



# Town of Brookline Massachusetts

BOARD OF APPEALS  
Jesse Geller, Chairman  
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TOWN OF BROOKLINE  
BOARD OF APPEALS  
CASE NO. 2017-0037  
308 BOYLSTON STREET, BROOKLINE  
HERB CHAMBERS OF BROOKLINE

Petitioner, Herb Chambers of Brookline, applied to the Building Commissioner for permission to construct a two-story showroom addition. 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 August 10, 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 Petitioner, 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 15, 2017 and June 22, 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: **308-328 Boylston Street** – Demolish existing showroom and construct a new showroom and new service entrance in a G-2.0 (GENERAL) BUSINESS DISTRICT, on June 29, 2017 at 7:30 PM in the 6th Floor Selectmen's Hearing Room (Petitioner/Owner: Herb Chambers)

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 5.09.2. a and h: Design Review**
2. **Section 5.43: Exceptions to Yard and Setback Regulations**
3. **Section 5.70: Rear Yard Requirements**
4. **Section 5.73.1: Rear Yards in Business and Industrial Districts**
5. **Section 7.00.1.b: Signs in All Districts**
6. **Section 8.02.2: Alteration or Extension**
7. **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 place specified in the notice, this Board held a public hearing. Attorney Allen was present on behalf of the Petitioner and requested to continue the hearing until August 10, 2017. The Board voted unanimously to grant the continuance. On the date certain, this Board heard the case for 308 Boylston Street. Present at the hearing was Chairman Jesse Geller and Board Members Christopher Hussey and Mark Zuroff. Also present at the hearing was Building Commissioner Daniel Bennett and Planning and Zoning Coordinator, Ashley Clark. The case was presented by the Attorney for the Petitioners, Robert L. Allen, Law Office of Robert L. Allen, Jr. LLP, 300 Washington Street, Second Floor, Brookline, Massachusetts 02445. Present at the hearing were representatives for the Petitioner, John Welch and Gabe Despres. Also present was the design team including architects, Mark Regent and

Christopher Wall, Regent Associates, 24 Superior Dr Suite 202, Natick, MA 01760; Gabriel Crocker, CHA Consulting, Inc., 101 Accord Park Drive Norwell, MA 02061; and Alan Aukeman, Ryan Associates, 144 Moody St, Waltham, MA 02453. Attorney Allen waived a reading of the public notice.

Attorney Allen indicated that he is surprised that there are no neighbors present since there has been active neighborhood participation at the Planning Board and all other prior meetings. He indicated that the Zoning Board of Appeals Hearing was properly noticed in the Brookline TAB and on-line and the latest plans were sent to the attorney representing the owner of 18 E. Milton Road.

Mr. Allen then provided the Board with a history of the property stating: The current use as a car dealership has been exercised on the subject property since the 1930s. Mr. Allen stated that the Petitioner applied for a license to operate under the existing use in 2014. Mr. Allen indicated that at that time, the Petitioner informed the Board of Selectmen one of the Petitioner's objectives is to beautify the site. Mr. Allen continued that the license transfer was reviewed by The Board of Selectmen and after a public hearing, approved with conditions.

Mr. Allen stated that the proposal is consistent with ongoing development along Route 9, from Brookline Avenue, Gateway East and moving West. He continued that the proposal would be beneficial to the Town and is consistent with the Brookline Comprehensive Plan 2005-2015. Mr. Allen then reviewed a history of the proposal. Mr. Allen indicated that the proposal is reduced from a larger project that began last year and necessitated the appointment of and review by a Design Advisory Team. Attorney Allen continued that the original proposal was to demolish the existing one-story showroom and reconstruct a new four-story showroom that consisted of offices, vehicle storage space, and a new service bay entrance that would connect the showroom to a parking garage that would cover the existing parking lot. He indicated that due to site limitations, including the existence of a barn on the property,

the Petitioner was unable to meet some of the design requests and withdrew the application to revise the proposal.

