



BOARD OF APPEALS
Enid Starr, Co-Chair
Jesse Geller, Co-Chair
Robert De Vries

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Patrick J. Ward, Clerk

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2011-0028

Petitioner, Brookline Teen Center, applied to the Building Commissioner to renovate approximately 10,000 sf on the upper level; create 1,300 sf of mezzanine; add a new stair/elevator structure of approximately 500 sf and make improvements to small areas on the lower level of the existing structure at 40 Aspinwall Avenue. The application was denied and an appeal was taken to this Board.

On March 3, 2011, 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 June 16, 2011 at 7:00 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 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 May 26 and June 2, 2011, 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: **Brookline Teen Center c/o Tom Mendelsohn**
Owner: **GOODMAN, JOSEPH C/O BERNICE GOODMAN**
Location of Premises: **40 ASPINWALL AVE**
Date of Hearing: **June 16, 2011**
Time of Hearing: **7:00 p.m.**
Place of Hearing: **Selectmen's Hearing Room, 6th Floor**

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

1. **4.01.3.b; Permitted Uses, special permit required.**
2. **4.07.13.b&c; Use Regulations, parking closer to lot line than front yard depth and noisy activities, bowling and gymnasium closer than 100' to lot line, variance required.**
3. **4.07.13.c; Sound attenuation, finding required.**
4. **5.08.2; Exceptions to Dimensional Requirements for Uses 9 & 10, special permit required.**
5. **5.09.2.h; Design Review, special permit required.**
6. **5.43; Exceptions to Yard and Setback Regulations, special permit required.**
7. **6.02.1; Table of Off-Street Parking Space Requirements, variance required.**
8. **6.02.4c; Table of Off-Street Parking Space Requirements, special permit required.**
9. **6.03.1.b; Location of Required Off-Street Parking Facilities, special permit required.**
10. **6.04.12; Design of All Off-Street Parking Facilities, special permit required.**
11. **7.03.1.b; Signs in L, G, I and O Districts, in excess of 2 sf/foot of building frontage, variance required.**
12. **8.02.2; Alteration or Extension, Special Permit Required.**

of the Zoning By-Law to Proposed Teen Center, BOA relief required at **40 ASPINWALL AVE.**

Said premise located in a **L-1.0 (local) 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.

**Enid Starr
Jesse Geller**

Robert De Vries

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, Mark Zuroff and Christopher Hussey. The case was presented by the Mr. Tom Mendelsohn, Interim Executive Director, Brookline Teen Center.

The Board received information from the Planning Department relative to past zoning relief granted at the subject address. In Board of Appeals Case # 2067 the Board approved this abandoned garage for the sale, servicing and storage of automobile tires and other motor vehicle accessories on the lower and first floor (10,000 s.f.) and for office showroom space (2,000 s.f.) and storage (8,000 s.f.) on the upper floor. The Board found that the use, #26, was a preexisting nonconforming use and imposed some conditions for limiting evening business hours. In Board of Appeals Case # 2067A, the Board approved use of the entire building for an auto body shop and found that in Case #2067, although stated to be under Use 26, could have been granted either under Use 26 or 28, and that case # 2067A modified the prior case (#2067) to allow both. In Case # 020029, the Board of Appeals approved relief for the existing surface lot to be used partly for outdoor sales and storage of automobiles.

Mr. Mendelsohn, of 9 Lincoln Road, Brookline MA, said that he and his colleagues were before the Board to seek dimensional and parking relief. Mr. Mendelsohn described the operation as a private, non-profit organization. He distributed copies of the project description dated 10, May, 2011 that were previously distributed to the Planning Board at their hearing. Mr. Mendelsohn said the idea of a Teen Center in Brookline was re-ignited in 2005 by Paul Epstein, a social worker at Brookline High School. Mr. Epstein recognized the need for a place where young adults could gather for educational and recreational activities outside the conventional school setting. He said that Mr. Epstein organized the teens to garner support for the concept, and that fundraising began in 2006. The teens were actively involved throughout the entire process, looking at how other communities approached the concept as

well as researching potential sites. Mr. Mendelsohn said that the Brookline Teen Center obtained non-profit status in 2010 and began an active dialogue with the Building and Planning Departments at that time. He said that a 25-year lease has been signed with the owner of the property for the upper level, with five parking spaces in the exterior lot to be dedicated to the Teen Center. Mr. Mendelsohn introduced Paul Epstein, founder of the Brookline Teen Center and Chairman of the Brookline Teen Center Board.

