



BOARD OF APPEALS
Diane R. Gordon, Co-Chair
Harry Miller, Co-Chair
Bailey S. Silbert

Town of Brookline

Massachusetts

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Patrick J. Ward, Secretary

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. BOA 060038

Petitioner, Lisa Feingold, applied to the Building Commissioner for permission to construct a driveway with parking for two automobiles on the East side of her property at 176 Fuller Street. The proposed driveway and parking violated the Zoning By-Law, the application was denied and an appeal taken to this Board.

On June 15, 2006 the Board met and determined that the properties affected were those shown on a schedule in accordance with the certification prepared by the Assessors of the Town of Brookline and approved by the Board of Appeals. The Board then fixed July 20, 2006, at 7:15 p.m. in the Selectmen's Hearing Room on the sixth floor of the Town Hall as the time and place of a hearing on the approval. Notice of the hearing was mailed to the Petitioner, and to the owners of the properties deemed by the Board to be affected as they appeared on the most recent local tax list, to the Planning Board and to all others required by law. Notice of the hearing was published June 29, 2006 and July 6, 2006, in the Brookline Tab, a newspaper published in Brookline. Copy of said notice is as follows:

LEGAL NOTICE
TOWN OF BROOKLINE
MASSACHUSETTS
BOARD OF APPEALS
NOTICE OF HEARING

Pursuant to M.G.L., C.39, sections 23A & 23B, the Board of Appeals will conduct a public hearing to discuss the following case:

Petitioner: **LISA FEINGOLD**
Location of Premises: **176 FULLER ST BRKL**
Date of Hearing: **07/20/2006**
Time of Hearing: **7:15 p.m.**
Place of Hearing: **Selectmen's Hearing Room**

A public hearing will be held for a variance and/or a special permit from

- 6.04.5.c.1 –Variance Required**
- 6.04.5.c.2 –Variance Required**
- 6.04.9.b – Variance Required**
- 6.04.12 –Special Permit Required**
- 8.02.2: Alterations or Extensions; Special Permit Required**

of the Zoning By-Law to construct 2 new parking spaces for a total of 4 parking spaces on the premises per plans

at **176 FULLER STREET BRKL**

Said Premise located in a **T-5** district.

The Town of Brookline does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. Individuals who need auxiliary aids for effective communication in programs and services of the Town of Brookline are invited to make their needs known to the ADA Coordinator, Stephen Bressler, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone: (617) 730-2330; TDD (617) 730-2327.

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At the time and place specified in the notice, a public hearing was held by this Board. Present at the hearing were Board members Harry Miller, Chair, Bailey Silbert and Murray Shocket.

Lisa Feingold, owner of 176 Fuller Street, presented the petitioners' case. Ms. Feingold noted that the existing structure was previously a two family home that had been converted to two condominiums and that she was the owner of both units. The first floor unit is occupied by Ms. Feingold's family while the second floor unit is used as a rental. She noted that the property is currently deeded with two parking spaces, one per unit. Ms. Feingold noted that she has had difficulty renting the unit in the past due to the lack of available parking and as a result has had to lower the rent and settle for renting to transitional families from abroad who did not have parking requirements. Ms. Feingold stated that granting the request to construct a driveway for two additional parking spaces would bring the property up to code with the existing by-laws requiring 2 parking spaces per 2 bedroom unit. Ms. Feingold noted the presence of two letters of support from the two abutters most directly impacted, 177 Coolidge Street and 177 Fuller Street. She noted that an offer was made to the owners of 177 Coolidge to purchase an additional shrub to further block the view of the proposed driveway but the offer was declined. Ms. Feingold noted that the previous owner, Gary Drake, had used the proposed driveway for tandem parking over the past 10 years without a single complaint. It was further noted that Ms. Feingold intends to keep the current gravel base for the proposed driveway as opposed to using asphalt. Lastly, Ms. Feingold noted that the proposed driveway would be consistent with existing parking configurations in the Fuller Street neighborhood.

The Chair then asked the public if anyone was present to speak for or against the requested variances and special permits. There was no reply from the public on this matter. The Chair then called upon Tim Greenhill of the Brookline Planning Department to present the Planning Board report. Mr. Greenhill stated that the Planning Board is supportive of increasing onsite parking at 176 Fuller Street. The applicant has made site improvements to provide a visual barrier between this property and adjacent neighbors. The existing gravel driveway on site helps in reducing the visual hardscape of the site and this element should be retained. It should be noted that the previous owner had parked cars in this location off of Fuller Street and had not received complaints from the neighborhood. This applicant has not parked vehicles in this

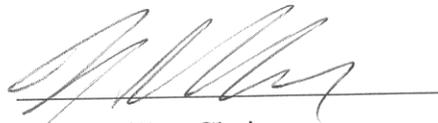
location since occupation and is following the correct procedures to allow them to do so. It should also be noted that the proposed curb-cut will not impact any street trees. The Planning Board recommended approval of the proposal subject to the following conditions: 1) The driveway shall be constructed of gravel or similar material to minimize the amount of hard paving on site. 2) Prior to obtaining a building permit, the applicant shall submit to the Zoning Administrator for review and approval for conformance to the Board of Appeals decision: a) a final site plan showing dimensions stamped and signed by a registered architect or land surveyor and b) evidence that the Board of Appeals decision has been submitted to the Registry of Deeds.

Frank DeAngelis, Building Inspector, spoke on behalf of the Building Commissioner. Mr. DeAngelis stated that the Building Department has no objections to the proposed driveway.

The Board, having deliberated on this matter and having considered the foregoing testimony, voted unanimously to grant special permits under Sections 6.04.12 and 8.02.2 and allow the construction of the proposed driveway, with parking for two automobiles, subject to the following conditions:

- 1) The driveway shall be constructed of gravel or similar material to minimize the amount of hard paving on site.
- 2) Prior to obtaining a building permit, the applicant shall submit to the Zoning Administrator for review and approval for conformance to the Board of Appeals decision: a) a final site plan showing dimensions stamped and signed by a registered architect or land surveyor and b) evidence that the Board of Appeals decision has been submitted to the Registry of Deeds.

RECEIVED
TOWN OF BROOKLINE
TOWN CLERK
2006 AUG 28 A 11
Unanimous Decision of
the Board of Appeals


Harry Miller, Chair

Date of Filing: August 28, 2006

01044409

A True Copy:

ATTEST:



Patrick J. Ward
Board of Appeals