



Board of Appeals
Jesse Geller, Chair

Town of Brookline

Massachusetts

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Board of Appeals Virtual Public Hearing Minutes

Thursday, April 29, 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, Randolph Meiklejohn, and Lark Palermo

Staff Present: Paul R. Campbell (*Deputy Building Commissioner*), and Karen Chavez (*Zoning Coordinator/Planner - Regulatory Planning*)

Chair Mark Zuroff opened the meeting.

2018-0027 8-10 Waldo Street (40B) – 320 apartments in a 21-story building, with 64 affordable units

Attorney Robert Allen, on behalf of the applicant, requested a continuance to October 28, 2021.

Mr. Allen stated that the developer and the Town worked out a development that was essentially approved by Town Meeting. However, the project is required to go through the permitting process. Mr. Allen noted that this is the second time the application has been continued for a six month period, and that there was a mutual agreement between the Town and the developer to continue the case.

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 October 28, 2021.

2020-0059 58 University Road – Add a fourth parking space

Scott Gladstone, on behalf of the applicant, requested to withdraw the application without prejudice.

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

The Board unanimously granted the request to withdraw the application without prejudice.

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

Attorney Robert Allen, on behalf of the applicant, requested a continuance to May 13, 2021.

Mr. Allen stated that the application was presented to the Planning Board the previous Thursday, April 22, 2021, and enough issues were raised up. As a result there wasn't enough time to prepare for this evening's hearing. He noted that zoning interpretation issues would be addressed.

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 May 13, 2021.

21 Crowninshield Road (40B) – Proposal to modify the Comprehensive Permit for the 21 Crown project, pursuant to 760 CMR 56.05(11), from rental housing development to home ownership condominium development

Paul Haverty, on behalf of the applicant, requested a continuance to May 24, 2021 at 7:30 pm.

Mr. Haverty stated that the only change that's being proposed by the applicant is a change in the housing tenure, from a rental development to a homeownership development. He noted that there are some details that still need to be worked out with the Planning Department.

Board Member Randolph Meiklejohn inquires whether the application needs to be heard by the sitting Board Members (Mark Zuroff, Lark Palermo, and Randolph Meiklejohn). Chair Mark Zuroff clarified that it does not have to be the current sitting Board members, and that the application could be heard by a different Board since they are continuing rather than opening the case.

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 May 24, 2021 at 7:30 pm.

2020-0064 471 VFW Parkway – Combine two parking lots into one lot; replace an existing trash enclosure and compactor with a recycling center building

Attorney Robert Allen, on behalf of the owner, provided an overview of the project. Also in attendance was Marc Levin, President of Development and Construction for CHR; Andy Martineau, the project manager; and Theo Kindermans, the project landscape architect.

Mr. Allen stated that the proposal is to construct a 660 square foot trash and recycling center and to combine two parking lots on a lot that has an area of 975,179 square feet (22.38 acres).

Mr. Allen stated that the proposal went to the Planning Board a total of three times – in January, February and in March. He stated that when the proposal first came before the Planning Board there were concerns from some members of the Board, but through the revisions, the Board was unanimously supportive.

He stated that there was a neighborhood meeting in February, and noted that about 20-25 people attended.

Mr. Allen stated that a site visit was conducted with planning staff to discuss the topography of the parking lot, and how it impacted the location of the recycle center.

Mr. Allen stated that there is also support from the Health Department, which believes that the proposed upgrades will be an improvement to the existing conditions.

Mr. Martineau described the existing parking areas as having steep grades, and shared a map demonstrating an alternative site analysis that was conducted. He reviewed the challenges that each alternative site examined presented.

Mr. Martineau noted that additional EV parking spaces were added, and stated that the proposal now exceeds the minimum requirement under the Zoning By-law.

The Board asked how residents could drop off their trash, either by walking or driving to the center.

Mr. Martineau clarified that this center was just one of many trash enclosures located throughout the site, and noted that not all residents would be utilizing this location.

The Board raised concerns about the noise impact of the compactor.

