

GREATER TOXTETH NEIGHBORHOOD CONSERVATION DISTRICT DESIGN REVIEW STANDARDS, ADMINISTRATIVE PRACTICES, AND RECOMMENDATIONS

Article 5.10 of the Town of Brookline by-law establishes and governs Neighborhood Conservation Districts.

Article 5.10.3.d.2 of the Town of Brookline by-law establishes the Greater Toxteth Neighborhood Conservation District. The introductory portion of the by-law entitled “Neighborhood Characteristics” sets forth the characteristics of the neighborhood the by-law was established to protect. As described in the by-law:

“Neighborhood Characteristics. The pattern of development of the Greater Toxteth Neighborhood Conservation District includes a generous streetscape with mature plantings and a similarity of scale and configuration of homes. Most homes sit back farther from the street than is required under current zoning and cover less of their lots than is permitted by underlying zoning. This pattern contributes to a sense of open space and a wider street, with homes still close enough to actively contribute to the neighborhood’s street-level social dynamic. The neighborhood is predominately single or two-family three storied structures, though they appear to be 2½ stories given the gambrel, cross-gabled, and mansard roof lines that provide spaciousness and light in spite of the close proximity of abutting houses, thereby mitigating the effect of the upper stories on abutting properties. Homes are generally respectfully positioned on their lots, address the street, and most have open porches that promote an active transition from the home to the street, which enhances the neighborhood’s social fabric and fosters street level sociability. Broad backyard view corridors are broken only by mature trees and fences. While nestled in a rather dense area, the neighborhood has an abundance of open and green space and many mature trees – traditional characteristics found in Brookline – that soften the near-urban locale. There are a variety of architectural styles that coexist to create a pleasing liveliness that functions as a cohesive neighborhood. The scale, massing and configuration of homes in the neighborhood collectively contribute to a commonality of pattern that is unique relative to the surrounding neighborhoods (such as Coolidge Corner, Brookline Village and the Harvard Street corridor).”

As stated in the by-law, the purpose of the Greater Toxteth Neighborhood Conservation District is to preserve and protect the unique character of the neighborhood and the individual properties and buildings located therein in ways that are not typically protected by the zoning by-law or other by-law of the Town of Brookline. To insure that these neighborhood characteristics are maintained, the by-law sets forth eight guidelines, including dimensional and setback requirements that are more restrictive than those required by the zoning by-law or such other by-law.

As is provided for in Section 5.10.4.b of the Neighborhood Conservation District Bylaw, the Commission may adopt design review standards (Design Review Standards) to refine and clarify the application of the Design Guidelines during the design review process. After consultation with the neighborhood, the

Commission has adopted the Design Review Standards set forth in Part A below, which recites each guideline *in italics* followed by the relevant design standard.

These standards are intended to inform neighborhood homeowners in considering improvements to their properties and to guide the Brookline Neighborhood District Commission in its review of any proposal requiring a Certificate of Appropriateness for a Reviewable Project (including additions, alterations and new construction) in the Greater Toxteth Neighborhood Conservation District.

In order to help the reader more easily understand and interpret the Design Guidelines that govern a Reviewable Project, some portions of the Design Review Standards consist of a summary or more concise restatement of the Design Guidelines set forth in the by-law. Other portions of these Design Review Standards are intended to provide additional guidance as to the meaning and intent of the Design Review Guidelines. In all cases the by-law is the controlling document, and if there is any conflict between these Design Review Standards and the by-law, or if there is doubt as to the meaning of a Design Guideline, the by-law shall control.

Part B of this document comments on the administration of the provisions related to projects exempt from review.

Part C of this document contains recommendations to property owners on best renovation practices as they consider improvements to their homes.

PART A: DESIGN REVIEW STANDARDS

Design Guideline i.

“Construction of any buildings or other improvements (including, without limitation, any Addition or Alteration of an existing building or other improvements, or construction of any new or replacement buildings or other improvements) shall be done in a manner that is compatible with the existing historic patterns of scale, massing and siting in the district, and maintains streetscapes, view sheds and green open space. Open/green space should be safeguarded, and respect shall be given to adjoining properties and the district as a whole.”

Design Review Standards applicable to Design Guideline i

- 1.1 New additions, exterior alterations or related new construction should respect and maintain spatial relationships that characterize the property and neighborhood character, including its streetscapes.

Design Guideline ii.

