



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 August 19, 2021 – 7:30 p.m.

Board Present: Steve Heikin, Linda Hamlin, Mark Zarrillo, Blair Hines, Shelly Chipimo
Staff Present: Polly Selkoe, Victor Panak

Steve Heikin 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:

3 Cleveland Road (*Continued from 7/15*) – Construct second-story addition to main structure and addition to detached garage requiring zoning relief for floor area ratio and setbacks. (9/23) Pct. 13

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

Jennifer Dopazo Gilbert (attorney) introduced the property owner and the architect and provided a summary of the proposal and the reasons for the requested relief.

Cody Sanborn (architect) provided the Board with a presentation of the proposed plans.

Ms. Hamlin asked why the pitch of the addition doesn't match the pitch of the main part of the house. Mr. Sanborn said the intent is to save the window. Ms. Hamlin said that the applicant shouldn't bother to try and save it.

Mr. Hines suggested that some windows should be added to the east elevation.

Mr. Heikin confirmed that the original plan for the detached garage was to add a second story. Mr. Heikin opined that he feels the proposal is reasonable.

Mr. Zarrillo said he thinks that the office space in the rear yard needs a Variance based on Use #61 of the Zoning By-law.

Mr. Heikin also noted that open space requirements are not provided.

Public Comments

Lee Greenblatt (7 Cleveland Road) expressed support for the project on the grounds that the project would be an improvement for the property.

Mr. Heikin noted the submission of a letter of objection from a neighbor and said he feels that their concerns have been addressed.

Ms. Chipimo felt that the proposal is an improvement to what was originally proposed.

Mr. Heikin moved to recommend approval of the site plan by Framingham Survey Consultants, dated 7/26/21, and architectural plans by Rode, dated 7/26/21, 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. The applicant shall consider modifying the roof pitch of the addition to the main house and adding windows to the second floor of the east elevation**
- 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.

106 Sargent Road – Construct basement requiring zoning relief for floor area ratio and design review. (9/9) Pct. 5

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

Robert Allen (attorney) introduced the members of the applicant team and briefly summarized the proposal.

Christopher Russ (architect) provided the Board with a presentation of the proposed plans.

There were no comments from Board members.

Public Comments

Neal Glick, representing the Sargent Road Trust, expressed opposition to the proposal on the grounds that the proposal represents a gaming of the system. Mr. Glick also argued that the applicant does not meet the criteria for Design Review under Section 5.09.4 and that the applicant also does not provide the necessary documentation to demonstrate compliance.

Mr. Heikin reviewed the prior permitting of the project, confirming that it is under construction and was approved by the Preservation Commission twice. Mr. Heikin asked if the building would be fossil-fuel-free. Mr. Russ said it had not been considered.

Ms. Hamlin asked if conversion of the entire basement would push the property's FAR above 120% of the allowed FAR in the By-law.

Mr. Hines asked if the house received approval under the Stormwater and Erosion By-law.

Ms. Chipimo asked if the applicant would even be able to make the project fossil-fuel-free given that it is under construction. Mr. Allen said that he is not sure how far along they are in construction and said he would ask the clients to look into at least making the building fossil-fuel-free-ready.

Neal Glick maintained that the FAR calculations are incorrect and that the criteria for Design Review are not met.

Mr. Hines wondered whether approving this project would be a violation of the process. Mr. Heikin said the process is imperfect and needs to be assessed on a case-by-case basis.

Mr. Heikin moved to recommend approval of the site plan by Everett M. Brooks, dated 6/10/21, and architectural plans by CRA Architects, dated 6/23/21, subject to the following conditions:

- 1. Prior to the issuance of a modified 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. If the applicant chooses to convert the basement to habitable space, no more than 2,229 square feet of the basement area may be converted to habitable space pursuant to Section 5.22. Of the proposed unfinished space in the basement, all of it**

may be converted to habitable space pursuant to Section 5.22 after ten years have elapsed from the issuance of a Certificate of Occupancy for the structure.

- 3. Prior to the issuance of a modified 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 3-0-1 to approve the motion.

17 Hart Street (*Continued from 6-24*) – Demolish existing building and construct single-family dwelling requiring zoning relief for setbacks and lot size. (9/9) Pct. 5

Victor Panak briefly summarized the Board's comments from the previous meeting and reviewed the changes made by the applicant to address those comments.

