



# 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 March 25, 2021 – 7:30 p.m.

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

**Staff Present:** Victor Panak

Mark Zarrillo opened the meeting.

### 1) PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

There were no public comments on matters not on the agenda.

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

**471 VFW Parkway** (*Continued from 2/25 Meeting*)- Combine two existing parking lots creating 20 new parking spaces and construct a recycling center building requiring zoning relief for setbacks and use. (TBD) Pct. 16

Victor Panak briefly summarized the project and the Board's concerns from their February 25 meeting.

Jennifer Dopazo Gilbert (attorney) reviewed the most recent revisions to the proposal and explained how they were made to address the Planning Board's and the public's previous concerns.

Andy Martineau (applicant) reviewed the most recent changes made to the plans, notably shifting the building away from adjacent residential buildings and rotating the building to face towards the parking area. Mr. Martineau also reviewed the proposed landscape plan.

Board members felt that the revised plan is a significant improvement.

### Public Comments

Irene Scharf, 250 Russett Road, asked if the trees that would be planted would be mature trees or whether the renderings only showed what the trees would look like in 20 years. Theo Kindermans (landscape architect) described the size of the trees that would be planted.

Mr. Zarrillo said he thinks the planting plan is very good.

Nathan Shpritz, 44 Payson Road, felt that the plan was much improved. He still felt that the building should be located in an entirely different location on the property. Mr. Martineau reviewed a number of alternative locations that were considered.

William Varrell, 45 Asheville Road, felt that the revised plan is an improvement but felt that there are a few excess parking spaces.

Judith Leichtner, 121 Beverly Road, felt that the plan is improved, but remained concerned with the proximity to adjacent properties.

Alisa Jonas, Russett Road, remained concerned with the building's proximity to abutting properties.

Ms. Hamlin stated she would support the current proposal. Mr. Oudens, Mr. Carr, and Mr. Hines agreed.

**Mr. Zarrillo moved to recommend approval of the site plan by Stantec, dated March 14, 2021, the architectural plans by Lowe Associates Architects, Inc., dated 11/02/2020, and the landscape plan by Stantec, dated March 14, 2021, 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 plan that shows proposed counterbalancing amenities subject to approval by the Assistant Director for Regulatory Planning. The counterbalancing amenities must be executed in accordance with the approved 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 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. Hines seconded the motion. The Board voted (5-0) to approve the motion.**

**143 Tappan Street** – Construct rear addition requiring zoning relief for floor area ratio and setbacks. (4/1) Pct. 12

Victor Panak described the proposal and the requested relief and noted that the Planning Department is supportive.

Jennifer Dopazon Gilbert (attorney) introduced members of the applicant team, briefly summarized the project, and discussed the requested zoning relief. Ms. Gilbert noted that the applicant has support from a number of surrounding abutters.

William Ruhl (architect) provided the Board with a presentation of the proposed plans.

Mr. Oudens felt that the addition is well designed.

Mr. Hines asked about when the properties were subdivided. The applicant said that it was divided in 1998.

Mr. Carr wanted to ensure that the owner is cognizant of potential glare and lighting entering through the large-windowed addition. Mr. Carr was also concerned with comfort and energy efficiency but felt that the project is good from a design perspective.

Ms. Hamlin supported the project.

There were no public comments.

**Mr. Zarrillo moved to recommend approval of the site plan by RjO’Connell & Associates, Inc., dated 12/10/2020, and architectural plans by Ruhl Studio Architects, dated 3/4/21, 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 plan that shows proposed counterbalancing amenities subject to approval by the Assistant Director for Regulatory Planning. The counterbalancing amenities must be executed in accordance with the approved 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.**

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

**10 Shailer Street** – Convert existing two-family building to a three-family building requiring zoning relief for floor area ratio, setbacks, open space, and height. (4/1) Pct. 9

Victor Panak described the proposal and the requested relief and noted that the Planning Department is supportive.

Jennifer Dopazon Gilbert (attorney) introduced members of the applicant team, briefly summarized the project, and discussed the requested zoning relief.

Mike McKay (architect) provided the Board with a presentation of the proposed plans.

Mr. Carr asked if the applicant had considered converting the building to be fossil-fuel-free and strongly suggested that they should.

Mr. Hines asked a number of clarifying questions about the building design. He indicated he would oppose the project unless the basement windows were expanded. The Board discussed the livability of the spaces in the basement. Mr. Zarrillo felt that additional windows should be added to the basement areas.

Mr. Hines asked about counterbalancing amenities. Ms. Gilbert indicated that the applicant would be seeking relief under Section 5.05 and therefore would not require counterbalancing amenities.

Ms. Hamlin was supportive of the proposal but did feel that the applicant should show the operation of parking on the site.

#### Public Comments

Stephen Ault, 19 Shailer Street, was opposed to the project and specifically opposed the cramming of an additional dwelling unit to the neighborhood. Trina Murphy (applicant) responded by pointing out that a third unit already exists illegally but that the proposal would legalize it.