Attorney Allen stated that the instant proposal is significantly smaller and no longer necessitates DAT review. He added that this proposal is a request to demolish the existing showroom and create a new two-story showroom addition with a defined service entrance, which will improve the site and customer experience. He stated that the instant proposal incorporates a clearly marked service entrance, reduces the use of the existing Cypress Street entrance and reduces congestion on the site. Mr. Allen indicated that there was initially proposed a 10 foot rear yard setback where 20 feet is required. Mr. Allen indicated that due to the dimensional relief requested, counterbalancing amenities were required. Mr. Allen stated that the proposal has been altered and is now compliant with the 20 ft. rear yard setback requirement. Mr. Allen noted that since the proposal no longer demands dimensional relief, counterbalancing amenities are no longer required. However, Mr. Allen indicated that the Petitioner is committed to limiting the Cypress Street curb cut to right turn in and right turn out only, which he argued, will improve some of the vehicular concerns on Cypress Street and serve as an amenity.

Mr. Allen asked that the Board reconsider the Planning Board recommendations. Mr. Allen suggested that the Planning Board recommendation to close the Cypress Street entrance does not work operationally and would likely create a dangerous traffic condition. Mr. Allen also argued that the Planning Board condition to remove the parking spaces on East Milton Road is not germane to the instant proposal. Attorney Allen commented that the Petitioner has the legal right to use East Milton Road, and that no causal relation to the safety concerns on the property has been presented to suggest that the Petitioner's right to use that street should be restricted and to support the proposed condition.

Attorney Allen continued stating that the Petitioner seeks relief from **Section 8.02.2** of the Zoning By-Law for the extension of a non-conforming structure or use and **Section 5.09** of the Zoning

By-Law for Design Review. Attorney Allen noted that the Planning Board was supportive of the design of the showroom.

Mr. Allen then yielded the floor to Gabriel Croker, project engineer, to review the site plan. Following the site plan review, Chairman Geller asked whether the proposal will increase the number of vehicles using Cypress Street. Mr. Allen stated that Jeffrey Dirk, Vanasse & Associates, Inc., 35 New England Bus Center Dr., Andover, MA 01810 conducted a traffic analysis and Mr. Dirk concluded that the incorporation of an identified service bay will have no impact (i.e. will not remediate traffic conditions and will not increase the number of vehicles accessing from Cypress Street) and noted that no vehicles can access the site from Route 9 onto Cypress Street because there is no left turn entry from Cypress Street.

Chairman Geller asked whether the proposal will increase the number of spaces utilized in the parking area on the side of Cypress Street. Mr. Allen stated that the existing license for the dealership allows up to 140 vehicles to be parked outside and the Petitioner will not exceed the licensed number. Mr. Geller then asked whether the Cypress Street entrance will be time-restricted. Mr. Despres responded that there are no time restrictions on the Cypress Street entry nor are any planned. He stated that most customers utilizing the existing service station enter from one of the two existing curb cuts on Route 9 and indicated that employees enter and exit from Cypress Street, at the start and end of their work shifts. He stated that updates pertaining to the right in and right out restrictions will be displayed on the company website and appropriate signage will be placed on the site.

Board Member Zuroff asked whether measures such as a no left turn sign will be implemented to clearly prevent left hand turns from Cypress Street. Attorney Allen replied in the affirmative.

Chris Wall, architect for the proposal, then reviewed the plans with the Board. He explained that the ten foot setback initially proposed would allow customers to enter the service drive directly without

exiting the building and that in order to meet the 20 ft. setback, the Petitioner changed how the service drive functioned. He explained that customers will now enter the service area at which time their vehicles will be transported by a valet driver who will have to exit the service area and re-enter the service drive which is contained in the main building.

Mr. Wall discussed the layout of the proposed addition. He indicated that the first floor will consist of a customer lounge, sales stations, office space, retail parts, and demonstration locations. He reviewed the roof plan and indicated that the mechanics on the roof will be compliant with the Town of Brookline Noise By-Law. Mr. Wall then reviewed the photometrics for the site and stated that the existing light poles will remain but will be equipped with new lighting which will comply with the appropriate spillage requirements.