Mr. Epstein, a resident of Brookline said he had been working in the school system for over ten years. Mr. Epstein said that a particularly gratifying component of the process has been the involvement of the teens, grades 7 through 12, who will be using the facility. He said that the teens have been fully invested in the project from its infancy. They have met with professionals, including architects, planners and politicians and leadership of other teen centers to see what worked and what did not. Mr. Epstein stated that while Brookline is a great place to live with great schools and cultural opportunities, it is one of only a few surrounding communities that does not have a youth center. Mr. Epstein said that there were three main areas that the Teen Center would serve: Creating opportunity for academic enrichment, providing physical and recreational activities, and providing for the emotional well-being of the age group. Mr. Epstein noted that while the Center would be available to all youths who live or attend school in Brookline, they would have to join, sign a contract delineating expectations and behavior, and pay a small fee. As to the proposed location at 40 Aspinwall Avenue, Mr. Epstein displayed a map showing the proximity of area schools and public transportation. He said that one would be hard pressed to find a location more suitable for the greatest number of kids either walking or using public transportation.

Michael Lindstrom of MLA Architects, 39 Harvard St, Brookline, MA walked the Board through a brief description of the proposed facility with the help of rendering displayed on the screen. Mr.

Lindstrom said that 40 Aspinwall Avenue was a two story brick building and was used at one time as an automobile dealership and repair garage, and now has outdoor storage of motor vehicles for sale or lease for 24 cars. Current access to the building by car is from a ramp leading up to the service area. The existing site has 27 surface parking spaces and a single 30-foot curb cut on Aspinwall Avenue. The surrounding neighborhood is made up of larger multi-family buildings, triple deckers, and non-automobile commercial uses. On the corner of Aspinwall and Harvard Streets is a Walgreen's Drugstore, whose parking lot directly abuts the garage site to the east. An NStar transformer site directly abuts the rear of the garage site to the north.

Mr. Lindstrom reported that the interior space will be renovated, a mezzanine level created, and an addition constructed for an internal stairway and elevator to provide handicap access. Five short term parking spaces, out of 21, will be designated for Brookline Teen Center drop-off and pick-up and three to six employee parking spaces will be provided off-site, perhaps at the adjacent NStar transformer site, for which negotiations are underway. Mr. Lindstrom said that his firm has been working with the teens for 2 ½ years and has been both gratified and excited about their level of involvement. He said they were also trying to design a facility that would have a positive impact upon the neighborhood. He said that the building would be seeking LEED certification and would be a significant positive contribution to the community. The interior spaces would accommodate academics and art as well as games, a small bowling alley, a ½ court basketball court, fitness and dance studios as well as a café area. He said that they located the entry closest to the commercial side of the property in order to minimize impacts to nearby residents. Mr. Lindstrom said that the walls closest to the residential properties would continue to have no openings and would have heavy acoustical treatment to ameliorate noise impact. He described the flow through the building as well as exterior elevations.

Board Member Mark Zuroff asked what portion of the building would be under the control of the Teen Center. Mr. Lindstrom responded that the leased area was for the upper floor only (including five parking spaces) and that the lower floor would continue its current use, to the best of his knowledge.

Mr. Epstein explained the typical daily operation of the Teen Center. While the exact hours of operation have yet to be finalized, he said the Teen Center is expected to be open after school and in the evening on weekdays, with longer hours on weekends. They expect to be open six days per week as well as during school vacations and summertime. Mr. Epstein reported that staff will be led by a full-time executive director who is expected to be supported by two full-time senior program staff plus a variety of part-time employees, primarily college and university students with expertise working with teenagers in specialized areas such as music, athletics, counseling and academic assistance. Abutters and the immediate neighborhood will be provided with contact information for staff, and the Center intends periodically to invite the neighbors to discuss impact and problem-solve any concerns. The facility will be drug, alcohol and tobacco free. Teens will be closely supervised by staff who will establish a culture focused on supporting healthy teens and lifestyles. Mr. Epstein advised the Board that the lease stipulates that only compatible uses may occupy the lower level of the building should it be leased for a use other than the current garage.

