



BOARD OF APPEALS  
Joanna Schneider, Chair  
Lark Palermo  
Randolph Meiklejohn

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Brookline, MA 02445-6899  
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Patrick J. Ward, Secretary

TOWN OF BROOKLINE  
BOARD OF APPEALS  
CASE NO. BOA 2019-0029

Children's One Brookline Place LLC, Children's Brookline Place LLC, and BCH Brookline Avenue LLC (together, "Petitioner") applied to the Board of Appeals for zoning relief to install freestanding, building identification, projecting and wayfinding signs at the site of its mixed-use general/medical office, retail, and structured parking redevelopment (the "Project") at Brookline Place, Brookline, Massachusetts (the "Property").

The Board of Appeals administratively determined that the properties affected were those shown on a schedule in accordance with the certification prepared by the Assessors of the Town of Brookline and approved by the Board of Appeals and fixed June 13, 2019 at 7:15 p.m. in the Select Board's Hearing Room, 6<sup>th</sup> Floor, Town Hall, as the time and place of a hearing on the appeal. Notice of the hearing was mailed to the Petitioner, 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 May 30, 2019 and June 6, 2019 in the Brookline Tab, a newspaper published in Brookline. Copy of said notice is as follows:

**TOWN OF BROOKLINE  
BOARD OF APPEALS**

**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:

**2 BROOKLINE PLACE, BROOKLINE, MA 02445 – Install signs including building ID, projection, wayfinding and garage signs in a(n) GMR-2.0 GENERAL BUSINESS AND MEDICAL RESEARCH on June 13, 2019 at 7:00 pm in the 6th Floor Select Board’s Hearing Room (Petitioner/Owner: Michael J. Flannery) Precinct 4**

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:

§7.01.d - SIGNS IN ALL DISTRICTS

§7.01.f - SIGNS IN ALL DISTRICTS

§7.01.h - SIGNS IN ALL DISTRICTS

§7.01.j - SIGNS IN ALL DISTRICTS

§7.01.k - SIGNS IN ALL DISTRICTS

§7.01.p - SIGNS IN ALL DISTRICTS

§7.02.1.a - SIGNS IN S, SC, T AND F DISTRICTS

**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 in its programs or activities on the basis of disability or handicap or any other characteristic protected under applicable federal, state or local law. Individuals who are in need of auxiliary aids for effective communication in Town programs or activities may make their needs known by contacting the Town's ADA Compliance Officer. Assistive Listening Devices are available at the Public Safety Building for public use at Town of Brookline meetings and events. Those who need effective communication services should dial 711 and ask the operator to dial the Town's ADA Compliance Officer.*

*If you have any questions regarding this Notice or the Assistive Listening Device, please contact Caitlin Haynes at 617-730-2345 or at [chaynes@brooklinema.gov](mailto:chaynes@brooklinema.gov).*

*Jesse Geller, Chair  
Mark Zuroff*

The Building Department issued a letter denying the Petitioner's request for a building permit for signs on February 27, 2019 (the "Denial Letter"), and the sections of the Zoning By-law that were referenced in the Denial Letter are as follows:

- 1. Section 7.01.d (Signs in All Districts)**
- 2. Section 7.01.f (Signs in All Districts)**
- 3. Section 7.01.h (Signs in All Districts)**
- 4. Section 7.01.j (Signs in All Districts)**
- 5. Section 7.01.k (Signs in All Districts)**
- 6. Section 7.01.p (Signs in All Districts)**
- 6. Section 7.02.1.a (Signs in S, SC, T and F Districts)**
- 7. Section 7.04 (Signs in I, G, L and O Districts)**
- 8. Any additional relief the Board may find necessary**

In reviewing the foregoing information, the Board finds that the notice was sufficiently detailed to alert the interested parties of the nature of the hearing.

Present at the hearing were Johanna Schneider (who served as Chair) and Board members Lark Palermo and Randolph Meiklejohn. In response to the Chair's inquiry, the Petitioner waived reading of the legal notice. The Chair then outlined the order to be followed in the proceeding.

Petitioner's proposal was introduced by Timothy W. Sullivan of Goulston & Storrs, 400 Atlantic Avenue, Boston, MA, who introduced Timothy Talun of Elkus Manfredi Architects, 25 Dry Dock Avenue, Boston, MA. Mr. Sullivan presented an overview of the Property and the construction of the Project, which is entering its final stages. Construction of the Project had been authorized by the Board through a Special Permit issued on May 26,

2015, and Petitioner was returning to the Board having developed its designs for signage for the Project and the Property. Mr. Sullivan reviewed the site plan for the Property to illustrate that the Project would result in an integrated campus of multiple buildings, located on an “island” surrounded on all sides by streets, with wayfinding as the primary function of the proposed signs.

Mr. Talun then presented a detailed description of the location and function of the proposed signs.