“A Reviewable Project generally shall be deemed by the Commission not to be consistent with these design guidelines (including, but not limited to, the design guidelines immediately set forth above in Paragraph (i) of this section), and should therefore not typically be approved, to the extent that it results in an increase of Habitable Space within an expansion of the exterior building envelop above grade (including new habitable space created by adding dormers to the roof) by more than 33% of the Base-line Living Area (whether such increase results from a onetime activity or from the

aggregated effect of two or more successive activities, such that all such activities shall be cumulative and considered in the aggregate relative to the Base-line Living area condition). Notwithstanding the foregoing, the Commission may find in some circumstances that due to the unique characteristics of a particular property, the Base line Living Area is substantially less than the average condition for the immediate surrounding area and/or the district as a whole, and in such circumstances, the Commission may find that an increase of more than 33% is appropriate, provided that such larger increase does not result in a derogation of the special character of the neighborhood intended to be protected by this By-law.”

No additional Design Review Standards are presently applicable to Design Guideline ii.

- 2.1 Base line living area is defined as the Habitable Space above grade as of the effective date of the bylaw as it is recorded by the Town of Brookline’s Assessing Department and maintained as the “Presumptive Baseline” by the NCHD and its staff. In conformance with the Commission’s submission regulations, the proponent’s architect shall submit certified plans documenting the existing above grade living area calculations as well as those for any proposed additions or alterations which alter the footprint of the existing structures on the site.

Design Guideline iii.

“Construction of any buildings or improvements (including, without limitation, any Addition or Alteration of an existing building or other improvements, or construction of any new or replacement buildings or other improvements) shall be done in a manner such that the back and side-yard setbacks are consistent with and respectful of the existing character and fabric of the immediate surrounding area and the district as a whole. Such activity shall generally be deemed by the Commission to not be consistent with and respectful of the existing character and fabric of the immediate surrounding area and the district as a whole, and should therefore not typically be approved, if it results in any part of a building or other improvements (such as porches, porticos, entryways, breezeways and bay windows) exceeding the established back and side-yard setback requirements for the house itself under the Town’s applicable zoning by-law. Notwithstanding the foregoing, in certain circumstances, owing to the unique setting of the property and the improvements situated thereon, the Commission may permit modest variations to such setbacks so long as the special character of the neighborhood is preserved.”

Design Review Standards applicable to Design Guideline iii.

- 3.1 No part of a structure, including bay windows, should overhang required setbacks.
- 3.2 Front yard, backyard and side yard open view corridors should be maintained. To this end, the Commission may impose dimensional and setback requirements more restrictive than those required by the Zoning By-law.

Design Guideline iv.

“In the event that a lot existing as of the Effective Date is subdivided into two or more lots, then any new construction on such new lot or lots shall not be subject to Paragraph

(ii) of this section, but shall otherwise be subject to these design guidelines in all respects. After such new construction has been approved, any additional Additions or Alterations that materially affect the massing, size or siting shall in general not be deemed to be consistent with these Bylaws.”

Design Review Standards applicable to Design Guideline iv.

- 4.1 The size, massing, and location of new construction on a newly subdivided lot (i.e., a lot created after the effective date of the by-law establishing this NCD) should be appropriate both in relation to the land area upon which the building or structure is situated and in relation to the buildings and structures in the vicinity.
- 4.2 Such buildings and improvements shall be governed by the Design Guidelines and these Design Review Standards, including, without limitation, with respect to massing, setbacks, front yards and porches, and view corridors. As noted earlier, this may result in dimensional and setback requirements that are more restrictive than the zoning by-law.

Design Guideline v.

“All Reviewable Projects shall be done in such a manner so as to preserve and promote the existing streetscape condition characterized by generous front yard setbacks and the transition from the home to the street through open front porches that foster street level sociability. Therefore, no Addition or Alteration of an existing building or other improvements, or the construction of any new or replacement buildings or other improvements shall be deemed to be consistent with these by-law if it results in:

- a. *The enclosure of an open porch in such a manner as to inhibit the transitional nature from the home to the street and the street level sociability fostered thereby.*
- b. *The Front Plane of a building being closer to the street as compared to the existing condition as of the Effective Date. Enclosure of an existing or newly constructed porch should be deemed to constitute such a change in the location of the Front Plane of the building, provided, however, that the creation of enclosed front door vestibules of less than fifty (50) square feet shall be deemed to be consistent with the character of the neighborhood. Notwithstanding the foregoing, the Commission may find in certain circumstances that, due to the unique characteristics of a particular property, the existing front yard setback is substantially less than the average condition for the immediate surrounding area and/or the district as a whole, and in such circumstances, the Commission may, with respect to a new building, permit or require an increase to the front yard setback.”*

Design Review Standards applicable to Design Guideline v.

