



Board of Appeals
Jesse Geller, Chair

Town of Brookline

Massachusetts

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Board of Appeals Virtual Public Hearing Minutes

Thursday, March 25, 2021

7:00 p.m.

Via ZOOM

ZBA DECISIONS can be found at: <https://www.brooklinema.gov/Archive.aspx?AMID=76>

Board Members Present: Chair Mark Zuroff, Lark Palermo and Randolph Meiklejohn

Staff Present: Monique Baldwin (*Cannabis Licensing & Mitigation Coordinator on behalf of Regulatory Planning*), and Karen Chavez (*Zoning Coordinator/Planner - Regulatory Planning*)

Chair Mark Zuroff opened the meeting.

2020-0005 101 Monmouth Street – Modification of Variance #893 (9/5/1958) requiring 190 parking spaces to only requiring 75 spaces

Monique Baldwin, on behalf of the applicant, requests a continuance to an indefinite date.

Ms. Baldwin stated that there was a defect in the noticing where Boston abutters did not get noticed, and Staff is still pending the Boston abutters list from the applicant.

Chair Mark Zuroff, and Board Members Randolph Meiklejohn and Lark Palermo had no objection.

The Board unanimously granted the request to continue the application to an indefinite date.

2020-0068 14 Green Street – Convert a one-story commercial building into a four-story mixed use building with five residential dwelling units and commercial on the ground floor

Jennifer Dopazo Gilbert, on behalf of the applicant, requests a continuance to April 29, 2021.

Ms. Gilbert stated that the Planning Board provided feedback, and the applicant is working on the streetscape and reconfiguring the parking.

Chair Mark Zuroff, and Board Members Randolph Meiklejohn and Lark Palermo had no objection.

The Board unanimously granted the request to continue the application to April 29, 2021.

2021-0004 74 Perry Street – Convert existing single-family house to two-family house

Attorney Kenneth M. Goldstein, on behalf of the owner, provided an overview of the project. Project architect, Evan Stellman, provided an overview of the design.

Mr. Goldstein stated that along with the single-family house, the lot also has an historic carriage house. Both the house and the carriage house are in poor repair, verging on demolition by neglect. He stated that the proposed scope of work provides for the preservation rather than demolition of these structures.

Mr. Goldstein stated that the carriage house is proposed as accessory space to the two residential units. He noted that the accessory spaces would be used as home offices, art studios, home gyms or the like. They would be built only with half-baths to limit their availability as separate units or bedrooms.

Mr. Goldstein introduced a letter of support for the application from the Town's Preservation Commission.

Mr. Goldstein explained that both the main house and the carriage house have minor pre-existing setback non-conformities, and that there is no proposed extension of any non-conformity.

Mr. Goldstein noted that other than new entrance doors to the main house, rebuilding the porch on the main house, and doors and windows to the carriage house, the owner proposes no exterior changes. He added that the proposed scope of work would decrease the extent of the non-conforming front porch, which currently encroaches on the front lot line.

Mr. Goldstein stated that relief for setback nonconformities can be granted through **§ 5.43**, and suggested that the proposed preservation of the historic structures and improved landscaping be counter-balancing amenities.

Mr. Goldstein explained that non-conformities regarding minimum usable open space and off-street parking were necessitated if the carriage house were to be saved from demolition. If the carriage house were demolished, these non-conformities could readily be avoided.

Evan Stellman reviewed the plans with the Board, pointing out the few exterior changes and the proposed layout of the site.

Mr. Goldstein described the support and criticism that had been received from neighbors.

Mr. Goldstein opined that the proposed scope of work is an appropriate location for the structure, will not adversely affect the neighborhood, and presents no nuisance to passage. He noted that adequate facilities have been provided for the proper operation of the property and the proposed scope of work has no adverse impact on affordable housing.

Chairman Zuroff questioned whether, since the property abuts a private way, the lot actually extended to the mid-point of the private way.

