



Town of Brookline Massachusetts

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PLANNING BOARD

Steve Heikin, Chair
James Carr
Linda K. Hamlin
Blair Hines
Matthew Oudens
Mark J. Zarrillo

BROOKLINE PLANNING BOARD MINUTES By Zoom Event January 7, 2020 – 7:30 p.m.

Board Present: Steve Heikin, Linda Hamlin, James Carr, Blair Hines, Matthew Oudens,
and Mark Zarrillo

Staff Present: Victor Panak and Maria Morelli

Steve Heikin opened the meeting.

1) PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Steve Heikin brought to the Board's attention the state's new Clean Energy and Action Plan which he said could have impacts on the Town's work relating to encouraging or requiring fossil-fuel-free buildings. Mr. Heikin also mentioned a presentation made by the Planning Director to the Economic Development Advisory Board regarding the Planning Department's workplan and a presentation made by Chris Dempsey on plans for the reconfiguration of Boylston Street. He said that both of these presentations would be made to the Planning Board, likely on January 27, 2021.

2) BOARD OF APPEALS CASE (Tentative Zoning Board of Appeals Hearing Date) and relevant Precinct:

45 Willow Crescent – One-story addition requiring zoning relief for setbacks and floor area ratio. (1/28) Pct. 13

Victor Panak described the proposal and the requested relief.

The applicant and owner, Don Warner, briefly presented the proposal, noting the key materials and the extension of the existing fence along the property line.

The Board very briefly discussed the project and asked a few minor questions.

Mr. Heikin asked for public comments. There were none.

Mr. Heikin moved to recommend approval of the site plan by Medford Engineering & Survey Angelo B. Veneziano Associates, dated 9/28/20, and architectural plans by Don Warner, dated 11/12/20, subject to the following conditions:

- 1. Prior to the issuance of a building permit, the applicant shall electronically submit final floor plans and elevations, stamped and signed by a registered architect and a final site plan, stamped and signed by a registered engineer or land surveyor, to the Assistant Director for Regulatory Planning for review and approval.**
- 2. Prior to the issuance of a building permit, the applicant shall electronically submit a landscape and fence plan that shows proposed counterbalancing amenities subject to approval by the Assistant Director for Regulatory Planning. The counterbalancing amenities must be implemented in accordance to the approved landscape plan.**
- 3. Prior to the issuance of a building permit, the applicant shall electronically submit to the Building Commissioner for review and approval a) the site plan, floor plans, and elevations displaying the approval stamp of the Assistant Director for Regulatory Planning; and b) evidence that the Board of Appeals decision has been obtained from the Town Clerk's office by the applicant or their representative and recorded at the Registry of Deeds.**

Mark Zarrillo seconded the motion. The Board voted 6-0 to approve the motion.

257 South Street – Renovation, garage addition, and driveway expansion requiring zoning relief for floor area ratio. (1/28) Pct. 16

Pursuant to the applicant's request, **Mr. Heikin moved to continue the case to the Board's meeting on January 21, 2021. Ms. Hamlin seconded the motion. The Board voted 6-0 to approve the motion.**

14 Wallis Road – Second-story addition requiring zoning relief for floor area ratio and design review. (1/28) Pct. 16

Victor Panak described the proposal and the requested relief.

The owner, Derek Fallon, stated that their desire is to construct an addition on the second floor that would accommodate a master bathroom.

The architect, Michael Kim, briefly reviewed the proposed plans, noting the addition's consistency with a similar addition on the other side of the house.

There were no questions or comments from the Board.

Mr. Heikin asked for public comments. There were none.

