



# TOWN OF BROOKLINE

## *Massachusetts*

### BOARD OF APPEALS

DIANE R. GORDON, Co-Chair  
HARRY MILLER, Co-Chair  
BAILEY S. SILBERT

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PATRICK J. WARD, Secretary

TOWN OF BROOKLINE  
BOARD OF APPEALS  
CASE NO. 040020

Petitioner, Janet Echelman, applied to the Building Commissioner for permission to make renovations to a two family home at 64 Coolidge Street, Brookline. The application was denied and appeal was taken to this Board.

On September 15, 2005, 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 November 3, 2005, 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 her 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 October 20, 2005 and October 27, 2005, 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: JANET ECHELMAN

Location of Premises: **64 COOLIDGE ST BRKL**

Date of Hearing: **11/03/2005**

Time of Hearing: **07:00 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) **4.01.3.a; Permitted Uses; Special Permit Required.**
- 2) **4.03; Pre-Existing Special Permit Uses; Special Permit Required.**
- 3) **4.04.1; Limitations of Area of Accessory Uses; Variance Required.**
- 4) **4.07; Table of Use Regulations; Principal Use #4; Special Permit Required.  
Accessory Use #60; Special Permit Required.**
- 5) **5.07; Dwellings in Business and Industrial Districts; Special Permit Required.**
- 6) **5.09.2.a; Design Review, Special Permit Required.**
- 7) **5.43; Exceptions to Yard and Setback Regulations; Special Permit Required.**
- 8) **5.60; Side Yard Requirements; Variance Required.**
- 9) **5.61; Projections into Side Yards; Variance Required.**
- 10) **5.70; Rear Yard Requirements; Variance Required.**
- 11) **5.71; Projections into Rear Yards; Variance Required.**
- 12) **5.91; Minimum Usable Open Space; Variance Required.**
- 13) **6.02.1; Table of Off-Street Parking Space Requirements; Variance Required.**
- 14) **8.02.2; Alteration or Extension; Special Permit Required**

Of the Zoning By-Law to construct renovations and additions At **64 COOLIDGE ST BRKL**

Said Premise located in a L-1.0 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: 10/20/2005, and 10/27/05**

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, Bailey S. Silbert and Murray Shocket. Petitioners were represented at the hearing by Attorney Jeffrey P. Allen.

At the hearing, Timothy Greenhill, Planner, distributed the Planning Board Report dated October 20, 2005.

Mr. Allen stated that this is a request to modify an existing two family home at 64 Coolidge Street.

The applicant, Janet Echelman, is proposing to construct a 2 ½ story 1,869 square foot addition to the 3,700 square foot existing property for a FAR of .99, which is below the allowed FAR of 1.0. The new additions incorporate on the ground floor a kitchen, a bathroom, a mud room and a two car garage, and a master bedroom, a studio room and office on the second floor, with a roof deck and pavilion on the third floor.

The existing separate unit on the third floor will functionally remain as a separate unit from the rest of the dwelling retaining a separate entrance and secondary means of egress in accordance with the Board of Appeals 1984 decision. Although the structure will functionally remain as a two family it is anticipated by the applicant that she will use the premises as a single family.

The applicant is proposing to use the premises for a home occupation. Specifically; this will be a home artist studio for her and an office for her husband's consulting business. The Applicant has indicated that these offices are not open to the public and therefore will rarely have visitors.

The property is located one lot back from Harvard Street and falls into the L-1.0 zoning district. The existing structure is a 2 ½ story wood frame Colonial dwelling built around the turn of the century. A narrow driveway connects to a paved back yard parking area and a one car garage. The structure was approved for conversion into a 2-family dwelling by the Zoning Board of Appeals in 1984.

The property is set amongst similar 2-family dwellings in a T-5 Zoning District to the east and commercial structures to the north and west. The commercial building to the west, housing Kolbo's Fine Judicia and Daily Catch, fronts onto Harvard Street and extends to the rear property line presenting a blank wall to the driveway at 64 Coolidge Street. A "Global" gas station is located to the north, also fronting onto Harvard Street, and shares a fence with the subject property. The gas station structure is set back from Harvard Street creating a clear view across the forecourt to the rear of the dwelling at 64 Coolidge Street from locations along Harvard Street.

The zoning relief required is as follows:

4.01.3.a; Permitted Uses – Property is located within 100 feet of Harvard Street, thus a special permit is required.

4.03; Pre-existing Special Permit Uses – This property had received approval in 1984 to allow the conversion of the third floor into a separate dwelling unit. The Applicant is seeking to retain the ability to use the property as a two family structure. A special permit is required.

4.07; Table of Use Regulations Principle Use #4 (Detached dwelling occupied by two families) – Refers to Section 4.01.3.a. A special permit is required.

