



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

Town of Brookline

Massachusetts

Town Hall, 1st Floor
333 Washington Street
Brookline, MA 02445-6899
(617) 730-2010 Fax (617) 730-2043
Patrick J. Ward, Clerk

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2010-0067

Petitioner, New Atlantic Development, applied to the Building Commissioner for permission to demolish the existing reservoirs, subdivide the site into 11 lots and construct multi-family housing on one of the lots at 77-95 Fisher Avenue.

On 18 November 2010, 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 2 December 2010, at 7:30p.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 his 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 11 and 18 November 2010, 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: New Atlantic Development
Owner: Town of Brookline**

**Location of Premises: 75-99 Fisher Avenue
Date of Hearing: December 02, 2010
Time of Hearing: 7:30 PM
Place of Hearing: Selectmen's Hearing Room, 6th. floor**

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

- 1. 5.06.4.e; Fisher Hill Town-Owned Reservoir Site Mixed Income Housing Overlay, special permit required.**
- 2. 5.06.4.e.6.a.1; Total Gross Floor Area Permitted; variance required.**
- 3. 5.09.2.d&l; Design Review, Major Impact Project, special permit required.**

Of the Zoning By-Law to subdivide the site into eleven lots, and construct multi-family housing on one of the lots and single family homes on the other ten lots at 75-99 Fisher Avenue.

Said premise located in the Fisher Hill Town-Owned Reservoir Site Mixed Income Housing Overlay 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.

At the time and place specified in the notice, this Board held a public hearing. Present at the hearing was Chairman, Mark Zuroff and Board Members, Enid Starr and Lisa Serafin_Sheehan. The Petitioner, New Atlantic Development, was represented by Attorney Jonathan Klein, of Klein Hornig LLP, 145 Tremont Street, Suite 400 Boston, MA 02111.

Mr. Klein introduced Peter Roth of New Atlantic Development Corporation, 59 Temple Place, Suite 1000, Boston, MA, the developer of the site.

Mr. Roth said that the 4.8 acre Town-owned Reservoir Site is located on the crest of Fisher Hill, across Fisher Avenue from a 10 acre State-Owned Reservoir. It abuts Newbury College and two single family homes on Holland Road to the north, Longyear Estates to the east, a single family home on Hayden Road to the south, and Fisher Avenue to the west. The land includes two underground reservoirs, completed in 1903, but now detached from the Town water system. The land also includes a small storage area used by the Department of Public Works.

Mr. Roth said that his corporation is proposing to subdivide this \pm 4.8 acre site into ten lots for 10 market-rate single-family homes as well as 24 mixed-income multifamily units. The 24 multifamily units will be located on one large lot in three multi-family buildings. The number of the multifamily units that will be affordable will range from 18 to 24. There will be 34 garage parking spaces and 8 at grade spaces.

He said that the zoning overlay under which he is seeking a Special Permit, requires that more than 50% of the units on-site be affordable. With the current 34 unit proposal, that works out to a minimum requirement of 18 affordable units. Mr. Roth said that he has entered into a Land Disposition Agreement (LDA) with the Board of Selectmen that proposes 24 affordable units, of which 12 would be affordable to households with incomes up to 80% of median. This scenario is based on his receiving \$2.7 million in funding from the Town's Housing Trust and an additional

\$1.6 million in funding from the State. If this level of funding is not available from the State, and if there is no alternative to close this funding gap, the zoning overlay would allow the option of providing a minimum of 18 affordable units, of which 9 would be affordable to households with incomes up to 80% of median income and 9 would be affordable to households with incomes up to 120% of median income. In any case, the project would have a total of 34 units—24 multifamily units, of which 18 to 24 will be affordable, and 10 market-rate single family homes

Describing the project Mr. Roth said that Olmsted Hill will be organized around a complex of buildings that resemble a turn-of-the-century hillside estate, with main house, gate house and guest house, and include up to 24 affordable condominium units, half of which will be two-bedroom, and half of which will be three-bedroom units. They will be built over underground parking, and surrounded by almost half an acre of landscaped green space. The multi-family “estate” buildings will be surrounded by 10 single-family homes, six on larger lots with up to 4,500 square feet of floor area, and four on smaller lots with up to 3,500 square feet of floor area. Mr. Roth said that he will sell the ten single family homelots subject to deed restrictions limiting the lots for single family use and dictating certain design and landscaping guidelines, which have been approved by the Planning Board.

Mr. Roth presented a power point presentation for the Board regarding design details.