Robert Allen (attorney) summarized the work that was done by the applicant on the design since the prior meeting and how the revised design has altered the necessary zoning relief.

Laura Rodriguez provided the Board with a presentation of the revised plans.

Ms. Hamlin stated that she prefers the original design. She also felt that there is too much wasted space in the floor plan designs. Ms. Chipimo agreed with Ms. Hamlin's comments – she also felt that, as a new building, it should conform with the zoning requirements.

Mr. Heikin also preferred the original, quasi-industrial design. He said he certainly did not like the double-wide garage and the portico. Mr. Heikin agreed with the inefficiency sentiment expressed by Ms. Hamlin about the floor plans. However, Mr. Heikin recognized that the altered design does better reflect the architectural character of the neighborhood but needs to be worked on to better match the scale of the neighborhood.

Mr. Hines felt that the dormers are too flat. He preferred the simplicity of the original design.

Mr. Zarrillo stated he likes the design except for the dormers.

Public Comments

Meighan Rock (8 Hart Street) commended the applicant on the improvements to the design but felt that the proposal is still out of scale with the neighborhood and should be refused.

Aaron Price (10 Hart Street) also thanked the applicant for the improvements to the design but expressed opposition on the basis that the house is too large and does not preserve enough open space.

Anne Lusk (18 Hart Street) expressed opposition based on the scale of the building, loss of open space, and the structural integrity of the existing building.

Claire Wolf (16 Hart Street) expressed opposition on the same grounds as previous public comments.

Ms. Hamlin said that its obvious that building a compliant building would be impossible, but she said that the amount of zoning relief needed for the current design requires particular scrutiny. Ms. Hamlin made some observations about the interior of the building that could be streamlined to reduce the scale of the building.

Mr. Heikin agreed. He also noted that the side setbacks are probably reasonable but that every other dimensional requirement has been maxed out. He felt that the applicant should be more reasonable.

Mr. Hines suggested pushing the garage gable back.

Ms. Neary (applicant) asked for more clear direction on how to revise the design.

Mr. Heikin suggested moving the parking to an outside driveway. Mr. Hines also suggested that the scale of the building should be reduced substantially. Ms. Hamlin highlighted the large floor-to-floor heights and suggested that those could be reduced.

Mr. Allen thanked the Board for the feedback.

The case was continued.

3) **OTHER BUSINESS**

PUBLIC HEARING: Discussion on zoning amendments to be potentially submitted by the Planning Board to the warrant for the Fall 2021 Town Meeting (related to parking minimums)

Mr. Heikin briefly opened the discussion by reviewing the latest edits to the Planning Board draft. Mr. Heikin also provided a brief comparison between this article and a Warrant Article that is expected to be submitted by a resident.

Mr. Zarrillo stated he is not opposed to the warrant article but wants to raise some issues/concerns. He raised the issue of counterbalancing amenities and also suggested that the word “waive” could mean a complete surrender of the ZBA’s right to require parking for a particular property. The Board discussed Mr. Zarrillo’s comments.

Ms. Selkoe clarified that not all Special Permits require counterbalancing amenities.

Mr. Hines highlighted that the article would add leverage for the Planning Department to negotiate with applicants on parking and associated counterbalancing amenities. Ms. Selkoe and Mr. Panak agreed.

Ms. Selkoe explained that the Planning Department's position is to oppose parking-related warrant articles until a parking demand study can be done. Ms. Selkoe also noted that the warrant article would likely require a 2/3 majority vote while the resident's parking warrant article would require a 50% majority vote at Town Meeting.

Mr. Heikin indicated that he does not want to wait for parking demand study.

Mr. Panak highlighted the deadline for submission of the article to the warrant.

The Board discussed final edits to the warrant article.

Mr. Heikin moved to submit the draft article to the warrant for the Fall 2021 Town Meeting. Mr. Zarrillo seconded the motion. The Board voted 5-0 to approve the motion.

4) APPROVAL OF MINUTES

Mr. Heikin moved to approve the minutes from 8-5-21. Mr. Hines seconded the motion. The Board voted 3-0-2 to approve the motion.

The meeting was adjourned.