Board Member Zuroff asked the Petitioner to identify designated customer parking for those customers seeking to purchase a vehicle. Mr. Despres indicated that currently, customer parking is located along the side of the lot, but will be relocated to the center of the parking lot as a result of this proposal.

He indicated that service customers currently park on the lot, but this proposal will move all service customers into the addition rather than on the lot. Mr. Zuroff asked where deliveries of vehicles occur. Attorney Allen stated that the deliveries occur in the designated loading zone but that on occasion, the dealership receives a delivery from a larger truck. In those instances, he continued, the driver occasionally stops on Route 9. Attorney Allen emphasized that the delivery of vehicles predominantly occurs on site, and that the Board of Selectmen have reviewed this issue in connection with annual licensure. He stated that the opinion of the Board of Selectmen, as expressed in a letter dated, February 7, 2017, is that the Town of Brookline prefers for deliveries to occur on site, but recognizes in limited instances, where a delivery is too large, delivery on Route 9 is acceptable.

Board Member Hussey asked Attorney Allen to identify the location of the employee parking accessed by East Milton Road. Mr. Allen stated that there are six existing stalls located on the subject property accessed by East Milton Road.

Attorney Allen then called upon Alan Aukerman, landscape architect for the project to review the landscape plan. Chairman Geller clarified that since there is no dimensional relief requested, counterbalancing amenities are not required. Mr. Allen stated that although counterbalancing amenities are not required, the Petitioner will install the landscape plan as presented in order to beautify the property, and provide an amenity for the neighborhood.

Mr. Aukerman indicated that the landscape plan focuses on three areas of the property: at the front of the showroom will be a 600 sf. showroom garden featuring landscape stone and low plantings; tall arbor edges will be planted to create a landscape edge to Route 9; and the rear of the proposed addition will be made of a green screen, facing the residential properties on East Milton Road. He noted that a trellis fence engulfed with vine will also be incorporated at the rear to create a green edge along the property facing East Milton Road.

Attorney Allen then reviewed the relevant standards under **Section 9.05** of the Zoning By-Law arguing: (1) the specific site is an appropriate location for the proposed use because the project is located on a commercially-zoned lot on Route 9 and the proposed addition will not change the current use of the lot; (2) the proposed use will not adversely affect the neighborhood because the project will improve the site's operation, circulation, and appearance. Additionally, screening landscaping and fencing will be provided along the service reception addition's rear wall to ensure an attractive façade to the closest residential abutters; (3) there will be no nuisance or serious hazard to vehicles or pedestrians since identification of a clear service reception area and designated parking spaces for sales customers will improve traffic conditions; (4) adequate and appropriate facilities will be provided for the proper

operation and proposed use as delineated in the Section 5.09 Community Impact Statement submitted by the Petitioners; and (5) the development as proposed will not have a significant adverse effect on the supply of housing available for low and moderate income people.

Chairman Geller then asked whether anyone was present who wanted to speak in support of the proposal. No one spoke in support to the proposal.

Chairman Geller asked whether anyone was present who wanted to speak in opposition to the proposal. No one appeared spoke in opposition to the proposal.

Chairman Geller then called upon Ashley Clark, Zoning Coordinator to deliver the findings of the Planning Board.

#### **FINDINGS:**

##### **Section 5.09.2 a and h – Environmental Impact and Design Review**

All exterior changes to a structure on a lot fronting on Boylston Street shall require a special permit subject to the design review standards of Section 5.09. The relevant sections are outlined below:

**a. Preservation of Trees and Landscape** There are a number of mature trees bordering the site along the rear lot line. The applicant plans to save all existing trees to the greatest extent possible. The new showroom will have a long triangle of low landscaping between the front façade and the sidewalk. The existing landscape strip bordering the Boylston Street side of the parking lot will be cleaned up, and dead or struggling plant materials will be replaced.

**b. Relation of Buildings to Environment** The height of the new showroom will be 28'-0", and the service reception portion will be 2'-0" lower. The 3-story portion of the existing building (scheduled to remain) will still be the tallest part of the building. The front of the building faces north so it does not cast shadows on the property of the residences behind (East Milton Road).

