

1 *Brookline Preservation Commission*
2 **MINUTES OF THE January 31st, 2023 SUBCOMMITTEE MEETING**
3 **LHD Guidelines Discussion**
4 **Held Virtually using Zoom Online Software**
5
6

7 **Commissioners Present:**

7 **Commissioners Absent:**

8
9 David Jack, Chair
10 Richard Panciera, Vice Chair
11 Elton Elperin
12 David King
13 Elizabeth Armstrong
14 James Batchelor
15

Peter Kleiner

16 **Staff:** Tina McCarthy, Jake Collins, Victoria Pardo
17

18
19 Mr. Jack called the meeting to order at 8:15 am.
20 No voting occurred during this meeting.
21

22 Subcommittee and members of the public met to resume discussion on drafting a new version of
23 the Brookline Local Historic District Guidelines.
24

25 Mr. Collins shared staff's new materials which included updated timelines, and an updated
26 introduction section. He asked for a vote and the Commission's thoughts on these materials.
27 No votes were conducted.
28

29 Mr. Elperin believed the commission had finalized the windows section.
30 Ms. McCarthy stated the windows section was not finalized. She stated that Mr. Elperin made
31 a motion at the end of a previous meeting in June of 2021 to amend the guidelines. Ms.
32 McCarthy believed the windows section is not resolved and that discussion related to this topic
33 is taking a lot of time at meetings and should be addressed.
34

35 Mr. King asked for an explanation of the new mechanical section.
36

37 Mr. Collins stated staff has suggested to incorporate and integrate the idea of sustainability into
38 the entire set of documents.
39

40 Mr. Elperin asked about the sustainability section, and how mechanical relates to that.
41

42 Ms. Pardo explained the changes and updates staff were hoping to make regarding the concept
43 of sustainability throughout the guidelines document.
44

45 Ms. Armstrong liked the idea of integrating sustainability throughout the document and
46 believed it was well thought out.

47 Mr. Batchelor stated he is open to staff's changes. He believed mechanical systems is an
48 important section and thought it could work. He believed the table of contents could change in
49 an important way. He thought that a new outline, explicitly showing what has changed, what
50 sections are complete, what is needed etc. would be helpful.

51
52 Mr. Collins shared the timeline page.

53
54 Mr. Batchelor preferred that the timeline cover all of the content. He wanted to see where each
55 section of the guidelines in the timeline will be reviewed.

56
57 Ms. Armstrong said it is not practical to pick up where the commission left off. She continued
58 that the commission should start over with a fresh view.

59
60 Mr. King asked for clarification on the timeline.

61
62 Ms. McCarthy stated she arranged the timeline on what was and what was not approved. She
63 stated the idea was that the commission would spend each meeting speaking of the topic at
64 hand. Staff would make changes, which would be reviewed at the following meeting.

65
66 Mr. Elperin was not in favor of going over everything again.

67
68 Ms. Armstrong wanted to ensure that the commission has reviewed everything from the
69 beginning.

70
71 Mr. Elperin asked if the timeline captured all of the table of contents.

72
73 Mr. Collins went over the updated table of contents.

74
75 Mr. Elperin wanted clarification on the fact that some items have been left out of the timeline.
76 Mr. Collins confirmed that some things were left out, because they were deemed more
77 complete than other items.

78
79 Mr. Collins asked how the commission would like to approach the areas that they already
80 agreed upon.

81
82 Mr. Batchelor thought it would be good to have a table of contents and organization presented
83 by staff to show what items are complete, so the commission could see what needs to be
84 worked on.

85
86 Ms. McCarthy stated for the next meeting, staff would put together drafts that have already
87 been completed, as well as a timeline showing what is done, where the gaps are, etc.
88 She stated at the next meeting, staff wants to hear the commissions discussion of introduction,
89 and any recommended changes the staff can make for next time.

90
91 Mr. Batchelor stated he would prefer if staff highlight which documents they want to discuss at
92 the meetings.

93
94 Mr. Collins stated staff can put agendas together to highlight what staff hopes to discuss.
95
96 Mr. Collins asked the commission how often they wanted to meet.
97
98 Ms. McCarthy stated she hoped this time the staff could do more of the work, because it takes
99 a lot of staff energy to notice, plan and write minutes for the meetings. It would be helpful for
100 staff to have less meetings and allow the staff to have better finished products.
101
102 Mr. King and Mr. Jack agreed to start meeting once a month, and adjust accordingly.
103
104 Ms. Armstrong stated she would like to know what to review before each meeting. She wanted
105 those details to be more explicit. She felt that demolition, fences, walls and porches would be
106 quickly reviewed. She felt that those could be accomplished at the next meeting.
107
108 Ms. McCarthy stated that staff will attempt to keep meetings at an hour and a half.
109
110 Mr. Elperin suggested to specify on the time table when items would be discussed and when
111 the commission should wrap them up.
112
113 Mr. Batchelor stated it would be helpful to show the meetings and a preliminary idea of the
114 agenda for each meeting. (For example, in March, these meetings will be held to discuss these
115 items).
116
117 Ms. McCarthy stated she can do a breakdown of the schedule for meeting dates and agendas.
118
119 Mr. Collins asked if the commission wanted to accept comments for the materials discussed at
120 today's meeting via email. He suggested staff can post the comments. The staff can then work
121 those comments into an updated version of the materials.
122
123 Ms. Armstrong stated she would like to review the preliminary material at the next meeting.
124 Mr. Batchelor agreed that he wanted to understand the introduction first. He believed the idea
125 of the commission emailing comments is fine, but felt that a lot of valuable suggestions come
126 from organic discussion.
127
128 Mr. Collins stated staff will work on an updated timeline and agenda.
129
130 Ms. McCarthy stated that before the commission starts the discussion, staff will present a
131 comprehensive explanation of what is being reviewed. She brought up her work on the
132 certificate of hardship page. She stated in the past, commissioners had expressed that a
133 certificate of hardship was a grey area that no one understood. Ms. McCarthy asked the
134 commission for their ideas on her rework of the certificate of hardship section.
135
136 Mr. Spiers and Mr. King requested to include a financial component as well as a non-financial
137 example.
138