On occasion, the Center will host special teen events like dances and performances. The special events will range in size, with an upper range of approximately 200-300 people, and would occur roughly monthly on weekend evenings. The level of supervision for these events will approximate that which is employed at the Tappan Street Gym for RAFT and Brookline High School dances, one adult for every 20-25 teens. Police will be advised of the events in advance, and staff and police will maintain regular contact. Mr. Epstein outlined specific steps to which the Center would commit in order to facilitate smooth closings and accelerate dispersal of teens on a daily basis and after special events. Robbie Burgess, Professional

Engineer of Howard/Stein-Hudson Associates, 38 Chauncy Avenue, Boston MA delivered his finding relative to traffic issues related to the proposal. Mr. Burgess explained their collection of traffic data near the site. He also explained that most of the traffic generated by the Center would be outside the peak traffic hours. Mr. Burgess advised the Board that his memorandum dated 27, April 2011 was part of the package distributed by Mr. Mendelsohn. He spoke of the intersections in the area of the Center and of the impact of Center traffic on them. He outlined the proximity of existing modes of travel such as the MBTA 66 bus and the Red Line as well as the Dudley Square Silver Line. He said a significant number of the teens will be non-driving members, and that the Green Line is only a 7-minute walk. Mr. Burgess outlined parking and site circulation related to daily operations as well as special events. Mr. Burgess outlined mitigation measures that will be employed to minimize traffic impacts to the community. He said that through evaluation of existing traffic conditions, estimation of future vehicular and non-vehicular trips to and from the proposed site, and careful planning of daily and special event parking needs, the Teen Center will serve its mission to the community while managing and minimizing any traffic impacts to its neighbors.

Tad Heuer of Foley Hoag LLP, 155 Seaport Boulevard, Boston, MA, legal counsel for the project noted that his client was before the Board requesting special permit relief only: special permits under **Section 4.01.3.b, Permitted Uses** (permitted non-residential use in a non-residential district with more than 10,000 s.f. gross floor area), **Section 5.09, Design Review**, **Section 6.02.4c** (parking), and **Section 8.02.2, Alteration or Extension** (continued use of a pre-existing nonconforming structure where the parking is being revised). He noted that because the Teen Center is a private not-for-profit educational institution, it falls under Use # 10 of the zoning by-law. He reported that Teen Center's eligibility for Use #10 had been corroborated by both Town Counsel and the Building Commissioner after review of the Teen Center's articles of incorporation. As such, an educational use such as the Teen Center may be pursued by right within any zoning district in the Town of Brookline. Attorney Heuer said that the Board under **Section**

5.08.2 may waive dimensional requirements for such a use; however, he maintained that the only relief necessary for the Teen Center project related to parking. Mr. Heuer said that the Teen Center believed it could make a case for all the special permit and variance relief cited in the denial letter. However, he maintained that there was no need to do so, as the Teen Center's educational use status meant that only special permit relief, and not variance relief, was required. Mr. Heuer said that the Teen Center is aware of the concerns relative to traffic, parking and noise, and has made and will continue to make changes to ameliorate these concerns for their neighbors. Regarding signage, Mr. Heuer said that the Teen Center, after application for a sign permit, will seek relief from the Board of Appeals if necessary. As to the modification of previously granted relief in case #0220029, Mr. Heuer observed that since that case related to outside parking available on the lot, the Board might consider modifying that relief as necessary since five of the spaces will now be dedicated to Teen Center use. Mr. Heuer reminded the Board that all the relief necessary for the proposal was available by special permit.

Chairman Geller noted that the citations in the Planning Board's report that pertain to the location of off-street parking — exclusive of **Section 6.02.4.c**, because it controls the educational use — were not necessary, and Attorney Heuer agreed. Mr. Geller also asked whether the Transportation Board had offered its opinion concerning the parking/pick-up/drop/off plan. Mr. Burgess responded that an initial meeting was held with the Board but no final recommendations had been made as yet.