Mr. Goldstein stated that legal status of the portion of Perry Street abutting the subject lot is unclear, and that the Owner had elected to treat the lot line as the same as if Perry Street were a public way at that location, and provide the same degree of amenity.

Chairman Zuroff also inquired whether the parking spaces on western lot line were encroaching on a street or passageway. It was confirmed that they are not.

Board Member Lark Palermo asked why the plan was for renovation of the existing structures rather than demolition.

Attorney Goldstein explained that the 'bones' of the buildings were good and ideally should not be discarded.

Scott Shuster added that the architecture was in conformity with the neighborhood that would be difficult to duplicate in new construction.

The Board members also expressed concern that the carriage house may not be restricted against use other than as a private accessory space to the units in the main house.

Chair Zuroff then asked whether anyone was present to speak in favor of the proposal.

A neighbor, Jay Han, expressed neutrality. Jay Han also asked, on behalf of the neighbors, that the paving materials match the materials of the existing way.

Chair Zuroff then asked whether anyone was present to speak in opposition to the proposal. No one spoke in opposition.

Monique Baldwin, Cannabis Licensing & Mitigation Coordinator on behalf of the Planning Department, provided the Planning Board Report. The Planning Board supported the project. Additionally, on behalf of the Building Department, Ms. Baldwin stated that the Building Department had no objections to the proposal.

Chair Zuroff stated that this is a good preservation of an existing historic structure and likes to see these things preserved. Chair Zuroff also suggests adding conditions that speak to **1)** the parking lot being restricted only to those four cars, without exception, so that none of the other open space will ever be used for parking and **2)** The spaces will be only used for accessory offices for the owners of the two units, and not in any way be used as a residential. Chair Zuroff stated that the counter balancing amenities, by restoring this old building, are more than adequate to satisfy the conditions of **Section 5.43** of the Zoning By-Laws. Chair Zuroff also stated that the property is unique and supports that granting of the relief.

Board Member Palermo concurs and suggests adding an additional condition that prohibits office or business use that requires public visitation.

Board Member Meiklejohn inquires for clarification on the condition suggested by Chair Zuroff, and also votes in favor of relief citing that the proposed scope of work is a significant contribution to the architectural quality of the neighborhood in the town and believes it is a big counter-balancing amenity.

The Board unanimously granted the request for special permit.

2021-0014 11 White Place – Construct second-story addition

Cheryl Anne Snyder, the petitioner, provided an overview of the project. Project architect, Lee Silverstone, provided an overview of the design.

Ms. Silverstone stated that the proposed scope of work consists of a new second story addition with a shed dormer on the west side of the proposed addition, and a small Juliet balcony on the rear of the proposed addition.

Ms. Silverstone expressed that the proposed scope of work respected the scale of the neighborhood and the existing gable roof lines of the dominant structure. She noted that the existing house is a very small house, and that they wanted to maintain this characteristic as the dominant quality compared to the addition in the rear.

Board member Lark Palermo inquired if there were any changes to the original plans since they withdrew the application and refiled, and whether there was a new argument that would justify the variance.

Ms. Snyder confirmed that there were no changes to the plans, and that the argument remains the same. She stated that the argument is that there is a definite hardship because of the size of the lots on White Place, and noted that she has a slightly smaller lot size than average on the street and her house is one of the smaller houses.

Board member Randolph Meiklejohn inquires to Chair Mark Zuroff whether the 40A language that speaks to shape and topography also encompasses small size.

Chair Zuroff states that his interpretation is that the size of a lot has a lot to do with the character, and that the statute which talks about topography and shape does encompass size, and understanding that a lot can be so small as to constitute an argument for shape.

Board member Lark Palermo notes the discussion regarding this project about a month ago and describes that she was inclined at that time to look at the particular circumstances of this application and the neighborhood, which is unique in Brookline due to tiny little lots. She states that there has been an incidence of people adding on to their homes using the Deadrick case because they were non-compliant. She notes that in this case it is just a tiny fraction of non-compliance with the open space.