- 5.1 The Front Plane of a building (including any projections, such as bay windows) shall not advance closer to the street as compared to the existing condition.

- 5.2 Except as specifically allowed by the NCD by-law, open porches and entrance porticos should not be enclosed or glazed.
- 5.3 New construction should respect the existing streetscape. The characteristic relationship of buildings to the street, including setbacks and open spaces, should be maintained. In some instances, in accordance with this guideline, this could result in a larger front yard setback than the previously existing condition.
- 5.4 In either new construction or renovations, porches and entry steps should serve as respectful transitional elements from the home to the yard and public realm.

Design Guideline vi.

“In reviewing the siting, massing and design of any Reviewable Project, efforts shall be made to maintain front yard open space for each property in the district and ensure its compatibility with the streetscape pattern and preservation of neighborhood front and rear view corridors.”

Design Review Standards applicable to Design Guideline vi.

- 6.1 Fences, hedges, and closely planted tree lines should not act as visual barriers obstructing the viewsheds across adjoining front yards.
- 6.2 New walls and fences running along property lines with street frontage, as well as any section of a side yard lot line wall or fence that is forward of the main body of the house, should not exceed 48 inches in height. Other new walls and fences should not exceed 72 inches in height. If a new wall or fence is on or near a retaining wall, then the impact of the combined height of the new wall or fence and the retaining wall, as experienced from the lower side, should be taken into account and the height of the new wall or fence should be measured from the grade on the lower side of the retaining wall although on the upper side it can be 48”.
- 6.3 Hedges, trees with dense foliage, and other landscaping elements that serve as a visual barrier shall be considered as equivalent to fences for the purposes of Design Review.

Design Guideline vii.

“The Commission shall endeavor to apply the following principles when reviewing an application for a Certificate of Appropriateness for a Reviewable Project:

- a. *Promote and support the mixed architectural vernacular of the neighborhood and acknowledge any historical significance.*
- b. *Ensure that buildings, including and especially new buildings, respect the traditional scale, massing and configuration of the neighborhood, particularly as buildings relate to each other, to open space, and to the street. Buildings shall be similarly oriented, and have similar yard depths and distance between buildings as their existing counterparts. The Commission shall take into account that the neighborhood desires to embrace both traditional and contemporary architectural style and design, as well as both traditional and new building materials practices and technologies.*

- c. *Take into account the imposition of a Demolition Delay under Brookline's Demolition Delay By-Law with respect to any Reviewable Project, and consider the special qualities of the property identified by the Preservation Commission.*
- d. *Conserve and promote green space, including the tradition of mature trees and plantings, shading, green setbacks, topography, rear view corridors, streetscapes, and other landscape amenities of the neighborhood and the potential consequences to immediate neighbors of proposed changes.*
- e. *Minimize the adverse visual and acoustical effects of trash/recycling containers, air conditioning compressors, transformers and other fixtures.*
- f. *Consider traffic and parking impacts as they may affect traditional street patterns and use, pedestrian activity, and safety (particularly with respect to the Lawrence School area.)"*

Design Review Standards applicable to Design Guideline vii.

- 7.1 Rooftop and ground level HVAC and other mechanical and electronic elements, including soundproofing elements and satellite dishes, should be positioned to minimally impact the streetscape and view shed. Consideration should be given to their impact upon neighbors, and should have some type of screening whenever possible.
- 7.2 Additional curb cuts are discouraged. Relocation of an existing curb cut should be considered providing they are consistent with the standards a – f.
- 7.3 Mature trees should be protected as significant elements of the neighborhood character.

Design Guideline viii.

