy conversion to habitable space in the near future.

James Carr agreed with Ms. Hamlin and felt that the unnecessary basement space contributed to a ballooning of the building size. He also wanted to see more sustainability elements for such a large building housing so few people.

Matthew Oudens agreed and felt the house was too big and designed with a lot of wasted space.

Mr. Heikin agreed as well, and suggested that the applicant return with a trimmed-down design, a landscape plan, and a detailed statement on sustainability.

The case was continued.

**50 Stearns Road** – Demolish a two-family and construct a four-story building with four dwelling units requiring relief for side yard setback, parking design, and design review.

Victor Panak introduced the case and noted that the Planning Department is supportive of the proposal.

Jennifer Dopazo Gilbert (attorney for the applicant) introduced the members of the design team and reviewed the requested zoning relief.

Steven Sousa (architect for the applicant) presented the proposed architectural plans.

Ms. Gilbert explained that the reason for the 12-foot driveway is to preserve an existing patch of landscaping at the corner of the site.

The Board briefly discussed the sloping and grading of the parking area and driveway.

Mr. Heikin raised a concern with the rear stair escape – he felt it did not fit into the overall design of the building.

Mr. Carr did not feel that the plans provided enough information to get a good understanding of grading on site and the use of retaining walls.

Board members raised concerns with the size and proximity to the sidewalk of the front-side first-floor window. Mr. Carr was specifically concerned with how much AC would be required to cool the unit with such a large window that faces south and raised the possibility of requiring sustainable-design-related counterbalancing amenities. Mr. Sousa said that cooling in the building will be very efficient due to the use of latest technologies.

A resident of the neighborhood did not like the design of the rear elevation and was concerned with shadow impacts on 45 Longwood Road. It was demonstrated by the applicant that no shadows would impact the building at 45 Longwood Road.

Mike Zurob, a resident of the neighborhood, said it was unfortunate that a project of this scale only proposes luxury units and only creates 2 new units.

Mr. Heikin agreed but stated that parking could be acting as the limiting factor.

Mark Zarrillo felt that the first floor front elevation should be redesigned to address the overly large window and that the stair on the rear elevation should also be fixed.

Mr. Oudens and Mr. Carr agreed.

The case was continued.

**58 Kent Street** – Demolish a two-family and construct nine residential units and ground floor commercial space with underground parking for 21 spaces and one accessible space at grade requiring relief for side yard setback, parking design, and design review.

Victor Panak introduced the case and noted that the Planning Department was supportive of the proposal.

Jennifer Dopazo Gilbert (attorney for the applicant) introduced the members of the design team and reviewed the requested zoning relief.

Ryan Noone (architect for the applicant) presented the proposed architectural plans.

Patrick Flaherty provided the Board with a presentation on the proposed CityLift parking system.

Mr. Heikin asked about what businesses are expected to go into the commercial space. The applicant indicated that it would be hairdressers and stylists.

Mr. Carr asked about how much expense is brought on by the parking system and how much of a burden it would be on the power grid. He asked if the power requirements could be mitigated by 100% green energy. Mr. Flaherty said that the system has a very low draw on the power grid. Mr. Carr asked if the applicants could submit a detailed sustainability plan.

The Board discussed the pros and cons of the parking system. Ms. Hamlin felt that the project had too much parking given how close the site is to public transit.

Several members of the public asked for clarifications on the plans.

An abutter raised concerns with the proximity of the underground parking to the property line. Ms. Gilbert said that the soil conditions will be inspected before digging/construction procedure is decided upon.

The Board generally discussed the design which they felt was acceptable but could use more playfulness. Mr. Carr reiterated his requested for a more comprehensive sustainability plan.

**The Planning Board voted 5-0 to recommend approval of the site plan by Framingham Survey Consultants Inc., dated 12/13/2019, and architectural plans by Embarc Architects, dated 12/13/2019, subject to the following conditions:**

- 1. Prior to the issuance of a building permit, the applicant shall electronically submit a sustainability plan, final floor plans and elevations, stamped and signed by a registered architect or engineer, and a final site plan, stamped and signed by a registered engineer or land surveyor, to the Planning Board for final design review and approval.**
- 2. In accordance with Section 4.08 of the Zoning By-Law and guidelines regarding “Cash Payments in Lieu of Affordable Units,” and with the choice of the applicant to make a cash payment in lieu of providing affordable units, the owner of the property shall make the following payment to the Brookline Housing Trust and provide the following documentation before the Town’s issuance of a Certificate of Occupancy for the project:**
  - A sum equal to 5.25% of the adjusted sales price of the unit (actual sales price, including the cost of all parking, less an exemption deduction of \$125,000) shall be deducted from the net proceeds due the seller for each of the units at the closing of the unit sale, and provided to the Town in the form of a bank check, certified check, or a check drawn on an Attorney Client’s Fund Account, payable to the Brookline Housing Trust.**

**The check shall be mailed, accompanied by a copy of the HUD settlement statement, signed by the seller and buyer, and a copy of the unit deed, by first class mail or hand delivery to:**

**Director of Planning & Community Development  
333 Washington Street – 3<sup>rd</sup> floor  
Brookline, MA 02445**

- If any condominium unit(s) is/are rented by the owner instead of sold, the cash payments relative to the units being rented shall be immediately due and payable, unless, upon a request by the owner due to a significant change in market conditions, the Director of Planning & Community Development approves a different schedule of payments.**

**Should the property be subsequently converted and sold as condominiums, the developer, or any subsequent owner, shall make an additional trust payment as a condition of the transfer of each condominium, calculated per the Town’s guidelines for “Cash Payment in Lieu of Affordable Units.”**

- **Prior to the issuance of a building permit, the owner shall execute a mortgage, escrow agreement, letter of credit, or other documentation approved by the Director of Planning & Community Development to secure the cash payments required by this condition.**
3. **Prior to the issuance of a building permit, the applicant shall submit a construction management plan, subject to the review and approval of the Building Commissioner with a copy sent to the Assistant Director for Regulatory planning.**
  4. **Prior to the issuance of a building permit, the applicant shall electronically submit a landscape plan that shows proposed counterbalancing amenities subject to approval by the Assistant Director for Regulatory Planning.**
  5. **Prior to the issuance of a building permit, the applicant shall electronically submit to the Building Commissioner for review and approval 1) the site plan, floor plans, and elevations displaying the approval stamp of the Assistant Director of Regulatory Planning; and 2) 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.**

**PUBLIC HEARING ON PLANNING BOARD RULES AND REGULATIONS**

The Board discussed the latest draft of the Rules and Regulations. One minor change was made to allow for verbal reports from Design Advisory Teams. There were no public comments.

**Mr. Heikin moved to approve the new Rules and Regulations. Ms. Hamlin seconded the motion. The Board voted 5-0 to approve the motion.**

**Discussion on Deadrick Guidelines**

The Board briefly discussed the latest draft of the Deadrick Guidelines. Jennifer Dopazo Gilbert and Scott Gladstone raised some concerns with the Guidelines’ proposed use of 53G funds. The Board agreed to consult with Town Counsel on this issue before finalizing the Guidelines.

**The meeting was adjourned.**