Mr. Geller asked whether the petitioner had any further comments and they responded that they did not.

Mr. Geller asked whether anyone in attendance wished to speak in favor of the proposal before the Board.

Nancy Daly, a member of the Board of Selectmen, commented that the children of Brookline are pretty sophisticated at a relatively early age about the use of public transportation which is readily available near the site. She said that this would probably minimize the traffic/parking issues related to the proposal. Ms.

Daly reminded the Board that the Town Hall parking lot was only a short distance from the site and the public lot at School and Washington Streets was available as well.

Mr. Geller asked whether anyone in attendance wished to speak in opposition to the proposal before the Board.

Barbara Benagh of Unit #1, 60 Aspinwall Avenue commented that she was not opposed to the concept of the Teen Center, but was concerned that the parking situation would be made much worse by the location of the Center. She also opined that the Teen Center, if approved should provide at least one day of respite for the neighborhood free from the noise and traffic issues related to the project. She reminded the Board that the proposed location while appearing commercial in nature is adjacent to at least twenty-five independent residential units. She noted changes in the special events plan that the Teen Center had made following neighbor comments at the Planning Board of Appeals hearing, and expressed her appreciation of the Teen Center's responsiveness to date.

Li Chen, the owner of the residential structure immediately adjacent to the proposed location said that she was impressed with the public dialogue related to the proposal and was comfortable that most of the issues had been addressed. She did report that she wished that the fence along the property line of the 40 Aspinwall Avenue site could be made higher to lessen the impact of those visiting her property. Ms. Chen said she was concerned that people picking-up or dropping-off teens could block her driveway. She also expressed the hope that a construction management plan would be provided to address issues related to the construction/conversion of the property.

Attorney Geller asked whether the Teen Center had considered making the fence between the properties higher. Mr. Mendelsohn responded that they have an active dialogue with both Ms. Chen and the other owner in front of Ms. Chen's property. He said that before they commit to any changes to the fence they had to get assurance that the change if made would be acceptable to both property owners. He also shared

that the immediate abutter had asked that the height of the fence close to the sidewalk be maintained, in order to provide visibility as he and others exited his drive.

David Goff, a resident of 23-25 Aspinwall Avenue, expressed concern about the potential for excessive noise and traffic related to the project. He suggested that the Teen Center speak with the ownership at Walgreens to provide some accommodation related to parking during peak periods.

Jeffery Levine, Director of Planning and Community Development presented the finding of the Planning Board.

Section 4.01.3.b – Permitted Uses

This use requires a special permit per Sec. 5.09, Community and Environmental Impact and Design.

Section 4.20 - Table of Use Regulations

Use #13b: no parking within 10' of front lot line. This is a pre-existing non-conforming condition.

Use #13 c: no indoor bowling or gym within 100' of any lot line and requires sound insulation. See Sec. 5.08 and 5.43 below. Sound proofing acoustical treatment is being provided to the wall and roof adjacent to residential neighbors on the east side, and there are no windows on that side of the building. The wall adjacent to the gym is a 15" thick brick wall. On the north wall where the bowling alley is located, the pins are on the west wall away from the residences and the windows will be soundproofed.

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

A special permit may waive dimensional requirements for educational uses to allow reasonable development.

Section 5.09(h) - Community and Environmental Impact and Design Review

A non-residential use in a non-residential zone with more than 10,000 sq. ft. of gross floor area or with more than 20 cars requires a special permit under this section. All of the standards under Sec. 5.09 have been met and the most relevant sections are described below:

- *Preservation of Trees and Landscape:* The proposed project will not require the removal of any plantings because the portion of the site for the addition is currently paved. The applicant will also be removing the asphalt to the west of the new building and replacing it with a "rain garden".
- *Relation of Buildings to the Form of the Streetscape and Neighborhood:* The new exterior features are minimal – an elevator and stair wing on the west side and a deck in front of the

building – and will enhance the site and its relationship to the neighborhood. The deck is screened by a metal railing and on the residential neighbors’ side by the existing one and a half story section of the building.