**c. Relation of Buildings to the Form of the Streetscape and Neighborhood** Building heights in the immediate area vary greatly from three story wooden houses at the rear to the six-story apartment building across the street.

**d. Open Space** Almost of the landscaped open space is located along the property's frontage in order to maximize its visibility, except there is some landscaping along the rear property line.

**e. Circulation** Vehicular circulation through the site is being changed. The new service courtyard and reception area (accessed via a modified existing curb cut location on Boylston) will provide a centralized point for service customers to pull their vehicles directly into the building where they will be greeted by Audi Service Staff. The applicant's goal is to improve the customer experience and operational flow compared to the current approach where customers first park in the parking lot, and then walk into the facility to request service at the service counter drive in. The existing curb cut on Cypress Street will be maintained for access for those approaching the property westbound on Boylston Street, as well as directly from Cypress Street. The project will also maintain the existing curb cut on the east end of the property along Boylston Street which provides direct access to the leased employee parking area, service barn and showroom.

**f. Stormwater Drainage** The facility is currently served by an existing storm drain collection and conveyance system for the parking lot and roof areas. That system connects to the town drainage system within Cypress Street as well as the state drainage system within Boylston Street. The project is considered a redevelopment under the Massachusetts Stormwater Regulations and will result in an overall improvement in water quality through the implementation of modern deep sump hooded catch basins and water quality inlets to provide pre-treatment of the runoff prior to entering the off-site storm drainage system.

**g. Utility Service** Electric, telephone, cable TV and other such lines and equipment exist and serve the existing facility. These services are being assessed and any necessary upgrades to serve the upgraded building will be designed to be underground from the source in the Boylston Street and/or Cypress Street to the building. Should a new transformer be needed, screening will be provided.

**h. Advertising Features** An Audi-standard pylon sign, approximately 20'-0" tall, will be located just west of the main curb cut to the parking lot in front of the new Service Reception. Building-mounted signage will include three sets of "Audi rings", one each on the west, north and east-facing facades of The Showroom. The north-facing façade will have a sign that reads "Audi Brookline". There will also be a sign identifying the entrance to Service Reception that reads "Audi Service".

**j. Safety and Security** There will be security lighting, and the existing rolling security gates are planned to be retained, with minor modifications. This is needed for security on the property.

**k. Heritage** A demolition permit for the current showroom was applied for in April 2017. A Certificate of Non-Significance was subsequently issued by the Preservation Commission.

**l. Microclimate** Roof top HVAC units are planned and screening is anticipated for these units. They will meet the Noise Control provisions.

**m. Energy** This project will meet or exceed stretch codes for energy efficiency. Exterior lighting will be set to operate on photocells and time clocks, with lighting levels reduced to approximately 50% after

hours. All lighting will be LED type, plumbing fixtures and mechanical equipment will be high efficiency. Building materials will be evaluated on their environmentally friendly basis.

**Section 5.43 – Exceptions to Yard and Setback Regulations**

**Section 5.70 – Rear Yard Setback**

<b>Dimensional Requirements</b>	<b>Required</b>	<b>Proposed</b>	<b>Relief</b>
<b>Rear Yard Setback (for new service reception building between the parking lot and the building)</b>	20 feet	14.7 feet	Special Permit*

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

**Section 6.06.2 and 6.06.7 – Off-Street Loading Requirements** – An increase in gross floor area by 5,000 square feet or more requires that the additional gross floor area shall be counted towards off-street loading requirements.

<b>Requirement</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
<b>Off-Street Loading Zone</b>	1	0	0	Special Permit*/Variance

*\* The number of required loading bays may be reduced by special permit from the Board of Appeals where the adequacy of the reduced number of loading bays can be demonstrated.*

**Section 8.02.2 – Alteration or Extension**

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

Ms. Clark commented that the proposal initially required design review, rear yard setback relief, and that the Planning Board therefore conditioned their approval on counterbalancing amenities. She indicated that the Petitioner was also cited for Off-street loading requirements. Ms. Clark stated that the Petitioner has no designated loading area where one is required. She remarked that under **Section 9.05** of the Zoning By-Law where the Board may attach conditions and safeguards to protect the neighborhood.

