



Board of Appeals
Jesse Geller, Chairman

Town of Brookline

Massachusetts

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Board of Appeals Virtual Public Hearing Minutes

Thursday, August 20, 2020

7:00 p.m.

Via ZOOM

ZBA DECISIONS can be found at: www.brooklinema.gov/1675/Zoning-Applications

Board Members Present: Chair Lark Palermo, Mark Zuroff, and Randolph Meiklejohn

Staff Present: Joseph Braga (*Deputy Building Commissioner*), and Monique Baldwin (*Zoning Coordinator/Planner - Regulatory Planning*)

2020-0014 223-229 Boylston Street – Proposed demolition of all existing structures and construction of new building with 5 residential units

Attorney Jennifer Gilbert waived the reading of the notice and asked for a continuance to back to the Planning Board to incorporate design changes.

The Board unanimously granted the request for continuance to September 10, 2020.

2020-0016 29 Randolph Road – Construct minor first-floor addition

Attorney Jennifer Gilbert waived the requirement to read the legal ad notice and provided a brief overview of the proposed, modest addition. Both the abutters had submitted letters in support of the proposal.

Mrs. Gilbert added that though the applicant is not challenging the denial letter, they would like to point out that this case should qualify as a small scale improvement and be as of right according to case law. Additionally, she noted that the ZBA could use the word or phrase “small scale improvement” in the decision that would be helpful.

John Meyer, Meyer & Meyer Architects, provided an overview of the design.

Mark Zuroff: Are you trying to get the ZBA to give you some sort of gateway into avoiding appeals for the Building denial? Am I misreading you?

Jennifer Gilbert: We will eventually do a friendly appeal of the denial letter. There are a lot of small scale improvements that, per case law, could proceed as of right however the Building Commissioner does not have adequate direction. Unless we force the appeal, that will not change. With this particular client and proposal, we went the easier special permit route. We will have to address this in a legal manner, however I just raise the issue. Describing this proposal as such would be helpful. I know that each case does not set a precedent however, per the SJC “small scale improvements” can proceed as of right. The Building commissioner knows that but it remains unclear what the parameters of “small scale improvement” are.

Lark Palermo: It’s not within the purview of the ZBA to define “small scale”. If Town Council wants to take that position that is fine. However we are working with the guidance we have so I don’t see us making any changes today.

No one spoke in favor or opposition to the project.

Monique Baldwin, Zoning Coordinator / Planner, read the Planning Board Report into the record. Both the Planning Department and Planning Board were supportive of the proposal.

Joe Braga, representative of the Building Department had no objections to the proposed project.

Mark Zuroff: This is a minimal request and entitled to the relief requested. I support the applicant’s request.

Randolph Meiklejohn: I agree with Mark. I would like to note I like the complete and clear presentation. It makes it easy to form a clear opinion.

Lark Palermo: I agree that this is entitled to the relief sought.

The Board unanimously granted the request for special permit.

2020-0015 31 Stetson Street – Construct a dormer

Barath Sankaran, owner waived a reading of the notice and provided an overview of the proposal.

Matt Frankie, MGFA architects provided an overview of the design.

Randolph Meiklejohn: Where on the property the relief is requested? I didn’t see a drawing that showed us any location of where the new construction is located relative to the setbacks. I can’t tell whether you need relief on both sides for new construction or one side only. Can you point to the new construction as to where the existing construction to lot line is nonconforming?

Matt Frankie: All of new work proposed is in complete compliance. The setback of the proposed dormer is compliant at 10 feet.

Monique Baldwin, Zoning Coordinator / Planner, noted the applicant needed relief for the project as they are increasing the nonconformity in respect to height. Since the left side of the house is nonconforming, any changes they make will trigger relief needed for a special permit.

There was discussion regarding the application being in compliance or whether or not they needed a special permit.

No public comment was taken. Additionally, the Planning Board Report and Building Department comments were not spoken into the record.

It was determined that there was no need for the relief sought therefore, the Board unanimously granted the request to withdraw the application without prejudice.

The meeting was adjourned.