



Town of Brookline

Massachusetts

PLANNING BOARD
Steve Heikin, Chairman
Robert Cook, Clerk
James Carr
Linda K. Hamlin
Blair Hines
Matthew Oudens
Mark J. Zarrillo

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BROOKLINE PLANNING BOARD MINUTES **Room 111, Brookline Town Hall** **March 7, 2019 – 7:30 p.m.**

Board Present: Steve Heikin, Bob Cook, Blair Hines, Matt Oudens

Staff Present: Polly Selkoe

Mr. Heikin called the meeting to order at 7:30 pm.

BOARD OF APPEALS CASES

3 Vogel Terrace – construct rear addition requiring relief for rear yard setback (3/28) Pct. 5

Polly Selkoe described the proposal and the zoning relief required.

Jeremiah Foster, the builder, explained the demolition of the deck and the mudroom and the construction of a one story rear addition in its place. He submitted two support letters from abutters. The vinyl siding will be removed.

Steve Heikin asked for an existing conditions floor plan before the ZBA hearing.

Blair Hines asked for the FAR information. The counterbalancing amenities will be replacing the vinyl siding with cedar and new landscaping.

Steve Heikin asked that materials be marked on the plans and that a support letter from the rear abutter would be a good idea.

Planning Board felt this was a modest proposal and were supportive.

Steve Heikin motioned to recommend approval as submitted.
Bob Cook seconded.

The Planning Board recommends approval of site plan by Michael Paul Antonino, dated 7/31/2018, and the floor plans and elevations by Timothy Burke Architecture, dated 10/23/2018, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit a final site plan, floor plans and elevations, subject to the review and approval of the Assistant Director of Regulatory Planning.
2. Prior to the issuance of a building permit, the applicant shall submit a landscaping plan indicating all counterbalancing amenities, subject to the review and approval of the Assistant Director of Regulatory Planning.
3. Prior to the 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 floor plans and elevations with dimension labels stamped and signed by a registered architect; 3) a Certificate of Appropriateness issued by the Preservation Commission; and 4) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

114 Clyde Street – construct new single-family dwelling requiring relief for FAR (3/21) Pct. 15

Polly Selkoe described the proposal and the zoning relief required.

Andrew Falkenstein representing the applicant explained that he had been before the Planning Board for a preliminary meeting.

Blair Hines stated this is a new house and it is very big. He would want to see the existing dimensioned floor plans.

Mr. Falkenstein explained that he had submitted to the building department the existing floor plans.

Blair Hines said that the plans are not to scale.

Mr. Falkenstein explained that he, himself, had verified the floor plan areas.

Steve Heikin said the assessor's records on FA are nowhere near this number and if the house was conforming then it does not qualify for a special permit under Deadrick.

Blair Hines stated that the house is too large for the lot.

James Carr agreed with comments stated by the Board. Compared to other houses the house is too large for the lot.

Steve Heikin stated that this is detrimental to the neighbors and therefore not qualifying for a special permit under Deadrick. The false mansard doesn't count for FAR and so massing is even bigger than what the FAR indicates.

Blair Hines stated that the comparison to the other houses doesn't take into account that many of those lots are larger.

Steve Heikin stated that rear abutters will be looking at four stories.

Attorney Mark Kaplac spoke and said at the preliminary meeting the existing FAR wasn't raised. The FAR of the existing house is certified by the architect. If you believe the house is detrimental to the neighborhood you should expand on that.

Steve Heikin stated that they didn't ask for a replication of the mansard. The design hasn't been significantly redesigned.

Attorney Kaplac asked what info you want to show existing house is non-conforming.

Steve Heikin said measurable drawings that can be verified by the building department. How could 3rd floor be larger than 2nd floor.

Blair Hines said house could be shifted so there would be no side yard setback. The landscaping plan is also deficient. The plans need a lot more development.

Steve Heikin stated what is being proposed is too big and needs better design.

James Carr asked for photos of surrounding buildings. The Board wants to preserve the quality of the neighborhood.

Mr. Falkenstein asked if the Board was upset about the scale and massing or the height?

Steve Heikin said the mansard roof could be on 2nd floor and usable space.

Mr. Falkenstein asked do you have a problem with the style?

James Carr responded no, we accept many styles.

Blair Hines asked why are there no dimensions on the proposed plans.

Mr. Falkenstein said that he was willing to continue the ZBA hearing and come back to the Planning Board with revised plans.