Chairman Zuroff asked whether anyone wished to speak in favor of the proposal. Several individuals rose to speak in favor of granting relief: Roger Blood spoke on behalf of the Housing Advisory Board in favor of the project and the relief requested and, in particular, of the importance of accommodating the space requirements of the affordable housing without reducing the maximum size allowed for the market rate single family homes, needed to achieve revenue to help underwrite the project; Gill Fishman, President of the Fisher Hill Neighborhood

Association and long-term member of the town site planning committees, spoke in favor of the project and the relief requested; Patricia Black, resident of the abutting Longyear Estate Condominium, spoke in favor of the project; and Harvey Gertel, abutter on Holland Road, spoke in favor of the project.

Chairman Zuroff asked whether anyone wished to speak in opposition to the proposal. No one rose to speak in opposition.

Polly Selkoe, Assistant Director for Regulatory Planning, presented the findings of the Planning Board.

- **Section 5.06.4.e - Fisher Hill Town-Owned Reservoir Site Mixed Income Housing Overlay**, The underlying zoning of this site is S-15, and a **special permit** is required to develop the site under the overlay district.
- **Section 5.06.4.e.6.a.1 - Total Gross Floor Area Permitted**
The Fisher Hill Town-Owned Reservoir Site Mixed Income Housing Overlay special district requires the total floor area ratio for the site not to exceed 0.4, nor 72,000 s.f. The design and massing for the multi-family buildings that the DAT and Planning Board recommended contain 33,000 s.f. The six single family homes on the larger lots are not to exceed 4,500 square feet of floor area each, and on the four smaller lots 3,500 square feet each (total: 41,000 s.f.). Therefore, a **variance** would be required to allow an extra 2,000 s.f. in the three multi-family buildings containing the affordable units.
- **Section 5.09.2.d & 1 - Design Review, Major Impact Project**
Multiple dwellings with four or more units and subdivisions of ten or more lots require a **special permit**, subject to the design review standards listed under Sec. 5.09.4.a-m. The Planning Board approved design guidelines (the “Design Guidelines”), which address all of these standards.
- The special district overlay requirements for yard setbacks, usable and landscaped open space, height and parking have been met.

Ms. Selkoe reported that the Planning Board strongly supported this proposal for reuse of the Town-owned reservoir site for 10 market rate single family house lots and 24 units of affordable housing in three separate buildings. The Planning Board acknowledged that availability of subsidies may possibly reduce the number of affordable units to 18, and the Board would still be

supportive, although it would greatly prefer the addition of 24 units to the Town's affordable housing stock.

A lengthy ten year planning process was undertaken with countless meetings with all of the stakeholders in the immediate neighborhood and the Town, including the Housing Advisory Board. The Design Guidelines, proposed by the developer, revised during the Design Advisory Team process, and approved by the Planning Board, should be incorporated into the Board of Appeals decision as a condition of approval ensuring that the project that is built is the project that was approved. There are two additional safety measures in this special zoning district: each single family house requires Planning Board review and approval before a building permit is issued, and a construction oversight committee of neighbors and other stakeholders will advise the Building Commissioner during the construction period.

During the Design Advisory Team meetings, many changes were made to the Design Guidelines for the property as a whole, and to the elevations of the multi-family buildings. Abutters who live at Longyear, adjacent to the four small lots (lots 5-8), were concerned that the rear yard setbacks were too small and the developer agreed to increase them from 15 to 22 feet; additionally, abutters located to the rear of the two back lots (lots 9 and 10) were concerned that a 30' rear yard setback was too small given the steep slope separating the properties. The developer agreed to increase these rear setbacks to 50', and in return requested to reduce the front yard and internal side yard setbacks of lots 9 and 10 to ten feet. The side yard setbacks on the Newbury and Longyear sides will remain at 15 feet. The DAT agreed to this and the abutters were satisfied. Another issue was brought up by the Newbury College President about screening the college's property from the new building. The developer agreed to collaborate with the college to install plantings on the far side of the retaining wall, even if on Newbury's property.

The Planning Board supported the requested variance to allow the affordable multi-family buildings to contain up to 33,000 feet, rather than 31,000 s.f., as long as this is the maximum, and found the proposed size and massing of the multi-family buildings consistent with the surrounding neighborhood. The Planning Board prefers a design with three separate multi-family buildings, as specified in the RFP, rather than two as proposed by the developer, and is cognizant that three buildings result in less efficient use of space and thus excess countable floor area. In addition, the developer was constrained by the Town's requirement for a fixed number of units and bedrooms, as well as the minimum size standards for these units.

