



# TOWN OF BROOKLINE

## *Massachusetts*

### BOARD OF APPEALS

DIANE R. GORDON, Co-Chair  
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PATRICK J. WARD, Secretary

TOWN OF BROOKLINE  
BOARD OF APPEALS  
CASE NO. 060040

Petitioners, Hillel and Robert Skoff, applied to the Building Commissioner for permission to construct dormers per plans at 28 Buckminster Road, Brookline. The application was denied and an appeal was taken to this Board.

On May 18, 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 and fixed July 27, 2006, at 7:00 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 appeal. Notice of the hearing was mailed to the Petitioner, to its attorney (if any of record), to the owners of 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 July 6, 2006 and July 13, 2006, in the Brookline Tab, a newspaper published in Brookline. A copy of said notice is as follows:

**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: SKOFF HILLEL D & ROBERTA S  
Location of Premises: **28 BUCKMINSTER RD BRKL**  
Date of Hearing: **07/27/2006**  
Time of Hearing: **7:00 p.m.**  
Place of Hearing: **Selectmen's Hearing Room, 6<sup>th</sup>. Floor**

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

- 1) **5.09.2.j; Design Review; Special Permit Required**
- 2) **5.20; Floor Area Ratio; Variance Required;**
- 3) **5.22.3.c; Exceptions to Floor Area Ratio Regulations for Residential Units; Special Permit Required;**
- 4) **5.43; Exceptions to Yard and Setback Regulations; Special Permit Required;**
- 5) **5.70; Rear Yard Requirements; Variance Required; and**
- 6) **8.02.2; Alteration or Extension; Special Permit Required.**

Of the Zoning By-Law to construct dormers per plans

**At 28 BUCKMINSTER RD BRKL**

Said Premise located in a S-10 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.*

**Diane R. Gordon  
Harry Miller  
Bailey Silbert**

**Publish: 07/06/2006, and 07/13/2006**

At the time and place specified in the notice, a public hearing was held by this Board. Present at the hearing were Board Members Enid Starr, Larry Kaplan, and Murray Shocket. Petitioners were represented at the hearing by Attorney Jeffrey P. Allen.

At the hearing, Tim Greenhill, Planner, distributed the Planning Board Report dated July 13, 2006.

Mr. Allen stated that this is a request for a modest addition to add dormers to this single family dwelling.

28 Buckminster Road is a 2 ½ story brick Colonial house built into the grade of the lot. The lot is triangular in shape and is located at the intersection of Buckminster Street and Summer Road. The lot is undersized for the zoning district but abuts a T-6 zoning district with multifamily properties on lots of similar proportions. The lot slopes uphill from the road with a stairway providing access to the front door. A two car garage at the basement level is exposed on the front north elevation. The house maintains the appearance of a single story building on the elevation facing Buckminster Road. The neighborhood consists of a mix of multifamily and single-family homes in a variety of architectural styles.

The applicants, Hillel and Robert Skoff, are proposing to construct a 280 square foot dormer addition on the rear of the dwelling. The dormer will not extend out beyond the existing building footprint. The dormer will be an extension of the existing shed roof and, as part of the proposal, the vinyl siding on the existing dormer will be replaced with a cedar clapboard or similar finish. The dormer is proposed to have windows on the rear

and side façade. Additionally, the existing closet at the southern eastern side of the building is proposed to be extended through the construction of a small shed roof. A small dormer is also proposed on the front façade to increase light into the laundry room.

Mr. Allen reviewed the zoning relief necessary for this project to go forward. The zoning relief required is as follows:

**Section 5.09 – Design Review**

The applicants are requesting additional FAR through a special permit under Section 5.22 of the Zoning Bylaw and therefore are subject to Section 5.09 Design Review. The addition is located at the rear of the property. All of the standards in paragraph (d) have been discussed and comments on the most relevant follow:

*Relation of Buildings to the Environment* – The dormer is in line with the existing rear dormer on the property and both the existing and proposed dormers will be re-clad in cedar clapboard or a similar finish.