Using visual aids, Mr. Talun showed the location of each building comprising the Project. The Property is surrounded by Washington Street, Brookline Avenue, and Pearl Street, and is located across Pearl Street from the Brookline Village MBTA Green Line Station. Mr. Talun described how pedestrians would traverse the Property, both those pedestrians visiting the buildings within the Project and those members of the public enjoying the open space on the Property or walking to the Green Line.

Mr. Talun reviewed the specific building identification signs proposed for each of the buildings of the Project – the mixed-use medical office buildings at One Brookline Place and Two Brookline Place, and the parking garage building adjacent to One Brookline Place. He described the wayfinding function of these signs and explained that their respective locations were intended to guide and orient different users: (i) persons accessing the Project by motor vehicle, (ii) visitors exiting the parking garage on foot, and (iii) persons accessing the Project on foot from the Green Line Station.

Mr. Talun next reviewed the specific types and locations of freestanding wayfinding signs, the intended function of which was to guide and orient drivers and pedestrians accessing the Property. He noted that the design of certain signs had already been updated to incorporate design feedback received from the Planning Board at its June 6, 2019 meeting.

Mr. Talun next identified areas on the facades of One Brookline Place and Two Brookline Place within which would be installed tenant-specific signage, subject to applicable approvals including that of the Planning Board.

Ms. Palermo asked which of the proposed signs could be installed without obtaining zoning relief. Mr. Sullivan replied that he believed, subject to confirmation, that it was a very limited number of the proposed signs but that Petitioner's intent was to present its comprehensive sign proposal showing all proposed signs for the Property included in the presentation.

Ms. Polly Selkoe, representing the Planning Board, concurred that the Petitioner's proposal was comprehensive and resulted from a process that included consultation with neighbors. She noted that the projecting sign at the southwest corner of Two Brookline Place had been specifically designed as a blade-type sign so as not to face the Brook House located across Brookline Avenue from the Property.

Ms. Selkoe also specified that the requested relief included the area of signs to be proposed by retail tenants of the Project. The Board then discussed and questioned whether by granting the relief requested they were waiving the opportunity to review retail tenant signs in the future. More specifically, Ms. Palermo questioned whether the Board was being asked to approve signage that had not yet been designed or proposed. Ms. Selkoe and Mr. Sullivan responded that the Petitioner was only requesting that the area and size of such retail tenant signs be approved (up to a per-tenant limit of two (2) square feet for every linear foot of such tenant's storefront) but that the specific design of such retail tenant signs would still be subject to approval of the Planning Board. Mr. Sullivan also explained that the purpose of this variance was to address the provisions of Section 7.01.h of the Zoning Bylaw, which limit the aggregate area of signs on each side of a building. The intent was to obtain a variance from

this aggregate restriction, but only to the extent necessary to allow each individual retail tenant to install signs not greater in size than two (2) square feet for every linear foot of such tenant's storefront.

Mr. Sullivan concluded the Petitioner's presentation by explaining that wayfinding and building identification signs were necessary for the Project to function as an integrated campus and public space area consistent with the requirements of the Town pursuant to the 2015 Special Permit, and that any inability to do so would result in a hardship for the Petitioner. Such relief is consistent with and does not derogate from the intent of the Zoning Bylaw.

Chair Schneider asked Mr. Sullivan how the Petitioner intended to satisfy the variance criteria related to unique soil or topographic conditions. Mr. Sullivan responded that the Property was unique in the Town because it was located on an "island" surrounded on all sides by streets and needed to function as an integrated campus.

Chair Schneider called for any comments from the public. No members of the public offered comments.

The Planning Board, through Assistant Director for Regulatory Planning, Polly Selkoe, presented the comments of the Planning Board as contained in its report dated June 6, 2019, which comments are as follows:

The Planning Board was very pleased with the changes that were made to respond to its previous comments on the signage. However, it had a few more suggestions for the parking signs. The Board suggested that the words "public" and "short term" were confusing. The architect agreed to discuss changes with his client and submit the final revised plans to the Assistant Director of Regulatory Planning for approval. Overall, the Planning Board found that the signs proposed for the buildings and campus were well thought-out and attractive.

**Therefore, 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 Selbert Perkins Design and Elkus Manfredi Architects,**

**dated January 2, 2019, with revisions as suggested above, subject to the following conditions:**

1. Prior to the issuance of a building permit, the applicant shall submit final dated sign plans and locations subject to the review and approval of the Assistant Director of Regulatory Planning.
2. Future signage installed on individual retail/restaurant uses shall require Planning Board approval.
3. 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.

The Building Commissioner, through Joseph Braga, Jr. on the Commissioner's behalf, reported that the Building Department had no concerns about the proposed signs and opined that the Property would benefit from enhanced wayfinding information.

The Board then deliberated. Mr. Meiklejohn stated that he was satisfied by Petitioner's argument that the proposed signs were consistent with the public and urban characteristics of the Project. He stated that the Property was located within an already busy pedestrian and vehicular environment, and that the proposed signs would be valuable for their wayfinding functions in particular.