The Planning Board found that the statutory requirements for a variance are met because:

- The subject property has unusual topography and soil condition, which both increases the cost of redevelopment and reduces useful square footage: (1) the lot includes two underground reservoirs which must be removed at great cost, with the topography redeveloped in order to avoid storm water impacts on its many neighbors; and (2) the lot includes dramatic changes in elevation at its boundaries, forming cliff like conditions with respect to adjacent properties on Holland Street and at the Longyear project.
- The subject property has an unusual, panhandle shape at its interior. Access and turnaround for public safety vehicles requires a high ratio of road to developable land, both in terms of land usage and construction expense, in order to serve the few units.

The Planning Board believes a variance will allow development of this property at a density that will provide not only 18 to 24 units of affordable housing for the Town, but also allow the Town to use the sales price to help fund the creation of the park across the street on the State-owned reservoir site. The maximum sizes of the single family homes allowed under the overlay district is necessary to off-set the cost of removing the reservoirs, constructing the affordable

units, and supporting a new park. Therefore, granting a variance is not a detriment to the public good, but rather a benefit.

Therefore, the Planning Board voted unanimously to recommend approval of the revised proposal and plans, entitled Olmsted Hill, prepared by CBT Architects and dated October 12, 2010, subject to the following conditions:

1. Prior to the issuance of a building permit for the multi-family dwellings, final elevations, indicating façade design and rooftop details, shall be submitted for the review and approval of the Planning Board. Colors, materials, and windows shall be approved at a later date by the Planning Board at an on-site visit.
2. Prior to the issuance of a building permit for the multi-family buildings, final site plans, including placement of utilities and parking layout, and landscaping plans, including on Newbury College's property if mutually agreed to, consistent with the approved Design Guidelines, shall be submitted for the review and approval of the Assistant Director for Regulatory Planning.
3. Prior to the issuance of a building permit for the multi-family buildings, a construction management plan, including parking locations for construction vehicles, location of portable toilets, 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 Department and posted on the Planning Department's website.
4. One temporary construction and/or development sign, no greater than 20 square feet, may be erected on site during the construction and initial sale period, with the design subject to the review and approval of the Assistant Director for Regulatory Planning.
5. A certified as built foundation plan of the multi-family buildings, to ensure conformance to the approved plan, shall be submitted to the Building Commissioner for review and approval before the balance of the building permit shall issue.
6. Prior to the issuance of a building permit, the preliminary and ANR subdivision plans shall have been approved\endorsed by the Planning Board and all attached conditions met.
7. The Special Permit is conditioned on Planning Board approval of the definitive subdivision plan.
8. Prior to the issuance of a building permit for the multi-family buildings, the Planning and Community Development Director shall certify that the project is in conformance with

the requirements of **Section 5.06.4.e.2** of the Zoning By-Law, which outlines the required affordable units in the Fisher Hill Overlay District; the Land Disposition Agreement between the Developer and the Board of Selectmen, dated 5/11/2010, and any subsequent amendments; and with any and all requirements for Town funding for the affordable units.

9. Prior to the issuance of a building permit for the multi-family buildings, 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) building elevations and floor plans for the multi-family buildings, stamped and signed by a registered architect; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.
10. Prior to the issuance of a building permit for each single family dwelling, the applicant shall submit to the Planning Board, under Section 7.03.2, for design review and approval in conformance with the approved Design Guidelines and the Board of Appeals decision, and shall submit to the Building Commissioner: 1) a final site plan, including landscaping and location of utilities; and 2) elevations and floor plans, including the total habitable floor area certified by a registered architect.

The Design Guidelines approved by the Planning Board are attached and incorporated herein as Exhibit A.

The Chairman then called upon Michael Shepard, Building Commissioner, to deliver the comments of the Building Department. Mr. Shepard stated that the proposal before the Board represented the best use for the land in question and provided an opportunity for affordable housing units. Mr. Shepard said that the process to this application before the Board has been long and thorough. He said many entities have worked very hard to bring the proposal before the Board. He said that in his opinion the leadership of the Board of Selectmen provided invaluable guidance and drive through the process. Mr. Shepard said that the Town Hall staff, Planning and Affordable Housing in particular, worked very hard to come up with a plan that was endorsed by all parties. The neighbors contributed significantly to the process and their tireless work ethic and spirit of cooperation contributed to what will most assuredly be a successful project. Mr.

Shepard said that the Building Department was supportive of the project as well as the conditions proposed by the Planning Board.

