



Board of Appeals
Jesse Geller, Chair

Town of Brookline

Massachusetts

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Board of Appeals Virtual Public Hearing Minutes

Thursday, January 7, 2021

7:00 p.m.

Via ZOOM

ZBA DECISIONS can be found at: www.brooklinema.gov/1675/Zoning-Applications

Board Members Present: Chair Jesse Geller, Mark Zuroff, and Johanna Schneider

Staff Present: Joseph Braga (*Deputy Building Commissioner*), and Monique Baldwin (*Zoning Coordinator/Planner - Regulatory Planning*)

2020-0061 370 Washington Street – Review proposed design for vacant lot following demolition of office building

Attorney Robert Allen, on behalf of the applicant, requested to withdraw without prejudice. The Board unanimously granted the request to withdraw the application without prejudice.

2020-0048 44 Stedman Street – Install an AC condenser in the side yard

Owner and Andrew Xiang presented an overview of the proposal. Mr. Xiang proposed a six-foot-tall fence to block the view and baffle any noise and vibration as the counterbalancing amenity, and provided photos of the vinyl material to be used. It was noted the side abutter supported the project.

Board Member Mark Zuroff asked Mr. Xiang if he had received permission and approval from the other owners of the condominium trust. Mr. Xiang stated he had permission and included documentation regarding the condominium trust in his application.

Chair Geller asked if there was anyone present to speak in favor or opposition. No one spoke.

Monique Baldwin, Zoning Coordinator Planner, provided the Planning Board Report. The Planning Board supported the project. However, the Planning Board noted that the applicant needs to provide proper screening.

Joseph Braga, Deputy Building Commissioner, stated the Building Department had no objections to the proposals.

The Board deliberated on the merits of special permit relief as requested. Board Member Mark Zuroff stated that this application is the definition of *de minimis*. Board Member Johanna Schneider concurred. Chair Geller voted in favor of the requested relief.

2020-0038 50 Edgehill Road– Install chicken coop in the rear/side yard

Attorney Robert Allen, on behalf of the owner, provided an overview of the project. Mr. Allen identified the location of the coop and noted that for the counterbalancing amenity a fence to the rear of the chicken coop will be provided to protect the abutters from any visual impact of the coop. Mr. Allen stated that to ameliorate concerns of the abutters, the Petitioner provided a pest management plan, a manure management plan, and an emergency disaster plan. Mr. Allen stated that the Health Department must independently review and approve the application to keep chickens in connection with its own required licensure. Additionally, he noted that if there are raised by the neighbors related to the operation of the chicken coop, the Health Department would be the appropriate body to address those issues. Mr. Allen stated in the year and a half the Petitioner kept eight chickens there were no complaints from abutters.

Upon inquiry from Board Member Schneider, Mr. Braga stated that when the Health Department receives a complaint it is reviewed through a public portal. He stated that the Health Department must respond to the complaint, complete an intake form and publicly report their findings.

Chair Geller asked if there was anyone present to speak in favor or opposition. No one spoke.

Monique Baldwin, Zoning Coordinator Planner, provided the Planning Board Report. The Planning Board supported the project though, with a condition that an expiration date should be included on the special permit so that any impacts on the neighborhood can be reevaluated after some time has passed.

Joseph Braga, Deputy Building Commissioner, stated the Building Department had no objections to the proposals.

The Board discussed whether the relief to allow a chicken coop 68' away from an abutting structure was available under Section 5.43, whether or not 100' are required to meet the use requirements for it to be allowed, and whether this was a question about failure to comply with a dimensional requirement versus an issue about a use that is not allowed unless a 100' setback can be provided.

Ms. Schneider stated that there were several mitigating efforts and thoughtful plans in place for managing the coop. Therefore, Ms. Schneider stated, she was satisfied that the special permit criteria had been demonstrated. Board Member Zuroff concurred and added that the use and operation of the chicken coop should be permitted through the Health Department. Jesse Geller concurred.

The Board unanimously granted the request for special permit under Section 9.05.

The meeting was adjourned.