Mr. Carr indicated he is supportive of the proposal. Mr. Hines said he is not opposed but felt that the plans could use some improvement, especially regarding the livability of the basement unit; he also raised some concerns with stormwater management. Mr. Zarrillo also indicated his support. Ms. Hamlin was also supportive of the proposal. Mr. Oudens also agreed.

**Mr. Zarrillo moved to recommend approval of the site plan by Dellorco Associates, dated 7/8/2020, and architectural plans by McKay Architects, dated 1/18/21, 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. The architectural plans shall be revised to show utilization of the existing basement window openings.**
- 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.**

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

**16 Harrison Street** – Demolish existing detached garage and construct addition to include attached garage and mudroom requiring zoning relief for setbacks. (4/1) Pct. 3

Victor Panak described the proposal and the requested relief and noted that the Planning Department is supportive.

Jennifer Dopazon Gilbert (attorney) introduced members of the applicant team, briefly summarized the project, and discussed the requested zoning relief.

Monika Pauli (architect) provided the Board with a presentation of the proposal.

Mr. Hines expressed his support of the proposal but wondered how the owner would access the back yard.

Mr. Zarrillo echoed Mr. Hines' concern and added that the basement access that would replace the bulkhead could pose some problems for the resident.

Mr. Oudens was also supportive of the proposal but also echoed the concerns above. Ms. Hamlin agreed. Mr. Carr also agreed.

#### Public Comments

Frederic and Sabrina Choumert, 57 Toxteth Street, were opposed to the project raising concerns specifically with the proximity of the addition to their property line and concerns with sunlight and privacy.

Anne Turner, 97 Toxteth Street, was opposed to the project. Ms. Turner was particularly against the nonconforming rear yard setback.

Ms. Gilbert responded by emphasizing the amount of time the applicant spent working with the Preservation Commission and their support of the project.

Mr. Hines noted that many surrounding properties are equally nonconforming. He felt that the proposal was modest and would not impact sunlight or privacy for surrounding residents. Mr. Oudens echoed Mr. Hines' comments. Ms. Hamlin also agreed.

Mr. Carr felt that replacing the detached garage with a carport might be his preferred option but that he is otherwise supportive of the proposal.

**Mr. Zarrillo moved to recommend approval of the site plan by Maloney Geospatial, dated 1/19/2021, and architectural plans by Pauli & Uribe Architects LLC, dated 3/12/21, 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 plan that shows proposed counterbalancing amenities subject to approval by the Assistant Director for Regulatory Planning. The counterbalancing amenities must be executed in accordance with the approved 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.**

**Ms. Hamlin seconded the motion. The Board voted (5-0) to approve the motion.**

**895 Hammond Street** – Construct second-story addition and make interior renovations requiring zoning relief for floor area ratio and design review. (4/8) Pct. 15

Victor Panak described the proposal and the requested relief and noted that the Planning Department is supportive.

Jennifer Dopazon Gilbert (attorney) introduced members of the applicant team, briefly summarized the project, and discussed the requested zoning relief.

Tim Burke (architect) provided the Board with a presentation of the proposed plans.

Mr. Oudens asked about the rear abutter and the topography. Mr. Burke indicated that the topography slopes uphill by about 13 feet towards the rear neighbor.

Mr. Carr felt that the addition was modest and reasonable.

Public Comments

Glenn Kramer, representing 30 Aston Street, expressed his opposition to the project on the grounds that the proposed height increase would block natural light to the rear abutter.

Ms. Gilbert responded that the height is conforming and that the rear yard setback is not being intensified. Mr. Burke also noted that the rear abutter is to the south and would therefore not be affected by shadows.

Mr. Carr felt that there would not be much of an impact on the rear abutter. He did raise concerns about the survival of trees in the back yard due to construction activities. Mr. Burke said that no trees would need to be removed. Mr. Hines provided guidance on how to protect the existing trees.

Mr. Zarrillo said that although he understood the perspective of the rear abutter but did not think that the addition would actually cause any issues.

Mr. Oudens was supportive of the proposal. Ms. Hamlin agreed.

The Board discussed whether a shadow study should be required. Mr. Zarrillo suggested that the applicant may want to provide one to the Zoning Board of Appeals.

**Mr. Zarrillo moved to recommend approval of the site plan by Michael Paul Antonio, dated 11/18/2020, and architectural plans by Timothy Burke Architecture, dated 11/09/2020, the Planning Department recommends 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 plan that shows proposed counterbalancing amenities subject to approval by the Assistant Director for Regulatory Planning. The counterbalancing amenities must be executed in accordance with the approved 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.**

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

### **3) APPROVAL OF MINUTES**

**Mr. Zarrillo moved to approve the minutes from 3-11-2021. Mr. Hines seconded the motion. The Board voted (4-0-1) to approve the motion.**

**The meeting was adjourned.**