



BOARD OF APPEALS
Enid Starr, Co-Chair
Jesse Geller, Co-Chair
Christopher Hussey

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Town of Brookline
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Patrick J. Ward, Clerk

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2012-0046

Petitioner, Century Bank, applied to the Building Commissioner to construct a pneumatic tube fed drive-up teller and roof canopy at 1182-1184 Boylston Street. The application was denied and an appeal was taken to this Board.

On July 12, 2012, the Board met and 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 August 9, 2012 at 7:15 p.m. in the Selectmen's hearing room as the time and place of a hearing on 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 19 and 26, 2012, 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: **CENTURY BANK**
Owner: **CENTURY BANK**

Location of Premises: **1182 BOYLSTON ST**
Date of Hearing: **August 9, 2012**
Time of Hearing: **7:15PM**
Place of Hearing: **Selectmen's Hearing Room, 6th floor**

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

4.07; Table of Uses Use # 39, special permit required.
5.09.2a; Design Review, special permit required.

of the Zoning By-Law to construct a drive up teller and roof canopy at Century Bank
at **1182 BOYLSTON ST**

Said premise located in an **G-1.0 (General Business)** Business 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 the ADA Coordinator, Stephen Bressler, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone: (617) 730-2330; TDD (617) 730-2327.

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At the time and place specified in the notice, this Board held a public hearing. Present at the hearing were Chairman Jesse Geller, Board Members, Christopher Hussey and Lisa Serafin. The case was presented by Attorney Scott C. Gladstone whose business address is 1244 Boylston Street Brookline, MA, and with him was James Flynn, Vice President of Century Bank.

Attorney Gladstone described the property as a one-story building located on the corner of Boylston Street and Hammond Street occupied by Century Bank. The strip also includes the Chestnut Hill Realty

office and Supercuts, which are located on either side of the bank. The building has a large parking lot in the rear accessed from either Hammond Street or Sheafe Street. The immediate neighborhood consists of residential uses, condominiums and multi-family buildings to the rear and commercial uses on either side along Boylston Street. This building is also directly across from the Chestnut Hill Shopping Center.

Peter Darlow of Darlow Christ Architects presented the proposal to the Board. Mr Darlow said Century Bank is planning for the installation of a remote drive up teller unit to be placed adjacent to a former drive up teller window near the south parking lot side of the building to be accessed from the existing parking lot drive lane. The customer interface unit will be pneumatically connected to a live teller within Century Bank utilizing a camera interface between teller and customer for communication. The plan dated 7/26/2012 identifies the proposed position of the drive up teller machine. The teller unit has a modest 17" x14" footprint and will be placed on a small concrete pad just west of an existing concrete curb. This will position the unit below an existing roof overhang and will not block access to an existing fire department hose connection. Two 4" diameter traffic bollards will be installed flanking the teller unit. A drive up lane will be identified on the pavement to direct traffic from the Sheafe Street curb cut access into the parking lot over to the unit.

In order to install the pneumatic tube within a weather protected path from the existing bank interior to the customer unit location, it is proposed by Century Bank to construct an extension of a portion of the South facing roof overhang. The extension will be a framed overhang that projects 36" off the existing South facing roof canopy to which it attaches. The overhang will align with the roof top, but only have half the height of the existing overhang to minimize the additional visible mass and to avoid impact to the existing fire protection devices. The face of the overhang will be finished with painted EIFS to match the existing finish. The existing Century Bank sign on this South facing façade

will be removed and a new smaller sign (approved by the Planning Board on July 26, 2012) will be installed onto the roof canopy extension.

The existing overhang is 4.2' wide [measured from top to bottom] and 4" deep on the Supercuts and Century Bank storefronts. The overhang is deeper on the Chestnut Hill Realty office, and projects 1'5" from the building facade [where a drive-up ATM was previously located when the storefront was occupied by Bank Boston]. The new overhang on the Century Bank will measure 32" wide.

Chairman Geller asked whether cars will enter the parking lot only from Sheafe St and exit the parking lot only onto Hammond Street. Attorney Gladstone responded that both curb cuts would continue to be used in both directions but that there will be markings which will control the flow of traffic in a more reasonable flow towards Hammond Street. Mr. Gladstone said the intention is to keep the curb cut usage as it currently is. Chairman Geller inquired about the possibility that cars leaving the parking space closest to the Hammond Street curb cut, in conjunction with the drive-up teller queue, would block the curb cut to Hammond Street. Attorney Gladstone said there is sufficient space and there will be a full time parking attendant to control the parking. Board Member Serafin asked if the parking lot attendant would be temporary or permanent. James Flynn, of Century Bank, said the attendant is a permanent position during business hours.

