



Town of Brookline Massachusetts

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

BROOKLINE PLANNING BOARD MINUTES By Zoom Event August 5, 2021 – 7:30 p.m.

Board Present: Steve Heikin, Mark Zarrillo, Matthew Oudens, Blair Hines, Shelly Chipimo
Staff Present: Victor Panak

Steve Heikin opened the meeting.

1) PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

The Board briefly discussed the status of the guidelines related to Article 26 of Spring 2021 TM.

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

39 Thorndike Street – Install AC condensers requiring zoning relief for setbacks. (TBD) Pct. 9

Victor Panak briefly summarized the project and indicated that the Planning Department is not supportive as currently proposed.

Deon Wolpowitz provided the Board with a presentation of the proposal and offered the reasoning for why he is seeking to locate the condensers within the left side yard setback.

Mr. Heikin clarified that the neighbor at 43 Thorndike Street refused to sign a letter of support. He also added that he remains unconvinced about the applicants inability to locate the AC condenser elsewhere on the property.

Blair Hines suggested that the applicant move the condensers more towards the rear of the property, hidden by an existing shed.

Mr. Zarrillo asked why the applicant didn't locate the condensers next to the garage. Mr. Wolpowitz stated that locating it next to the garage would also require relief.

Public Comment

Batia Bloomenthal, 43 Thorndike Street, expressed opposition to the proposal on the grounds that the condensers would be placed near a bedroom and be too loud, regardless of measures to reduce the decibel rating.

Michael Charpak, 43 Thorndike Street, indicated that he has no concerns with the fencing but is opposed with the potential for noise emanating from the proposed condensers.

Mr. Heikin emphasized that the proposed condensers would be very quiet and suggested that the condensers be moved to the rear of the property.

Board members and the applicant discussed alternative locations and agreed to locate the condensers in the rear left of the property.

Mr. Heikin moved to recommend approval of the site plan by AGH Engineering, dated 5/5/21 subject to the following conditions:

- 1. Prior to the issuance of a building permit, the applicant shall electronically submit a revised site plan, stamped and signed by a registered engineer or land surveyor, showing a revised location for the proposed AC condensers to the Assistant Director for Regulatory Planning 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. The counterbalancing amenities must be executed in accordance with the approved plan.**
- 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.**

Mr. Hines seconded the motion. The Board voted 4-0 to approve the motion.

58 Brook Street – Convert building from single-family to two-family requiring zoning relief for lot size and setbacks. (TBD) Pct. 4

Victor Panak briefly summarized the project and indicated that the Planning Department is supportive.

Bob Brauns (applicant) provided a brief introduction of the proposal.

Michael Kim (architect) provided the Board with a presentation of the proposed plans. Mr. Kim discussed the needed zoning relief and the methods through which the applicant hopes to be granted such relief.

Mr. Heikin requested clarification on the needed zoning relief and whether it could be approved through Deadrick.

Mr. Zarrillo asked about previous applications for zoning relief for the deck and the parking space. The applicant discussed previous work done on the property.

Public Comment

Michael Zoorob, 45 Longwood Avenue, expressed support for the project on the grounds that the By-law's requirements seem unfair.

Mr. Heikin suggested that the applicant look into an accessory dwelling unit.

Mr. Zarrillo indicated that he is opposed since the proposal does not meet the criteria for a Variance. Mr. Heikin, Mr. Hines, and Mr. Oudens stated that they would support the proposal and let the Zoning Board of Appeals make the legal determination.

Provided that the Zoning Board of Appeals find that the criteria for a Variance are met or that some alternative form of relief can be granted due to the history of the property, Mr. Heikin moved to recommend approval of the site plan by Continental Land Survey, dated 4/9/21, and architectural plans by Michael Kim Associates, dated 4/16/21, 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 for review and approval.**
- 2. 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.**

Mr. Hines seconded the motion. The Board voted 3-1 to approve the motion.

3) OTHER BUSINESS

PUBLIC HEARING: Discussion on zoning amendments to be potentially submitted to the warrant for the Fall 2021 Town Meeting (related to parking minimums)

Mr. Heikin introduced the discussion. He noted that the Planning Board has been frustrated with the inflexibility of minimum parking requirements and their effect on the quality of projects. As such, Mr. Heikin drafted a proposal for consideration by the Board. Revised drafts were also produced by Planning Department staff. Mr. Heikin reviewed the proposed drafts.

Mr. Zarrillo and Mr. Hines stated he supports the concept but that he would like the article to require some kind of counterbalancing amenities.

Mr. Heikin briefly introduced the parking proposal from Michael Zoorob and highlighted the differences between that proposal and the Planning Board's proposals.

Michael Zoorob, 45 Longwood Avenue, presented his proposal to the Planning Board.

Jonathan Klein, 150 St Paul Street, expressed opposition to using high minimum parking requirements to limit development. He stated that he supports a provision that would allow the ZBA to reduce parking requirements by Special Permit but he went further and said that it should be allowed by right. He stated that the Board should not require counterbalancing amenities and emphasized that the reduction of parking itself is the benefit for the Town.

Linda Pehlke, 48 Brown Street, agreed that parking minimums are too high but also agreed that the Town should require benefits from developers for reduced parking – she added that green infrastructure should be one of those requested benefits. Ms. Pehlke expressed some concern with a widespread reduction in the parking requirements. She felt that additional work needs to be done to establish reasonable limits on development before parking minimums can be reduced/eliminated.

Mr. Hines suggested whether a reduction in parking minimums can be tied to the preservation of the existing building.

Mary Sabolsi, 115 Walnut Street, expressed support for a reduction in the required parking minimums subject to the discretion of the Planning Board and Zoning Board of Appeals.

Marion Freedman-Gurspan, 11 Wellman Street, stated that she is concerned with reducing parking minimums in terms of its impact on residents with limited mobility and residents with families.

Mara Alexeev, 34 Harvard Street, noted that she has a family with two young children and that she does not believe that cars are needed in Brookline.

Mr. Hines suggested that the current Planning Board proposal is good but that it should be expanded to require additional benefits for the Town.

Mr. Zarrillo stated that he believes that Mr. Zoorob's proposal would result in an overly disruptive change to the Town.

Michael Zoorob highlighted some of the more subtle provisions in his proposed warrant article, particularly the provisions related to parking for BHA projects. He also expressed support for the concept of parking maximums.

It was agreed that Board members would submit comments to staff on the draft proposal and revisit the draft article at their next meeting.

Discussion of Planning Board Guidelines on Counterbalancing Amenities

Board members were supportive of the draft document. Mr. Zarrillo suggested the addition of a specific sentence referencing MGL, c.40A, §6 and indicating that such projects would be subject to conditions and safeguards imposed by the Planning Board and the Zoning Board of Appeals. It was agreed that the draft Guidelines should be circulated with the Department of Public Works.

4) APPROVAL OF MINUTES

Mr. Heikin moved to approve the minutes from 7-29-21. Mr. Zarrillo seconded the motion. The Board voted 3-0-1 to approve the motion.

The meeting was adjourned.