



Town of Brookline Massachusetts

BOARD OF APPEALS
Jesse Geller, Chairman
Christopher Hussey
Mark Zuroff

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Patrick J. Ward, Clerk

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2018 JAN 12 A 9:40

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2017-00016
ALDEN CASTLE OF LONGWOOD VENUES
20 CHAPEL STREET, BROOKLINE, MA

Petitioner, Alden Castle of Longwood Venues, applied to the Building Commissioner for permission to convert 5,545 s.f. of unfinished basement space in the A Tower, into a lounge area for Alden Castle's Modern Club, as well as office and storage space. 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 November 30, 2017 at 7:10 PM., 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 November 16, 2017 and November 23, 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:

20 CHAPEL STREET, #_CONDOMAIN, BROOKLINE, MA 02446 - Expand existing banquet facility into lower level in a(n) M-2.0 APARTMENT HOUSE on 11/30/2017 at 7:10 PM in the 6th Floor Selectmen's Hearing Room (Petitioner/Owner: LONGWOOD TOWERS CONDOMINIUM,) Precinct 1

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:

ANY OTHER RELIEF THE BOARD MAY FIND NECESSARY

§6.02.1.C – OFF-STREET PARKING SPACE REGULATIONS

§8.02.1 – ALTERATION AND EXTENSION

Modification as necessary of BOA cases #60036, #3318C (2000), #3318 (1996), #2680 (1984), #2304 (1979), and #2018 (1975)

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 lgellineau@brooklinema.gov

*Jesse Geller, Chair
Christopher Hussey
Mark Zuroff*

Publish: 11/16/2017 & 11/23/2017

At the time and place specified in the notice, this Board held a public hearing. Present at the hearing was Chairman Jesse Geller and Board Members Christopher Hussey and Kate Poverman. Also present at the hearing was Zoning Coordinator, Ashley Clark.

The case was presented by Robert L. Allen, Jr., Law Office of Robert L. Allen, Jr. LLP, 300 Washington Street, Second Floor, Brookline, Massachusetts 02445. Also in attendance was a member of the Board of Trustees of Longwood Towers and members of the Event Staff for Alden Castle.

Chairman Geller called the hearing to order at 7:10 p.m. Attorney Allen waived the reading of the public notice.

Mr. Allen then described the proposal stating that the Petitioner proposes to convert 5,545 s.f. of unfinished basement space in the A Tower, into a lounge area for Alden Castle's Modern Club, as well as office and storage space. The lounge area would be 1,840 s.f. The existing second-floor office space would be moved into the basement, and existing storage in the basement would be moved to the second floor. The new lounge area would have a building code capacity of 123 people, but Modern Club's functioning capacity would not change – the new basement lounge is intended to allow for set up of the first floor, such as with tables or for dancing, while an event is in progress. It also gives the Modern Club its own restrooms, which were previously located in the condominium building common area.

Attorney Allen indicated that the Petitioner met with the Board of Trustees of Longwood Towers and their attorney to agree to conditions regarding events and parking. The conditions reflected below were agreed to by the Petitioner, the Board of Trustees of Longwood Tower and their attorney, and the Planning Board.

Attorney Allen then stated that the Petitioner seeks a special permit for relief from Section 8.02.1 (to alter or extend a nonconforming use or structure) and from Section 6.02.1.c for off-street parking space requirements.

Attorney Allen described that relief under Section 6.02.1.c is warranted because there is no increased capacity. Attorney Allen stated that the Planning Board was provided with a list of events in 2017, of which only one required slightly more than forty parking spots. He further stated that discussion with the Board of Trustees for Longwood Towers and their attorney led to conditions which parties agreed would alleviate any potential parking issues. Attorney Allen reiterated that the proposal is to swap the balcony for downstairs, not to add an additional place for more guests. He also indicated that any parking issues with the property could be addressed annually upon the renewal of the liquor license and the common victualler license with the Board of Selectmen. He noted that such an issue has never previously been raised or held up renewal of the licenses. Furthermore, Attorney Allen stated that he met with Captain Gropman and there have been no records of issues with parking at Alden Castle. With respect to Section 8.02.1, Attorney Allen described the standards under Section 9.05 of the Zoning By-Law stating: the location is appropriate for the use, and the use developed will not adversely affect the neighborhood.

