



# *Town of Brookline*

## *Massachusetts*

### **PLANNING BOARD**

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To: Brookline Board of Appeals  
From: Brookline Planning Board  
Date: July 18, 2013  
Subject: Construct a ramp from the second story to ground level for a daycare center  
Location: **138 Harvard Street**

Atlas Sheet:	34	Case #:	2013-0049
Block:	169	Zoning:	L-1.0
Lot:	24	Lot Area (s.f.):	±10,819

Board of Appeals Hearing: July 25, 2013 at 7:00 p.m.

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### **SITE AND NEIGHBORHOOD**

138 Harvard Street is on the west side of Harvard Street and is located at the intersection of Auburn Street, directly across the street from the Stop & Shop gas station on the east side of Harvard Street. The existing building was constructed with brick in 1987 and is on stilts. There is a parking area beneath the structure at the ground level. This section of Harvard Street is primarily comprised of low-rise commercial businesses, including a carwash, nail salon, and pet store, as well as multi-family residential buildings.

### **APPLICANT'S PROPOSAL**

The applicant, Bright Horizons, is proposing to start a child day care that will occupy the second floor of the building. The applicant is proposing to construct a ramp with 3.5' railings that will start at the ground level, and will allow for ADA access to the second floor, and will allow the daycare providers to bring strollers safely to the ground level. The proposed ramp will start at the ground level in the rear of the building, and will wrap around the side of the building and eventually lead to a new door on the side that will be used as access to the building. The highest portion of the ramp will be 11.5' from grade. The proposal will displace 10 parking spaces that are currently on the site. An open space playground area will be constructed in the location of the 10 displaced parking spaces, and 12 parking spaces will remain. There is currently a staircase

and elevator under the building that is used for access. The proposal will add a secondary means of egress.

## **FINDINGS**

**Section 5.09.2.a – Design Review:** New structures on Harvard Street require a special permit subject to the design review standards listed under *Section 5.09.4(a-l)*. All the conditions have been met, and the most relevant sections of the design review standards are described below:

- a. Preservation of Trees and Landscape – The proposal will affect trees located on the rear of the property.
- b. Relation of Buildings to Environment – The ramp will be constructed on the side and rear of the building, and is not expected to impact the relation of the building to the environment.
- c. Relation of Buildings to the Form of the Streetscape and Neighborhood – The ramp will be in the side and rear of the building, and is not expected to be very visible from the street.
- d. Open Space – The open space will be increased by the proposal.
- e. Circulation – The proposal will affect circulation of traffic on the property, as it will displace 10 parking spaces, and create usable open space. It is not anticipated that the change will negatively impact the property.

### **Section 5.43 – Exceptions for Yard and Setback Requirements**

#### **Section 5.50 – Front Yard Setback Requirements**

#### **Section 5.51 – Projections into the Front Yard**

#### **Section 5.60 – Side Yard Requirements**

#### **Section 5.64 – Side Yards for Non-Dwelling Uses in Business or Industrial Districts**

#### **Section 5.70 – Rear Yard Requirements**

#### **Section 5.71 – Projections into the Rear Yard**

#### **Section 5.73 – Rear Yards in Business and Industrial Districts**

<b>Dimensional Requirements</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
<b>Front Yard Setback (Ramp)</b>	10'	13.37'	13.37'	Special Permit*
<b>Side Yard Setback (Ramp)</b>	0'	9.14'	2.58'	
<b>Rear Yard Setback (Ramp)</b>	20'	21.30'	1.67'	

\* Under Section 5.43 of the Zoning By-law, the Board of Appeals may waive dimensional requirements in lieu of a counterbalancing amenity. The applicant is proposing to make improvements to the landscaping by installing a playground and landscaping in place of existing parking spaces.

### **Section 8.02.2 – Alteration or Extension**

A special permit is required to alter a pre-existing non-conforming structure or use.

**PLANNING BOARD COMMENTS**

The Planning Board is supportive of the proposal to construct a ramp that will allow access to the second story from the ground level. The proposal is attractively designed, and is not expected to negatively impact the neighborhood. The most impacted property is directly to the north, and there are not any windows on that side of the neighboring building. The Planning Board views the proposed playground and landscaping as sufficient to satisfy the counterbalancing amenity requirement.

**Therefore, the Planning Board recommends approval of the plans by Davis Square Architects, dated 7/3/2013, subject to the following conditions:**

1. Prior to the issuance of a building permit, the applicant shall submit a final elevations and a final site plan 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 a final landscape plan, lighting plan, and auxiliary stair, indicating all counterbalancing amenities subject to the review and approval of the Assistant Director of Regulatory Planning.
3. 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; 2) final building elevations stamped and signed by a registered engineer; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

*tcr*



138 Harvard Street Front Façade



Rear property line and parking area view from Auburn Street



Side property line view from the street view from Harvard Street