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Brookline Preservation Commission
MINUTES OF THE April 27, 2021 MEETING
Held Virtually using Zoom Online Software

Commissioners Present:

Elton Elperin, Chair
David King
Richard Panciera, Vice Chair
Elizabeth Armstrong
David Jack
Wendy Ecker
John Spiers
Peter Kleiner

Commissioners Absent:

Jim Batchelor

Mr. Elperin requests that Elizabeth Armstrong vote for Jim Batchelor

Staff: Valerie Birmingham, Tina McCarthy

Mr. Elperin called the meeting to order at 6:31 PM.

Approval of Minutes

No minutes.

Public Comment

PUBLIC HEARINGS – LOCAL HISTORIC DISTRICTS

173 Walnut Street (Pill Hill LHD) –Application for a Certificate of Appropriateness to regrade the rear yard, construct a retaining wall, construct stone stairs with metal railings, replace the existing fence & remove the existing rear deck.(Storey Condominium, applicant). **Precinct 5**

Jeremy Wong – continuing fence

Public Comment

None

Elton Elperin – stairs to grade?

Jeremy Wong – yes

Elton Elperin – 9 about guard on left of stair

Jeremy Wong – yes, prob right. Existing puddingstone wall, slopes down to HVAC units.

48
49 Kristen Jileck – stairs built into dirt, on ground
50
51 Elton Elperin – good to have section drawing
52
53 Kristen Jelick – sure
54
55 Elton Elperin – lower rear fence due to retaining wall
56
57 Richard Panciera – fence on top of wall or behind.
58
59 Jeremy Wong – behind
60
61 David King – ok, exception for fence height
62 Railing with guard?
63
64 Elton Elperin – should show a drawing. Empowered subcommittee of 1.
65 Ric volunteers
66
67 David King – motion accept as submitted with guard on stair, review by subcommittee.
68
69 Kristen Jelick – says ok to subcommittee
70
71 David King – add site section to show grades
72
73 David Jack seconds the motion.
74
75 David King – yes, Elizabeth Armstrong – yes, Richard Panciera – yes, David Jack – yes, John
76 Spiers – yes, Wendy Ecker – yes, Peter Kleiner – yes, Elton Elperin – yes
77
78
79 **98 Crowninshield Road (Crowninshield LHD)** –Application for a Certificate of Appropriateness
80 to install new ac condensers, with associated screening, on the right side of the house, new
81 mechanical vents and piping, and alter the window fenestration on the rear second floor elevation
82 (Laura Weinrib, applicant). **Precinct 8**
83
84 Valeria Birmingham presents
85
86 Peter Grover – new condensers are smaller than existing
87
88 No Public Comment
89
90 David Jack – fence specs?
91
92 Peter Grover – 3 sides solid 1 x 6 cedar
93
94 Richard Panciera – no gap?
95

96 Peter Grover – need to give 18” space
97
98 Elton Elperin – asks about condenser lines
99
100 Peter Grover – Hydro Air, internal lines
101
102 David Jack – no issues with these condensers here. Richard Panciera agrees. No issues with
103 window.
104
105 Discussion of vents
106
107 David King – vent is fine.
108
109 Elizabeth Armstrong – mentions an abutter support letter received
110
111 David King – motion approve as submitted. David Jack seconds
112 All vote in favor
113
114
115 **34 Francis Street (Lawrence LHD)** –Application for a Retroactive Certificate of Appropriateness
116 for installed mechanical work including condensers and exterior piping (Atlantic Hearing & Air
117 Conditioning, applicant). **Precinct 3**
118
119 Valerie Birmingham presents
120
121 Tim Woods – explains why the pipes are on the exterior
122
123 No public comment
124
125 David Jack – why the emails were not responded to
126
127 Tim Woods – COVID made our office workers work from home. Loophole, fell through the
128 cracks
129
130 David Jack – did you know about the LHD
131
132 Tim Woods – no. 50 years working in Brookline.
133
134 David Jack – I would think you would be aware of LHDs by now
135
136 Tim Woods – owner did not mention being in an LHD
137
138 Elton Elperin – unacceptable. This house has been maintained since 1889. Interiors is more work
139 but that doesn’t mean you can’t do it. Can’t allow
140
141 David King – agree, this house has so much character
142
143 Tim Woods – are there alternatives? They won’t put it inside.

144
145 David Jack – you need to submit plans, get them approved
146
147 Elizabeth Armstrong – owner should know they live in an LHD. Why is the contractor the
148 applicant.
149
150 Tim Woods – we handle permitting usually
151
152 Valeria Birmingham – confirms contractor can do the application
153
154 Elizabeth Armstrong – would have liked to hear owner’s side. Agree it is unacceptable
155
156 John Spiers – agree. The Town maintains a list of addresses in LHDs. You could find out. And
157 you ignored emails.
158
159 Puts commission in a difficult position.
160
161 Tim Woods – slipped through our cracks. Our office is responsible.
162
163 Peter Kleiner – want to deny, may be a subcommittee to work out a design. Not employee
164
165 Tim Woods – would work with a subcommittee
166
167 Peter Kleiner motion deny the retroactive COA, form a subcommittee of 2 to review design.
168 Application must come back to the full commission.
169 Elton Elperin second
170 All vote in favor
171 Richard Panciera and Peter Kleiner on subcommittee, John Spiers as well
172
173
174 **PUBLIC HEARINGS – DEMOLITION**
175
176 **191 Buckminster Road** – Application for the partial demolition of the house (Pavel and Jennifer
177 Rabiner, applicant). **Precinct 12**
178
179 Pavel Rabiner – we are not demolishing the house.
180
181 No Public Comment
182
183 David King – motion uphold staff finding of significance.
184 David Jack seconds
185
186 David King – yes, Elizabeth Armstrong – yes, Richard Panciera – yes, David Jack – yes, John
187 Spiers – yes, Wendy Ecker – yes, Peter Kleiner – yes, Elton Elperin – yes
188
189
190 **106 Sargent Road** – Request to modify the plans submitted for a lift of demolition stay, adding a
191 one story wing to the left side of the building (106 Sargent LLC, applicants). **Precinct 5**