- *Circulation:* A new vehicular circulation route will allow cars to enter and exit the site quickly or to park in the short term parking spaces designated for the center.
 - *Stormwater Drainage:* A rain garden with pervious gravel material will enhance the drainage system and has been designed to collect stormwater.
 - *Utility Service:* A transformer in front of the building is completely screened from view by a metal railing.
- a) *Advertising Features:* This will be requested at a later date.
- b) *Safety and Security:* After large special events both police and staff will be utilized to facilitate departures from the site both by cars and students.

Section 5.43 – Exceptions to Yard and Setback Regulation

A special permit may waive dimensional yard setback requirements if amenities are provided.

Section 6.02.1 - Table of All Off-Street Parking

Section 6.03 - Location of All Off-Street Parking

Under the parking requirements for institutions, the BTC would need to provide 33 spaces for its use of 14,959 s.f. However, under **Sec. 6.02.4a**, institutional uses serving children under 15 need not provide more than 1/3 the parking requirement. If one assumes that ½ the students will be 15 or under, the requirement would be 22 spaces (5 + 16.5). Five spaces are being provided on site and under **Section 6.02.1b**, a **special permit** may waive up to 10 spaces for a non-residential use in a business district if the expansion is primarily or entirely within an existing building, which is the case. If 10 spaces are waived under this section they are required to have **12 spaces**. They are providing 5 spaces on site and up to six spaces on a nearby lot, which is allowed by **special permit** under **Sec.6.03.1b**, which allows parking off-site in the vicinity. Therefore, they would need to provide one more parking space, unless a **special permit** were granted under **Section 6.02.4c**, to waive parking for educational uses to allow for reasonable development.

Section 6.04.12 - Design of All Off-Street Parking Facilities

A special permit may waive dimensional parking requirements to serve existing buildings.

Section 7.03.1.b – Signs in all L Districts

At this time, this section is not relevant because approval of signage is not being requested.

Section 8.02.2 Alteration or Extension

Modification, if required, to Board of Appeals Case #0220029 (12/17/02) – See Background section.

An outdoor parking license has been issued for 24 cars.

Mr. Levine said that the Planning Board supported the creation of a Teen Center for Brookline students and believes this is an appropriate location for the facility, as it is near public transportation and centrally located to most of the schools. Much thought and care has been taken by the applicants to address all potential impacts to the surrounding neighborhood. Mitigation measures include providing sound insulation to the building on the east and north facades to prevent any noise from the interior bowling alley and gymnasium, providing five parking spaces on site for pick-up and drop-off and three to six spaces off-site for employee parking, requiring transportation information on the Teen Center website, requiring users to be members and sign a behavioral contract, which emphasizes the importance of being respectful of the surrounding neighbors. Additionally, when the Teen Center holds special events, it will utilize extra measures to hasten departures at the end of events with temporary curbside parking, extra signage, and use of police and staff to facilitate traffic flow and quick student departure from the site and neighborhood. The Planning Board, in response to residential neighbors' concerns, recommended that the applicant modify the location of the designated pick-up spaces on Aspinwall Avenue for special events to be closer to the commercial area on Harvard Street. Therefore, the Planning Board recommended approval of the elevations and floor plans prepared by Horizons Design and GMI Architects, dated 5/10/11, subject to the following conditions:

