



# Town of Brookline Massachusetts

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## PLANNING BOARD

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Andrea Brue  
Shelly Chipimo  
Linda K. Hamlin  
Blair Hines

Abigail Hiller

## BROOKLINE PLANNING BOARD MINUTES By Zoom Event April 13, 2023 – 7:30 p.m.

**Board Present:** Mark Zarrillo, Andrea Brue, Linda Hamlin, Blair Hines  
**Staff Present:** Beccah Mapure, Polly Selkoe

**Materials related to each agenda item can be found at:**  
<https://www.brooklinema.gov/DocumentCenter/Index/4014>

Mark Zarrillo opened the meeting.

### 1) **PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA**

Linda Hamlin asked about the project at 1180 Boylston because it looks like they have stopped work on it. Polly Selkoe replied that work is still ongoing.

### 2) **BOARD OF APPEALS CASE** (Tentative Zoning Board of Appeals Hearing Date) and relevant Precinct:

**106 Westbourne Terrace** - Add AC condensers within the side yard setback (5/11) Pct. 13

Beccah Mapure introduced the case and described the required relief.

Architect David King presented the proposal.

Owner Keith Whited was present.

Polly Selkoe asked if the applicant talked to their immediate abutter to the right.

Keith Whited said they talked to the neighbor.

Mark Zarrillo asked if the equipment would be placed at the same grade as the neighbor's driveway.

Keith Whited replied affirmatively.

Polly Selkoe said that for relief under Section 5.43 of the Zoning By-law, the applicant should provide a counterbalancing amenity, which is usually landscaping. If planting could not fit between the condensers and the lot line, it could be placed in front of the condensers as screening from Westbourne Terrace.

Blair Hines suggested a lattice screen along the property line as counterbalancing amenity.

Linda Hamlin suggested the applicant get a non-opposition letter from the abutter to support the case.

Blair Hines suggested requiring the non-opposition letter as a condition.

Andrea Brue suggested adding a condition related to noise. Polly Selkoe said they would have to meet the Town noise limits.

David King said one of the AC units was for the first-floor tenant.

Edward Armstrong, the first-floor abutter, used the chat to confirm he had no objection.

Mark Zarrillo made a motion to recommend approval. Blair Hines seconded the motion. The motion was approved unanimously.

**The Planning Board recommends approval of the site plans by PRECISION LAND SURVEYING INC, PLS, dated October 20, 2022, subject to the following conditions:**

- 1. Prior to the issuance of a building permit, the applicant shall electronically submit final site plans, stamped and signed by a registered engineer or land surveyor, to the Assistant Director for Regulatory Planning or designee for review and approval.**
- 2. Prior to the issuance of a building permit, the applicant shall electronically submit a plan showing counterbalancing amenities subject to approval by the Assistant Director for Regulatory Planning or designee. The counterbalancing amenities must be executed in accordance with the approved plan. Proper screening from the street or abutter with either a fence or landscaping will be considered a counterbalancing amenity.**
- 3. 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 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.**

**96 Verndale Street** - Construct garage at end of driveway (4/27) Pct. 9

Beccah Mapure introduced the case and described the required relief.

Attorney Bob Allen introduced his team and summarized the proposal and the required relief.

Architect Ralph Kilfoyle displayed the plans but had problems with his sound.

Property manager John Degan presented the proposal.

Mark Zarrillo asked if the applicant had support letters from the abutters.

Bob Allen replied that they did not have any support letter.

Public comments:

Dave Meyers, 109 Columbia Street, spoke in opposition to the project. The garage would block the sunlight to their dining room and even to the downstairs apartment at 96 Verndale. The garage would

not fit a big car and there will be no room for storage. Meyers said there had been no garage on the property since the 70s.

Philip Gray, 108 Columbia Street, said he would support the project if mitigation is provided. He said no other property in the neighborhood had a wide asphalt pavement with no plantings. The grade was raised during construction, which was currently preventing them to have a lower garage.

Mari Kotlov, 120 Columbia Street, spoke in opposition to the garage project.

Two neighbors used the chat to indicate opposition to the project and noted that no garage has been on the property for many years.

Board discussion:

Blair Hines wondered if a landscape plan was required as part of the conditions of approval of the previous special permit since no effort was made to provide landscaping to date. Hines was surprised to see a wide curb cut in a public way and said they should have thought about a garage earlier. He would not support granting the relief.

Andrea Brue asked how the garage would accommodate the existing tree and utility pole along the property line. Brue was concerned about the increase in paved area required to get the trash out from the back, and the resulting reduction of landscaping. She also wished the garage was considered earlier and stated she was not supportive.

Linda Hamlin agreed that having trash in the back was not appealing and said it would have been good to see a site plan with the footprint of neighboring properties. She added that the proposed garage was not pretty and should've been thought of earlier or incorporated into the house.

Mark Zarrillo suggested parking against the back of the building and creating a covered parking area with a trellis structure as an alternative to a garage.

Bob Allen said they will continue to talk to the neighbors and return to the Board if they find a solution.

**The Case was continued [the case was later withdrawn].**

**24 Auburn Street (cont.)** - Demolish existing single-family and construct three-family dwelling (4/27) Pct. 7

Beccah Mapure introduced the case and went over the changes previously requested by the Planning Board and described the required relief

Developer Ron Scharf presented two options as a response to the Board's request to reduce the length front bay and balcony. Option 1 was a full projection for 20' with no bay and Option 2 was a 15' bay.

Attorney Scott Gladstone was present.

Linda Hamlin preferred option 2 which offered more detail to the Washburn façade. Hamlin pointed out that the interior configuration might make it difficult to bring furniture in.

Andrea Brue agreed option two was the most elegant and had a better scale. Brue appreciated the efforts the applicant made to improve the design.