139 Ms. McCarthy stated in order to add any financial information, she would need to speak to
140 legal.
141
142 Mr. Batchelor pointed out that financial hardship does not mean if the owner doesn't have
143 enough money.
144
145 Mr. King stated that because 40 C is so vague, perhaps the section could say: "40 C defines it
146 this way and not that way, and the commission has the ability to...."
147
148 Ms. McCarthy stated 40 C states hardship should be based on the building. Only after that can
149 decisions be made on finances. For example, if an AC condenser is more expensive to install
150 on the roof, and there's another option, that might be a condition of hardship. She mentioned
151 that the town of Brookline legal department and the state of MA supported the way 40 C was
152 stated.
153
154 Mr. Spiers asked how an applicant would seek hardship. He asked if this could be defined. He
155 asked if there was a form, and what would the process look like. He suggested adding a
156 sentence about the process.
157
158 Ms. McCarthy stated certificate of hardship is on the application. In some cases, people apply
159 for a certify of appropriateness. If they got denied, they would apply for a certificate of
160 hardship based on the denial.
161
162 Ms. McCarthy stated she will state this more directly so that the process is more clearly
163 defined.
164
165 Mr. Batchelor asked if this was a statewide issue.
166 Ms. McCarthy stated most places don't address hardship the way Brookline does. She stated
167 Brookline had legal issues in the past, so she thought it important to work through this item.
168
169 Ms. McCarthy stated she received confirmation from Kara Brewton that the commission and
170 staff will have design assistance for the LHD Guidelines. She continued that there will be no
171 pictures included in draft, and that the design professionals can insert them where keyed in.
172
173 Ms. McCarthy asked to discuss the new section of what and what does not require design
174 review.
175 Mr. Batchelor asked to add something on visibility (front and back facades vs. side facades) in
176 the table.
177
178 Mr. King stated if the back façade is hard to see, the commission is more lenient, but if visible
179 the commission is more discriminating. He agreed with this table, and to keep visibility
180 separate from the table.
181
182 Ms. McCarthy agreed visibility should be explained better in the top paragraph, and not in the
183 table. She believed the language does not capture the process the staff and commission go
184 through regarding visibility. She stated the chart should remain clear. She stated she wants to

185 add to the chart, including more items exempt from review, which includes going to the by law
186 and listing the exemptions.

187
188 Mr. Elperin brought up the addition of walls in items that are reviewed by the commission
189 section.

190
191 Ms. McCarthy stated they took that out because staff agreed yard structures covered walls.

192
193 Ms. Armstrong recalls discussing this, and reviewing a case about a playhouse. She stated
194 items do not need to have to have a permanent, fixed foundation and that this nuance of
195 permanent structures and fixed foundations needs to be fleshed out.

196
197 Mr. Elperin suggested removing the word permanent, leaving it more open.

198
199 Ms. McCarthy agreed, stating that staff wants to have people to ask questions, and then make
200 those determinations.

201
202 Mr. Batchelor stated he wants more specific words like fire pit, grill, outdoor kitchen included.
203 Ms. Armstrong stated that firepits may be addressed in one of the sections. She was wondering
204 if every example needed to be fleshed out in the table or if there is an area the commission can
205 investigate further in another part of the document.

206
207 Mr. Elperin suggested the term “structure” might suffice in lieu of “yard structures”.

208
209 Mr. Batchelor suggested having a definition section in the appendix.

210
211 Mr. Jack asked if all points the commission wanted to cover today have been addressed? If so,
212 public comment can be heard.

213
214 **Public Comment:**

215
216 Mr. Collins promoted Mr. Gordon Harper.

217 Mr. Harper asked about the commission’s stance on solar panels.

218
219 Ms. Armstrong stated it is state law that solar roofs and solar panels be allowed on structures
220 and that commission must be friendly towards them. She stated they will be addressed in the
221 new guidelines.

222
223 Ms. Carla Benka from the Chestnut Hill Historic District stated that she did not see
224 downspouts on the LHD guidelines. She asserted that if the downspouts were considered by the
225 commission to be part of a gutter system, that should be stated up front.

226
227 Mr. Collins stated the next meeting will be February 21st.

228
229 Mr. Jack stated the subcommittee is adjourned at 9:50 PM.