- 1. Prior to the issuance of a building permit, final elevations, including rooftop utilities and floor plans shall be subject to the review and approval of the Assistant Director for Regulatory Planning.**
- 2. Prior to the issuance of a building permit, a final site plan, indicating landscaping; designated parking for the BTC, including handicap parking; bicycle racks; and lighting; shall be subject to the review and approval of the Assistant Director for Regulatory Planning.**
- 3. Prior to the issuance of a building permit, a construction management plan, including parking locations for construction vehicles and a rodent control plan, shall be submitted for review and approval by the Transportation Director, with a copy of the approved plan submitted to the Planning and Community Development Department.**
- 4. Prior to the issuance of the Certificate of Occupancy, the following traffic and parking mitigation measures shall be completed by the Applicant, subject to the review and approval of the Director of Engineering and Transportation and Assistant Director for Regulatory Planning :**
 - a. Designate 5 short term signed parking spaces on site;**
 - b. Provide evidence of a lease, license or agreement for 3-6 employee/visitor parking spaces off site;**
 - c. Install pavement markings and signage for effective pick-up/drop-off operations;**
 - d. Post information/instructions on the BTC website for pick-up/drop-off operations;**
 - e. Provide new members with a pamphlet with pick-up/drop-off instructions;**
 - f. Contact the Brookline Police Department about managing traffic during special events;**
 - g. Provide ample bicycle racks on site to promote bicycle use; and**
 - h. Post information on MBTA services to the site including bus schedules, Green Line information and walking routes from nearby schools to actively encourage use of mass transit.**
- 5. One temporary construction and/or development sign, no greater than 20 square feet, may be erected on site during the construction, subject to the review and approval of the Assistant Director for Regulatory Planning.**
- 6. The hours of operations shall be limited to 10 p.m., except on Fridays and Saturdays, to midnight, with Sunday hours 12-6 p.m. Hours for the outdoor patio shall be limited to 9 pm on weekdays and 10 pm on Fridays and Saturdays. Hours may be expanded in the future only if the BTC returns to the Planning Board for approval. The BTC shall minimize impacts to the surrounding neighborhood through the following methods:**
 - Communicate via a behavioral contract, the website, postings in BTC, and staff , the expectation that teens will be respectful of the neighborhood, disperse quickly when leaving the BTC, and minimize noise and disruption to the community;**

- **Stagger the closing of program areas over the last 15-30 minutes of BTC's operation;**
 - **Stop any music or entertainment 15 minutes before official closing of the center at the conclusion of special events;**
 - **Begin to encourage teens' departure 15-30 minutes before all closing times in order to avoid large peaks and gatherings;**
 - **Staff shall exit with teens during dispersal to ensure no loitering or remaining in the immediate neighborhood, and assist police with swift and smooth traffic flow during pick up.**
 - **Enforce the behavioral policy with a progressive series of consequences for violations of BTC's policies regarding respect for the surrounding neighborhood and community.**
 - **Schedule quarterly meetings with abutters, both during construction and after center is in operation, to address problems, if any.**
- 7. 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, including landscaping, walls, and location of utilities; 2) 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 Michael Shepard, Building Commissioner to deliver the comments of the Building Department. Mr. Shepard commended the leadership of the Teen Center for their foresight in including the teens early-on in the planning process. He said that all too often adults take the lead and design a facility that they think the teens need, and often these do not prove to be successful. Commenting on the design he said the architecture was inviting and appears to make the best use of available space. He said the design recognized the potential noise impacts and activities were sited within the building to minimize them. He said the building would be green, fully accessible and sprinklered and an asset to the community. Mr. Shepard opined that the Teen Center should give its best efforts to resolve the fence issue brought up by the abutter most affected by the proposal, Ms. Chen.

Mr. Shepard said the Building Department was supportive of the proposal as well as the conditions suggested by the Planning Board. He said that his Department will insure that all the requirements of the Building Code are observed regarding the proposal.

Chairman Geller opined that the Teen Center is a worthy project. He said that he was happy that Town Counsel had provided guidance on the educational use issue. He said that he questioned use of public transportation by teens or teens walking home after late night events. He also had concerns about traffic on Aspinwall Avenue, particularly reduction of one lane during the events and that the effort to push the traffic off Aspinwall Avenue would help the related traffic/parking issues. Commenting on the abutter's request for a higher fence, he said that the request did not seem unreasonable. Mr. Geller said that all the relief could be granted by special permit and agreed that amendment of the prior relief for the property was appropriate.

Board Member Zuroff said he was concerned about the outdoor patio and the Teen Center should be mindful of its potential negative impacts on the neighborhood. He said that the determination that the Teen Center was an educational use made his decision to support the project much easier. He expressed the opinion that the Teen Center should continue to pursue alternative arrangements for the location of employee parking.

Board Member Hussey said that the fence in question was on the East side of the subject property and expressed the desire for the Teen Center to continue to work with the neighbors in this regard.