Mr. Allen indicated that the proposal has been modified so there are now two areas of loading one designated for parts and one for vehicle drop offs, which he identified on the plan, and therefore complies with the zoning requirement and relief is no longer required.

Chairman Geller asked Mr. Bennett whether the proposal meets the loading requirements. Mr. Bennett stated that where, as here, an addition is in excess of 5,000 s.f. the addition of a loading zone is required. Mr. Bennett confirmed that the designated loading zone satisfies the requirement.

Ms. Clark indicated that the Fire Department reviewed the proposal and indicated that the proposal does not pose a safety concern. Ms. Clark submitted a letter from the Fire Department to the same effect. Ms. Clark then stated that the Planning Board is supportive of this proposal if approval is made subject to the suggested conditions. She stated that the Planning Board felt that the current proposal to construct a new, two-story addition for a new showroom and offices and build a small two story service entrance is better suited for the neighborhood than the previous proposal, which involved a large building to be located on the current open air parking lot to the west of the building. She continued that the Planning Board noted that while the height of the building is increasing from one to two stories, it will only be 28 feet, and the Board believes that the silver corrugated, perforated rain screen for the showroom façade will give a contemporary look to this building.

Ms. Clark stated that the Planning Board felt that counterbalancing amenities should be offered to the Town and neighborhood for relief from the dimensional requirements as necessitated by the prior proposal. To meet this requirement, the Planning Board felt strongly that the curb cut on Cypress Street should be closed, and all traffic should enter and exit the site from Boylston Street. The Board felt that access to Cypress Street significantly adds to traffic congestion on this heavily travelled street which intersects with Boylston Street. Additionally, the Planning Board felt that parking cars at the end of East Milton Road is not appropriate for this residential street and presents unacceptable impacts to the

residences and a safety issue for the children in the neighborhood. The Planning Board suggested that since parking is being increased for the dealership, the employee cars should be relocated. Lastly, she stated that the Planning Board is disappointed that large trucks bringing vehicles to the site are not able to unload on the site itself but must block a lane on busy Rte. 9, but since the dealership represents that there is no way to avoid this, at the least, an operations plan for handling these trucks should be submitted for approval by the Director of Transportation.

**Therefore, the Planning Board recommends approval of the site plan by Gabriel Crocker dated 7/12/2017 and architectural plans prepared by Regent Associates, Inc., dated 7/10/17, subject to the following conditions:**

1. Prior to the issuance of a building permit, the applicant shall submit (3) 11x17 copies of final site plans, floor plans, and elevations that show a roof plan with locations of mechanical equipment and screening, a relocated service building egress door, and signage, 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 landscape and fencing 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 a lighting and photometric plan, including security lighting and facade lighting and demonstrating no trespass lighting off the site.
4. Prior to the issuance of a building permit, the applicant shall submit a written operations plan for off-loading of trucks and acceptance of cars to the site with restrictive hours, subject to the approval of the Director of Transportation, with an approved copy to the Planning Department.
5. Prior to the issuance of a Certificate of Occupancy, the applicant shall close the curb cut on Cypress Street.
6. Prior to the issuance of a Certificate of Occupancy, there shall be no employee parking at the end of E. Milton Road and measures shall be implemented to prevent any parking at this location.
7. 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; 2) final 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.

Chairman Geller than called upon Daniel Bennett, Building Commissioner, to deliver the recommendation of the Building Department. Mr. Bennett stated that the Building Department has no objection to this proposal which has substantially reduced in size and scale from that which was originally proposed. Therefore, if the Board finds that this proposal is worthy of the relief requested, the Building Department will work with the Petitioner to ensure compliance.

