



Town of Brookline

Massachusetts

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

Town Hall, 1st Floor
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Brookline, MA 02445-6899
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Patrick J. Ward, Clerk

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2011-0037

Petitioner, Epoch Senior Health Care, applied to the Building Commissioner for permission to erect a building name sign higher than that which is allowed under the Zoning By-Law at 615 Heath Street. The application was denied and an appeal was taken to this Board.

On May 26, 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 July 21, 2011, 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 30 and 7 July, 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: **EPOCH SENIOR HEALTH CARE**
Owner: **NHP CHESTNUT HILL LLC C/O MARVIN F POER & CO**
Location of Premises: **615 Heath Street**
Date of Hearing: **July 21, 2011**
Time of Hearing: **7:15 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:

7.00.1.b; Signs in All Districts (Height), special permit required

of the Zoning By-Law to **ERECT BUILDING NAME SIGN REQUIRING BOA RELIEF at 615 Heath Street.**

Said premise located in a **G-2.0 (general)** 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 was Chairman, Mark G. Zuroff and Board Members Jonathan Book and Lisa Serafin.

The case was presented by Attorney Roger R. Lipson of 7 Harvard St # 220, Brookline, MA 02445-7979.

The Planning Board report provided background relative to the zoning history of the site:

June 18, 1997, Case #3397, The Board of Appeals granted special permits for a Life Care Facility on Tully Street for 51 assisted living units and 135 nursing care beds, 79 parking spaces at the basement level, and a long term lease for 52 parking spaces in the structured garage across Tully Street.

December 17, 1998, Case #3397A, The Board of Appeals granted a modification to the proposal to allow for a larger underground parking garage.

Attorney Lipson described the building at 615 Heath Street as a four-story life care facility located at the intersection of Tully and Heath Street just south of Boylston Street. There is an underground parking facility which is accessed in the center of the building and a parking lot across from the building on Tully Street. The north and west facades of the building are highly visible from Route 9. Mount Holyhood Cemetery is across the street from the property (to the south) and the Chestnut Hill Shopping Center is located on the other side of Route 9 (to the north).

Attorney Lipson said that his client, Epoch Senior Health Care, is proposing to install a building name sign approximately 43'-6" off the ground to the bottom of the words "Senior Living" and approximately 51'-6" to the top of the swooshes above the name "Epoch". The sign will be constructed of 2" thick aluminum letters. The overall dimension of the sign will be 8' x 13'; the sign will say "Epoch" in 21" letters, "Senior Living" in 8.5" letters with a 36" arch above the words. He also said that the high density cut letters will be painted cream color and that the name "Epoch" will consist of halo channel letters that will be back-lit with LED lights.

Chairmen Zuroff asked whether anyone in attendance wished to speak in favor of or against the proposal. No one rose to speak.

Courtney Synowiec, planner delivered the findings of the Planning Board.

Section 7.00.1.b – Signs in All Districts

Section 7.03: Signs in L, G, I, and O Districts

The Planning Board shall review and approve any signs installed in such districts.

Dimensional Criteria

<u>Type of Sign</u>	<u>Dimensions</u>	<u>Maximum Allowed</u>	<u>Proposed</u>	<u>Finding</u>
Building Name Sign	8' x 13'	110 s.f.	104 s.f.	Complies
Sign Height	n/a	25'	Est. 37.5'	Special Permit*

**Under Section 7.00.1.b, the Board of Appeals may grant a special permit for signs installed above 25' that identify the name of an individual building.*

Design Criteria – Signs

<u>Design Criteria</u>	<u>Complies</u>
a. The sign should serve to define or enhance architectural elements of the building, not obscure or obliterate them.	Yes
b. The sign should identify the name of the business, not advertise brand names.	Yes
c. Signs should be consolidated.	Yes
d. The sign should be designed without superfluous back-facing.	Yes
e. Sign graphics should reflect simplicity, neatness, and minimum wording – not only to improve appearance but to improve legibility.	Yes
f. All nonconforming signs are to be removed, and facade elements, awnings, and other extraneous materials which conceal architectural details should be removed.	n/a
g. Sign colors should be limited in number and should be compatible with the facade.	Yes
h. Sign illumination shall not be of high intensity.	n/a

Ms. Synowiec said that the Planning Board was generally supportive of this proposal. They believed that the sign is well designed and attractive. However, they suggested that the applicant

may want to consider installing the sign in a higher position within the inset brick field at the top of the building to obtain more visibility from Route 9 so the sign will be more effective in directing visitors to the facility. The Planning Board was not supportive of the proposed fluorescent light bar or the three different styles of lamps and spot lights the applicants offered as alternatives. The Planning Board requested the applicant utilize a more subtle source of illumination and suggested the applicant consider halo-lighting the lettering in "Epoch" and leaving the "swooshes" at the top of the sign and the words "Senior Living" non-illuminated. Finally, the Planning Board expressed dissatisfaction with the quality of the sign plans as they do not include any building dimensions, including the height at which the sign would be installed, and requested that the applicant's final plans include a scaled building elevation indicating the location of the sign. Therefore, the Planning Board recommended approval of the plans by The Rangeley Co., dated 4/5/11, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit final plans indicating the revised location of the sign, building dimensions, sign dimensions and letter heights, and all materials 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 plans for the illumination of the sign subject to the review and approval of the Planning Board.
3. No electrical conduit shall be visible.
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) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

The Chairman then called upon Michael Shepard, Building Commissioner, for the report from the Building Department. Mr. Shepard said the Building Department has no issue with the installation of the signage as requested.

The Board noted that drawing submitted by the petitioner dated 15 July, 2011, prepared by The Rangeley Company depicting the size and layout of the sign as well as retouched photographs depicting its location on the façade of the building is the plan of record.

The Board, having deliberated on this matter and having considered the foregoing testimony, concluded that it was desirable to grant the requested special permit relief under **Section 7.00.1.b** of the Zoning By-Law and made the following findings pursuant to **Section 9.05**:

- 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 indicating the revised location of the sign, building dimensions, sign dimensions and letter heights, and all materials 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 plans for the illumination of the sign subject to the review and approval of the Planning Board.**
- 3. No electrical conduit shall be visible.**
- 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) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.**

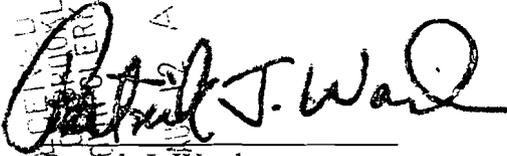
Unanimous Decision of
The Board of Appeals

Filing Date: August 12, 2011


Mark G. Zurhoff, Chairman

A True Copy

ATTEST:



Patrick J. Ward

Clerk, Board of Appeals