



Town of Brookline

Massachusetts

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PLANNING BOARD

Steve Heikin, Chair
Robert Cook, Clerk
James Carr
Linda K. Hamlin
Blair Hines
Matthew Oudens
Mark J. Zarrillo

BROOKLINE PLANNING BOARD MINUTES Room 111, Brookline Town Hall October 24, 2019 – 7:30 p.m.

Board Present: Steve Heikin, Blair Hines, Mark Zarrillo, James Carr
Staff Present: Victor Panak

Steve Heikin called the meeting to order at 7:35 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

80 Heath Street / 495 Warren Street – Construct new single-family dwelling.

Victor Panak described the scope of work and the requested zoning relief, noting that the Planning Department was supportive of the proposal.

Bob Allen, attorney for the applicant, introduced the design team, discussed the intended division of the land, and recounted how the neighborhood has been involved in the design and how they are now supportive.

Michael McClung, architect for the applicant, provided the Board with a presentation on the proposed building, highlighting some changes that have been made from earlier iterations of the project.

The Board and the applicant briefly discussed the FAR calculations and what space was being included in the calculations.

Blair Hines asked why the applicant couldn't propose a fully compliant house given the amount of lot space available. Mr. Allen explained that the full property has a potential for 3 lots that could be compromised if the proposed house were by-right.

Devin Hefferon, landscape architect for the applicant, explained the location of existing driveways and their proposed relocation.

Mark Zarrillo and Mr. Hines expressed reluctance to support the proposal due to the location of mechanical space on the second floor above the garage.

Mr. Hines suggested the addition of a condition that would require the applicant to preserve and relocate the existing entry piers as a counterbalancing amenity.

Mr. Heikin made a motion to recommend approval of the site plan by DGT Associates, dated October 9, 2019 and architectural plans by Shope Reno Wharton, dated October 9, 2019, 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 or engineer and a final site plan, stamped and signed by a registered engineer or land surveyor, to the Assistant Director of Regulatory Planning for review and approval.**
- 2. Prior to the issuance of a building permit, the applicant shall submit a final landscaping plan showing the preservation and relocation of the entry piers located near the right-side property line 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 1) electronically submit the site plan, floor plans, and elevations displaying the approval stamp of the Assistant Director of Regulatory Planning and noting that the mechanical space located above the garage must perpetually remain as mechanical space; and 2) 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.**
- 4. The extent to which any non-habitable space may be converted to habitable space in the future, in addition to other relevant By-law sections regulating FAR, must comply with §5.22 of the Zoning By-law.**

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

60 Crammond Road – Construct addition on rear and substantial hardscaping and landscaping changes.

Mr. Panak described the scope of work and the requested zoning relief, noting that the Planning Department was supportive of the proposal.

Mr. Hines asked how this structure was made nonconforming. Mr. Allen (attorney for the applicant) explained that the calculation of FAR was likely different in 1992, when the house was built.

The Board expressed some concerns about how the existing FAR is being calculated and suggested that the Board may want the Building Department to confirm the numbers.

Mr. Hines and Mr. Heikin questioned the need for the additional driveway and Mr. Hines suggested that, if necessary, it should curve more towards the property line.

Jay Valade provided the Board with a brief presentation on the proposal.

Mr. Allen confirmed that the neighborhood is supportive.

Mr. Hines expressed strong concern with whether the existing house is pre-existing nonconforming and therefore whether it can take advantage of grandfathering protections. Mr. Heikin agreed and suggested

that a condition be included in the Board's recommendation that the Building Department must confirm the existing FAR calculations.

Mr. Heikin made a motion to recommend approval of the site plan by Hancock Associates, dated May 16, 2019 and architectural plans by Mark P. Finlay Architects, dated March 22, 2019, subject to the following conditions:

- 1. Prior to the Public Hearing with the Zoning Board of Appeals, the applicant shall submit detailed and dimensioned floor plans showing what space is or is not contributing to the calculation of existing Floor Area. The applicant shall also submit to an inspection by the Building Inspector or his/her designee.**
- 2. 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 or engineer and a final site plan, stamped and signed by a registered engineer or land surveyor, to the Assistant Director of Regulatory Planning for review and approval.**
- 3. Prior to the issuance of a building permit, the applicant shall 1) electronically submit the site plan, floor plans, and elevations displaying the approval stamp of the Assistant Director of Regulatory Planning; and 2) 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. Zarrillo seconded the motion. The Board voted 4-0 to approve the motion.

28 Cushing Road – *Final Design Review* – Construct new single-family dwelling.

Kent Duckham, architect for the applicant, reviewed the Board's comments from previous meetings on this project and explained how the proposal had been revised to address the comments.

Mr. Zarrillo confirmed that the Board's concerns had been addressed.

Mr. Heikin moved to approve the final design. Mr. Zarrillo seconded the motion. The Board voted 3-0 (Mr. Hines abstained) to approve the motion.

290-292 Tappan Street – Renovate building and construct third-floor addition.

Mr. Panak provided some background on the project which was continued from a previous Planning Board meeting on August 8, 2019.

Mr. Allen (attorney for the applicant) introduced the members of the design team and explained the intent of the revisions, noting that the team tried to shrink the building some more and stay within the existing envelope as much as possible.

