



Jesse Geller, Chairman
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Town of Brookline

Massachusetts

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Patrick J. Ward, Clerk

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2013-0076
Owner: Town of Brookline

Petitioner, Peter Rowe, Deputy Superintendent of the Brookline School Department, applied to the Building Commissioner for permission to construct a manufactured building addition on the east side of the Lawrence School at 27 Francis Street. 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 at 7:30 PM October 17, 2013, 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, 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 October 3rd and 10th, 2013, 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. 39, sections 23A & 23B, the Board of Appeals will conduct a public hearing to discuss the following case:

Petitioner: **c/o Peter Rowe, Deputy Superintendent**
Owner: **Town of Brookline Public Schools**
Location of Premises: **27 Francis St**
Date of Hearing: **October 17, 2013**
Time of Hearing: **07:30 PM**
Place of Hearing: **Selectmen's hearing room, 6th floor**

A public hearing will be held for a variance and/or special permit from:

5.08.2; Exceptions to Dimensional Requirements for Uses 9 & 10
5.43; Exceptions to yard and Setback Requirements
5.50; Front Yard Requirements
6.02, Paragraph 1; Table of Off-Street Parking Requirements.
6.02.4. a & c; Off Street Parking Regulations
8.02.2; Alteration and Extension

Of the Zoning By-Law to **construct a manufactured building classroom addition on the east side of the school.**

At 27 Francis Street

Said premise located in an **T-5 (Two-Family and Attached Single-Family)** residence district.

Hearings, once opened, may be continued by the Chair to a date and time certain. No further notice will be mailed to abutters or advertised in the TAB. Questions regarding whether a hearing has been continued, or the date and time of any hearing may be directed to the Zoning Administrator at 617-734-2134 or check meeting calendar at: <http://calendars.town.brookline.ma.us/MasterTownCalendar/?FormID=158>.

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 Robert Sneirson, Town of Brookline, 11 Pierce Street, Brookline, MA ~02445. ~Telephone (617) 730-2328; TDD (617) 730-2327; or e-mail atrsneirson@brooklinema.gov

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Christopher Hussey**

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 Mark Zuroff. Brookline Public Schools Deputy Superintendent Peter Rowe presented the case for the petitioner.

Mr. Rowe said 27 Francis Street is the site of the Amos A. Lawrence School, a Brookline public K-8 elementary school. The school, which abuts Longwood Park, serves the Longwood Medical neighborhood and has a capacity of 620 students. Lawrence School was fully renovated in 2003-2004, with additional space added for classrooms, a library, and a cafeteria.

The current site conditions consist of the existing school parking area located on the Northeast corner of the school property. The parking area is bordered to the South by the existing 1929 Lawrence School and the 1972 addition. It consists of an upper section and a lower section; the upper section has twelve (12) standard parking spaces and one (1) handicapped parking space with an entrance drive and an exit drive from Newell Road. The parking area is buffered with an existing 12 x 6 foot landscaped area along Newell Road. The lower parking area is required for access to two existing doorways that are approximately 3 feet lower than the upper parking area. This area is accessed by a stair and ramp to the West. The lower area ramp is required to allow for deliveries to the cafeteria, access to the compactor and recycling bins for trash removal and bobcat access for snow removal.

Jorge Cruz, Architect, presented the architectural concept for the proposal. He said the proposal consists of a new two-story pre-manufactured 5,892 s.f. addition with two classrooms on each floor and a two-story glass connector linking it to the main part of the school. The additional space will address overcrowding and allow new growth at the school and will accommodate approximately 66 new students. The school currently has 660 students.

The new classroom building will be wrapped with a brick façade that matches the color, size and banding of the 1972 addition. The sloped hip roof will complement the existing hip roofs of both the 1929 and 1972 structures. The addition is sited to allow for the maximum distances from the abutters on Newell Road. The glass entries separating the new classroom building and the existing 1972 addition creates a new entry point at the rear of the building and allows light into the new lobby. The new classroom building façade takes its cues from the 1972 building façade and ties in with the house styles on Newell Road and the surrounding neighborhood.

