

962 HAMMOND ST



Town of Brookline Massachusetts

BOARD OF APPEALS
Jesse Geller, Chairman
Jonathan Book
Christopher Hussey

Town Hall, 1st Floor
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Brookline, MA 02445-6899
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Patrick J. Ward, Clerk

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TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2017-0039
TOWN OF BROOKLINE
FIRE STATION #6

Petitioner, Ray Masak, applied to the Building Commissioner for permission to construct a vehicle repair garage and training tower. 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 July 13, 2017 at 7:15 p.m., in the Selectmen's Hearing Room as the date, time and place of a hearing for the appeal. Notice of the hearing was mailed to the Petitioners, to their attorney (if any) 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 June 29, 2017 and July 6, 2017 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:

962 Hammond Street to construct vehicle repair garage and training tower in a S-15 (Single-Family) Residence District, on July 13, 2017 at 7:15 PM in the 6th Floor Selectmen's Hearing Room (Petitioner/Owner: Town of Brookline) Precinct 15

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 5.31.1 and 2: Exceptions to Maximum Height Regulations (Training Tower)
2. Section 5.43: Exceptions to Yard and Setback Regulations
3. Section 5.60: Side Yard Requirements
4. Section 5.70: Rear Yard Requirements
5. Section 8.02.2: Alteration or Extension
6. 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.

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

Jesse Geller, Chair
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At the time and place specified in the notice, this Board held a public hearing. Present at the hearing was Chairman Johanna Schneider and Board Members Mark Zuroff and Chris Hussey.

The case was presented by Ted Gallante of the Gallante Architecture Studio.

Mr. Gallante described the proposal at 926 Hammond Street to modify the drill yard at the Hammond Street fire station to construct a vehicle repair garage, training tower and smaller burn room. Mr. Gallante stated that the property is located in an S-15 residential zoning district. Mr. Gallante stated that there is an existing drill yard behind the station and a 70 foot tower that will be taken down and

replace with a smaller 45 foot tower. Mr. Gallante described the encroachment on the setbacks at the rear and side yards. Mr. Gallante stated that the repair facility is proposed to be approximately one foot away from the side yard lot line. Mr. Gallante stated that the space on the interior of the site can quickly become congested with fire vehicles, cars that need to park onside and space needed for the firefighters to conduct their training. Mr. Gallante argued this is why they would like to put the vehicle repair facility so close to the lot line.

Upon inquiry from Board Member Hussey, Mr. Gallante described the proposed materials. Mr. Gallante stated that the buildings are a combination of metal and cement board. Mr. Gallante stated that the building is prefinished and should be easy to maintain and replace with the heavily intensive planned uses.

Upon inquiry from Board Member Zuroff, Mr. Gallante described the current condition of vehicle repairs take place out on the street and are unsafe.

Keith Flaherty, Chief of Operations, stated that they share their facilities with surrounding communities. Mr. Flaherty reiterated the need for space within the site to allow for flexibility as needs change depending on drill schools, guests speakers etc.

Board Member Hussey confirmed the Putterham Golf Course abuts the property to the rear and side.

Chairman Schneider asked whether anyone was present to speak in favor of the proposal.

Janice Kahn, Town Meeting Member of Precinct 15 and Chair of the Public Safety Subcommittee, spoke in support of the proposal.

Chairman Schneider asked whether anyone was present to speak in opposition to the proposal.

No one spoke in opposition to the proposal.

Chairman Schneider called upon Ashley Clark, Planner & Zoning Coordinator, to deliver the findings of the Planning Department.

FINDINGS

Section 5.09.i – Design Review - non-residential uses in a residential district with more than 5,000 square feet of gross floor area or with 10 or more parking spaces require a **special permit** subject to the design review standards listed under *Section 5.09.4(a-l)*. All the conditions have been met, and the most relevant sections of the design review standards are described below:

a. **Preservation of Trees and Landscape** — Existing trees and other landscape features will be preserved in their natural state.

b. **Relation of Buildings to Environment**— The proposed buildings will be set back away from the street and behind a thick screening of trees along Hammond Street. The proposed buildings are located some distance from structures on neighboring properties. Additionally, the proposal is surrounded on three sides by the Putterham Golf Course.

c. **Relation of Buildings to the Form of the Streetscape and Neighborhood**—The proposed project is over 250 feet away from the nearest residential structure and is shielded by substantial screening, which will not be removed as a result of this project.

d. **Open Space**—All existing open space shall be continuously maintained.

e. **Circulation**—The proposal seeks to utilize an existing driveway that extends to the rear of the property. The location of the vehicle repair facility along the northern property line allows enough space for the fire engines to enter and exit. Additionally, the location of the training tower is setback far enough to leave enough space for the large vehicles to maneuver.

f. **Stormwater Drainage**—Since the proposal is not increasing the impervious surface area by utilizing existing paved area, there is no change in the storm water drainage needs. Furthermore, under the asphalt is rock which would not be conducive to a drainage system.

j. **Safety and Security**— The training tower, training rooms and repair facility will meet all code requirements with respect to safety and security. With respect to personal safety, all open and enclosed spaces will be designed to facilitate building evacuation and maximize accessibility by fire, police, and other emergency personnel and equipment.