The Board, having deliberated on this matter and having considered the foregoing testimony, concludes that it is desirable to grant special permits and that the petitioner has satisfied the requirements necessary for relief under Sections 5.09.4.e, 5.09.2.d & 1, and 9.05 of the Zoning By-Law and made the following specific findings pursuant to Section 5.09.4.e and Section 9.05 of the Zoning By-Law:

1. The Applicant has met all of the requirements of Section 9.05 of the Zoning Bylaw, specifically:
 - 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.
 - e. The Project will not have a significant adverse effect on the supply of housing available for low and moderate income people. To the contrary, the Project will increase this supply, as set forth above.
2. The Applicant has met the design requirements of Section 5.09 of the Zoning Bylaw related to Design Review for a Major Impact Project.

3. The Project is consistent with the Design Guidelines approved by the Planning Board pursuant to 5.06.4.e.3.
4. The Applicant has a viable plan for maintaining affordability for the longest period permitted by law.

As to the variance requested under Section 5.06.4.e.6)a)1, Floor area ratio, the Board makes the following findings:

- a. The Premises have several unusual features which both increase the cost of redevelopment and reduce useful square footage. The Premises include two underground reservoirs which must be removed at great cost, with the topography redeveloped in order to avoid storm water impacts on its many neighbors. The Premises also includes dramatic changes in elevation at its boundaries, forming cliff like conditions with respect to properties on Holland Street and the Longyear project. The Premises have an unusual, panhandle shape at its interior. Access and turnaround for public safety vehicles requires a high ratio of road to developable land, both in terms of land usage and construction expense, in order to serve the few units.
- b. The literal enforcement of the Zoning Bylaw would render the Applicant's proposed project (the "Project") financially infeasible. Development of the Project at the requested density is essential to allow the Applicant to meet the affordability requirements of the overlay district and pay the Town's sales price, which will be used to fund the creation of a park across the street. Arranging the units in one or two larger buildings in order to reduce the circulation space, both common and within individual dwelling units, and thus the total countable floor space, would result in a size and massing less consistent with the surrounding neighborhood and less marketable units.
- c. The size and massing of the three smaller multi-family buildings is more consistent with the surrounding neighborhood than one or two larger buildings would be. The Planning Board has expressed its preference for a design with three separate multi-family buildings, rather than two, and is cognizant that three buildings result in greater circulation space, both common and within individual dwelling units, and thus excess countable floor area. As noted above, the additional density is necessary to support the purchase price for the land from the Town, the proceeds of which will be used to fund the creation of a park across the street, and to provide affordable housing at the Project. Therefore, the granting of the variance benefits the public good.

Based on the foregoing findings, the Board of Appeal finds that all of the following

conditions are met:

- a. There are circumstances relating to the soil conditions, shape or topography of the land for which the variance is sought, and especially affecting such land, but not affecting generally the Zoning District in which such land is located.
- b. Literal enforcement of the provisions of the Zoning By-law would involve substantial hardship, financial or otherwise, to the Appellant.
- c. The desired relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent of purpose of the Zoning By-law.

Accordingly, the Board is of the opinion that all conditions required for the granting of a Variance under MGL c. 40A s. 10, BOA Rules and Regulations s. 3(c) and Zoning By-law s. 9 have been met and that the varying of the terms of the Zoning By-law as outlined above will not conflict with its intent and spirit.

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

- 1. Prior to the issuance of a building permit for the multi-family dwellings, final elevations, indicating façade design and rooftop details, shall be submitted for the review and approval of the Planning Board. Colors, materials, and windows shall be approved at a later date by the Planning Board at an on-site visit.**
- 2. Prior to the issuance of a building permit for the multi-family buildings, final site plans, including placement of utilities and parking layout, and landscaping plans, including on Newbury College's property if mutually agreed to, consistent with the approved Design Guidelines, shall be submitted for the review and approval of the Assistant Director for Regulatory Planning.**
- 3. Prior to the issuance of a building permit for the multi-family buildings, a construction management plan, including parking locations for construction vehicles, location of portable toilets, 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 Department and posted on the Planning Department's website.**
- 4. One temporary construction and/or development sign, no greater than 20 square feet, may be erected on site during the construction and initial sale period, with the**

design subject to the review and approval of the Assistant Director for Regulatory Planning.