A landscaped buffer is proposed to provide screening for residents abutting both the new classroom building and the new access drive. There will be a 2000 s.f. landscaped buffer on the north and east elevations of the new classroom building and a 10' x 90' landscaped buffer along the east property line. The new access drive allows for truck deliveries to the school and for trash removal. The existing compactor will be relocated to the southern end of the access drive and fully enclosed by opaque fencing and a 6 foot high gate. Mr. Cruz noted that the building design and landscaping incorporate accommodations made at the request of the neighbors.

Mr. Rowe stated in response to Mr. Geller's inquiry that landscaping and accommodations in the design of the addition were being offered as counterbalancing amenities under Section 5.43 of the Zoning By-Law. Mr. Geller asked whether the existing on-street parking program and provision for school drop-off and pick-up were functioning without disturbance to traffic and with sufficient shared parking for the school and the neighborhood. Mr. Rowe stated that drop-off and pick-up were generally successful other than parents, against school instruction, using Newell Road for those purposes. He further stated that he was not aware of any issues with the on-street parking program or of any complaints to the Transportation Department.

The Chairman then asked if anyone in attendance wished to speak in support of the proposed relief. Scott Gladstone, Esquire, representing the unit owners of the two units in the 27 Newell Road Condominium and the unit owners at 21 Newell Road stated that his clients are supportive of the requested relief and approved of the process. Mr. Gladstone asked the Board to include in its conditions, should relief be granted, reference to the plans as modified by the September 26, 2013 presentation and that the landscaping offered as a counterbalancing amenity be subject to the review and approval of the Assistant Director for Regulatory Planning.

Several abutters spoke in a neutral position. The issues included additional landscaping and traffic flow. Emily Lockhart noted that the sidewalk on the school's property along and to Newell Road is in disrepair and asked that it be repaired. Kirsten Waerstad asked for a more robust landscape screening. Susan Gore asked for better signage on Newell Road and for the school to take proactive steps to prevent drop-off and pick-up on Newell Road.

The Chairman asked whether anyone wanted to speak strictly in opposition to the proposed relief. No one spoke in opposition.

The Chairman then called upon Maria Morrelli to deliver the comments of the Planning Board.

Section 5.08.2 - Exceptions to Dimensional Requirements for Uses 9 & 10

Sec. 5.43 Exceptions to Yard and Setback Requirements

Sec. 5.50 Front Yard Requirements

	Required	Proposed	Finding
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	Required	Proposed	Finding
Front Yard Setback	25'	18.5'	Special Permit*

**Under Sec. 5.08.2, the Board of Appeals, by special permit, may modify dimensional requirements for non-profit educational.*

**Under Sec. 5.43, the Board of Appeals, by special permit, may modify dimensional requirements if counterbalancing amenities are provided.*

Sec. 6.02, Paragraph 1; Table of Off-Street Parking Requirements

Sec. 6.02.4.a&c General Regulations Applying to Off-Street Parking Facilities

	Required	Existing	Proposed	Finding
Parking	4 addtl.	13	0	Special Permit*

**Under Sec. 6.02.4c, the Board of Appeals, by special permit, may modify parking requirements for non-profit educational uses to allow reasonable development in harmony with other uses permitted and as regulated in the vicinity. The school currently has an on-street sticker parking program and this will be expanded to meet the needs of employee parking. Approximately six new staff will be added to the current 104 staff members.*

Sec. 8.02.2 Alteration and Extension

A special permit is required to allow an alteration or extension of a non-conforming structure.

Ms. Morrelli said the Planning Board supports this application for four new classrooms at the Lawrence School; it will allow Brookline to meet the needs of its expanding school population and to address current overcrowding in the school. Many public meetings were held to discuss design issues and address neighbors' concerns. Changes were made to the design and landscape buffering was added to screen the addition from the Newell Road abutters.

Although the school will lose 13 parking spaces, the Lawrence School has for years had an on-street parking sticker programs for teachers, which has been very successful. Additional parking stickers will be issued to accommodate those losing their spaces on the school grounds and the hiring of approximately six new staff members. A transportation demand management program should be implemented to encourage use of carpools and public transportation.