Chairman Geller then asked whether anyone was present in favor of the proposal. No one spoke in favor of the proposal.

Chairman Geller then asked whether anyone was present to speak in opposition to the proposal. Peter Rens of 101 Colchester Street spoke in opposition. Mr. Rens stated that parking on Colchester Street was non-existent and stated his belief that there is a parking problem. He hoped that there may be some way to address the issue, such as bagging meters on Chapel Street. Recognizing that the parking issue may not be relevant to the proposal at hand, Mr. Rens noted such an issue for the record.

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

FINDINGS

Section 6.02.1.c: Off-Street Parking Space Requirements (Dual Use Parking): The Board of Appeals may reduce the number of required parking spaces by special permit if it can be demonstrated that the hours or days of peak parking needed for the uses are so different that a lower total will provide adequately for all uses served by the facility. The applicant maintains that the lower level space will be used to improve the operation and management of events in the ballroom, rather than expand the capacity of the event space. Set up of dinner tables in the first-floor space will be possible, while guests are in the basement lounge area.

Section 8.02.1: Alteration or Extension: A special permit is required to alter or extend a pre-existing nonconforming use or structure.

Modification as necessary of BOA cases #60036 (2006), #3318C (2000), #3318 (1996), #2680 (1984), #2304 (1979), #2018 (1975): Modification of these BOA cases is not necessary.

Ms. Clark stated that The Planning Board supports this request to convert a part of the basement into space for the Modern Club for pre-dinner events, while the first floor is being set up with tables. Currently, a balcony space overlooking the dinner space is used for this purpose. Since there will be no increase in numbers of people attending events, parking in the Longwood Towers garage should not be impacted. The Longwood MBTA stop is also directly across from Longwood Towers. The applicant, at the urging of the Longwood Towers Board of Directors, has agreed to a condition not to have more than one event at any one time at the Modern Club and to limit the number of persons to no more than 200.

Therefore, the Planning Board recommends approval of the site plan with revisions, dated 9/12/2007, by Hancock Associates, Inc. and the floor plans, dated 6/2/2017, subject to the following conditions:

1. Prior to the issuance of a building permit, the Applicant shall submit a PDF of the final site plan and floor plans and garage layout, including location of tandem parking spaces, subject to the review and approval of the Assistant Director of Regulatory Planning.
2. The Applicant and its successors shall not have more than one event at any one time at the "Modern Club" venue (Unit CS01 at Longwood Towers Condominium), nor shall there be a total of more than 200 persons on the lower level and the first floor of said Club Side.
3. The Applicant shall send reasonable notice of all events on the Premises to the Trustees of Longwood Towers or its representative.

4. 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 floor plans and building 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 then called upon Ms. Clark to deliver the recommendation of the Building Department. Ms. Clark stated that the Building Department initially cited **Section 6.02.1.c** as a caution because the Building Department needed a narrative about exactly what was going on. The Building Department has since received that narrative and has no objection to the proposal or the requested relief. Ms. Clark further stated that the Building Department noted that a change in capacity would raise the issue of parking. Therefore, should relief be granted, the Building Department will work with the Petitioner to ensure compliance.

The Board unanimously reached a determination that **Section 6.02.1.c** is not applicable. The Board then determined, by unanimous vote that the requirements for a special permit from **Section 8.02.1** pursuant to **Section 9.05** of the Zoning By-Law were met.

Accordingly, the Board voted unanimously to grant the special permit under **Section 8.02.1** subject to the following conditions:

1. Prior to the issuance of a building permit, the Applicant shall submit a PDF of the final site plan and floor plans and garage layout, including location of tandem parking spaces, subject to the review and approval of the Assistant Director of Regulatory Planning.
2. The Applicant and its successors shall not have more than one event at any one time at the "Modern Club" venue (Unit CS01 at Longwood Towers Condominium), nor shall there be a total of more than 200 persons on the lower level and the first floor of said Club Side.
3. The Applicant shall send reasonable notice of all events on the Premises to the Trustees of Longwood Towers or its representative.
4. 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 floor plans and building 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.

Unanimous Decision of
The Board of Appeals

Filing Date: 1-12-2018



Jesse Geller, Chairman

A True Copy
ATTEST:



Patrick J. [unclear]
Clerk, Board of Appeals