Mr. Heikin moved to recommend approval of the architectural plans by Michael Kim Associates, dated October 21, 2020, and site plan by D. O'Brien Land Surveying, dated September 5, 2020, subject to the following conditions:

- 1. Prior to the issuance of a building permit, the applicant shall electronically submit final floor plans and elevations, stamped and signed by a registered architect and a final site plan, stamped and signed by a registered engineer or land surveyor, to the Assistant Director for Regulatory Planning for review and approval.**
- 2. Prior to the issuance of a building permit, the applicant shall electronically submit to the Building Commissioner for review and approval a) the site plan and elevations displaying the approval stamp of the Assistant Director for Regulatory Planning; and b) evidence that the Board of Appeals decision has been obtained from the Town Clerk's office by the applicant or their representative and recorded at the Registry of Deeds.**

Mr. Zarrillo seconded the motion. The Board voted 6-0 to approve the motion.

1030 Commonwealth Avenue (*Continued from 11/23*) - Establish recreational marijuana facility requiring relief for use (TBD) Pct. 8

Maria Morelli reviewed the proposal, the requested relief, Planning Board concerns from the previous meeting, and revisions made to the plans by the applicant.

Attorney Adam Barnosky and architect Adam Sitterly spoke on behalf of the applicant. Plan updates approved by staff and the Planning Board are summarized below.

Plan Changes:

- 1 – The door at the base of the stairs on first floor has been removed. In its place a locked roll-down door will be used when the dispensary is closed and all employees and customers have left the store. The first security guard will be posted on the Comm Ave sidewalk to ensure that only customers who have an appointment proceed to the second floor.
- 2 - On the second floor a larger vestibule area has been designed to allow a second security guard to check IDs before allowing customers to enter the retail area.
- 3 – Trash is confined to the 1030 Comm Ave site and not stored at 16 Winslow.
- 4 – Parking spaces would no longer be leased at 16 Winslow for employee use.
- 5 – A Site plan was prepared by a surveyor and indicates a path striped for pedestrians leading to the rear accessible entrance.

Updated Customer Flow and Security Checks

- All promotional materials, website content, and social media will emphasize the “appointment only” model.
- Signs indicating location of accessible rear entrance would be proposed (during Sign Review) and will be posted on the CAC website and mobile app.
- There will be a security guard on Comm Ave, who will be the initial point of contact for any customer.
- Comm Ave security will direct customers requiring the vertical lift to the rear access area, where another security guard will be present.
- Customers without appointments will be turned away prior to entering the building (they will not be allowed to go to the second floor).
- Security verification will occur on the second floor, where the vestibule there has been expanded to allow for ID checks before a customer enters the retail area.
- Security on the second and first floors will be in constant communication to monitor customers entering and exiting the facility.

Trash Plan Update

Trash storage for both the first and second floor tenants will be maintained on the site and not at 16 Winslow Road. The restaurant will have its own trash dumpster to keep food waste separate from non-food waste per Health Dept.

Parking Plan Update

Although the retail use does not require off-street parking, the initial plan proposed parking at 16 Winslow. The applicant has eliminated this leased parking proposal from its plan. There are no parking spaces for employees or customers on site.

Accessibility

Deborah Ryan, architectural accessibility specialist, submitted an assessment stating that the plans appear to comply with 521 CMR.

Ms. Hamlin moved to recommend approval of the site plan by DGT Associates Surveying & Engineering dated August 16, 2020 and architectural plans by Anderson Porter Design dated May 18, 2020 subject to the following conditions:

1. **The Business Plan, dated May 27, 2020, and reviewed to the satisfaction of the Police Chief, the Health Commissioner, the Fire Chief, and the Director Engineering and Transportation, shall include but not be limited to the Security and Diversion Prevention Plan, the Transportation Demand Management plan, Customer Demand Plan, Diversity Plan, Trash/Recycling Plan, Pest Control Plan, and site plan and floor plans.**
2. **Prior to the issuance of license, the Applicant shall:**

