



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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TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2017-00039
MARGOLIS, TRS CALVIN & FREDERIC
C/O THE GROWTH COMPANIES
1234 BOYLSTON STREET, BROOKLINE, MA

Petitioner, Margolis, TRS Calvin & Frederic c/o the Growth Companies, applied to the Building Commissioner for permission to add an additional wall sign at the second floor side wall at 1234 Boylston Street for Bank of America. 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 February 8, 2018 at 7:10 PM., in the Select Board'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 January 25, 2018 and February 1, 2018 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:

1234 BOYLSTON St - Addition of directional signage for Bank of America on this multi-tenanted building. Signage is on the side facade to aid customers in accessing the parking area for the bank. in a(n) G-2.0 GENERAL BUSINESS on 02/08/2018 at 7:10 PM in the 6th Floor Selectmen's Hearing Room (Petitioner/Owner: Julie Reker) *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:

Section 7.04.1.c: Signs in I, G, L and O Districts

Modification, as needed of BOA case # 2015-0001 April 2, 2015

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
Christopher Hussey
Mark Zuroff*

Publish: 01/25/2018 & 02/01/2018

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 Steven Chiumenti and Randolph Meiklejohn. Also present at the hearing was Zoning Coordinator, Ashley Clark.

The case was presented by Julie Reker, Gensler Architects, 1 Beacon St, Boston, MA 02108. Ms. Reker stated that Bank of America is seeking variance relief for a proposal to add an additional side wall sign at 1234 Boylston Street. She noted that Bank of America is one of three tenants in the building and has occupied the space for over a year. Ms. Reker then described the unique site conditions which

led to the proposal to add a new sign. She stated that the basis for the proposal is to address traffic safety and circulation concerns.

Ms. Reker then described the circulation on the site. She stated that the driveway immediately preceding the bank building is for ingress only to the parking lot and the bank ATM and the driveway immediately after the bank building is for egress only from the parking lot and the bank ATM. She continued that traffic to the parking lot mistakenly travels past the building to the second driveway and then must circle block to return to the ingress driveway. Ms. Reker stated that this creates a traffic issue because cars must make several turns to make their way back to enter the site. Ms. Reker stated that they are trying to address the safety issue created both in terms of traffic as well as cars entering the wrong direction. She noted that there is an existing commercial sign in the area where the Petitioner wants to locate the new directional sign. She noted that the design has been updated to reflect the recommendations from the Planning Board, which preferred white letters instead of the version that matched Bank of America's logo colors. She added that the length of the sign was also adjusted to be the same as the existing Mattress Firm sign. Ms. Reker stated that the variance has to do with height as well as the allowed area of signage on the side of a building; the mattress firm sign taking up all the allowable sign area.

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

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

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

FINDINGS

Section 7.04.1.c: Signs in I, G, L and O Districts

One sign not parallel or within 45 degrees or parallel to a street, not exceeding twelve square feet in area for structures with a single business and not exceeding eighteen square feet in area for structures with more than one business provided that the sign is proportionate to the area of the building wall to which it will be attached.

DIMENSIONAL CRITERIA

Type of Sign	Dimensions	Maximum SF Allowed	Proposed	Finding
Directional	13" x 16' 3"	0 square feet*	17.6 square feet	Variance*

** This proposed sign would require a variance because the existing Mattress Firm sign occupies all of the allowable square footage for a directional sign on this façade.*

Ms. Clark stated that the Planning Board is not opposed to additional signage for Bank of America and understands the bank's interest in helping direct customers to their parking area. She noted that the Board would like to see additional refinements to the design. Ms. Clark further stated that the Board feels that the first design is too complex and that the words "Bank Entrance" are unnecessary and the second design appears to be overly large and takes up too much façade space. She added that the Board recommends a combination of both options with smaller letters and "Bank of America" with an arrow in colors that match the bank sign on the front façade for consistency.

Therefore, Ms. Clark stated, if the Board of Appeals finds that the statutory requirements for a variance are met, the Planning Board recommends approval of the signage plans by Gensler dated 12/20/2017, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit revised final, dated sign plans and locations 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 to the Building Commissioner for review and approval for conformance to the Board of Appeals decision: 1) final sign plans and 3) evidence that the Board of Appeals decision has been recorded at the

Registry of Deeds.

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

Ms. Clark stated that the Building Department did not feel an application such as this should require variance relief. She stated that should the Board find the proposal meets the requirements for the grant of relief, the Building Department will work with the Petitioner to ensure compliance.

The Board discussed the merits of the requested relief. Board Member Chiumenti stated that there is a valid safety concern which could be ameliorated by the additional sign and was in support of granting the relief. Board Member Meiklejohn was in support of granting the relief. Board Chairman Geller stated that the additional sign makes sense to address circulation concerns. Mr. Geller stated that he is in favor of granting the requested relief.

The Board then determined, by unanimous vote that the requirements for the grant of variance relief from the application of Section 7.04.1.c of the Zoning By-Law pursuant to M.G.L. c. 40A § 10 were met.

Accordingly, the Board voted unanimously to grant the variance requested subject to the following conditions:

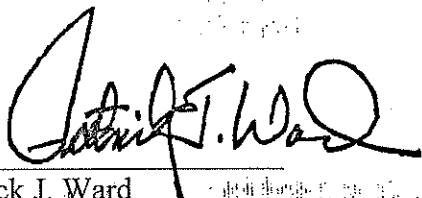
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Unanimous Decision of
The Board of Appeals

Filing Date: 3/14/2018


Jesse Geller Chairman

A True Copy
ATTEST:



Patrick J. Ward
Clerk, Board of Appeals