

**Brookline Board of Appeals
August 25, 2016, 7:00 PM
Public Hearing
333 Washington Street
6th Floor Selectmen's hearing Room**

Board Members Present – Jesse Geller (Chairman), Chris Hussey, Kate Poverman

Staff Present – Mike Yanovitch (Deputy Building Commissioner), Ashley Clark (Planning Dept.)

7:00PM

385 Lee Street: Finish unfinished portions of basement

Board Chairman Geller opened the hearing and called case #2016-0051, 385 Lee Street. Mr. Geller reviewed standard hearing procedure.

The homeowners Sara Burg and Andrew Danford were present for the hearing. Ms. Burg waived a reading of the published notice and presented their case.

Ms. Burg stated the house is a preexisting non-conforming structure in an S-25 zone in a triangle shaped plot of land. Ms. Burg stated the basement consists of 393 finished square feet and approximately 543 unfinished square feet. Ms. Burg stated they are seeking a Section 6 special permit to finish an 80 square foot bathroom in their basement, within the existing footprint of the unfinished square feet of the basement.

Ms. Burg described the discovery of asbestos in the tile of the floor and discussed their efforts to remediate. Ms. Burg stated there was no new nonconforming use; it's a very small change in the FAR ratio. The 80 square feet proposal increases the FAR from a .35 to a .36.

Ms. Burg stated there is no substantial detriment to the neighborhood since the entire addition is within the existing footprint of the basement and will not be visible from the outside. Ms. Burg stated there is no change in occupancy or change from the current use. Ms. Burg stated it meets the requirements of the town bylaw under Section 9.05. Ms. Burg reviewed the requirements under section 9.05.

Mr. Geller asked the sitting members if they had any questions.

Ms. Poverman asked Ms. Burg when the structure became non-conforming.

Ms. Burg described her research going back several owners on their home and stated the house has had the same footprint. Ms. Burg stated in their zoning district, their house and one other is noticeably smaller as compared to adjacent neighbors.

Ms. Poverman asked if there was a point in time the basement was not finished so that the house was compliant at the .20 allowed.

Ms. Burg stated it is a 1960s or 1970s style and color scheme which leads her to believe the renovation in the basement was done at least three owners prior to their application.

Ms. Poverman asked if there is any record of previous special permit relief for the basement.

Mr. Yanovitch stated there was no record of previous relief. Mr. Yanovitch further stated whenever a denial letter is issued the first thing the building department does it review the property file and look for any previous decisions rendered.

Mr. Geller asked for public comment in favor or in opposition.

There was no public comment submitted.

Mr. Geller called upon Zoning Coordinator Ashley Clark to deliver the findings of the Planning Department. Ms. Clark stated The Planning Board is not opposed to the proposal to increase the floor area in the existing single-family dwelling. The structure has extensive basement-level space that currently contains two finished rooms. This proposal will add a bathroom. The space can be finished with no impact on neighboring structures. Due to the small size and scope of the project, the Planning Board recommends that a final sketch plan will be sufficient in place of stamped and signed plans. These revised conditions that will allow the homeowners to submit their own project plans.

Therefore, the Planning Board recommends approval of the plans, subject to the following conditions:

1. Prior to the issuance of a building permit, final basement floor plans shall be submitted to the Assistant Director of Regulatory Planning for review and approval.
2. Prior to the issuance of a building permit, the applicant shall submit to the Building Commissioner for review and approval for conformance to the Board of Appeals decision: 1) a final site sketch; 2) final basement floor plan; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Mr. Geller called upon Deputy Building Commissioner Mike Yanovitch to deliver the recommendation of the Building Department. Mr. Yanovitch stated the building department has no objection to this request. Mr. Yanovitch stated the relief is minimal and fits the criteria for a Section 6 Finding.

Board Deliberation

Mr. Hussey stated he concurred with the Building Department and voted in favor of the petition.

Ms. Poverman stated she supports the petition.

Mr. Geller stated this meets the provisions of Deardrick as a 40A Section 6 case as well as meets the requirements under the Town's By-law under Section 9.05.

Unanimous grant of the relief as requested subject to the conditions stated for the record.

20 Searle Avenue- Application to construct dormer

Board Chairman Geller called case 2016-0049 forward and reviewed standard hearing procedure.

Board Member Poverman stated for the record a disclosure under MGL 268A Section 23b.3 related to the appearance of a potential conflict of interest. Ms. Poverman described her personal and professional relationship with the applicants Jenny and Ian Roffman.

Mr. Geller reviewed standard hearing procedure. Mary Mckee, the project architect, waived a reading of the public notification. Ms. Mckee described the proposal to construct a dormer on one side of the house. Ms. Mckee described the owner's goals of improving the home. Ms. Mckee described the location of the third floor dormer as being three feet away from the property line. Ms. Mckee stated there is a two car wide driveway separating where the dormer would go.

Ms. Mckee referenced a letter submitted in support for the record.

Mr. Geller inquired about the counterbalancing amenities.

Mr. Hussey described the provisions of **Section 5.43**.

Mr. Geller asked for public comment in favor or opposed. There was no public comment.

Ms. Clark presented the comments from the Planning Board report. Planning Board supports the proposed addition, which will allow for an additional 78.4 square feet of floor area. The addition will not further encroach on the side yard setback, as the dormer addition will be even with the existing wall on the second story of the dwelling. The structure is currently in violation of the side yard setback on the west side of the property, but will not be affected by the proposed addition. The Board supports granting relief to the side yard setback.

Therefore, the Planning Board recommends approval of the site plan and drawings by Mary McKee Design, dated 1.31.16, for a 78.4 square foot third story dormer with conditions.

1. Prior to the issuance of a building permit, the applicant shall submit a final plan, floor plans and elevations indicating all dimensions and materials subject to the review and approval of the Assistant Director of Regulatory Planning.
2. Prior to the issuance of a building permit, the applicant shall submit a landscape plan indicating all counterbalancing amenities.
3. Prior to the issuance of a building permit, the applicant shall submit to the Building Commissioner for review and approval for conformance to the Board of Appeals decision: 1) a final site plan stamped and signed by a registered engineer or land surveyor; 2) final floor plans building elevations stamped and signed by a registered architect; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Mr. Yanovitch stated the Building Department had no objection to the proposal and felt it was a true Section 6 finding.

Mr. Hussey and Ms. Poverman concurred with the Building Department. Mr. Geller was in support and felt the requirements were met with the condition that the counter balancing amenity is provided.

Unanimous grant of the relief as requested subject to the conditions stated for the record.