5. A certified as built foundation plan of the multi-family buildings, to ensure conformance to the approved plan, shall be submitted to the Building Commissioner for review and approval before the balance of the building permit shall issue.
6. Prior to the issuance of a building permit, the preliminary and ANR subdivision plans shall have been approved\endorsed by the Planning Board and all attached conditions met.
7. The Special Permit is conditioned on Planning Board approval of the definitive subdivision plan.
8. Prior to the issuance of a building permit for the multi-family buildings, the Planning and Community Development Director shall certify that the project is in conformance with the requirements of Section 5.06.4.e.2 of the Zoning By-Law, which outlines the required affordable units in the Fisher Hill Overlay District; the Land Disposition Agreement between the Developer and the Board of Selectmen, dated 5/11/2010, and any subsequent amendments; and with any and all requirements for Town funding for the affordable units.
9. Prior to the issuance of a building permit for the multi-family buildings, 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) building elevations and floor plans for the multi-family buildings, stamped and signed by a registered architect; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.
10. Prior to the issuance of a building permit for each single family dwelling, the applicant shall submit to the Planning Board, under Section 7.03.2, for design review and approval in conformance with the approved Design Guidelines and the Board of Appeals decision, and shall submit to the Building Commissioner: 1) a final site plan, including landscaping and location of utilities; and 2) elevations and floor plans, including the total habitable floor area certified by a registered architect; and 3) evidence of recorded deed restrictions for each lot limiting the lots for single family use and requiring certain design and landscape criteria.

Unanimous Decision of
The Board of Appeals

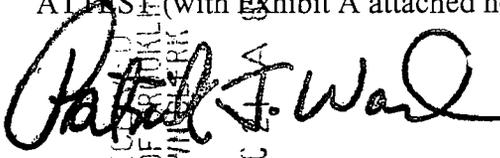

Mark Zuroff, Chairman

Filing Date: December 21, 2010

Twenty days have elapsed
and no appeal has been filed.

A True Copy
ATTEST (with Exhibit A attached hereto):

A True Copy:
ATTEST:



Patrick J. Ward
Clerk, Board of Appeals

Patrick J. Ward
Town Clerk

RECORDED
TOWN OF BROOKLINE
TOWN CLERK
2010 DEC 21 A 11:13

RECORDED
TOWN OF BROOKLINE
TOWN CLERK
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Exhibit A

OLMSTED HILL SINGLE FAMILY HOME DESIGN GUIDELINES (the “Guidelines”)

11-4-2010

Introduction

Olmsted Hill is a new development consisting of a combination of detached and semi-attached single family homes and 24 multi-family homes to be constructed in three buildings on a single large lot central to the overall development. The multi-family buildings have been designed to appear as though they were once an estate, consisting of a main house, guest house, and gate house. These buildings have been designed in the manner often referred to as the Shingle Style, to be sympathetic to the surrounding neighborhood.

Olmsted Hill is located near the top of Fisher Hill, one of the many prominent hills in the Town of Brookline. Fisher Hill was originally designed by Frederick Law Olmsted in 1884. He laid out the roads and home lots for the original homes that were built near the turn of the 19th to 20th centuries. Olmsted's intent was to design a gracious suburb with an ideal combination of natural features and domestic tranquility.

The homes built at the time of the original development were designed in a variety of revival styles, which were very appropriate to the current aesthetic of that time. The houses were intended to recall the grandeur of another era, using stone walls, large mature trees, wrought iron fences, and brick sidewalks. They recognized the integrity of Olmsted's sensitive layout.

The intent of these guidelines is to provide a framework in keeping with the original ideals: to provide well crafted, beautifully designed homes that fit naturally into the landscape such that the houses feel as though they have always been a part of Fisher Hill. The goal is to not dictate a specific style of house or landscape approach, but to allow for an architectural expression that maintains the overall integrity of the neighborhood, while adding a richness and diversity to the area.

Review & Approval Process

Conformance with these guidelines is a requirement of construction for all single family lots contained within the Olmsted Hill development, as a condition of the Special Permit granted to permit development of the site. The design review process is incorporated in the zoning overlay district developed specifically for the Olmsted Hill site, called the Fisher Hill Town-Owned Reservoir Site Mixed Income Housing Overlay district, under which the Olmsted Hill development has been permitted. The review process is to be conducted by the Planning Board as per sign and façade review as set forth in Section 7 of the Zoning Bylaw. The applicable procedures are paraphrased in the following paragraphs, however the Bylaw (and thereby such procedures) is subject to change, and therefore applicants should refer to the current Brookline Zoning Bylaw, and contact the staff of the Planning and Community Development Department if he/she has questions.

To initiate the review process, an applicant shall submit the following to the Building Commissioner:

- 1.) An application form;
- 2.) A detailed site plan at a scale no smaller than 1" = 10 feet showing grading and all proposed site improvements and landscaping;
- 3.) Detailed architectural elevations of each elevation of the proposed single family home, at a scale no smaller than 1/4" = 1 foot.

- 4.) Written narrative prepared by a registered architect describing how the proposed plans comply with the Guidelines, specifically including a review under the LEED for Homes rating system addressing the sustainable features of the proposed home.

