

Summary Outline for Zoning

- 1) Map Changes
 - a) Change Northwest corner of Boylston & Cypress from L-0.5 to G-2.0 (including 9th Grade Academy & Madris site)
 - b) Change Valvoline & Dunkin Donuts from CAM-1.0 to G-2.0 with no build zone for back of site
 - c) Add no build zone for Old Lincoln School tree canopy (?)
 - d) Change 2 White Place business property from T-5 to G-1.0 to allow for more flexible commercial uses in the future
- 2) Refine requirement of ground floor use of residential buildings in General Business Zones to be a minimum square footage, not just a minimum percentage of the frontage.
- 3) Add zoning overlay to eastern part of corridor of G-1.0 to encourage as-of-right infill projects
 - a) flexibility that would require the building infrastructure for ground floor non-residential space in General Business Zones, but not necessarily requiring that use always [hearing conflicting thoughts from Committee on this flexibility]
 - b) Floor Area Ratio (FAR), but not height, can be increased beyond 1.0 as long as:
 - i) Minimum (# to be determined) net increase of residential units are created if residential use is proposed
 - ii) Any required affordable units are provided on site, and at least one.
 - iii) Deed restriction for required affordable units (because the special permit process would be bypassed)
- 4) Add parking reduction by special permit in Section 6 for properties zoned general business parcels that include frontage on Boylston Street, on the south side between Cypress Street and Juniper Street, and on the north side between Brington Road and Washington Street – as long as:
 - i) any residential project provides any required affordable units on site, and at least one.
 - ii) any commercial project provides a tenant subsidy for a minimum of 1,000 sq. ft. of retail space, as affirmatively recommended by EDAB
- 5) In the PBI section, permit additional FAR (but not height) in buffer zones if shadow impacts compared to existing conditions do not effect other dwelling units
- 6) Set up Site Plan Review in Zoning, for the purpose of:
 - a) Enabling some staff level review in the as-of-right part of the corridor
 - b) Setting the structure for town-wide tree canopy requirements

Note: Only the Site Plan Review has been fully drafted, which is attached here.

First Draft of Site Plan Review Section

Notes:

- Helpful background document: https://www.tewksbury-ma.gov/sites/g/files/vyhlif1316/f/file/file/mitchell_tewksbury_report_on_spr_06-2017.pdf
- Need to add language in the G-1.0 Overlay district that exempts the triggers for special permit for design review, affordable housing, but not major impact projects

9.13 Administrative Site Plan Review for Other Uses

1. Purpose and Authority

Site Plan Review is a means of protecting the public interest through evaluating impacts of new development and redevelopment of land and structures within the Town of Brookline. Site plan review is designed to manage aesthetics, minimize the potential for conflicts among uses and limit the impacts, through imposition of reasonable conditions, of uses that are otherwise permitted in the applicable district. The Planning Board administers the Site Plan Review process for the following purposes: to protect and promote the health, safety, convenience, and general welfare of the inhabitants of the Town of Brookline, and to ensure the integrity of its neighborhoods; to oversee acceptable site planning practices; to address development issues comprehensively while ensuring a streamlined and efficient development review process; to provide for appropriate mitigation measures as a result of increased impacts to municipal services and infrastructure; to ensure consistency in the application of development standards and guidelines, and; to ensure proper monitoring and enforcement of Brookline zoning and development regulations.

2. Guidelines, Regulations and Standards

The Planning Board may adopt reasonable Guidelines, Regulations and Standards governing procedures to be used for the administration of Site Plan Review. The Planning Board, through regulation, may authorize the Planning Director to grant Administrative Approval for some categories of Site Plan Review with or without conditions. Upon adoption of any Guidelines, Regulations and Standards by the Planning Board, a copy thereof shall be filed with the Town Clerk.

3. Applicability

- a) Site Plan Review is required if the proposed construction or site alteration Site Plan Review is required if the proposed construction or site alteration involves:
 - i) a net increase in any impervious non-vertical surface of 250 square feet or more; or

- ii) removal of trees more than 8" dbh without prior approval by the Tree Warden.
- b) Exemptions from Section 9.13 include:
 - i) Construction or site alteration subject to Administrative Site Plan Review under Section 9.11 or 9.12
 - ii) Construction or site alteration subject to Design Review under Section 5.09
 - iii) Construction or site alteration that results in less than 5,000 square feet of net increased gross floor area and meets all Site Plan Review Standards with respect to tree canopy, as approved by the Tree Warden.

4. Procedures

- a) The Applicant shall submit to the Planning Board, through the Planning Director, an application at least forty-five (45) days and no more than one (1) year prior to the application for a building permit. Such Site Plan Review application shall include a written explanation of the project, site plans drawn at a minimum scale of 1" equal 20', and other plans as required by the Site Plan Review Guidelines, Regulations and Standards. All construction and site alterations subject to Site Plan Review shall be designed, after considering the qualities of the specific location, the proposed land use, the design of building form, grading, egress points, and other aspects of the proposed construction and/or alteration so as to meet the purpose of Site Plan Review as defined in 9.13 (1) above.
- b) Within ten (10) business days of a Site Plan Review application, and in accordance with the Site Plan Review Regulations, the Planning Director shall notify the Applicant, the Building Commissioner, and the Planning Board Chair of any issues related to the completeness of the application and whether the Planning Director is authorized to grant Administrative Approval of Site Plan Review on behalf of the Planning Board.
- c) Within thirty (30) days of the Planning Director receiving a complete Site Plan Review application, and in conformance with the Site Plan Review Regulations, the Planning Board or the Planning Director on behalf of the Planning Board shall state in writing to the Building Commissioner to what extent the project complies with Site Plan Review Standards.
- d) Any conditions of a Site Plan Approval shall specify whether they shall be met prior to the issuance of a building permit, during construction, or prior to a Certificate of Occupancy. The Planning Director will provide a copy of the Site Plan Approval, including any conditions, to the Building Commissioner.
- e) In accordance with the Site Plan Review Regulations, the Site Plan Review process shall not be considered complete until: (i) Site Plan Review Approval, including any conditions, is issued by the Planning Board or the Planning Director on behalf of the Planning Board, or (ii) forty-five (45) days have elapsed with no statement of compliance from the Planning Board or Planning Director on behalf of the Planning

Board. Once Site Plan Review is complete, the Building Commissioner may issue a building permit if all other applicable regulations have been met.

5. Lapse

A Site Plan Approval shall lapse two (2) years after the date of its issuance if construction pursuant thereto has not begun; provided however, that the Planning Board may grant an extension of the two (2) year period, for a maximum of one (1) year, upon a finding of good cause, including the need to obtain other local, state, and federal permits duly applied for, at the written requires of the applicant, if submitted to the Planning Board at least thirty (30) days prior to the expiration of the two (2) year period.

6. Modifications to the Approved Site Plan

In accordance with the Site Plan Review Guidelines, Regulations and Standards, modifications to the Approved Site Plan may be granted by the Planning Board or Planning Director on behalf of the Planning Board. Upon approval of a Site Plan Modification, a copy shall immediately be provided to the Building Commissioner.

7. Appeal

Any person aggrieved by a decision of the Planning Board or the Planning Director on behalf of the Planning Board pursuant to Section 9.13 may appeal such decision to the Zoning Board of Appeals within twenty (20) days of the date filed with the Building Commissioner.