



Town of Brookline

Massachusetts

PLANNING BOARD

Steve Heikin, Chair
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 August 8, 2019 – 7:30 p.m.

Board Present: Steve Heikin, James Carr, Linda Hamlin, Blair Hines, Matthew Oudens, Mark Zarrillo

Staff Present: Polly Selkoe, Victor Panak

Steve Heikin called the meeting to order at 7:30 pm. He asked if there were any members of the public in attendance who wished to make comments on matters not on the agenda. There were none.

BOARD OF APPEALS CASES

25 White Place – Construct second-story addition over existing footprint.

Victor Panak described the scope of work and the requested zoning relief.

Robert Cornetta, attorney for the applicant, discussed the proposed addition and the existing conditions, and explained why the additional space was needed and why it was designed as it was.

Steve Heikin asked if there were any members of the public who wished to comment on the proposal.

Ben Moor, 24 Davis Avenue, explained that he is a direct abutter impacted by the addition. He noted that his family spends a lot of time in their backyard, and that he was concerned with how the added second story would impact his family's enjoyment of their backyard. Mr. Moor also noted that the applicant had not reached out to neighbors in any way. Mr. Moor also believed the bathroom to be oversized.

Rebecca Moor, 24 Davis Avenue, agreed with Mr. Moor's comments and emphasized that they were not opposed to the addition conceptually, but believed the scale should be reduced and the design improved.

Mr. Cornetta stated that the large area of the bathroom is necessary for ADA compliance. He also added that the number of windows had been reduced in number to protect the neighbor's privacy.

Linda Hamlin stated that she had visited the property. She bemoaned the lack of communication with neighbors, but believed that the added square footage is diminimus. Ms. Hamlin noted that Mr. and Ms. Moor had expanded their own house a few years ago. She also stated that she expects the Preservation Commission to prefer an addition that is designed to be separate and distinct. She expressed her support for the proposal due to its minor nature.

Matthew Oudens agreed with Ms. Hamlin, adding that the topography of the site and surroundings is an important consideration in favor of the applicant.

Blair Hines also noted that he visited the site and expressed agreement with the comments from Ms. Hamlin and Mr. Oudens. Due to the topography, the existing first floor on the subject property is entirely below grade as viewed from the neighbors so that the proposed addition only has an impact when viewed from the neighbor's lawn area. Mr. Hines believed a window or additional articulation might help the appearance of the rear elevation.

Mark Zarrillo also agreed with fellow Board members and noted that the roof line could not be fixed as requested by the neighbors or else the ridge height would be further elevated – an undesirable outcome.

James Carr also agreed with fellow Board members, but believed that the rear elevation could be made more visually interesting.

Mr. Cornetta stated that the applicants would be willing to discuss such changes with the neighbors.

Mr. Heikin agreed with other Board members and the Board briefly discussed some design options that the applicant might consider to improve the rear elevation.

Mr. Heikin made a motion to recommend approval of the site plan by Boston Survey, Inc. dated 5/29/19 and architectural plans by Thomas Rose Architect dated 6/19/19, 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 final 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; and 2) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.**

Mr. Zarrillo seconded the motion. The Board voted 6-0 to approve the motion.

114 Clyde Street – Construct new single-family dwelling requiring relief for FAR.

Polly Selkoe reviewed the status of the case and the required zoning relief.

Andrew Falkenstein, architect for the applicant, described previous designs and the Planning Board's previous comments on those designs, as well as how the current design addressed the Board's comments.

Board members and Mark Kablack, attorney for the applicant, had an extensive discussion about whether the FAR of the existing structure was reliable and whether it granted the applicant the benefit of a pre-existing nonconforming structure, thereby allowing the applicant to exceed the limits on FAR otherwise applied to conforming structures. Having been informed that the existing structure had already been

demolished, the Board felt that there was no way to verify the calculation of existing FAR. Ultimately, the Board conceded that the existing structure was a pre-existing nonconforming structure with respect to FAR and that the new structure could take advantage of this by increasing the nonconformity provided that the Board find the altered structure not substantially more detrimental to the neighborhood than the existing structure. However, the Board did find that the current design of the house (especially as it relates to scale) is substantially more detrimental to the neighborhood; so, despite the lack of a legal limit to the FAR of the proposed structure, the Board established 120% of allowed FAR under the Bylaw as a practical limit beyond which a structure would be deemed substantially more detrimental to the neighborhood.

