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*Brookline Preservation Commission*  
**MINUTES OF THE July 13, 2021 MEETING**  
**Held Virtually using Zoom Online Software**

**Commissioners Present:**

David King  
Wendy Ecker  
Elton Elperin, Chair  
David Jack  
Richard Panciera, Vice Chair  
Peter Kleiner  
Jim Batchelor  
Elizabeth Armstrong, Alternate  
John Spiers, Alternate

**Commissioners Absent:**

**Staff:** Valerie Birmingham, Tina McCarthy

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Mr. Elperin called the meeting to order at 6:30 PM.

**Approval of Minutes**

Minutes for the LHD guidelines subcommittee were reviewed. There were no comments or objections to the minutes. Mr. Panciera moved to accept the minutes, Mr. Elperin seconded the motion, and the minutes were unanimously approved.

**Public Comment**

Peter Kleiner thanked Valerie Birmingham for her service as Preservation Planner.

Attorney Don Gentile requested to be heard before the commission went into executive session. Mr. Elperin agreed, and Mr. Gentile objected to the Commission entering executive session.

Mr. Elperin moved to enter executive session for discussion with the town's legal counsel about pending litigation concerning the property located at 46 Powell Street. Mr. King seconded the motion. The commission voted to enter executive session. Members of the public were asked to leave the meeting and reenter at 7:35 p.m. At 7:37 p.m. the public hearing resumed.

**PUBLIC HEARING – LOCAL HISTORIC DISTRICTS**

**46 Powell Street (Cottage Farm LHD)** –Application for a Certificate of Appropriateness to replace the windows in the home (Michael Fitzhugh, applicant). Hearing held pursuant to a Norfolk Superior Court order that the matter be remanded to the Preservation Commission for supplemental findings and analysis. **Precinct 1**

47  
48 Ms. McCarthy presented the case.

49  
50 Mr. Gentile objected again to the commission's decision to enter into an executive session. He  
51 further stated that the court said that the commission's analysis was insufficient. Mr. Gentile  
52 introduced Anthony Grisseto, a Pella representative, as a window expert. He stated that because  
53 the windows "look indistinguishable," the applicant was entitled to approval. He stated that the  
54 existing (or repaired or replaced) windows would not be as efficient as the new Pella windows the  
55 applicant wishes to use, which are "top of the line" windows

56  
57 **Public Comment** – none

58  
59 Mr. King stated that the commission feels very strongly about preserving windows in local historic  
60 districts. Historic windows are comprised of old growth wood and can usually be repaired. The  
61 seals in new double-pane windows often fail and the windows become clouded. This results in an  
62 appearance that is not the same as historic windows. Concerning energy efficiency, only 10 – 15%  
63 of energy loss in homes comes through windows. A historic window that is weather-stripped and  
64 caulked with a storm window is comparable in efficiency to a modern double pane. He would vote  
65 to keep our policy of restoration.

66  
67 Mr. Elperin pointed out the following differences between the existing windows and the Pella  
68 windows: the grilles in the Pella windows are not of the same depth or profile; the mechanism of  
69 operation is different; the jamb liners are different; the trim is built into windows, with no room for  
70 casings.

71  
72 Mr. Batchelor stated that he lives in a similar house with similar windows and understood the  
73 applicant's reasoning; however, this is a local historic district. He stated that his windows are very  
74 satisfactory, and that good research exists on the efficiency and comfort of historic windows.  
75 Much can be done for energy efficiency without replacing windows, and he encouraged the  
76 applicant to try this approach. In addition, he recognized the importance of conserving historic  
77 materials, which is a valid concern.

78  
79 Mr. Kleiner spoke about sustainability in home maintenance and construction. While the  
80 conversation has been hyper-focused on efficiency, it is now shifting to include the carbon  
81 footprint of materials. The greatest way to reduce the carbon footprint is to reuse materials, which  
82 omits the impact of manufacturing and transportation impact. The offset is great.

83  
84 Mr. Gentile stated that efficiency is not in the purview of preservation, and that his client was  
85 entitled to a Certificate of Appropriateness. He asked why he didn't get a case report and was  
86 directed to the public website, where case reports are posted.

87  
88 Mr. Elperin moved to reject the application to replace the specified original windows. Mr. King  
89 seconded the motion, and the vote was unanimous to deny the application.

90  
91 Mr. Elperin request staff to write a denial letter based on the rationale stated during the hearing.