Kecia Lifton, architect for the applicant, gave a brief presentation to the Board on the proposal.

The Board had a brief discussion on the FAR calculation methods and how much of the added FAR is coming from the conversion of interior space.

Mr. Hines stated that he thinks the addition is too large.

Mr. Heikin agreed but also thought that the changes are better insofar as they make the design more consistent with the character of the neighborhood. Mr. Heikin suggested that the added space should be limited to 130% of the allowed FAR.

Mitch Freeman, 286 Tappan Street, expressed his opposition to the project. He noted that the developer had met with the neighbors and improved the proposal somewhat but that the additional 3rd story remain unacceptable to the neighborhood. Mr. Freeman also raised questions about whether the existing building is indeed pre-existing nonconforming.

Ted Offner, 295 Tappan Street, also expressed his opposition to the project, stating that he believes the Board's statements from August 8 (that the 3rd story would add too much bulk and change the character of the neighborhood) were exactly right.

Amit Saraf, 294 Tappan Street, voiced his support for both Mr. Freeman's and Mr. Offner's comments.

Board members discussed how they believe any addition to the house should be limited to increasing the FAR to 130% of the allowed FAR under the Bylaw. Mr. Heikin expressed some concerns with the design of the rear elevation.

The applicant expressed a willingness to work with the neighbors and the Board and agreed to try and reduce the FAR to 130%.

The case was continued to a future Planning Board meeting.

118 Gerry Road & Independence Drive – Construct apartment building (36 units) and community center for residents of Hancock Village.

Mr. Panak described the scope of work and the requested zoning relief, noting that the Planning Department was supportive of the proposal.

Andy Martineau, applicant, described the changes that have been made to the proposal since the Planning Board's review of the project in May.

Mr. Carr asked if the proposal would qualify for LEED certification. Mr. Martineau stated that had not been looked at and Mr. Heikin confirmed that sustainability was not a significant consideration during the Design Advisory Team meetings.

Mr. Carr stated he would have preferred to see a more "complete streets" approach to the site design. Theo Kinderman, the landscape architect for the applicant, said that the site design was meant to evoke 1950s planning concepts so that it fits with the character of Hancock Village.

Mr. Martineau went through the building design iterations in detail. Mr. Carr asked if a second level of parking could be located underground, to which Mr. Martineau responded that it would be cost-prohibitive.

Mr. Zarrillo stated he was supportive of the project. Mr. Carr agreed but expressed some disappointment in that the project did not include anything that pushes the boundaries or offers something new to the area. He would have liked to see a more sustainable design approach that worked with the character of South Brookline.

Mr. Martineau said that they were considering making the Gerry Building an all-electric building.

Mr. Heikin made a motion to recommend approval of the site plans by Stantec, dated 9/18/19, and architectural plans by Lowe Associates Architects, Inc., dated 9/16/19, subject to the following conditions:

- 1. Prior to the issuance of a building permit, the applicant shall submit a final site plan, parking plan, floor plans, elevations and landscaping plan subject to the review and approval of the Assistant Director of Regulatory Planning.**
- 2. Pursuant to the provisions of Section 4.08 Affordable Housing Requirements of the Zoning By-law, the petitioner shall:**
 - a. Provide five permanently affordable units, which would be monitored for compliance on an annual basis by the Town:**
 - (i) three(3) two-bedroom units and two (2) one-bedroom units shall be designated as affordable in accordance with the affordable housing plan approved by the Housing Advisory Board at its meeting of 5/28/2019;**
 - (ii) no less than four units shall qualify as low and moderate income housing under the Comprehensive Permit Law (Chapter 40B), including that they shall be rented to households with incomes less than or equal to 80 percent of area median income, and one unit may be rented to a household with an income less than or equal to 100 percent of area median income;**
 - b. Rents shall be established in accordance with the Zoning By-Law and Guidelines;**
 - c. floor plans, finishes and appliances shall be the same as market rate units, except where the Director of Planning and Community Development specifically approves, in advance, a request for specific floor plans, finishes or appliances which differ;**
 - e. no building permit shall be issued until the applicant has submitted, and the Director of Planning and Community Development has approved, a final Affordable Housing Plan which shall include a final schedule of units, including locations, and references to specific floor plans for the affordable units, which Plan shall be legally binding as part of this special permit;**
 - f. no certificate of occupancy shall be issued for any market rate unit until**
 - (i)) the developer has provided proof that all affordable units serving households up to 80% of area median income are subject to a DHCD Local Initiative Program Regulatory Agreement and Declaration of Restrictive Covenants for Rental Projects as well as other DHCD requirements to ensure that those units are included in the Town's Subsidized Inventory (SHI), and**
 - (ii) the Town has approved initial rents for the affordable units and a marketing and selection plan for the affordable units which provides for a local preference, as permitted by law or regulation (including Chapter 40B guidelines), for up to 70% of the affordable units be given to Brookline residents, employees of the Town,**

Families with Children in the Brookline Public Schools, and employees of the Brookline Housing Authority, and

(iii) all of the affordable units have obtained a certificate of occupancy, unless otherwise approved by the Director of Planning and Community Development.

- 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) final floor plans and elevations stamped and signed by a registered architect and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.**

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

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

The meeting was adjourned.