Training Tower and Burn Room Zoning Relief Requirements

Section 5.30 – Maximum Height of Buildings

	Existing	Allowed	Proposed	Finding
Height of Tower	~70'	35'	43'6"	Special Permit*

* Under **Section 5.08.2**, the Board of Appeals may grant a special permit to modify the dimensional requirements in Article 5 of the Zoning By-law for use #10 (educational) to the extent necessary to allow reasonable development of such a use in general harmony with other uses permitted and as regulated in the vicinity. The goal of this Town Fire Department is to provide educational training to its Fire Fighters, which requires an up-to- date training facility.

Section 5.70 – Rear Yard Requirements

	Existing	Required	Proposed	Finding
Rear yard	-	50 ft.	35'2"	Special Permit*

* Under **Section 5.08.2**, the Board of Appeals may grant a special permit to modify the dimensional requirements in Article 5 of the Zoning By-law for use #10 (educational) to the extent necessary to allow reasonable development of such a use in general harmony with other uses permitted and as regulated in the vicinity. The goal of this Town Fire Department is to provide educational training to its Fire Fighters, which requires an up-to- date training facility.

Repair Garage Zoning Relief Requirements

Section 5.60 – Side Yard Requirements

	Existing	Required	Proposed	Finding
Repair Facility	-	25'	~1'	Special Permit*

* Under **Section 5.43**, the Board of Appeals may waive by special permit yard and setback requirements if a counterbalancing amenity is provided.

Section 8.02.2 – Alteration or Extension

A special permit is required to alter a pre-existing non-conforming structure or use.

Ms. Clark stated that the Planning Board is supportive of this proposal to construct a newer, more modern training tower and a fire vehicle repair facility and training room. Ms. Clark noted that the

Board finds that locating the buildings at the rear of the property is appropriate, although the Planning Board would like to see the repair garage moved slightly away from the side property line, if possible, to provide more space for accessing the rear of the building. However, Ms. Clark stated, this part of the golf course is a heavily treed area so the building will be adequately screened from the fairway.

Therefore, Ms. Clark stated, the Planning Board recommends approval of the plans by TGAS Architecture Studio, dated 5/4/17, subject to the following condition:

- 1) Prior to the issuance of a building permit, the applicant shall submit a final site plan showing the repair building at least five feet from the side property line, if possible; and 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, as a counterbalancing amenity, the applicant shall submit a fence and landscaping 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 a construction management plan, including protection of trees, subject to the review and approval of the Building Commissioner, with a copy to the Planning Department.
- 4) Prior to 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; 2) final building elevations and floor plans stamped and signed by a registered architect; and 3) evidence the decision has been recorded at the Registry of Deeds.

Chairman Schneider then called upon Michael Yanovitch, Deputy Building Commissioner, to deliver the recommendation of the Building Department. Mr. Yanovitch stated that the Building Department does not have any objection to the request for relief. Mr. Yanovitch stated that the proposal will greatly improve the training and repair facilities for the Fire Department. Mr. Yanovitch stated that is it a nonprofit educational use and the Zoning Board of Appeals should decide if it meets the threshold of the Dover Amendment. Mr. Yanovitch stated there will be educational classes and specialty training

taking place for the firefighters. Mr. Yanovitch stated that if this meets the criteria for the grant of relief, the Building Department will work with the Town to ensure compliance.

Board Member Zuroff was in support of the application and stated that the training the facility provides and the public service is a great counter balancing amenity. Board Member Hussey concurred and stated that the condition should be amended to strike requiring the repair facility building to have a five foot setback. Board Chairman Schneider concurred.

The Board then determined, by unanimous vote that the proposal for the training facility and tower are protected by M.G.L. c. 40A, Section 3 and therefore do not require zoning relief though is subject reasonable restrictions. In regards to the repair facility, the Board of Appeals then determined by unanimous vote that the requirements for the grant of the Special Permits from the provisions of Sections 5.60 and 8.02.2 pursuant to Sections 5.43 and 9.05 as requested have been met.

The Board made the following specific findings pursuant to said Section 9.05:

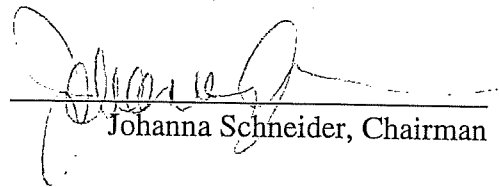
- a. The specific site is an appropriate location for such a use, structure, or condition.
- b. The use as developed will not adversely affect the neighborhood.
- c. There will be no nuisance or serious hazard to vehicles or pedestrians.
- d. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
- e. Development will have no effect on the supply of housing available for low and moderate income people.

Accordingly, the Board voted unanimously to grant the requested relief subject to the revised conditions:

- 1) Prior to the issuance of a building permit, the applicant shall submit a final, 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, as a counterbalancing amenity, the applicant shall submit a fence and landscaping 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 a construction management plan, including protection of trees, subject to the review and approval of the Building Commissioner, with a copy to the Planning Department.
- 4) Prior to 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; 2) final building elevations and floor plans stamped and signed by a registered architect; and 3) evidence the decision has been recorded at the Registry of Deeds.

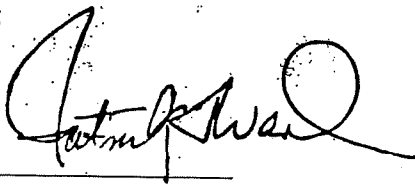
Unanimous Decision of
The Board of Appeals



Johanna Schneider, Chairman

Filing Date: 8/18/17

A True Copy
ATTEST:



Patrick J. Ward
Clerk, Board of Appeals