



Town of Brookline

Massachusetts

PLANNING BOARD

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To: Brookline Board of Appeals

From: Brookline Planning Board

Date: February 7, 2013

Subject: **Modification and clarification request of prior Board of Appeals case conditions to allow dividing off 5.2 acres from Pine Manor College to create a single family lot**

Location: 400 Heath Street

Atlas Sheet:	129	Case #:	2012-0066
Block:	440	Zoning:	S-40
Lot:	39	Lot Area (s.f.):	±2,066,020

Board of Appeals Hearing: January 24, 2013 at 7:30 pm, postponed to February 21, 2013

BACKGROUND

Case #: 1076 (3/23/61) – This case decision allowed use of this property by Pine Manor College when it moved to this site from Wellesley. Following is a summary of the attached conditions: #1 (limited # of students to 525 or 7 for each acre of land, whichever is less), #2 (90% of students must live on campus), #4 (FAR not to exceed .1), #5 (off-street parking), #8 (yard stbks), #10 (use restricted to Pine Manor) and #12 (sp. permit nullified if conditions not met).

Case #: 1076 (1/7/65) – This case clarified that Case #1076 in 1961 erroneously stated that Pine Manor was a private, educational institution, rather than a public educational institution, which would be protected by the Dover Amendment in Chapter 40A.

Case #: 2459 (5/22/81) – This case granted approval for construction of a new one story field house with conditions about design review and keeping the Woodland Road gate locked except for emergency use.

Case #: 1076B (8/2/01) – This case granted approval for construction of tennis courts with conditions about landscaping, lighting and hours of operation.

Case # 090068 (1/4/10) – This case granted approval for conversion of common space to additional dormitory rooms for students attending an educational institution located off-site, subject to review and approval of a final parking layout plan of the campus, including the location of any shuttle bus parking, by the Assistant Director Of Regulatory Planning . This condition was fulfilled (9/2/10), and the parking plan is attached. It indicates that 47 parking spaces are located on the lot to be subdivided off of the Pine Manor property.

Land Court Litigation - Subsequent to the 2010 ZBA decision, there has been litigation related to the 1961 ZBA conditions. See attached summary memo (11/1/11) from Town Counsel Jennifer Dopazo and some of the litigation documents.

SITE AND NEIGHBORHOOD

400 Heath Street is the site of Pine Manor College (formerly the Dane Estate) and is bounded by Heath Street, Woodland Road, and The Country Club. The main entrance is off of Heath Street. The college is located in a residential neighborhood that predominantly consists of large single-family homes, Soule Recreation Center and a pre-school and playground at the former Baldwin School. It is not far from the Chestnut Hill Shopping Center and MBTA stop.

APPLICANT'S PROPOSAL

The applicant, Pine Manor College, is requesting modification of conditions in prior Board of Appeals case #1076 (1961) and clarifications to Decision #1076 (1965), #2459 (1981) and 1076B (2001) in order to subdivide off 5.2 acres from the existing Pine Manor parcel for a single family house lot.

FINDINGS

Modification of Board of Appeals case #1076 (1961) and clarifications to Decision #1076 (1965), #2459 (1981) and 1076B (2001)

FAR

The main modification that would be required relates to the allowed maximum FAR required in the 1961 Decision , which was an FAR of 0.1 for the school campus. Attorney Allen has stated that since current zoning for this S-40 zoned property allows an FAR of .15 (not 0.1), that this is the applicable FAR for Pine Manor, and when applying the 65% bonus allowed for campuses, the FAR would be met. [See Sections 5.08.1a & b.]

PARKING

Since the parking plan required by Board of Appeals case # 090068 (1/4/10) showed parking on the parcel to be subdivided off, a new parking plan would need to be submitted for review and approval by the Assistant Director of Regulatory Planning per this condition, unless modified.

PLANNING BOARD COMMENTS

The Planning Board supports the request to subdivide off a 5.2 acre parcel for use as a single family house lot. It does not seem equitable to limit the FAR for this large college campus to 50% less than the allowed FAR for a single family home in the same zoning district. With an FAR of .15 and the additional 65% bonus allowed for large college campuses, Pine Manor would conform to the FAR that would be allowed by-right for any other college campus in this S-40 zoning district. In the 2010 Board of Appeals case, which allowed more dorm rooms, it was noted that Pine Manor has an excess of about 100 parking spaces except for rare events, such as graduation. However, it is important to document where parking is located on the campus, and a new parking plan showing adequate parking and shuttle bus spaces should be submitted for review and approval of the Planning and Community Development Department.

Therefore, the Planning Board recommends modification of the prior Board of Appeals cases as requested, subject to the following conditions:

1. Prior to Planning Board endorsement of an Approval Not Required subdivision plan, a parking plan showing adequate parking and space for shuttle busses shall be submitted for review and approval of the Assistant Director of Regulatory Planning.
2. Prior to the issuance of a building permit for any construction on the single family house lot, evidence shall be submitted to the Building Commissioner that this Board of Appeals decision and the endorsed Approval Not Required Plan have been recorded at the Registry of Deeds.

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