Chairman Geller asked whether anyone in attendance wished to speak in favor of the proposed relief. No one spoke in favor. Chairman Geller asked if anyone wished to speak in opposition. No one spoke in opposition to the proposed relief.

Chairman Geller called on Lara Curtis Hayes, Planner to present the Planning Board's Recommendations.

FINDINGS

Section 4.07 – Table Of Uses, Use #39: Drive-in uses for banks [Use 31] require a special permit.

Section 5.09.2.a – Design Review: Any exterior alterations on Boylston Street require a special permit subject to the design review standards listed under Section 5.09.4(a-1). All the conditions have been met, and the most relevant sections of the design review standards are described below:

- a. Preservation of Trees and Landscape – The installation of the drive-through teller utilizes and existing parking lot and driveway and will not disturb any existing landscaping.
- b. Relation of Buildings to Environment – Although the overhang will be extended on the rear façade, it is not anticipated to cause any shadowing on neighboring properties.
- c. Relation of Buildings to the Form of the Streetscape and Neighborhood – Although the overhangs on Supercuts, Century Bank and Chestnut Hill Realty are not currently coplanar, they all are the same width and painted in an alternate color. The new overhang is narrower and while it will be painted to match the existing overhang, the narrower width on the Century Bank overhang is likely to be a noticeable inconsistency.
- d. Open Space – There is no impact to open space on the site.
- e. Circulation – The property is served by an existing two-way driveway on Hammond Street and a one-way entrance driveway on Sheafe Street. The applicant is proposing to have drive-up teller traffic enter from Sheafe Street and exit from Hammond Street. The parking lot appears to be wide enough and the teller appears to be set back far enough from the street to safely accommodate the two-way drive in addition to the drive-up teller drive.

Ms. Hayes said the Planning Board is supportive of the special permits for the requested drive-through teller. The Planning Board is also supportive of the installation of new signage with 22" channel letters on the rear of the building.

Therefore, the Planning Board recommends approval of the special permit for Use #39 and the plans by Darlow Christ Architects, dated 7/26/2012, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit a final site plan indicating circulation patterns, parking spaces and the locations of directional teller signage to be painted on the parking lot 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 final elevations indicating an overhang extension, 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 final sign plans for the rear façade indicating all sign dimensions and letter heights subject to the review and approval of the Assistant Director of Regulatory Planning.
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 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 on the Building Commissioner, Dan Bennett to provide the Building Department report. Mr. Bennett said the Building Department has no objection to the proposal.

Responding to a question from Mr. Geller, Commissioner Bennett said he does not feel it is necessary to add a condition requiring the petitioner to return to the Zoning Board of Appeals with a traffic report at a later date. Mr. Bennett asked Attorney Gladstone about the drive-up teller blocking the Fire Department hose connection. Attorney Gladstone said that issue has been addressed and there will be additional signage installed to identify the location of the hose connections.

Chairman Geller asked for comments from Members of the Board. Member Serafin said she had concerns with traffic flow and traffic safety. Member Hussey had similar concerns and said a parking would be of limited value. Chairman Geller said he feels that the traffic flow is not materially changed and any issues could be resolved with appropriate signage. He added that neither the Planning Department nor the Building Department share the Board's concerns.

The Board, having deliberated on this matter and having considered the foregoing testimony, concluded that all the requested relief could be granted by special permit. The Board found that the petitioner has satisfied the requirements necessary for relief under **Sections 4.07, Section 5.09.2a, and Section 9.05** of the Zoning By-Law. The Board 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 a final site plan indicating circulation patterns, parking spaces and the locations of directional teller signage to be painted

on the parking lot 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 final elevations indicating an overhang extension, 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 final sign plans for the rear façade indicating all sign dimensions and letter heights subject to the review and approval of the Assistant Director of Regulatory Planning.
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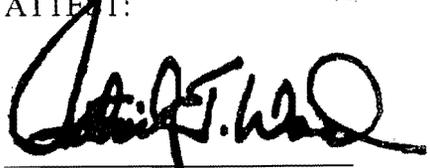
Unanimous Decision of
The Board of Appeals

Filing Date: 2012 August 31, 2012



Jesse Gellet, Chairman

A True Copy
ATTEST:



Patrick J. Ward
Clerk, Board of Appeals