Discussion ensued among the Board Members regarding the conditions. Mr. Allen represented that the Petitioner has legal rights to use East Milton Road, which accesses the 6 employee parking spaces located on the Petitioner's property, counterbalancing amenities such as closing the Cypress Street curb cut are no long applicable since no dimensional relief under **Section 5.43** of the Zoning By-Law is required, and stated that the Petitioner's project of record is that evidenced by the amended plans viewed at the hearings: site plan by Gabriel Crocker dated Crocker 8/8/17 and architectural plans prepared by Regent Associates, Inc. dated 8/10/17.

During deliberation, Board Member Zuroff stated his belief that both a designated drive station and signage are benefits to the site and neighborhood. He indicated that the employee parking facing East Milton Parking is on the subject property and questions concerning the property rights of the parties are outside the purview of the Zoning Board of Appeals.

Chairman Geller stated that no quantitative data or grading systems has been submitted in support of the concerns expressed as they relate to the Cypress Street intersection and parking lot curb cut. He noted that testimony was offered via the Woodland Design Report which expressed concern with the Cypress Street curb cut but that the Petitioner is addressing the substance of this testimony by limiting the Cypress Street curb cut to a right-in, right turn. Mr. Geller stated that no evidence of a safety

concern has been provided and noted that the Fire Department has offered correspondence to the contrary. Mr. Geller further commented that Mr. Allen has represented that the Petitioner has legal rights to use East Milton Road, the parking is on their property, and there is no evidence that this increases risk, if any.

The Board then determined, with respect to the amended project as evidenced by the amended plans, by unanimous vote that the requirements for a special permit from Section 5.09.2.a and Section 5.09.2.h of the Zoning By-Law were met under Section 8.02.2 and Section 9.05 of the Zoning By-Law. 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 because the use has been ongoing on this site in excess of 30 years, and the relief requested has been reduced to design review;
- b. The use as developed will no adversely affect the neighborhood as this proposal will improve adverse impacts, if any, and will not exacerbate site conditions;
- c. There will be no nuisance or serious hazard to vehicles or pedestrians because measures have been implemented which will ameliorate the impact, specifically, the drive patterns will be improved;
- d. Adequate and appropriate facilities will be provided for the proper operation of the proposed use as this proposal will provide an upgrade to the facility and a
- e. Development will not have any effect on the supply of housing available for low and moderate income people.

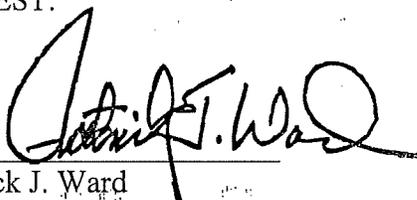
Accordingly, the Board voted unanimously to grant the requested relief for the proposal identified in site plan by Gabriel Crocker dated Crocker 8/8/17 and architectural plans prepared by Regent Associates, Inc. dated 8/10/17 subject to the following revised conditions:

1. Prior to the issuance of a building permit, the applicant shall submit (3) 11x17 copies of final site plans, floor plans, and elevations that show a roof plan with locations of mechanical equipment and screening, a relocated service building egress door, and signage, 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 landscape and fencing plan indicating all previously proposed counterbalancing amenities subject to the review of the Assistant Director of Regulatory Planning to verify accuracy with the plans dated 8/8/17 and 8/10/2017, respectively.
3. Prior to the issuance of a building permit, the applicant shall submit a lighting and photometric plan, including security lighting and facade lighting and demonstrating no trespass lighting off the site.
4. Prior to the issuance of a building permit, the applicant shall submit a written operations plan for off-loading of trucks and acceptance of cars to the site with restrictive hours, subject to the approval of the Director of Transportation, with an approved copy to the Planning Department.
5. Prior to the issuance of a Certificate of occupancy the Petitioner shall install signage restricting curb cut use on Cypress St. to right turn only in and out, and no left turn onto Cypress Street, subject to the review and approval of the Director of Transportation and Engineering
6. 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; 2) final 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.

Filing Date: 9-15-17

  
Jesse Geller, Chairman

A True Copy  
ATTEST:

  
Patrick J. Ward  
Clerk, Board of Appeal