Chair Zuroff asked if there was anyone present to speak in favor of the proposal.

Lev Matskevich, owner of 9 White Place, was present and expressed that the proposed scope of work was reasonable and in keeping with the neighborhood.

Chair Zuroff asked if there was anyone present to speak in opposition of the proposal. No one spoke.

Monique Baldwin, Cannabis Licensing & Mitigation Coordinator on behalf of the Planning Department, provided the Planning Board Report. The Planning Board supported the project. Additionally, on behalf of the Building Department, Ms. Baldwin stated that the Building Department had no objections to the proposal.

Board Member Meiklejohn stated that the proposed addition is both fitting in the neighborhood and is a good faith effort to mitigate impacts.

Board Member Palermo concurs and is also in favor.

Chair Zuroff agreed with the Board Members and states that the modest expansion of the footprint makes it completely within the purview of 40A Section 10. Chair Zuroff believes that it meets the requirements for the granting of a variance and with the counterbalancing amenities under **Section 9.05** of the Zoning By-Law.

The Board unanimously granted the request for special permit.

2020-0069 129 University Road – Demolish attached greenhouse and construct 3-story addition

Project Architect Glenn Knowles, on behalf of the owner, provided an overview of the project.

Mr. Knowles stated that the scope of work consists of demolishing an existing greenhouse on the side of the residence for the purpose of adding an elevator, and enlarging a bathroom to accommodate a roll-in shower and adaptable water closet. He noted that the scope of work also includes a small deck at the rear of the house, and a porch at the front of the house.

Mr. Knowles also mentioned that he worked with Planning Department staff on the design of the elevator that would allow the project to keep the existing roof lines.

Chair Zuroff inquired if there was a particular reason why the applicant was expanding the porches.

Mr. Sutter responded that the purpose is for increasing their personal porch space, since the second floor porch is part of the rental unit.

Board Member Meiklejohn inquired whether the applicant studied the feasibility of having the elevator within the footprint of the house itself, rather than additional square footage.

Mr. Knowles stated that they did, but the internal circulation and structural feasibility were concerns.

Board Member Meiklejohn also inquired whether the proposed elevator would go all the way down to the garage level and whether the basement was on the same level as the garage.

Mr. Sutter confirmed that the proposed elevator would go down to the garage, and that the basement is slightly above the garage.

Board Member Meiklejohn also inquired whether the proposed square footage took into account the elevator footprint on all four floors.

After analyzing the plans, Mr. Knowles confirmed that the square footage of the elevator took into account all four floors.

Chair Zuroff then asked whether anyone was present to speak in favor of the proposal.

Scott Sullivan and Michelle Graham, from 135 University Road, stated that the petitioner canvassed the neighborhood and asked for input and support of the proposed project and believe that the design is pleasing and will enhance the neighborhood.

Chair Zuroff then asked whether anyone was present to speak in opposition to the proposal. No one spoke.

Monique Baldwin, Cannabis Licensing & Mitigation Coordinator on behalf of the Planning Department, provided the Planning Board Report. The Planning Board supported the project, after being presented with two different style renderings, and recommended that the applicant select the proposed style. Additionally, on behalf of the Building Department, Ms. Baldwin stated that the Building Department had no objections to the proposal.

Board Member Meiklejohn stated due to the steep slope along University Road, the addition would be visible on the skyline and therefore the design of the project is important. He noted that the architect did a nice job, and is in favor to approve under Section 9.05.

Board Member Palermo stated that the design appears to be more in keeping with the neighborhood, and agrees that the project satisfies the requirements under Section 9.05.

Chair Zuroff concurs and approves of the requested relief under Section 8.02 and Section 9.05 of the Zoning By-Laws.

The Board unanimously granted the request for special permit.

Minutes

The Board unanimously approved the Minutes for 12/10/20.

The meeting was adjourned.