808 Commonwealth Avenue – install new signage requiring relief for signage height and size (3/14) Pct. 1

Polly Selkoe introduced the case.

Attorney Gilbert introduced Paul Renaldi from BU and Anna Farrington, graphic designer.

Last fall, façade changes were brought before you. The signage that was shown at that time has been reduced at your request. Relief for the blade signs is required.

Mr. Renaldi gave the background of the reuse and restoration of this building.

Anna Farrington explained the changes – reduced number of signs and changed banner placement (now symmetrical) and banner on Essex Street sign will be non-illuminated. She then described the signs.

Steve Heikin liked the modifications except for length of banners. He suggested that perhaps they should stop at transom windows on 2nd floor.

James Carr would like lighting shining on building.

Mr. Renaldi gave background for choosing this signage.

Blair Hines didn't think the signs were too large.

Steve Heikin motioned to recommend approval as submitted.

VOTED: to recommend approval with the following conditions.

Therefore, if the Board of Appeals finds that the statutory requirements for a variance are met or that relief can be granted under the Dover Amendment, the Planning Board recommends approval of the signage and wayfinding plans by Anna Farrington dated November 2018, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit final dated sign plans and locations subject to the review and approval of the Assistant Director of Regulatory Planning.
2. Prior to the 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: a) final sign plans and b) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

127-131 Harvard Street – construct early childhood education facility requiring modification of previous ZBA decision (4/18) Pct. 7

Polly Selkoe went over the conditions that would need to be modified since this would not be a BEEP project, rather a non-profit child care facility.

Attorney Allen explained that the lease with the Town was not able to be agreed upon but there may still be some connections with the Town. The number of employees and children will be reduced since one floor will be eliminated.

Allen Litchman (wife of Laura Trust) gave the background for their interest in BEEP. It will still be a non-profit. There will be fewer administrative offices.

James Carr concerned that with the change in tenant the long term future of the use in the building might not be as secure.

Attorney Allen explained his clients have also purchased 370 Washington Street for admin. space and also will have off-street parking at other locations. (approx. 13 spaces)

Attorney Shayna Duff showed slides of the building.

Michael Cherwin, project manager, said the generator could not be moved over to create another parking space.

Steve Heikin asked that any rooftop utilities that make noise should be screened.

James Carr raised the issue of the height of the fence at the playground area and that it should be higher.

Steve Heikin stated that the building is improved by being smaller and having less intensity of use. It is entitled to Dover relief.

PUBLIC

Dan Williams, piano shop owner and abutter, worried about traffic but is tired of looking at hole in the ground.

Steve Heikin made a motion to approve.

Bob Cook seconded it.

VOTED: to recommend approval of the requested relief.

Therefore, the Planning Board recommends approval of the site plan by Hancock Associates, dated 12/23/16, and architectural plans by CBT Architects, dated 1/8/2019, subject to the following amended conditions:

1. Prior to the issuance of a building permit, the applicant shall submit an electronic copy and two 11x17” copies of final site plans; floor plans and elevations, indicating façade details, colors, materials, windows and rooftop equipment; and a signage plan with dimensions and colors subject to the review and approval of the Assistant Director of Regulatory Planning.
2. Prior to the issuance of a building permit, the applicant shall submit a final landscaping plan, subject to the approval of the Assistant Director of Regulatory Planning.
3. Prior to the issuance of a building permit, a final construction management plan, including parking locations for construction vehicles, hours of construction and materials delivery, noise mitigation, staging areas, security fencing, location of portable toilets, rodent control, erosion and sediment control and emergency contact information, shall be submitted for review and approval by the Building Commissioner. A copy of the approved plan shall be submitted in an electronic form to the Planning and Community Development Department and the Director of Engineering and Transportation.
4. Prior to the issuance of a building permit, a Transportation Demand Management (TDM) Plan shall be submitted for review and approval to the Director of Engineering and Transportation and the Assistant Director of Regulatory Planning. There shall be a requirement to offer at least a 50% discount for MBTA passes and Hubway memberships for employees working at the site, and the provision of 20 staff on-street or off-street parking permits, 10 of which shall be within a quarter of a mile. Traffic monitoring and annual reporting to the Town shall be required for a three-year period, including providing the transportation mode used by employees and parents and type of traveler, and an analysis of the drop-off/pick-up procedures with suggested improvements, if needed. The monitoring and reporting program shall commence six months after receipt of the final Certificate of Occupancy for the Project. If monitoring shows queuing on Harvard Street or other problems, then the BEEP shall reevaluate and change its drop-off and pick-up procedures and/or procedures for accepting deliveries and off-street parking arrangements, subject to the review and approval to the Director of Engineering and Transportation and the Assistant Director of Regulatory Planning. ~~Alternatively, if a Transportation policy for all school and town properties is in place then that policy shall be applicable.~~
5. Prior to the issuance of a building permit, a Traffic Impact Assessment shall be submitted in accordance with the Town of Brookline’s Transportation Access Plan Guidelines effective January 1, 2018, or most recent adoption, to the Director of Engineering and Transportation.
6. Site driveway aprons should provide a sidewalk level concrete pedestrian route across site driveways. There shall be no crosswalk markings across site driveways.
7. Prior to the issuance of a building permit, a drainage plan shall be submitted for review