- a. **Submit a Trash and Recycling Plan that includes location, size of receptacles, and frequency of pick-up for the review and approval of the Health Commissioner or designee;**
 - b. **Submit a Diversity plan to the review and approval of the Director of the Office of Diversity and Inclusion;**
 - c. **Submit marketing materials and consumer education materials for the review and approval of the Police Chief and Health Commissioner or designees;**
 - d. **Submit Sales Training and Employee Handbook for the review and approval of the Police Chief or designees;**
3. **Queueing of customers outside the building footprint is prohibited.**
 4. **Deliveries to the front entrance on Commonwealth Avenue are prohibited.**
 5. **All signage for the facility shall be approved by the Planning Board prior to installation and shall be removed in the event the entity ceases operations.**
 6. **The special permit is conditional upon the applicant maintaining a valid and current license or Certificate of Registration, as may be required, from the Select Board, the Massachusetts Department of Public Health, and the Massachusetts Cannabis Control Commission.**
 7. **Retail product shall be stored a minimum of six inches above the ground.**
 8. **No product shall be weighed and packed at the retail location. All product shall be pre-weighed on a certified scale at the production location.**
 9. **The retail establishment 's Director of Security shall ensure: a. all entrances are secured to prevent unauthorized access b. all locks and security equipment will be maintained in good working order c. all safes, vaults, and any other equipment or areas used for the production, cultivation, harvesting, processing or storage of marijuana products are securely locked and protected from entry, except for the actual time required to remove or replace marijuana.**
 10. **The Applicant shall maintain an incident log that lists unusual, along with documents stipulated in the Host Community Agreement for recording in a binder, for administrative inspections.**
 11. **Prior to issuance of a building permit, plans for any alterations to the building exterior features shall be submitted to Preservation Commission staff for determination of applicability under the Town 's Demolition Delay By-law.**
 12. **Prior to the issuance of a building permit, the applicant shall electronically**

submit final floor plans, roof plan and elevations, location and number of bike racks, and loading zone, stamped and signed by a registered architect or engineer and a final site plan, stamped and signed by a registered engineer or land surveyor, to the Assistant Director or designee for Regulatory Planning for review and approval.

13. Prior to the issuance of a building permit, the Applicant shall electronically submit elevations that shows proposed counterbalancing amenities subject to approval by the Assistant Director for Regulatory Planning or designee. The counterbalancing amenities must be executed in accordance to the approved plan.
14. Prior to the issuance of a Building Permit, the Applicant shall submit floor plans that show all storage shelving, hand sinks, toilets, mop sinks, and the trash storage room for the review and approval of the Chief of Environmental Health.
15. Prior to the issuance of a building permit, the applicant shall electronically submit to the Building Commissioner for review and approval a) the site plan, roof plan, floor plans, and elevations displaying the approval stamp of the Assistant Director for Regulatory Planning or designee; and b) evidence that the Board of Appeals decision has been obtained from the Town Clerk's office by the applicant or their representative and recorded at the Registry of Deeds.
16. Prior to the issuance of a Certificate of Occupancy, the Applicant shall notify Brookline Department of Public Health and Human Services when renovations and have been completed so it can arrange for a pre-operational inspection 14 days prior to the scheduled opening date.
17. Prior to issuance of a certificate of occupancy, evidence of a valid license from the Select Board for a marijuana retailer shall be provided to the Building Commissioner .
18. Prior to the issuance of a certificate of occupancy, the Applicant shall submit a Transportation Demand Management Plan, subject to the review and approval of the Director of Engineering and Transportation and the Assistant Director for Regulatory Planning or their designees.

Mr. Zarrillo seconded the motion. The Board voted (5-0) to approve the motion.

3) **OTHER BUSINESS**

Discuss and approve revised guidelines for Cash Payment in Lieu of Affordable Units

Roger Blood reviewed the changes made to Section 4.08 of the Zoning By-law at the 2020 Annual Town Meeting and reviewed the revised guidelines for Cash Payment in Lieu of

Affordable Units that are being proposed to be consistent with recent changes to Section 4.08.

The Board briefly discussed the revised guidelines but were supportive. The Board spent time especially discussing the application of the guidelines to subdivisions.

The Board opted to make a revision to clarify that all divisions of land, whether or not requiring approval under subdivision control law, are subject to the requirements of the Guidelines.

Mr. Heikin moved to approve the Guidelines, as revised. Mr. Zarrillo seconded the motion. The Board voted 6-0 to approve the motion.

The meeting was adjourned.