92

93 Mr. Batchelor stated that the letter should contain further findings and the commission should vote  
94 on that.

95  
96 Mr. Gentile objected to the denial letter being written outside of the public meeting.

97  
98 John Buchhiet, Associate Town Counsel, spoke to a case raised by Mr. Gentile in earlier  
99 proceedings concerning the home located at 45 Powell Street. The circumstances concerned an  
100 early gut renovation, when LHDs were beginning in Brookline. That applicant was removing  
101 aluminum siding so the commission made an exception. In addition, there is a question about  
102 whether the new windows were visible, as they were located at the rear of the property. That was  
103 over twenty years ago. After that decision, the LHD guidelines were revised in 2001. The  
104 commission is charged with protecting historic assets. The commission is bound to evolve in its  
105 thinking over 20 years.

106  
107 Mr. Elperin returned to the applicant's assertion that the new would be indistinguishable from  
108 historic windows. For all the many reasons discussed by the commission, including dimension,  
109 construction, alignment, and material, new windows would not appear the same as historic  
110 windows. The point is not debatable.

111  
112 Ms. Armstrong stated that the applicant's home is beautiful and well maintained. Chapter 40C  
113 allows commissions to write guidelines and the commission's guidelines are consistent with the  
114 discussion held tonight. In the commission's Rules and Regulations Section E 3(f), it states that no  
115 decision can act as precedent in contradiction to the guidelines.

116  
117 Mr. Elperin moved to direct staff to write the denial letter based on the statements made. Mr. King  
118 seconded the motion. All voted in favor, with the letter to be reviewed by the Chair prior to  
119 submission.

120  
121  
122 **189 Babcock Street (Graffam McKay LHD)** –Application for a Certificate of Appropriateness to  
123 construct rear decks; install exterior lighting; add two window wells to the front of the building  
124 and install larger windows. (189 Babcock LLC, applicant). **Precinct 8**

125  
126 Ms. McCarthy presented the case.

127  
128 Philip Sima, the architect, stated that he was available to answer any questions. Isidoro Perez  
129 stated that they want the light on the left. Al Carrier introduced himself as the project owner.

130  
131 **Public Comment**

132  
133 Cindy Lee (191 Babcock Street) stated her opposition to the redesigned back stairs, which would  
134 be in her side yard setback. The stairs cannot be built as shown, they would tower over the alcove.  
135 She asked that the window wells be denied, and stated that the project was not noticed properly.  
136 The roof deck was not on the notice or in the original plans.

137

138 Staff explained the noticing procedures and the Commission was satisfied with the notice  
139 provided.

140  
141 Paul Johnson (187 Babcock Street, first floor) stated that he had an issue with the process, along  
142 with the following concerns: One door to two window wells, conflicts with guidelines and is not  
143 better; the deck is visible, moves it closer to rear of yard; Crowninshield Road Zoning issues with  
144 stairs; a new 4<sup>th</sup> unit, previously storage, needs approval; the zoning summary is not accurate; the  
145 head house is over 40 feet, partially visible; there is a security issue with open stairs and access to  
146 the roof; the rear alcove is not shown; and lower basement slab.

147  
148 Robin Pelzman (59 Crowninshield Road) stated that she lives to the rear of this project and objects  
149 to the lights at the rear.

150  
151 Pam Roberts stated that she lives on Crowninshield Road; on the visibility study will there be  
152 lighting on the deck? This is a quiet neighborhood, and it changes everything to have a roof deck.

153  
154 Mr. Elperin suggested that the commission begin its discussion with the window wells.

155  
156 Mr. King asked that the owner speak to zoning.

157  
158 Mr. Perez stated that they could address what is visible from the street.

159  
160 Mr. Sima explained the zoning requests and referred to Page A. 06 of the plans for zoning  
161 information.

162  
163 Mr. King stated that Preservation Commission approval will be seen and considered by the  
164 Planning Board when the project goes before them for zoning.

165  
166 Mr. Kleiner asked for clarity on the previous proposal, as this is the second hearing, after the  
167 applicant's revisions.

168  
169 Mr. Elperin state that he preferred that the windows stay the same. He would consider the window  
170 wells if they were needed to permit another unit.

171  
172 Mr. Kleiner stated that in this instance it's so close to the sidewalk, in relation to the rest, he would  
173 want it to be cleared by zoning first.

174  
175 Mr. Elperin agreed that most are farther back.

