



TOWN OF BROOKLINE

Massachusetts

BOARD OF APPEALS

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

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 060046

Petitioner, Abraham Morgentaler, applied to the Building Commissioner for permission to construct renovations and additions per plans at 84 Craftsland Road, Brookline. The application was denied and an appeal was taken to this Board.

On July 13, 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 August 10, 2006, at 7:45 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 20, 2006 and July 27, 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: MORGENTALER ABRAHAM
Location of Premises: **84 CRAFTSLAND RD BRKL**
Date of Hearing: **08/10/2006**
Time of Hearing: **7:45 p.m.**
Place of Hearing: **Selectmen's Hearing Room, 6th. Floor**

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

- 1) **5.43; Exceptions to Yard and Setback Regulations; Special Permit Required.**
- 2) **5.70; Rear Yard Requirements; Variance Required.**

Of the Zoning By-Law to construct renovations and additions per plans

At 84 CRAFTSLAND RD BRKL

Said Premise located in a S-7
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 S. Miller
Bailey Silbert**

Publish: 07/20/2006, and 07/27/2006

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

At the hearing, Tim Greenhill, Planner, distributed the Planning Board Report dated July 20, 2006.

Mr. Allen stated that this is a request for a modest addition of this property, predominantly to the rear which will not be visible from the street. 84 Craftsland Road is a 1 ½ story, single family dwelling that backs onto the Lost Pond Reservation and Conservation land and is located 3 blocks away from the Newton town line. The road dead ends at the Newton line. The lot slopes down from the street allowing the dwelling to open up to the basement level on the rear façade and beyond the rear deck the lot drops sharply towards densely vegetated conservation land. The immediate neighborhood is comprised of single family homes on small lots.

The petitioner, Abraham Morgentaler, is proposing to extend the first floor family room, kitchen and office over a portion of the existing deck and into the rear yard setback. A new deck is proposed beyond the extension and will wrap around into the side yard. A master bedroom addition is proposed at the front of the property and new dormers are proposed on the second floor. The only new non-conformity to the lot is the extension at the rear of the property.

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

Section 5.70 – Rear Yard Requirements

	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>	<u>Finding</u>
Rear Yard Setback	30'	25.6'	23.3'	Special Permit*/Variance

* Under **Section 5.43**, the Board of Appeals may waive yard and setback requirements if counterbalancing amenities are provided.

Mr. Allen stated that the petitioner would provide suitable landscaping to address the need for counterbalancing amenities.

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 is generally supportive of the proposal to extend the dwelling into the rear setback at 84 Craftsland Road. Although there will be other renovations and extensions to the house the only relief required is located at the rear which will not be visible from the street. The rear of the property where the expansion would have the largest impact abuts the Lost Pond Reservation. Due to its location the proposal will have minimal impact to the neighborhood. Therefore, the Planning Board recommends approval of the plans, by Edward H. Yeomans and dated January 12, 2006, 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.

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

1. Prior to the issuance of a building permit, the applicant shall submit a landscaping plan to the Assistant Director of Regulatory Planning for review and approval, to serve as the counterbalancing amenity.
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: 1) a final site plan showing dimensions stamped and signed by a registered land surveyor; 2) accurate and measured final building elevations and floor plans stamped by a registered architect and 3) evidence that the Board of Appeals decision has been submitted to the Registry of Deeds.

Unanimous Decision of
The Board of Appeals



Harry S. Miller, Chair

9004-11213 01059537

Filing Date: September 28, 2006

A True Copy:

ATTEST:



Patrick J. Ward
Board of Appeals