The Board, having deliberated on this matter and having considered the foregoing testimony, concluded that it was desirable to grant special permit relief under Sections **4.01.3.1b**, **5.09**, **6.02.4c**, and **8.02.2** of the Town of Brookline 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.

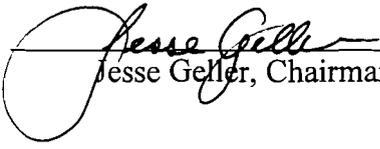
Accordingly, the Board voted unanimously to grant the requested relief subject to the following conditions:

1. **Prior to the issuance of a building permit, final elevations, including rooftop utilities, and floor plans shall be subject to the review and approval of the Assistant Director for Regulatory Planning.**
2. **Prior to the issuance of a building permit, a final site plan, indicating landscaping; designated parking for the BTC, including handicap parking; bicycle racks; and lighting; shall be subject to the review and approval of the Assistant Director for Regulatory Planning.**
3. **Prior to the issuance of a building permit, a construction management plan, including parking locations for construction vehicles and a rodent control plan, shall be submitted for review and approval by the Transportation Director, with a copy of the approved plan submitted to the Planning and Community Development Department.**
4. **Prior to the issuance of the Certificate of Occupancy, the following traffic and parking mitigation measures shall be completed by the Applicant, subject to the review and approval of the Director of Engineering and Transportation and Assistant Director for Regulatory Planning :**
 - a. **Designate 5 short term signed parking spaces on site;**
 - b. **Provide evidence of a lease, license or agreement for 3-6 employee/visitor parking spaces off site;**
 - c. **Install pavement markings and signage for effective pick-up/drop-off operations;**
 - d. **Post information/instructions on the BTC website for pick-up/drop-off operations;**
 - e. **Provide new members with a pamphlet with pick-up/drop-off instructions;**
 - f. **Contact the Brookline Police Department about managing traffic during special events;**
 - g. **Provide ample bicycle racks on site to promote bicycle use; and**
 - h. **Post information on MBTA services to the site including bus schedules, Green Line information and walking routes from nearby schools to actively encourage use of mass transit.**
5. **One temporary construction and/or development sign, no greater than 20 square feet, may be erected on site during the construction, subject to the review and approval of the**

Assistant Director for Regulatory Planning.

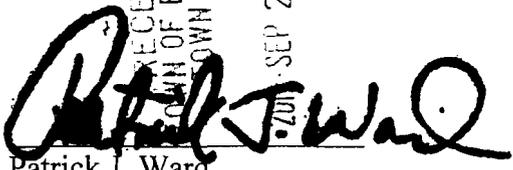
- 6. The hours of operations shall be limited to 10 p.m., except on Fridays and Saturdays, to midnight, with Sunday hours 12-6 p.m. Hours for the outdoor patio shall be limited to 9 pm on weekdays and 10 pm on Fridays and Saturdays. Hours may be expanded in the future only if the BTC returns to the Planning Board for approval. The BTC shall minimize impacts to the surrounding neighborhood through the following methods:**
 - Communicate via a behavioral contract, the website, postings in BTC, and staff , the expectation that teens will be respectful of the neighborhood, disperse quickly when leaving the BTC, and minimize noise and disruption to the community;**
 - Stagger the closing of program areas over the last 15-30 minutes of BTC's operation;**
 - Stop any music or entertainment 15 minutes before official closing of the center at the conclusion of special events;**
 - Begin to encourage teens' departure 15-30 minutes before all closing times in order to avoid large peaks and gatherings;**
 - Staff shall exit with teens during dispersal to ensure no loitering or remaining in the immediate neighborhood, and assist police with swift and smooth traffic flow during pick up.**
 - Enforce the behavioral policy with a progressive series of consequences for violations of BTC's policies regarding respect for the surrounding neighborhood and community.**
 - Schedule quarterly meetings with abutters, both during construction and after center is in operation, to address problems, if any.**
- 7. 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, including landscaping, walls, and location of utilities; 2) 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


Jesse Geller, Chairman

Filing Date: September 28, 2011

A True Copy
ATTEST


Patrick J. Ward
Clerk, Board of Appeals

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