4.07; Table of Use Regulations, Accessory Use #60 (Home occupation for gain) – Refers to Section 4.01.3.a. A special permit is required.

5.07; Dwellings in Business and Industrial Districts – Dwelling shall conform to open space and side and rear setbacks of the corresponding M district. A special permit is required.

5.09.2.a; Design Review; - As the site is located within 100 feet of Harvard Street, it is subject to Design Review.

5.43; Exceptions to Yard and Setback Requirements

5.60; Side Yard Requirements

5.61; Projections into Side Yards

5.70; Rear Yard Requirements

5.71; Projections into Rear Yards

5.91; Minimum Useable Open Space

6.02.1; Table of Off Street Parking Space Requirements – The applicant is proposing to provide four (4) parking spaces and is working with staff to show the provision of these on the site plan.

	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>	<u>Finding</u>
Side Yard Setback	7.5	4.9'	2.4'	Special Permit*/Variance
Rear Yard Setback	30'	37'	0.5'	Special Permit*/Variance
Useable Open Space	20% <i>(1,116 s.f.)</i>	0% <i>(0 s.f.)</i>	4.5% <i>(254 s.f.)</i>	Special Permit*/Variance
Accessory Use	25% <i>(1,394 s.f.)</i>	0%	22% <i>(1,225 s.f.)</i>	Complies
Parking Requirements	4	3	4	Complies

\*Section 5.07 may allow a waiver via special permit of these requirements if the waiver promotes reasonable development of the site compatible with adjacent buildings and surrounding area.

\*Under Section 5.43, the Board of Appeal may grant a special permit in lieu of the yard and setback requirements specified in the By-law if counterbalancing amenities are provided by the applicant. The applicant has discussed with staff and is willing to provide landscaping improvements throughout the site and replace the existing rear fence.

Section 8.02.2 – Alteration or Extension

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

The Chairperson asked if any member of the public wished to be heard on this matter and two individuals who lived across the street from the subject property spoke in support of the request. The Board also received letters in support from three other abutters.

Timothy Greenhill, of the Planning Department, gave the following report:

The Planning Board does not support this proposal to construct a two car garage and two story addition with roof top deck at 64 Coolidge Street. The Board was concerned with the proximity and bulk of the proposed structure adjacent to the rear and side lot lines. The Board felt that constructing the building less than 1' from the property lines was excessive, especially considering

that the proposal is a two story structure with a roof deck and adjacent to a residential zoning district. The Board felt that it is important to preserve space between buildings. The Board was concerned that the design of the addition facing the residential property to the east was blank and imposing. The Board was also concerned with the parking space within the front setback and also felt that the uncovered parking space at the rear of the property was not feasible.

Therefore, the Planning Board does not support the construction of a 2 ½ story rear addition, including a two car garage.

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 proposed alterations to the property will not be more detrimental to the neighborhood than the existing conditions. Rather, the proposed rehabilitation of the property will be of benefit to the neighborhood because the structure will be in keeping with the character of the neighborhood. The use as designed will not have any affect on the traffic nor will it cause a nuisance or serious hazard to vehicles or pedestrians. The structure, driveway, walkways, and open space are functional and are proper for the proposed use. The Board finds that the proposed use will not remove any existing low-or moderate-income housing in the Town. The Board also finds that the landscaping proposed will be a benefit to the neighborhood.

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 home as renovated.

2. The design of the proposed home 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 designed, will not have a significant adverse effect on the supply of housing available for low and moderate-income people.

Therefore, the Board grants Special Permits pursuant to Sections 4.01.3.a, 4.03, 4.07, 5.07, 5.09.2.a, 5.43, 5.60, 5.61, 5.70, 5.71, 5.91, 6.02.1, 8.02.2 subject to the following condition:

1. Prior to obtaining a building permit, the applicant shall submit to the Chief Planner of the Planning and Community Development Department for review and approval for conformance to the Board of Appeals decision: 1) a final landscape plan; 2) a final set of elevations stamped and signed by a registered architect detailing materials to be used.

RECEIVED  
 TOWN OF BROOKLINE  
 DEPUTY CLERK  
 2005 11 16 A 10:00

Unanimous Decision of  
 The Board of Appeals

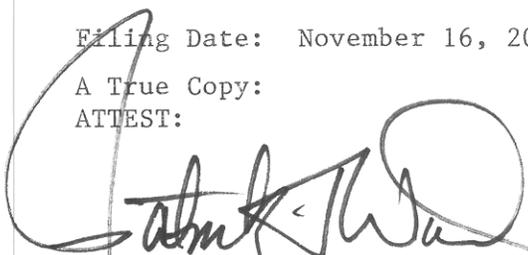


Enid M. Starr

Filing Date: November 16, 2005

A True Copy:

ATTEST:



Patrick J. Ward  
 Board of Appeals