Chair Schneider stated that she was satisfied by the Petitioner's argument in support of the legal conditions for the granting of a variance because the Property was an integrated campus on an "island" surrounded by streets. She acknowledged that it would be "extremely cumbersome" for individual tenants to seek variances relating to the size of their signs if not in excess of two (2) square feet for every linear foot of such tenant's storefront. She recommended an express condition that each tenant either comply with this specific sign size limit or else be required to seek relief from the Board.

Ms. Palermo expressed reluctance to approve the requested variance relating to future tenant signs. She asked how many such tenants there would be, and Mr. Sullivan answered that there would be a total of five. Ms. Palermo then stated her disagreement with the conclusion that it would be “extremely cumbersome” for at most five tenants to seek relief from the Board for their signs, but concluded that she would support the decision of her colleagues on this particular question. Chair Schneider, Ms. Palermo and Ms. Selkoe discussed and confirmed that the design of any individual tenant sign would require design review by the Planning Board even if the Petitioner’s requested variances were issued.

Chair Schneider asked both Ms. Palermo and Mr. Meiklejohn if they were comfortable granting the requested relief subject to the conditions that any individual tenant’s signs (i) require Planning Board approval, and (ii) not exceed a size of two (2) square feet for each linear foot of such tenant’s storefront. Both Ms. Palermo and Mr. Meiklejohn confirmed that they were each comfortable with the granting the requested relief on these terms.

The Board, having considered the foregoing information and the written materials submitted by the Petitioner, having reviewed the plans and the relief requested, fully supports the proposed signage at the Property as being consistent with building identification and wayfinding functions for a Project and Property that have various unique characteristics, and approves the proposed signage substantially as shown on the plan set “Brookline Place Proposed Signage Presentation to the Brookline Zoning Board of Appeals” by Elkus-Manfredi Architects, dated June 13, 2019, subject to the conditions set out below.

With respect to the requested variances, the Board makes the following statutory findings and findings pursuant to Section 9.09 of the Zoning By-Law:

1. The property has unique characteristics relating to soil conditions, shape or topography that especially affect the property, but do not generally affect the GMR-2.0 District, in that the Property is an “island” surrounded on all sides by



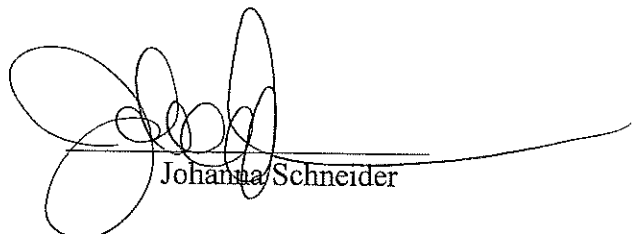
streets and is intended to function as an integrated campus accommodating Project visitors and members of the public.

2. A literal enforcement of the provisions of the Zoning By-Law would involve substantial hardship to the Petitioner by introducing a significant hurdle for visitors to access the world-class medical services to be offered to children and families at the Project; thereby compromising Petitioner's ability to carry out its mission.
3. Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning By-Law. The Project was enabled by a zoning amendment approved by Town Meeting in 2013 and a Special Permit granted unanimously by the Board of Appeals in 2015. Petitioner's proposal is a necessary component of the already-approved Project. Petitioner's proposal efficiently utilizes the Property through redevelopment of an existing site—locating retail and medical office uses within a commercial area of the Town. Petitioner's proposal is consistent with the Zoning By-Law's stated purpose of promoting the public health, safety, convenience and welfare, and with the Zoning By-Law's specific goals of: (i) conserving the value of land and buildings; (ii) encouraging the most appropriate use of land; and (iii) lessening congestion of traffic.

Therefore, the Board voted unanimously to grant the requested variances under Section 7.01.d, Section 7.01.f, Section 7.01.h, Section 7.01.j, Section 7.01.k, Section 7.01.p, Section 7.02.1.a, and Section 7.04 of the Zoning By-Law, subject to the following conditions:

1. That future signage installed with respect to individual tenant uses (i) shall require Planning Board approval, and (ii) if larger than two (2) square feet for every linear foot of such tenant's storefront in its building, shall require a variance from the Board.
2. Prior to the issuance of a building permit, the applicant shall submit final dated sign plans and locations 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 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.

Unanimous Decision of  
The Board of Appeals

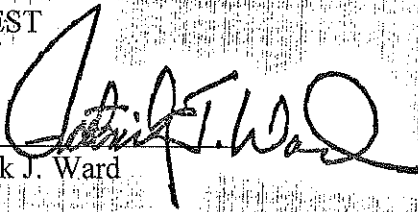


Johanna Schneider

Filing Date: 7/12/19

A True Copy:

ATTEST

A handwritten signature in black ink, appearing to read "Patrick J. Ward", written over a horizontal line. The signature is stylized and cursive.

Patrick J. Ward  
Clerk  
Board of Appeals