Mr. Martineau stated that as the compactor will be enclosed, and the decibel range is approximately 20-25. He added that the enclosure includes additional sound-attenuating insulation that further dampens any noise impact. For reference, he stated that ambient noise ranges from 20-25 decibels and is akin to background noise.

Upon inquiry from Chair Zuroff, Mr. Kindermans stated that the compactor includes a drainage system that would allow someone to clean the facility, and added that the drainage system is designed to drain into an oil and grit separator that can be serviced as needed.

Mr. Kindermans stated that as far as the resident's interaction with the compactor goes, the resident would open a hatch that leads directly into the compactor, therefore any liquid would go directly into the compactor.

Board Member Meiklejohn inquired about the need for the front yard setback relief for the accessory trash and recycle center.

Mr. Martineau stated that the setback relief is required because if the center were pushed further into the site to comply with the required front yard setback, there would be insufficient access and clearance that is required for the service provider to be able to service the center.

Mr. Martineau noted that the grade would be reduced by approximately eight feet, and the new center will sit lower than the existing.

Mr. Allen added that sinking the building down into the grade and rotating the structure to better fit within the topography was a recommendation of the Planning Board.

Upon inquiry from Board Member Palermo, Mr. Martineau stated that the closest single-family abutter is approximately 135 feet away. Mr. Allen stated that he spoke with that property owner and they have no issues with the proposal.

Mr. Allen stated that a special permit is required to allow the size of the accessory structure to exceed 150 square feet, and to allow the recycle center and the parking within the required front yard setback. He stated that a 25 foot front yard setback is required for the recycling center, and 20 feet are

proposed. He noted that relief is available under Section 5.43, and that the proposed landscaping and screening sufficiently counterbalances the five-foot setback relief requested.

Mr. Allen stated that a setback of 12.5 feet is proposed for the parking, where 25 feet are required, and added that proposed landscaping and screening offsets the impact of the requested relief.

Mr. Allen opined that the requested special permit relief is minor and sufficiently counterbalanced, that the Petitioner worked diligently with the planning staff, the Planning Board, and the neighborhood to arrive at the proposal before the Board, and that the proposal meets all the requirements under Section 9.05.

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

Chair Zuroff asked if there was anyone present to speak in opposition of the proposal. Judith Leichtner, at 121 Beverley Road, stated that the neighbors would have preferred something deeper into the property, but is ultimately a better plan than what was originally proposed. She stated that she is concerned that the units that will be closest [to the center] will be less desirable and they might be the affordable units in the project.

Mr. Martineau stated that there are no affordable units in Building 9, the building closest to the proposed center.

Mr. Levin added that the location of the affordable units was identified and designated during the financing phase of the project and there are none in Building 9.

Karen Chavez, Planner & Zoning Coordinator, provided the Planning Board Report. The Planning Board supported the project after various revisions were resubmitted to the Board.

Paul Campbell, Deputy Building Commissioner, stated that the Building Department had no objections to the proposal, and would work with the Petitioner to ensure compliance with the Board's decision and all state building codes.

Board Member Palermo noted that the Planning Board worked diligently to improve the original proposal, that the proposal before the Board very clearly meets the requirements under Section 9.05 for the grant of special permit relief, and stated that she was in favor of granting the relief as requested.

Board Member Meiklejohn stated that the project is a successful design solution given the topography. He noted that the proposal has prioritized safety and appreciated that a realistic approach had been given to consider the movement of vehicles, both for the residents and the service vehicles. He concluded that it was evident that the diligence was done in seeking an appropriate design solution, and voted in favor of the requested relief.

Chair Zuroff concurred with Board Members Palermo and Meiklejohn, and stated that the application was well presented. He stated that he appreciated the efforts that were made by the Petitioner to work with the Planning Board. He noted that the proposed center will be an improvement to the existing trash and recycling condition and meets all the criteria enumerated under Section 9.05. Chair Zuroff noted that the landscape amenities proposed satisfied the criteria under Section 5.43 to counterbalance the requested setback relief for the accessory structure in the front yard setback, and the parking in the front yard setback.

The Board unanimously granted the request for special permit.

Minutes

The Board unanimously approved the Minutes for 01/21/21 and 01/28/21.

The meeting was adjourned.