and approval of the Director of Engineering and Transportation.

8. One temporary construction and/or development sign(s), no greater than 30 square feet, may be erected on site during construction, with the design and location subject to the review and approval of the Assistant Director of Regulatory Planning.
9. Should food service to be provided on-site, the applicant shall comply with the Public Health permit requirements as well as Town By-Laws on waste and recycling.
- ~~10. Prior to the issuance of a building permit, a valid and binding lease agreement for not less than a 20-year term by and between the Petitioner and BEEP shall be negotiated to the satisfaction of all parties, including Town counsel, and executed by the Petitioner and the School Committee or such other duly authorized party on behalf of the Town of Brookline.~~
11. Prior to the issuance of a building permit, the Petitioner 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, including fencing, grading, and location of utilities; 2) final building elevations including exterior signage, stamped and signed by a registered architect; 3) final floor plans, stamped and signed by a registered architect; 4) ~~an executed lease agreement between the Petitioner and the School Committee or such other duly authorized party on behalf of the Town of Brookline;~~ 4) an approved Transportation Demand Management (TDM) Plan; and 5) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.
12. Prior to the issuance of the Certificate of Occupancy, complete as-built plans certified by a registered architect as in compliance with the approved plans shall be prepared and filed with the Building Commissioner.
- ~~13. The relief granted is specific to the educational and programmatic needs of the Town's BEEP program. It has been granted because Petitioner has demonstrated that BEEP's programmatic needs outweigh the Town's legitimate zoning interests. It has also been granted because the Petitioner has demonstrated that BEEP's operations, including but not limited to its proposed parking plan and its drop off/pick up plan, will not create significant negative impacts for the neighborhood. If a Dover entity other than BEEP seeks to occupy or use the premises, it shall be subject to new review and approval by the Board and demonstrate to the Board that the Town's legitimate zoning interests, as applied to it, are unreasonable before it begins its use and occupancy of the premises. In such a case and as to a new Dover user, the Board may amend the special permit and impose any reasonable restrictions allowed by the Dover Amendment. Should an entity not protected by the Dover Amendment seek to use the premises, it shall obtain the necessary variances from the Board before it begins its use and occupancy of the premises.~~

1285 Beacon Street – convert daycare to medical office requiring relief for parking (3/28) Pct. 10

Polly Selkoe asked if the doctor's office are related to the urgent care facility.

Steve Dempsey, Brigham & Womens, explained that they are part of a separate primary care family practice, up to 5 doctors, and are separate but might get referrals from Urgent Care.

No overnight parking spaces are offered and weren't required by the prior ZBA decision.

Steve Heikin motioned to recommend approval.

Blain Hines seconded.

VOTED: to recommend approval of the requested relief.

The Planning staff recommends approval of the floor plan by NEMD Architects, dated 1/25/2019 and the parking plan by Smits Associates Architects Inc. dated 6/19/2014, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit a final floor plan subject to the review and approval of the Assistant Director of Regulatory Planning.
2. Future tenants or any existing tenants using the converted space shall implement an employee T-pass program, where tenants subsidize at least 50 percent of the cost of monthly subway and bus T-passes for all employees.
3. Prior to the 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 floor plans stamped and signed by a registered architect or engineer and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Minutes of 2/7 & 2/21 were approved.

OTHER BUSINESS

Materials Reviewed During Meeting: Staff Reports, Zoning Texts, Site Plans, Elevations

The meeting was adjourned.