



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

Town of Brookline

Massachusetts

Town Hall, 1st Floor
333 Washington Street
Brookline, MA 02445-6899
(617) 730-2210 Fax (617) 730-2248
Patrick J. Ward, Secretary

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. BOA060054

Petitioners, Arlene and Hugh Mattison applied to the Board of Appeals to construct an addition to their home at 209 Pond Avenue.

On 31 August 2006, the Board of Appeals 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 November 2, 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 Petitioners, 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 September 21 and 28, 2006 in the Brookline Tab, a newspaper published in Brookline. Copy of said notice is as follows:

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: **Arlene and Hugh Mattison**
Location of Premises: **209 Pond Avenue**
Date of Hearing: **11/02/06**
Time of Hearing: **07:00 p.m.**
Place of Hearing: **Selectmen's Hearing Room, 6th. Floor**

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

- 1) 5.09.2j; Design Review.**
- 2) 5.20; Floor Area Ratio; Variance Required.**
- 3) 5.22.3.b.3; Exceptions to maximum Floor Area Ratio for Residential Units; Special Permit Required.**
- 4) 8.02.2; Alteration or Extension; Special Permit Required.**

at **209 Pond Avenue**

Said Premise located in a S-7 (Single Family) Residence 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 was Chair, Diane Gordon and Board members Bailey Silbert and Murray Shocket. Mr. Hugh Mattison, resident owner of the subject property, presented the case before the Board. The property was subject to relief granted by the Board of Appeals, case #2806, 5 November, 1986. Relief granted was for an addition to South side of the home.

Mr. Mattison described the project as a small, approximately 150 sf, addition to improve the quality of life of he and his wife in three aspects:

1. Better access/entry to the home.

2. An additional full bathroom on the first floor.
3. Better access to the basement.

The Chair asked Mr. Mattison what zoning relief he was requesting for the project and Mr. Mattison stated that he needed Floor Area Ratio relief pursuant to Section 5.22 and related relief as required by the zoning by-law.

The Chair then asked whether anyone wished to speak in favor or opposition. No-one appeared.

Planner, Adam Serafin, then reviewed the comments and recommendations of the Planning Board: He stated that the applicant wishes to build a 150 sq. ft. two story addition with a shed roof to the north side of the house. The new addition will be five feet wide and twenty four feet long and have a shed roof with skylight; new windows and a new side entrance will face the driveway.

Mr. Serafin reported that the Board had no objection to the proposed small addition because it will not adversely impact the abutter, nor the neighborhood, and is in keeping with the style of the house. Therefore, the Planning Board recommended approval of the special permits subject to the following conditions:

- 1. Prior to issuance of a building permit, the final elevations, including materials, shall be reviewed and approved by the Preservation Commission Staff.**
- 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 stamped and signed by a registered engineer or land surveyor; and 2) final building elevations stamped and signed by a registered architect; and 3) evidence that the Board of Appeals decision has been submitted to the Registry of Deeds.**

The plan of record is dated 30 April 2004 by Gorman Richardson Architects.

The Chair called on Frank Hitchcock representing the Building Department. Mr. Hitchcock stated that all the relief requested could be granted by Special Permit. He outlined the relief requested:

1. **5.22.3.b.1.b – FAR relief of up to 120%**
2. **5.09.2.j – Design Review, additions requiring relief from 5.22**
3. **8.02.2 - Alteration or Extension of a pre-existing non-conformity**

Mr. Hitchcock stated that the Building Department had no objections to the proposal, the relief required or the conditions recommended by the Planning Board.

The Chair then asked Mr. Mattison if he wished to make a closing statement and he declined.

The Board, having deliberated on this matter and having considered the foregoing testimony, concludes that it is desirable to grant the relief requested under **Sections 5.09, 5.22.3.b.1.b** and **8.02.2** of the Zoning Bylaw and makes the following findings pursuant to **Section 9.05**:

- a. The specific site is an appropriate location for such a use, structure, or condition.
- b. The use as developed will not adversely affect the neighborhood.
- c. There will be no nuisance or serious hazard to vehicles or pedestrians.
- d. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
- e. The development as proposed will not have a significant adverse effect on the supply of housing available for low and moderate income people.

Accordingly, the Board voted unanimously to grant the requested relief subject to the following conditions:

1. Prior to issuance of a building permit, the final elevations, including materials, shall be reviewed and approved by the Preservation Commission Staff.
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 stamped and signed by a registered engineer or land surveyor; and 2) final 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.

Unanimous Decision of
The Board of Appeals

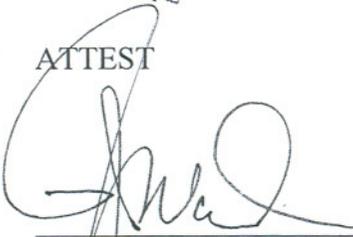


Diane R. Gordon

Filing Date: December 01, 2006

A True Copy:

ATTEST



Patrick J. Ward

Clerk, Board of Appeals

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