



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 June 10, 2021 – 7:30 p.m.

Board Present: Steve Heikin, Linda Hamlin, Mark Zarrillo, Matthew Oudens
Staff Present: Victor Panak

Steve Heikin opened the meeting.

1) PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Board members briefly discussed the outcome of the last night of Town Meeting and an evolving issue at the Audi dealership.

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

45 Devon Road – Demolish and reconstruct detached garage, construct rear addition, and renovate carriage house requiring zoning relief for floor area ratio, setbacks, and design review. (6/17) Pct. 13

Victor Panak briefly summarized the project and indicated that the Planning Department is supportive.

Bob Allen (attorney) introduced the property owners and team members and reviewed the zoning relief and previous approval processes (Preservation Commission).

Mary Weitzel (owner) discussed the reasons for the proposed changes to the property and provided a brief overview of the proposal.

Tobin Shulman (architect) provided the Board with a presentation of the proposed plans.

Linda Hamlin asked for clarification on why the carriage house is not considered a second dwelling unit. Bob Allen stated that a stove is the key factor and the carriage house does not include a stove.

Steve Heikin clarified that the new HVAC system would be fossil-fuel-free.

Mark Zarrillo felt that the site design prevents the use of the carriage house as a second dwelling unit.

Mr. Heikin indicated he is supportive of the proposal.

Mr. Oudens agreed and stated that he is supportive.

Mr. Heikin moved to recommend approval of the site plan by Peter Nolan & Associates LLC, dated 12/29/2020, and architectural plans by SV Design, dated 2/10/21, 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. The carriage house cannot be used as a second dwelling unit.**
- 4. 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. Zarrillo seconded the motion. The Board voted (4-0) to approve the motion.

41 University Road – Demolish single-family house and construct three-family dwelling requiring zoning relief for setbacks. (TBD) Pct. 12

Victor Panak briefly summarized the project and indicated that the Planning Department is supportive.

Bob Allen (attorney) introduced the property owners and the design team and provided a brief overview of the project and the requested zoning relief.

Matthew Francke (architect) provided the Board with a presentation of the proposed plans.

Mr. Heikin asked about the retaining wall height in the rear yard. Mr. Francke said that at its highest point, the wall would be about 4 feet.

Mr. Heikin made a few suggestions for improvements to the design. Mr. Heikin otherwise indicated that he is supportive.

Ms. Hamlin and Mr. Oudens also made suggestions regarding the design. Both indicated that they support the project.

Mr. Zarrillo also indicated that he supports the project although he pointed out that the new building represents a departure from the character of the street. He also made some design suggestions.

Public Comment

Kevin O’Keefe, 35 University Road, asked about the relative roof line compared to #35 and #37. Mr. Francke provided the height of the existing building (38’) and the height of the proposed building (34’). Mr. O’Keefe asked about an existing tree on the right side of the property. Chadi Kawabani (applicant) indicated that the tree would need to be removed. Mr. O’Keefe raised a concern about the visibility of vehicles exiting the garage.

Michael Stone, 46 University Road, felt that the building does not fit into the neighborhood. Mr. Heikin pointed out that the property is in an M zone and explained why the nature of the building is not a major topic of discussion.

Jerry Kampler, 393 Commonwealth Avenue (Newton), pointed out that many of the surrounding buildings are apartment buildings.

Mr. Heikin moved to recommend approval of the site plan by Peter Nolan & Associates LLC, dated 2/16/2021, and architectural plans by MGF Architect, dated 2/16/21, 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 (4-0) to approve the motion.

39 Linden Place – Convert basement to habitable space and construct third-story addition at rear of building requiring zoning relief for floor area ratio. (6/17) Pct. 4

Victor Panak briefly summarized the project and indicated that the Planning Department is supportive.

Abigail Woodman (architect) provided a presentation of the proposed plans.

Ms. Hamlin stated she had no issues with the proposal feeling that it is modest and well incorporated into the character of the existing building. Mr. Zarrillo, Mr. Oudens, and Mr. Heikin agreed.

Public Comment

Sandra Smith, abutter, raised a concern about the addition creating shade on her solar panels. Ms. Smith was also concerned about impacts to her property as part of construction.

Mr. Heikin moved to recommend approval of the site plan by Peter Nolan & Associates LLC, dated 1/21/2021, and architectural plans by Woodman Design, dated 3/25/21, 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 () to approve the motion.

1693 Beacon Street – Convert a portion of first floor commercial space to residential use requiring zoning relief for use and design review. (6/17) Pct. 14

Victor Panak briefly summarized the project and indicated that the Planning Department is supportive.

Bob Allen (attorney) briefly summarized the proposal and the required zoning relief.

Mr. Heikin asked some clarifying questions about the exterior façade. Cora Visnick (architect) briefly reviewed the exterior façade.

Mr. Zarrillo moved to recommend approval of the plans by Visnick Design Studio LLC, dated 3/20/21, subject to the following conditions:

- 1. Prior to the issuance of a building permit, the applicant shall electronically submit final floor plans, 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. In accordance with Section 4.08 of the Zoning By-law and guidelines regarding “Cash Payments in Lieu of Affordable Units”, approved by the Planning Board on January 7, 2021, and with the choice of the applicant to make a cash payment in lieu of providing affordable units, the owner of the property shall make the following payment to the Brookline Housing Trust and provide the following documentation before the Town’s issuance of a Certificate of Occupancy for the project:**

A sum equal to .5% of the Market Value of the property (as determined by the Assessor’s Department of the Town per the Town’s guidelines for “Cash Payment in lieu of Affordable Units”) provided to the Town of Brookline in the form of a bank check, certified check or check drawn on the Attorney Client’s Fund Account, payable to the Brookline Housing Trust.

The check should be mailed by first class mail or hand delivery to:

*Director of Planning & Community Development
333 Washington Street – 3rd floor
Brookline, MA 02445*

Should the property be subsequently converted and sold as condominiums, the developer or subsequent owner shall make an additional trust payment as a condition of a transfer of each condominium, calculated per the Town’s guidelines for “Cash Payment in lieu of Affordable Units”

Prior to the issuance of a building permit, the owner shall execute a mortgage, escrow agreement, letter of credit or other documentation approved by the Director of Planning and Community Development to secure the cash payments required by this condition.

- 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 floor**

plans 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 (4-0) to approve the motion.

3) APPROVAL OF MINUTES

Mr. Heikin moved to approve the minutes from 5-13-21. Mr. Zarrillo seconded the motion. The Board voted 3-0-1 to approve the motion.

Mr. Heikin moved to approve the minutes from 5-26-21. Mr. Zarrillo seconded the motion. The Board voted 4-0 to approve the motion.

The meeting was adjourned.