176  
177 Mr. Batchelor stated that zoning should decide if the unit is permitted, and then the commission  
178 could have a subcommittee. He asked whether they are egress windows.

179  
180 Mr. Elperin asked if there will be a grate.

181  
182 Mr. Sima stated that the windows are not for egress.

183

184 Mr. Carrier stated that they are proposing landscaping around the window wells.  
185  
186 Mr. Elperin stated that the deck is deeper.  
187  
188 Mr. Sima stated that it is 7 feet now and would be extended to 16 feet.  
189  
190 Mr. Perez stated that is matched the adjacent property.  
191  
192 Mr. Elperin stated that it would be deeper than the neighbors', and that he was concerned that 16  
193 feet is deep and 8 feet is shallow.  
194  
195 Mr. Panciera recommended somewhere in between, stating that 16 feet is excessive.  
196  
197 Mr. Elperin and Mr. King agreed, saying that the stair swallows the deck, and that 10 or 12 feet  
198 would be right for the deck.  
199  
200 Mr. Elperin stated that you could have all the decks without the stair. Stair is required for the  
201 common roof deck.  
202  
203 Mr. Carrier stated that they need the stairs for rear yard access.  
204  
205 Mr. Panciera asked whether you could push the stairs back and Mr. Sima stated that it doesn't fit.  
206  
207 Mr. Kleiner asked about visibility and Mr. Elperin stated that they need a site visit for visibility.  
208  
209 There was agreement among the commissioners that some or all of the lights should be shielded.  
210  
211 Mr. Panciera suggested that the lighting could be more modern, and Mr. Carrier said the existing  
212 lighting is modern, and this could be addressed.  
213  
214 Mr. Panciera, Mr. Spiers, and Mr. Batchelor agreed to serve on the subcommittee, which will meet  
215 after the Planning Board has addressed the zoning issues.  
216  
217 Mr. Perez stated that they will submit this set to zoning. He then asked whether they could make  
218 the roof deck exclusive and not have top stairs.  
219  
220 Mr. Kleiner asked whether lights would be required at the rear.  
221  
222 Mr. Perez answered that there would be lights at entries and at the corner. The lights would be on  
223 motion detectors.  
224  
225 Mr. Kleiner suggested that the fixtures be recessed in the deck, e.g., can lights. He stated that the  
226 window wells don't need to be there.  
227  
228 Mr. Sima said they could do a downlight.  
229

230 Mr. Kleiner asked if the applicant agreed to a subcommittee and Mr. Perez said yes.  
231  
232 Mr. Elperin moved to continue the application to a subcommittee, the application to return to the  
233 full commission for approval. David Jack seconded the motion. All voted in favor.  
234  
235 Mr. Jack, Mr. Batchelor, and Mr. Spiers were appointed to the subcommittee.  
236  
237  
238 **18 Acron Road (Pill Hill LHD)** –Application for a Certificate of Appropriateness to rebuild and  
239 extend the two story rear deck and rebuild the wood front entry to have granite steps (Gary and  
240 Meda Strauss, and Robert and Rebecca Linke, applicants). **Precinct 5**  
241  
242 Ms. Birmingham presented the case.  
243  
244 Robert Linke, owner, and his wife (not identified by name) spoke.  
245  
246 Mr. Spiers stated that he thought the back was fine, but it was odd to have granite steps with wood  
247 rails.  
248  
249 Mr. Batchelor stated that he would keep the wood, but could let the first step be granite  
250  
251 Mr. Elperin stated that he also preferred wood, and that he thought the rear was fine.  
252  
253 Mr. Elperin moved to accept the rear deck and the front stair built in wood with the first tread  
254 granite. Mr. Jack seconded the motion. Details to be reviewed by staff. All voted in favor.  
255  
256  
257 **PUBLIC HEARINGS – DEMOLITION**  
258  
259 **135 St. Paul Street** – Application for the partial demolition of the house (Donna Perezella and Jue  
260 Wang, applicants). **Precinct 3**  
261  
262 Ms. Birmingham presented the case.  
263  
264 Bryan Austin conceded that the house is historical.  
265  
266 There was no public comment.  
267  
268 Mr. Jack agreed that the house is significant.  
269  
270 Mr. Kleiner moved to uphold the staff’s initial determination of significance. Mr. Elperin  
271 seconded the motion. All voted in favor.  
272 Meeting adjourned at 10:11 PM.