The benefits of this addition are great as it will allow neighborhood children to attend a school close to home and provide a new modern physical environment for the four classrooms. The Planning Board also found that the project is in general harmony with other uses permitted and regulated in the vicinity and meets the special permit requirements under Section 9.05 of the Zoning By-Law as follows:

- the site is appropriate because a public school should be located in the neighborhood of the children it will serve, and a lengthy public process was undertaken to choose a design with the least impact on the neighborhood;
- the use will not adversely affect the neighborhood; to the contrary, it will benefit the neighborhood by providing a modern new classroom wing;
- there will be no nuisance or hazard to vehicles or pedestrians created, since a staff parking sticker program, already well-established, will be expanded to meet the additional parking needs.

The Planning Board also notes that attorney Scott Gladstone presented conditions on behalf of the condominium associations at 21 Newell Road and 27 Newell Road. The Planning Board determined all but one of those conditions has been incorporated into the current plans. The last proposed condition pertaining to parking on Newell Road is under the purview of the Transportation Board, not the Planning Board.

Therefore, the Planning Board unanimously voted to recommend approval of the requested special permits, based on the elevations prepared by Flansburgh Architects and dated August 1, 2013 and the site plan by Waterman Design Associates and dated 6/24/13 as modified by the 9/26/2013 presentation and subject to the following conditions.

1. Prior to the issuance of a building permit, the applicant shall submit final 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, the applicant shall submit a final site and landscape plan, subject to the review and approval of the Assistant Director of Regulatory Planning.
3. Prior to the Certificate of Occupancy, the expanded on-street parking sticker program shall be implemented, as well as other traffic mitigation measures, after the traffic study is concluded, including signage and traffic calming methods, if needed, subject to the review and approval of the Director of Transportation and Engineering.
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.

The Chairman then called upon Michael Yanovitch, Chief Building Inspector, to deliver the comments of the Building Department. Mr. Yanovitch said the Building Department has no objection. He said all the relief can be granted via special permit. He went on to say that it is difficult to hide a 5,800 square foot addition but he believes the architect did a great job blending the proposal into the existing structure. Mr. Yanovitch said the materials could be considered a counterbalancing amenity in this case.

The Board, having deliberated on this matter and having considered the foregoing testimony, concludes that it is desirable to grant the relief requested by Special Permits and that the petitioner has satisfied the requirements necessary for relief under **Sections 5.08.2, 5.43, 6.02 paragraph 1, 6.02.4a and c, 8.02.2, and 9.05** of the Zoning By-Law and made the following specific findings pursuant to **Section 9.05** of the Zoning By-Law:

- 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.

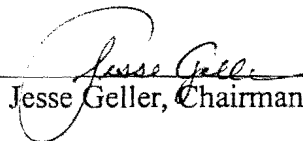
Accordingly, the Board voted unanimously to grant the requested relief subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit final 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, the applicant shall submit a final site and landscape plan evidencing, in part, the landscaping offered as a counterbalancing amenity, subject to the review and approval of the Assistant Director of Regulatory Planning.
3. Prior to the Certificate of Occupancy, the expanded on-street parking sticker program shall be implemented, as well as other traffic mitigation measures, after the traffic study is concluded, including signage and traffic calming methods, if needed, subject to the review and approval of the Director of Transportation and Engineering.
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Unanimous Decision of

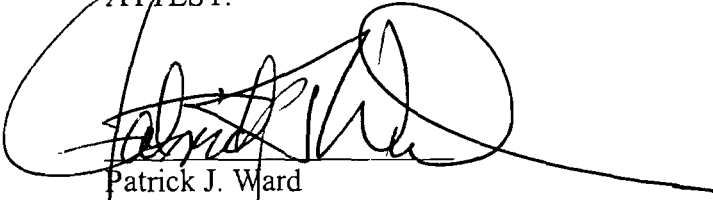
The Board of Appeals

Filing Date: November 6, 2013


Jesse Geller, Chairman

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A True Copy
ATTEST:



Patrick J. Ward
Clerk, Board of Appeals

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