In addition, the Building Commissioner, upon review of the material submitted, may request additional materials prior to forwarding the application on to the Planning Board.

Within five working days of receiving the material submitted, and any additional material submitted in response to a request by the Building Commissioner, the Building Commissioner shall refer the application and accompanying material to the Planning Board.

After its receipt of the application and all required materials, the Planning Board shall review the application at its next public meeting for which legal notice can be given. At least seven days before such meeting, the Planning Board shall mail or deliver a notice of the meeting, with a description of such application or a copy thereof, to each elected Town Meeting Member for the precinct in which the property is located, and to those Town Meeting Members of a precinct which is within 200 feet of such property as to which such application has been made. The notice requirements of this section shall be deemed satisfied if such notices are mailed to those individuals whose names appear as Town meeting members in the records of the Town Clerk at the addresses as they appear in such records. The Planning Board shall submit its determination in writing to the applicant and the Building Commissioner. The determination shall be based on the design guidelines specifically approved by the Planning Board for the Olmsted Hill development.

Upon receipt of the Planning Board's report or the lapse of thirty days from his referral to the Board without such report, the Building Commissioner may issue a permit for plans which conform to the Planning Board's determination, if any, the regulations in the Zoning Bylaw, and such other technical requirements as are within the Building Commissioner's jurisdiction.

If the applicant or any other interested party or any citizen of the Town of Brookline does not agree with the determination of the Planning Board or other requirements imposed by the Building Commissioner, he may appeal to the Board of Appeals within 30 days through the special permit procedure in Article IX of the Zoning Bylaw.

Architectural Design Guidelines

High Quality: Each single family home must be constructed of high quality materials and reflect the varied historic architecture, material types, quality and character of the adjacent neighborhood.

Custom Designed Homes: To maintain the quality of the development, all houses must be custom designed by a registered architect. Homes must be built by a licensed builder employing high quality materials and workmanship

Sustainability: All homes must be designed to be certifiable under the LEEDS for Homes program. Certification is not required.

Style & Massing: Each house should be thoughtfully oriented to maximize its use of the site conditions, views, and the sun. Each owner is encouraged to propose a design that will fit harmoniously into the landscape and with the adjacent structures both on and off the development site. Images of homes in the surrounding area are included in "Precedents" for reference. Visual massing of the single family house should appear to be no higher than 2-1/2 stories.

Dimensional Requirements:

House Size: The maximum size for a single family home on a 15,000 sf or greater lot is limited to 4,500 Gross Square Feet ("GSF"), based on the definition of Gross Square Footage as defined in the Brookline Zoning By-Law. The maximum size of a single family home on a lot less than 15,000 sf is limited to 3,500 GSF, as defined in the Brookline Zoning By-Law. Garages (no more than 360 sf per required off-street parking space) and unfinished basement are not included in GSF. Please note the definition of ceiling height in the definition of Gross Square Footage in the Bylaw, and its potential impact on gross floor area.

Setbacks & Building Heights and other dimensional requirements to be per the approved Master Site Plan, as follows:

15,000 + Square Foot Lots:

- Front Yard: 20 ft minimum for Lots 1,2,3,and 4; 10 ft. minimum for Lots 9 and 10
- Side Yard: 15 ft. minimum for Lots 1,2,3,4, 9 and 10, except 10 ft. minimum for internal side yards between Lots 9 and 10
- Rear Yard: 30 ft. minimum for Lots 1,2,3,and 4; 50 ft. minimum for Lots 9 and 10
- Maximum allowable height = 35' (as defined by Brookline Zoning Bylaw)
- Landscaped Open Space to be no less than 10% of the GFA of the home
- Usable Open Space to be no less than 40% of the GFA of the home
-

Lots < 11,000 Square Feet:

- Front Yard: 10 ft minimum
- Side Yard: 10 ft. minimum, unless attached at property line to adjacent structure, in which case no setback is required
- Rear Yard: 22 ft. minimum**
- Maximum allowable height = 35' (as defined by the Brookline Zoning Bylaw)
- Landscaped Open Space to be no less than 10% of the GFA of the home
- Usable Open Space to be no less than 30% of the GFA of the home

**Accessory structures may be built on lots less than 11,000 s.f. in size in required rear yards so long as they are less than 15 feet in height and no less than five feet from the rear lot line, or as otherwise allowed by the Bylaw. Also, note that driveways and landscaping or retaining walls no more than four feet in height may be constructed in any required setback.