Thomas Kerner, 130 Clyde Street, stated that he appreciates the Board's concerns about scale but encouraged the Board to work with the applicant. He added that a landscape plan would significantly help to mitigate any negative impacts from the scale of the proposal.

Board members all agreed that they could be supportive of the application if the FAR were reduced to 120% of the allowed FAR under the Bylaw. Mr. Hines felt that 120% was a good standard that the Board could apply to other similar cases and Mr. Heikin wanted to emphasize his displeasure and doubt about the application of Sara Deadrick v. Zoning Board of Appeals of Chatham to this case.

Mr. Carr suggested that the Board review the design to alleviate any issues that might come up at the final design review stage. The Board found the design generally acceptable.

Mr. Heiken made a motion to recommend approval of the site plan by Michael Clancy, dated 6/24/19, and the floor plans and elevation by Tipler, dated 7/1/19, subject to the following conditions:

- 1. Prior to the issuance of a building permit, the applicant shall submit a final site plan, floor plans certified and dimensioned demonstrating that the FAR of the new house does not exceed 120% of the allowed floor area, and elevations subject to the review and approval of the Planning Board.**
- 2. Prior to the issuance of a building permit, the applicant shall submit a final landscaping plan showing screening on both sides and rear of the property, after input from the rear abutter, 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; and 2) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.**

Mr. Zarrillo seconded the motion. The Board voted 6-0 to approve the motion.

114 Rawson Road – Construct an additional story and a half and a garage with living space above, requiring relief for setbacks, FAR, and design review.

Mr. Panak introduced the case by explaining that the applicant had made revisions to the plans to respond to the Planning Board's previous comments.

Shayna Gallinat, attorney for the applicant, provided a brief summary of the changes that were made to respond to Planning Board comments.

Verne Porter, land surveyor for the applicant, discussed changes that were made to the footprint and how the changes benefit the project. Mr. Porter explained why a wide driveway is necessary.

Uri Natanel, architect for the applicant, explained how the square footage was reduced and which rooms were adjusted in size to eliminate unnecessary space.

Mr. Hines stated that he remained concerned about the height of the garage and the width of the driveway. He suggested that the applicant raise the garage slab, which would allow the applicant to fix circulation issues and reduce the driveway width.

Mr. Heikin noted the significant floor-to-floor height on the 1st story which would allow for a relatively simple increase in the height of the garage slab.

Mr. Natanel stated that the height of the garage floor is driven by concerns with gasoline spills and a neighbor's desire to limit the height of the retaining wall.

Mr. Oudens stated that he was happy to see the garage pushed back and had no other serious issues with the design. Mr. Carr and Ms. Hamlin agreed. Mr. Heikin added that the revised plans did respond to several of the Planning Board's requests.

Craig Halvorson, 124 Rawson Road, stated that he did not believe the 40" tree would survive and that the concerns about massing could be alleviated through proper landscaping.

Mr. Heikin noted that the Board had received a letter from Tim Kasida, a neighbor. Mr. Heikin summarized the comments from the letter which expressed concern about the massing.

Mr. Zarrillo asked about the slope of the driveway which was found to not conform to the requirements of the Bylaw. Mr. Zarrillo stated that the garage slab had to be raised to comply.

David Harnett, 98 Rawson Road, wanted to ensure that a significant copper beech tree in front of 104 Rawson Road would be preserved.

Mr. Zarrillo insisted on receipt of a good landscape plan and both Mr. Hines and Mr. Halvorson were confident that the significant 40" tree would die due to the development of the site.

Mr. Heiken made a motion to recommend approval of the site plan by Verne T. Porter Jr. PLS, dated 7/31/19, and architectural plans by Yovel Design, dated 7/15/19, 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 elevation, subject to review and approval by 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 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) final floor plans and elevations stamped and signed by a registered architect; 2) a final site plan, stamped and signed by a registered engineer or land surveyor; and 3) evidence that the final decision has been recorded at the Registry of Deeds.**

Mr. Oudens seconded the motion. The Board voted 5-1 (Mr. Hines opposed) to approve the motion.