"The Commission shall also consider the following specific factors when reviewing an application for a Certificate of Appropriateness for a Reviewable Project:

- a. *The consistency of any proposed Alteration or Addition of an existing building or other improvement, or new or replacement building or other improvements with the scale, massing and configuration of surrounding properties;*
- b. *The significance to the neighborhood (e.g. historical, architectural, social), if any, of the existing buildings or structure(s);*
- c. *The design of any proposed Addition or Alteration, or new or replacement building, including potential adverse effects of the Project on the surrounding properties and/or the district as a whole;*
- d. *The extent to which the integrity of the established streetscape and its pattern and character are restored or enhanced;*
- e. *The proximity of surrounding buildings and structures;*
- f. *Provisions for green/open space and landscaping;*
- g. *Provisions for and character of parking; and*

h. If made, a claim of substantial hardship.”

Design Review Standards applicable to Design Guideline viii.

8.1 Parking forward of the principal front façade plane of the building is prohibited.

PART B. PROJECTS EXEMPT FROM REVIEW

In section 5.10.3.d.2 of the by-law “Greater Toxteth Neighborhood Conservation District” the part entitled “Projects Exempt from Review,” identifies certain activities that are not reviewable as independent projects, but which may be considered when a reviewable project is being undertaken. In such instances, the Commissions, as part of its project review, may make recommendations about such activities, but shall not require compliance with such recommendations as a condition for approval.

PART C: RECOMMENDATIONS

The following provisions reflect the experience of the members of the Commission concerning best renovation and improvement practices. The Commission recommends, but shall not require, that property owners take them into consideration in undertaking any renovation or improvement project.

Recommendation 1: Materials and Architectural Considerations

Materials that appear incongruous with the neighborhood or are technically questionable, of inferior quality, are not structurally robust, or have a relatively short longevity should be carefully considered. Changes that create a false sense of that character and development often detract from a property’s value and are not encouraged.

1.1 WALLS, WINDOWS, AND TRIM

- 1.1.1 Siding and cladding materials should be carefully considered so as to preserve the visual integrity of the property and the character of a neighborhood.
- 1.1.2 New openings on principal facades should be carefully considered with respect to their consistency with the architecture of the building and impact on neighbors.
- 1.1.3 The placement and configuration of windows have significant design impact, and potentially affects neighbors and so should be thoughtfully considered.
- 1.1.4 Consideration should be given to retaining stained glass, rounded panes, and decorative windows that contribute to the distinction of the home.

1.2 MASONRY AND STUCCO

- 1.2.1 In considering sealants and paint, materials should be considered that do not adversely impact masonry. Sealants can be harmful to masonry by trapping moisture and can become unattractive in appearance.
- 1.2.2 When repointing masonry (tuck pointing) careful consideration should be given to the type, color and aggregate of the mortar, as well as the width and profile of the joint. New mortar should be kept off the face of masonry.
- 1.2.3 Sandblasting that may damage brick and some types of stone should be avoided.

- 1.2.4 Stucco should be repaired with a mixture that matches the original as closely as possible. In selecting stucco materials, consideration should be given to their longevity and the substrates to which they are being applied.

1.3 ROOFS AND CHIMNEYS

- 1.3.1 Maintaining slate and terra cotta tile roofing and copper gutters, is encouraged if they are integral to the home's character.
- 1.3.2 Consideration should be given to the visual impact of any visible rubber membrane roofing on the surrounding neighbors and neighborhood.
- 1.3.3 The height and original pattern of decorative brickwork in chimneys ideally should be maintained to respect the original scale and character of the home and the neighborhood.
- 1.3.4 The appearance of existing gutters, when they are an integral part of the appearance and design of the roof edge design, should be recognized and maintained when possible.

Recommendation 2: Landscape and Streetscape

- 2.1 Artificial fencing materials that are highly reflective and detract from the streetscape should be avoided
- 2.2 Preservation of green space is highly desirable and therefore any increase in net paved area is discouraged.
- 2.3 Mature trees, which add significantly to the quality of the neighborhood by creating shade and beauty and buffering sound, should be maintained.
- 2.4 The visual impact of roof decks and roof enclosures should not adversely impact the viewshed and abutters.
- 2.5 Brick and stone walls and retaining walls should use materials appropriate to the house and neighborhood. The visual appropriateness to the streetscape of any concrete block or variegated brick wall should be taken into consideration.

Recommendation 3: Secondary Structures and Demolition

- 3.1 Secondary structures such as carriage barns and automobile garages which contribute to the character of the neighborhood should be preserved when possible.
- 3.2 Demolition is subject to delay by the Preservation Commission. In considering proposals to replace structures for which demolition has been requested the NCD Commission should consult with the Preservation Commission.