Mark Zarrillo also preferred option two.

A neighbor noted on the chat that they preferred option two.

Mark Zarrillo made a motion to recommend approval. Blair Hines seconded the motion. The motion was approved unanimously.

**The Planning Board recommends approval of the site plan by PETER NOLAN & ASSOCIATES, PLS, revised on 4/10/2023 and architectural plans by BENJAMIN SCHULTZ ARCHITECT, revised on 4/8/2023 with option two as presented, 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 or designee for review and approval.**
  - 2. 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 or designee.**
  - 3. 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.**
- 3) PRELIMINARY REVIEW OF MAJOR IMPACT PROJECT - Discuss and possibly appoint a Design Advisory Team for the above project.**

**1168-1172 Commonwealth Avenue - Replace Porsche of Boston dealership with a new dealership facility (NA) Pct. 9**

Polly Selkoe introduced the major impact project.

Attorney Bob Allen introduced his team and summarized the proposal. Allen noted that the proposal exceeded the twenty-five thousand square feet and therefore, triggered the major impact review and the DAT process.

Architect David Newhall presented the site plans.

Architect Paul Beal presented the architectural plans.

Andrea Brue asked the applicant to have elevations or sections showing how the back of the building related to the neighborhood for future presentations.

Blair Hines asked for cross-sections from Walton Street down into the site during design review.

Linda Hamlin asked if there were design criteria already established by Porsche. She said stackers were controversial and might not get approved.

Paul Beal said they will not have exterior stackers. The building design and materials were prescribed by Porsche.

Bob Allen said they had some flexibility about the rear of the building.

Linda said she liked the round building and asked where new cars would be unloaded.

Bob Allen indicated there would be a drop-off area in front of the BMW on the Boston side.

Mark Zarrillo said the project looked great.

Polly Selkoe asked if any member of the Planning Board was interested in joining the DAT.

Andrea Brue and Linda Hamlin said they were available.

Andrea Brue asked if the front part of the building located in Boston would be part of the process [Response: the Board could always make comments].

Public Comments:

Bruce Mallory, 66 Lawton Street, was concerned with the project and feared the Herb Chambers would not take neighbors' concerns seriously due to the long and painful history with the BMW chambers. Trucks were constantly parked illegally on Lawton Street and blocking access to abutting properties in Brookline. In addition to parking, there were traffic, speeding, and rodent issues.

Bob Allen said past issues on Lawton Road have been addressed and they continue to address current issues with neighbors.

Board Discussion:

Linda Hamlin suggested that the site plan should show abutting properties on Lawton Street and roadways.

Polly Selkoe will follow up on setting up the Design Advisory Team.

- 4) **ANR PERIMETER PLAN FOR 85 NAPLES ROAD** - Plan submission to freeze the zoning for this lot, so that the T-5 (NH) Zoning Warrant Art. 16, if approved, would not apply.

Polly Selkoe introduced the ANR plan. Selkoe noted that it was still unclear what would be protected under the ANR.

Mark Zarrillo asked if there was a section referring to an ANR plan as proposed by the applicant.

Bob Allen replied that 81V was the related section.

The public asked for an explanation of the proposal and its effects if approved.

Polly Selkoe explained that approval was not required and that the Planning Board would only endorse the plan.

Bob Allen explained that the ANR would allow his client to freeze the current zoning as a two-family dwelling and proceed with their ongoing proposal.

Andrea Brue shared concerns about missing information regarding trees, existing driveway, and curb cuts.

Mark Zarrillo said the plans referred to Boston instead of Brookline. The language should be corrected.

Bob Allen said only the limits of the lot mattered for the ANR.

Public Comments:

Rebecca Arnoldi, 89 Naples Road, said the plan represented a controversial legal procedure with effects on mature trees, green space, and permeability, and the Board did not need to endorse it because an endorsement could be used legally and might be irreversible.

Harriet Korim asked if zoning is frozen did it mean that it could later become a three-family unit. Korim offered Attorney Allen a picture of John F. Kennedy and his brother showing the rear view of 85 Naples to encourage the preservation of the existing structure.

Steve Herscovici, direct abutter, asked why the developer was looking for a special consideration to waive Warrant Article 16 for his property.

Mark Zarrillo replied that it was because the project was started under the current zoning and final considerations of WA 16 were still unknown.

Nancy Heller shared concerns about the proposal and said it would only freeze use and not zoning; WA 16 dimensional requirements would still apply. She suggested the project be continued until an opinion from Town Counsel is provided.

Mitch Heineman, 92 Beals Street, encouraged the applicant to withdraw the proposal and respect Town Meeting's decision regarding WA 16.

Fran Perler urged the Board to act to prevent constructive approval to take place.

Board decision:

Mark Zarrillo believed the Board should wait to get a legal opinion on the case. He asked for town counsel opinion on whether an ANR plan must have a subdivision indicated as the reason for the ANR as defined by 81p." Otherwise, without a subdivision indicated, can the submission have the same purpose?

**Mark Zarrillo made a motion to not endorse the ANR plan until definitive legal clarifications are provided and the two mistakes on the plan are corrected. Andrea Brue seconded. The motion was approved unanimously.**

Blair Hines suggested requesting the ZBA to refer the case back to the Planning Board for design review.

**Blair Hines made a motion that the Planning Board send a letter to the ZBA asking to send the case back to the Planning Board for design review. Mark Zarrillo seconded. The motion was approved unanimously.**

Bob Allen objected because the item was not on the agenda.

Linda Hamlin acknowledged the matter was not on the agenda and asked how the Board should proceed.

Polly Selkoe suggested voting on the motion and she would follow up with Town Counsel about procedures.

**The meeting was adjourned.**