**Section 5.20 – Floor Area Ratio**

**Section 5.22.3.b.3 – Exceptions to Floor Area Ratio Regulations for Residential Units**

**Section 5.70 – Rear Yard Requirements**

	<b><u>Required</u></b>	<b><u>Allowed by Special Permit</u></b>	<b><u>Existing</u></b>	<b><u>Proposed</u></b>	<b><u>Finding</u></b>
Floor Area Ratio	0.3 2402 s.f.	0.45 3606 s.f.	0.413 3307 s.f.	0.448 3587 s.f.	Special Permit*/Variance
Rear Yard Setback	30'	-	15.2'	15.2'	Special Permit**/Variance

\* Under **Sections 5.22.3.b.3** the Board of Appeals may allow by special permit, an increase in floor area that measures less than 350 s.f. provided that the total does not exceed 150% of the permitted FAR. In this case the applicant is requesting 280 s.f. of additional floor space. The maximum FAR permitted by special permit on the site is 150% (3603 s.f.) and the proposal falls below that requirement.

\*\* Under **Section 5.43**, the Board of Appeals may waive yard and setback requirements if counterbalancing amenities are provided. The applicants are offering landscaping, pathways and other site improvements.

**Section 8.02.2 – Alteration or Extension**

A special permit is required to alter this non-conforming structure.

The Chairperson asked if any members of the public wished to be heard on this matter and no individuals asked to be heard.

Tim Greenhill of the Planning Department gave the following report:

The Planning Board has no objection to the construction of a rear dormer and small front dormer at 28 Buckminster Road. The rear dormer will not be visible from the street and will be compatible with the existing structure. The dormer on the front of the property will be compatible with the dwelling and similar to dormer additions on surrounding properties. The appearance will be improved through the use of an alternative material to the existing vinyl siding. The additions will be kept within the footprint of the existing building and will not extend any setback non-conformities. Therefore, the Planning Board recommends approval of this plan subject to conditions.

Frank Hitchcock, Senior Building Inspector, spoke on behalf of the Building Commissioner. He restated the various sections of the Zoning By-law under which relief is needed. Mr. Hitchcock stated that the Building Department has no objections to the requested relief. He further stated that he will ensure that all State Code provisions are satisfied.

The Board having deliberated on this matter and having considered the foregoing testimony, concludes that it is desirable to grant all special permit relief that is requested.

The Board finds that the proposed alterations to the property will not be more detrimental to the neighborhood than the existing conditions. Rather, the proposed alterations to the property will be of benefit to the neighborhood because the structure will be in keeping with the character of the neighborhood. The Board finds that the proposed use will not remove any existing low-or moderate-income housing in the Town.

The Board further makes the following findings pursuant to Section 9.5:

1. The location, topography, vicinity and natural features of the site make it particularly suitable for the proposed alterations to the home.
2. The design of the proposed dormers is in harmony with the prevailing character of the neighborhood.
3. The specific site is appropriate for a home of the size and character proposed.
4. The renovated home will not adversely affect the neighborhood.
5. There will be no nuisance or serious hazard to vehicles or pedestrians from the use as proposed.
6. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
7. The home, as renovated, will not have a significant adverse effect on the supply of housing available for low and moderate-income people.

Accordingly, the Board grants special permits pursuant to 5.22.3.b.3, 5.43, 5.70 and 8.02.2 of the Zoning By-Laws, subject to the following conditions:

1. Prior to obtaining a building permit, the applicants shall submit a final landscaping plan to the Assistant Director of Regulatory Planning for review and approval.
2. Prior to obtaining a building permit, the facing material for the dormer shall be slate or a material approved by the Assistant Director of Regulatory Planning. All dormers, including the existing, shall be clad in the same material.

3. Prior to obtaining a building permit, the applicants shall submit to the Zoning Administrator 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 in hard copy, and if available, in electronic format, 2) final building elevations with the heights of the dormers indicated, stamped by an architect in hard copy, and if available, in electronic format, and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Unanimous Decision of  
The Board of Appeals



Enid Starr, Chair

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TOWN OF BROOKLIN  
TOWN CLERK  
2006 AUG 18 A 11:34

Filing Date: August 18, 2006

A True Copy:  
ATTEST:



Patrick J. Ward  
Board of Appeals