Architectural Details & Elevations: Use of details such as porches, balconies, decks, columns and brackets, dormers, bays, bows, eyebrow windows, turrets, varied rooflines, and special shapes of windows are encouraged to add scale and to enhance the overall composition of the house. The elevations are to be unified so that the use of materials and details flow around the building. Garages should not face primary street frontage unless an unusually narrow lot width makes side entry impossible. Use of non-functional shutters is prohibited unless shutter proportions are true to the actual window sizes.

Roofs & Dormers: Homes should have primarily sloped roofs, built of high quality materials, preferably of slate, tile, or shingle. Simpler roof forms (such as the hipped and gabled roof) broken up with dormers, eyebrows, chimneys, and other architectural features are strongly preferred over large, multiply-gabled and complex roof forms reflective of speculative builder "McMansions." Fiberglass shingles are acceptable only if they are high quality, architectural grade shingles. Fiberglass shingles "toned" with shadow lines to appear like slate are strongly discouraged. Synthetic slate materials are acceptable. Gutters and downspouts should be painted metal, zinc, or copper, and of a scale and quality commensurate with the scale of the home. Flat roofs are discouraged except on subordinate masses such as projected bays, balconies, or decks. Chimneys should be used to enclose all metal pipe flues, and appear as masonry or be clad in appropriate wall or roof materials. Metal projections can be visible at the termination only. Where possible, roof venting, vent pipes, exhaust fan vents, and the like should be located on rear slopes to be less visible from the public ways. Visible venting shall be of a material and/or color to blend with the adjacent wall/roofing material.

Doors & Windows: Doors and windows shall be of high quality, befitting a gracious single family home in the Fisher Hill neighborhood. Vinyl or metal (including aluminum) windows are strongly discouraged. High quality wood or clad wood windows and doors are strongly recommended. If mullions or muntins are appropriate given the proposed architectural style, only true divided lite or exterior applied mullions/muntins are allowed. The main entry door(s) should be wood, either stained, clad, or painted, and be of significant scale appropriate to the architectural style of the home. Sidelights and/or fan lights are strongly encouraged. Sliding glass doors are discouraged, especially on street-facing facades

Accessory structures & Outbuildings: Outbuildings and/or accessory structures are allowed in a style and in materials compatible with the main structure, or otherwise in conformance with these guidelines. See Zoning By-Laws for further restrictions and/or requirements.

Wall Materials & Colors: Use of high quality siding materials is required for all surfaces in order to maintain the visual integrity of the neighborhood, either natural materials and/or high quality simulated materials. Brick, stone, clapboard, and shingles are preferred wall materials. No vinyl or aluminum siding is allowed. Stucco may be used as foundation parging or as part of the building siding. Simulated stone or thin veneer stone is allowed provided that it has a structural appearance rather than a veneered look. Man-made cementitious siding products and/or simulated wood trims are acceptable, so long as they are well-detailed with appropriately scaled trim, corner boards, fascias, etc.

Siting, Landscape, & Environmental Guidelines

General: The Town of Brookline has approved a Master Site Plan that establishes certain requirements for all single family lots as well as the overall concept of the Olmsted Hill development. Landscape improvements and plantings for individual home sites at Olmsted Hill must be consistent with the character and quality of Olmsted's landscape legacy – the preference for a naturalistic landscape -- and the original vision for Fisher Hill, which is to emphasize the natural features of each lot to enhance the quality and attractiveness of this quiet, gracious residential neighborhood. Plantings should help to knit each house to its surroundings. The landscape design should reflect the individuality of each home, while remaining compatible with the neighborhood as a whole.

Maintenance, and Landscaping of Unbuilt Lots: All home sites at Olmsted Hill shall be maintained in a neat and well-kept condition at all times. If construction has not begun on a lot within one year from the time of conveyance from the developer and plans for construction are not in an active design review process as set forth herein, such lot shall be landscaped using a mix of lawn or meadow and woodland plantings to augment the existing plantings on the lot, the design of which interim landscaping shall be approved by the Planning Board through the design

review process set forth herein, and such landscaping shall be maintained continuously until construction begins. In such case, no existing trees or other vegetation may be removed prior to approval of a landscaping plan by the Planning Board, other than as reasonably necessary to maintain the existing plantings in good condition. Compliance with these requirements shall be enforceable by the Town of Brookline under a Covenant running with the land to be recorded at the Registry of Deeds upon conveyance of the lot.

Lot Use: Each single family lot is permanently restricted for those uses allowed in the S-15 sub-district of the Brookline Zoning By-Laws, as modified by the Fisher Hill Town-Owned Reservoir Site Mixed Income Housing Overlay district. No lot may be subdivided at any time. Lots for single family homes may be combined; however no single building may have a Gross Floor Area greater than 4,500 square feet, except on Lot #11 which is intended for multifamily development.

