



BOARD OF APPEALS  
Jesse Geller, Chairman  
Christopher Hussey  
Jonathan Book

Town Hall, 1<sup>st</sup> Floor  
333 Washington Street  
Brookline, MA 02445-6899  
(617) 730-2010 Fax (617) 730-2043  
Patrick J. Ward, Clerk

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2016 OCT 27 P 2

# Town of Brookline Massachusetts

TOWN OF BROOKLINE  
BOARD OF APPEALS  
CASE NO. 2016-0046  
40 ASPINWALL AVENUE

Petitioner, Brookline Teen Center, applied to the Building Commissioner for a building permit to install a façade sign at 40 Aspinwall Avenue. The application was denied and an appeal was taken to this Board.

The Board administratively determined that the properties affected were those shown on a schedule certified by the Board of Assessors of the Town of Brookline and fixed September 29, 2016 at 7:00 p.m., in the Selectmen's Hearing Room as the date, time and place of a hearing for appeal. Notice of the hearing was mailed to the Petitioner, to their attorney of record, to the owners of the properties deemed by the Board to be affected as they appeared on the most recent local tax list, to the Planning Board and to all others required by law. Notice of the hearing was published on September 15, 2016 and September 22, 2016 in the Brookline Tab, a newspaper published in Brookline. A copy of said notice is as follows:

## Notice of Hearing

Pursuant to M.G.L., C. 40A, the Board of Appeals will conduct a public hearing at Town Hall, 333 Washington Street, Brookline, on a proposal at:

**40 ASPINWALL AVENUE – INSTALL A FAÇADE SIGN in an L-1.0, Local Business, zoning district, on SEPTEMBER 29, 2016 at 7:00 PM in the 6<sup>th</sup> Floor Selectmen’s Hearing Room (Petitioner/Owner: BROOKLINE TEEN CENTER) *Precinct 7***

The Board of Appeals will consider variances and/or special permits from the following sections of the Zoning By-Law, and any additional zoning relief the Board deems necessary:

- 1. Section 7.00.1.b: Signs in All Districts**
- 2. Any Additional Relief the Board May find Necessary**

*Hearings may be continued by the Chair to a date/time certain, with no further notice to abutters or in the TAB. Questions about hearing schedules may be directed to the Planning and Community Development Department at 617-730-2130, or by checking the Town meeting calendar at: [www.brooklinema.gov](http://www.brooklinema.gov).*

*The Town of Brookline does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. Individuals who need auxiliary aids for effective communication in programs and services of the Town of Brookline are invited to make their needs known to Lloyd Gellineau, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone (617) 730-2328; TDD (617) 730-2327; or e-mail at [llgellineau@brooklinema.gov](mailto:llgellineau@brooklinema.gov)*

*Jesse Geller, Chair  
Christopher Hussey  
Jonathan Book*

At the time and placed specified in the notice, this Board held a public hearing. Present at the hearing was Chairman Jesse Geller, and Board Members Christopher Hussey and Mark Zuroff. Michael Yanovitch was present on behalf of the Building Department and Ashley Clark was present on behalf of the Planning Department. Kathleen Scanlon, the project manager was present on behalf of the Brookline Teen Center.

Ms. Scanlon presented the application to install a façade sign 28 feet and 6 inches above grade. Ms. Scanlon stated that they are requesting height relief for a small sign with the Brookline Teen Center logo on it, BTC. Ms. Scanlon referenced to a rendering submitted to the Board for what the sign appearance would be and stated that the sign would be

attached to existing slats on the building. Ms. Scanlon stated that since the building is setback far from the public way, the height of the sign is necessary to increase visibility.

Mr. Hussey asked Ms. Scanlon about the modest size of the sign. Ms. Scanlon described the additional signage they have planned for the teen center, including a street sign and small hanging sign.

Board Chairman Geller called for public comment in favor of, or in opposition to, the Petitioner's proposal. There was no public comment.

Board Chairman Geller called upon Zoning Coordinator Ashley Clark from the Planning Department to review the findings of the Planning Board:

**FINDINGS**

**Section 7.00.1.b – Signs in All Districts**

No sign or other advertising device, or part thereof, shall be more than 25 feet above ground level except signs announcing the name of an individual building by special permit of the Board of Appeals.

	<b>Required</b>	<b>Proposed</b>	<b>Finding</b>
<b>Height Above Ground</b>	<25 feet	28.5 feet	<u>Special Permit</u>

Ms. Clark stated the Planning Board supports the proposed sign and its placement. The building is set far enough off the street that the height of the sign is not overwhelming within its context. The sign itself is not large in size and blends in with the design and materials of the Teen Center's exterior. Ms. Clark noted that the Brookline Teen Center will benefit from identifying signage that is visible to the public from Aspinwall Avenue.

Therefore, the Planning Board recommended approval of the signage site plans labelled "Brookline Teen Center," by StudioMLA Architects dated 4/28/16, subject to the following conditions:

- 1. Prior to the issuance of a building permit, a final signage site plan shall be subject to the review and approval of the Assistant Director for Regulatory Planning.**

2. **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) signage site plans stamped and signed by a registered architect; and 2) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.**

Board Chairman Geller requested that Deputy Building Commissioner Michael Yanovitch review the findings of the Building Department. Mr. Yanovitch stated the Building Department has no objection to this request. Mr. Yanovitch added that in his opinion the relief requested is minor in nature. Mr. Yanovitch further stated that should the Board grant relief, the Building Department will work with the applicant to ensure compliance.

The Board then deliberated on the merits of the special permit relief requested. Chairman Geller confirmed with Mr. Yanovitch that the language of **§7.00.1.b** of the Town's Zoning By-Law providing for "signs announcing the name of an individual building" included a tenant's name, in the within case, the Brookline Teen Center, and was not confined to naming of the building. Board Members Zuroff and Hussey were in support of granting the relief. Chairman Geller agreed with Board Members Hussey and Zuroff that the sign met the requirements for the requested zoning relief under **Section 7.00.1.b** and **Section 9.05** of the Zoning By-Law. The Board made the following specific findings pursuant to **Section 9.05** of the Zoning By-Law:


- a. The specific site is an appropriate location for such a use, structure, or condition.
- b. The use as developed will not adversely affect the neighborhood.
- c. There will be no nuisance or serious hazard to vehicles or pedestrians.
- d. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

Accordingly, the Board voted unanimously to grant the requested special permit relief under **§7.00.1.b** of the Zoning By-Law, subject to the following conditions:

1. Prior to the issuance of a building permit, a final signage site plan shall be subject to the review and approval of the Assistant Director for Regulatory Planning.
2. 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) signage site plans stamped and signed by a registered architect; and 2) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

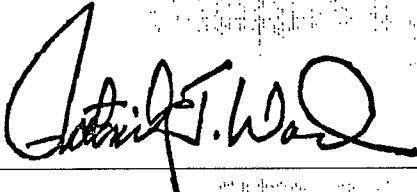
**Unanimous Decision of  
The Board of Appeals**

Filing Date: 10/27/16

  
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Jesse Geller, Chairman

A True Copy

ATTEST:

  
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Patrick J. Ward

Clerk, Board of Appeals