192 Tina McCarthy presents the case.
193
194 Ashley Clark – introduces case representing the applicant
195
196 Public Comment
197
198 Julia Cox – the lot is all torn up, the house is already huge. The hole is the whole property wide.
199
200 David Jack – this building is NR?
201
202 Tina McCarthy responds, it is not.
203
204 David King – no preview over the trees. Not worse than what was already approved
205
206 Elton Elperin – motion accept revised design. David Jack second
207
208 David King – yes, Elizabeth Armstrong – yes, Richard Panciera – yes, David Jack – yes, John
209 Spiers – yes, Wendy Ecker – yes, Peter Kleiner – yes, Elton Elperin – yes
210
211
212 **Vote to close public hearing and enter into Proposed Executive Session for the purpose of**
213 **discussing the reputation, character, physical condition or mental health of an individual; if**
214 **the Commission enters into Executive Session all members of the public will be expelled from**
215 **the virtual meeting. The meeting will be locked for the duration of the Executive Session, and**
216 **members of the public may rejoin the meeting when the session is finished and the Chair**
217 **reopens the public hearing.**
218
219 **16 Hawes Street** – Request to lift the stay of partial demolition on the house (Platform 9 ¾ Trust,
220 applicant). **Precinct 1**
221
222 Elton Elperin – talks about how Executive Session is necessary.
223 Elton Elperin motions to move to executive session. David Jack second
224 All vote in favor
225
226 Valerie Birmingham asks public to leave for Executive Session. Back at 8:40 PM
227 Recoding paused at 8:07 pm, meeting locked
228
229 Resume at 8:46 PM
230
231 Valerie Birmingham presents
232
233 Bob Allen – request lift as a reasonable accommodation
234
235 Public Comment
236
237 Ellen Golde – live across street. What needs to be answered meeting needs vs wants – does
238 disability mean you can get anything. What are neighbors rights and who gets to decide? 16
239 Hawes will be precedent.

240
241 John Buchheit – speaks to law. Building permit not issued. Reasonable accommodation granted
242 for zoning.
243
244 Rob Schoen – 10 Beach Road. Object to scope of project. Garage is 2 ft. from our property line.
245 Smaller garage would work. They have not listened to our concerns. Harmful precedent.
246
247 Michael Minkoff – builder and developer. This is a 3 car garage, not 2 car. This will be a
248 precedent for everyone with a wheel chair. Blatant taking. Should be scaled back.
249
250 Elton Elperin – we must consider the needs of NR district. No other homes come to sidewalk. If
251 there is any way to scale it back, it should be.
252
253 David Jack – agree. Find a compromise.
254
255 John Spiers – like to believe that there is middle ground. Concerned about discussion of needs and
256 want. Accessible vehicles are bigger. Problem with asking disabled person to consider others.
257 Supports reasonable accommodation, does not change how we review these structures.
258
259 David King – garage would do permanent harm to the mall.
260
261 Peter Kleiner – worth noting change to mall as well as neighbors concerns with process.
262 Preservation Commission is not the appropriate level to push back on this.
263
264 Elton Elperin – we worked with architect before. Want applicant to work with subcommittee.
265
266 Peter Kleiner – not fair that we are the last line of defense.
267
268 David King – why di Dan send this to Preservation
269
270 Jim Batchelor – you had imposed stay already. So he though you should weigh in.
271
272 Peter Kleiner – don't want to impose constraints on someone seeking reasonable accommodation,
273 want to provide it.
274
275 Elton Elperin – asks if they will accept subcommittee.
276
277 Bob Allen – if you don't lift we will sue, no subcommittee, no negotiation. Peer review has been
278 completed. Is any public purpose served by 7 months. Commission on disability has upheld
279 necessity.
280
281 Elizabeth Armstrong – this is the First ADA/Fair Housing Act has come to us. There is a lot there
282 to protect. We are wrong tool to address this. No purpose to waiting 7 more months.
283
284 It is not up to us whether we think the accommodation is reasonable. This has been determined.
285 Vote to lift.
286
287 Peter Kleiner – disagree with Peer Reviewer's report. But is stands.

288
289 Wendy Ecker – they are preventing us doing our job.
290
291 David King – don't agree with consultants assessment of historic neighborhood. May be we can't
292 stop it but this is our job.
293
294 Richard Panciera – agree with comments but we can't change this project. We were allowed to
295 speak because us have least power. Would vote to lift.
296
297 Peter Kleiner – motion lift.
298 Richard Panciera second.
299
300 David King – no, Peter Kleiner – yes, Wendy Ecker – yes, John Spiers – yes, Richard Panciera –
301 yes, David Jack – no, Elton Elperin – no, Elizabeth Armstrong – yes,
302
303
304 Meeting adjourned 9:44 PM.

DRAFT