Preserve Existing Vegetation: Proposed building and landscaping plans must preserve existing specimen trees and significant existing border vegetation, wherever possible.

Green Buffer for Reduced Side/Rear Setbacks on 15,000 sf or Larger Lots: If a home is being proposed to be constructed on a lot 15,000 sf or larger, with a rear setback of less than forty (40) feet, or a side setback of less than fifteen (15) feet, then a densely-vegetated visual buffer shall be planted along the property line(s) where such reduced side/rear setbacks are proposed, incorporating existing trees of significance wherever possible, and consisting of a variety of deciduous and coniferous species appropriate to the specific boundary conditions, layered for visual interest, and of a depth and planting heights to create an effective visual screen, as determined by the Planning Board. Consideration shall be given to growth rates and the topographical relationship to abutting properties, as well as to shadow impacts on the property and neighboring properties.

Grading & Drainage: Conformance with all applicable zoning, building, or environmental regulations and codes with respect to grading and drainage is required. In addition, reasonable efforts must be made to integrate the building and all site improvements with the natural topography of the site to enhance the appearance of each home site, in careful consideration of the neighborhood context. All roof drainage must be controlled on site using a sub-surface drainage system consisting of drywells or rainwater collection and storage systems. Landscaping improvements should be designed to prevent erosion and run-off to adjacent properties.

Parking: Garage parking for a minimum of two cars must be provided on each lot. No carports are allowed. Note that no on-street parking is allowed overnight in the Town of Brookline.

Driveways: Driveways should be constructed to be no wider than is necessary, and of a material that is consistent with other driveways in the neighborhood. No more than one (1) curb cut is allowed per lot, which should be no wider than twelve feet (12'). Concrete paving is strongly discouraged, unless it is exposed aggregate. The use of permeable paving systems is encouraged. The use of pavers made of architectural concrete, brick, stone, or cobble is encouraged.

Walks, pathways, porches & terraces: Walkways and paths should be of appropriate dimension, and constructed of high quality materials appropriate to the neighborhood. Concrete walkways and sidewalks are not allowed, unless constructed of exposed aggregate concrete. The use of permeable paving systems is encouraged. The use of pavers made of architectural concrete, brick, stone, or cobble is strongly encouraged.

Fences, walls, gates, and other enclosures: Solid fences and fences greater than 48 inches in height are prohibited within the minimum required front yard setback, and fences up to 48 inches high in the front yard setback are strongly discouraged unless of very high quality as and specifically approved by the Planning Board. No fence higher than six feet in height is allowed at any location on a lot, unless it is enclosing a tennis court or other recreational amenity and is substantially transparent. No chain link or vinyl fencing is allowed in any required setback. Existing chain link fences may be removed. Existing stone/iron fences at the property boundary must remain and be maintained by the homeowner. Invisible fences are allowed at any location on the lot.

Only landscape walls less than 24 inches in height and necessary retaining walls are allowed in front of the front building wall, unless specifically approved by the Planning Board. Landscape and retaining walls in front of the front building wall should be constructed of stone, brick, or highly detailed architectural cast-in-place concrete specifically approved by the Planning Board. Landscape and retaining walls constructed of split-face concrete unit masonry landscape blocks) are allowed only behind the front building wall. All materials for landscape walls must be approved by the Planning Board.

Exterior Lighting: Exterior lighting should be of high quality, residential in character, and at locations and levels of brightness that do not result in glare or spill to adjacent properties or light pollution to the sky.

Signage: Signage is controlled as per Zoning Bylaw regulations for S-15 residential districts.

Mailboxes:

Mailboxes should be located at front entries of single family homes in a manner consistent with the rest of the neighborhood.

Mechanical Equipment: Air conditioning condensers and other mechanical equipment outside the building envelope shall be screened with low fences or landscaping so as to have minimal visual impact as determined by the Planning Board. No mechanical equipment shall be permitted in front of a front building wall, or within ten feet of any side or rear lot line.

Utilities: All utilities are to be installed underground except during construction or emergencies. Above ground equipment must be screened by plantings or low fences, which blend into the surrounding landscape. Satellite dishes & antennae may be installed provided that they are not visible or audible from off-site. Photovoltaic or other solar energy collection systems are allowed only if they are fully integrated into the building envelope or roof, minimize projection beyond the adjacent plane of the roof or building wall, and do not result in an uncomfortable level of glare to adjacent properties.

End of Guidelines