290-292 Tappan Street – Construct third-floor addition.

Mr. Panak described the scope of work and the requested zoning relief, indicating that the Planning Department is not supportive of the proposal.

Ms. Gallinat, attorney for the applicant, briefly discussed some zoning issues related to the denial letter and identified necessary relief.

Kecia Lifton, architect for the applicant, reviewed the existing conditions and proposed changes to the building.

Mr. Heikin and other Board members asked about the FAR calculations and clarified them. Mr. Heikin noted the pre-existing nonconforming nature of the structure, thus allowing the project to far exceed the FAR allowed under the Bylaw. Mr. Heikin pointed out the practical limit (120%) established by the Board earlier in the meeting.

Ms. Lifton pointed out that the added massing is actually significantly less than the added FAR because much of the additional FAR comes from the conversion of interior space.

Mr. Oudens stated that he was not supportive of the additional story and that it's unfortunate that it happened already on other neighboring properties.

The Board noted that the FAR would be 116% of the Bylaw's maximum if the top floor were omitted.

Mr. Heikin expressed his opposition to the top floor by stating that the existing house has all of the space it needs. Mr. Carr agreed and added that the additional square footage does not offer any benefit to the Town since no new units are being created.

Amit Saraf, 294-296 Tappan Street, was opposed to the addition and further explained that any horizontal expansion on the rear could impede circulation.

Mitchell Freeman, 286 Tappan Street, believed the addition to be an egregious extension above the legal limits and expressed concerns about tree protection and impact on abutters' views.

Carrie Benedon, 284 Tappan Street, called attention to a number of similar additions on neighboring properties and encouraged the Planning Board to limit the trend.

Ted Offner, 295 Tappan Street, argued that the size of the units in the neighborhood (relatively small) drives the character of the neighborhood and that the added space to make very large units in this case would be inconsistent with the neighborhood.

Ronald Matheson, 75 Beaconsfield Road, noted he is a rear abutter and that the addition would transform the building into a high-rise as viewed from his house.

Mr. Heikin stated that he felt the Board and applicant had a clear direction based on public comments and other factors. He recommended that the applicant revised the plans to make interior renovations and minor additions, but eliminate plans for an additional story. Other Board members agreed.

The case was continued to a future Planning Board meeting.

33 Glenland Road – Construct two attached single-family dwellings requiring relief for use and lot frontage

Mr. Hines recused himself from all discussion and vote on this case.

Ms. Selkoe reviewed the status of the case, the required zoning relief, and the Board’s previous comments on the proposal.

Mike McKay, architect for the applicant, reviewed the revised proposal and changes that had been made to address the Planning Board and abutters’ concerns.

Board members and the applicant had a brief discussion on how the different zoning requirements of Brookline and Newton affected the project.

Mr. Heikin said he liked the design.

Matthew Warman, 39 Glenland Road, gave a presentation to the Board in opposition to the proposal. Mr. Warman raised a large variety of concerns, including the pace of revisions, the lack of landscape protection, the outside scale of the structure, and its proximity to the common property line.

Mr. Carr discussed a few minor changes that could be made to accommodate the neighbor’s concerns.

Mr. Heikin noted the deminimis nature of the requested zoning relief and added that he doesn’t believe either request is problematic. He expressed support for the proposal as designed.

Ms. Hamlin agreed, adding that she was happy to see the garage pushed back. Mr. Oudens felt the same way.

Mr. Zarrillo asked why the structure wasn’t centrally located on the lot. Mr. McCay said it was because it would negatively impact the FAR numbers.

Mr. Heiken made a motion to recommend approval of the site plan by Peter J. Nolan, dated 7/24/19, 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 with all materials noted, subject to the review and approval of the Assistance Director of Regulatory Planning.**
- 2. Prior to the issuance of a building permit, the applicant shall submit a landscaping and tree protection plan, 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; and 2) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.**

Mr. Oudens seconded the motion. The Board voted 5-0 to approve the motion.

Minutes of July 25 were approved by the Planning Board.

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

The meeting was adjourned.