



# 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. BOA 0600058

Petitioner William Churchill, Trustee of the 25-27 Beaconsfield Trust, applied to the Building Commissioner for permission to construct a driveway with parking for one automobile on the East side of 25-27 Beaconsfield Road. The proposed driveway and parking violated the Zoning By-Law, the application was denied and an appeal taken to this Board.

On September 21, 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 the date of November 2nd, 2006 at 7:15 p.m. in the Selectmen's Conference Room on the sixth floor of Town Hall as the time and place of a hearing of the appeal. Notice of the hearing was mailed to petitioners and their attorney, (if any of record), to 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 on October 12<sup>th</sup> and October 19<sup>th</sup>, 2006 in the Brookline Tab, a newspaper published in Brookline. Copy of said notice as follows:

LEGAL NOTICE  
TOWN OF BROOKLINE  
MASSACHUSETTS  
BOARD OF APPEAL  
NOTICE OF HEARING  
PETITIONER: 25-27 Beaconsfield Trust

LOCATION OF PREMISES: 25-27 Beaconsfield Road

DATE AND PLACE OF HEARING  
Thursday November 2, 2006

At 7:15 p.m. in the Selectman's Hearing Room on the sixth floor of Town Hall 333 Washington Street Brookline, Massachusetts.

A public hearing will be held for a variance and/or special permit for the Design of All Off Street Parking Facilities

- (1) Section 6.04.5.c.1; Variance Required
- (2) Section 6.04.5.c.2; Variance Required
- (3) Section 6.04.12; Special Permit Required

Of the Zoning By-Law to construct a driveway and parking for one automobile as per plans at **25-27 BEACONSFIELD ROAD, BROOKLINE.**

Said premises is located in a T-6 district.

The Town of Brookline does not discriminate on the basis of disability in admission to, or 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 Co-ordinator, 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

At the time and place specified in the notice a public hearing was held by this Board. Present were Diane Gordon, Chair, Murray Shockett and Bailey Silbert.

Petitioner, William Churchill, was represented by Attorney Jacob Walters of Goldenberg, Walters and Popkewitz of Seven Harvard Street in Brookline. Mr. Walters submitted a draft landscape plan prepared by Mary Dewart, showing the proposed cedar fence along the lot line as well as proposed plantings and an open grass area at the end of the driveway. Mr. Walters stated that all the required relief could be granted by one Special Permit, pursuant to Section 6.04.12 of the Zoning By-Law. That Section allows the Board to waive or modify dimensional requirements where new parking facilities are being installed to serve an existing structure. Mr. Walters also stated that the additional parking space will bring the property more in line with current parking requirements for two family dwellings. Mr. Walters added that the applicant was mindful of the concerns of the abutter and has taken steps to meet those concerns. Mr. Walters pointed out that the landscape plan provides for a 6 foot cedar fence, four feet of solid wood and a two foot lattice at the top, for screening. In addition the landscaping will further screen the one car from the abutting property as well as beautify the site. Mr. Walters submitted two letters of support for the driveway, one from

Alfred and Stella Polonsky of 28 Beaconsfield Road and another from Janet Mullington of 33 Beaconsfield Road . Mr. Walters concluded by stating that the applicant had no problem with any of the conditions recommended by the Planning Department and would work with the Chief Planner and the abutter regarding the final landscape plan.

The Chair then asked if any members of the public wished to be heard. Mrs. Beverly Shore of 15 Beaconsfield Road was recognized. Mrs. Shore stated that she had met with William Churchill, received the proposed landscape plan and approved of it. Mrs. Shore indicated that she remained opposed to the idea of an automobile parking so close to her property, as her house was fifteen feet from the lot line. Mrs. Shore cited exhaust fumes, noise and worries about snow removal as the basis for her opposition.

The Chair then called upon Adam Sarafin of the Brookline Planning Department to present the Planning Board report. Mr. Sarafin stated that the Planning Board supports the increase of on site parking and noted that zoning relief could be granted pursuant to Section 6.04.12 of the Zoning By-Law. Mr. Sarafin stated that the Board's support for the additional driveway was subject to the redesign of the driveway entrance so as not to damage the existing tree at the front of the 25-27 Beaconsfield Road property. Mr. Sarafin concluded by providing the conditions recommended by the Planning Board, namely: (1) Prior to the issuance of a building permit, a final site plan, indicating accurate measurements and showing the driveway in a revised location so as not to damage the existing street tree, shall be submitted to the Assistant Planning Director for review and approval, (2) Prior to the issuance of a building permit, a final landscaping plan indicating the location and types of plantings, paving materials, handrails and fencing shall be submitted to the Assistant Planning Director for review and approval, (3) the driveway shall be constructed of concrete pavers; the walkway shall be demarcated from the driveway by a different color and/or material, (4) No vehicle shall be parked in the front yard setback of the dwelling for extended periods of time, and (5) 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 recorded with the Registry of Deeds.

The Chairman then called upon Frank Hitchcock of the Brookline Building Department. Mr. Hitchcock stated that relief could be granted entirely by a Special Permit under Section 6.04.12 of the By-Law. Mr. Hitchcock stated that the only relief needed was for front and side yard setbacks and concluded by saying the Building Department had no objections to the proposed driveway.

The Board began its deliberations and agreed that parking in the front yard setback was not desirable even for short time periods. The Board also wanted clarification that the fire hydrant on Beaconsfield Road was not going to be a hazard for cars entering and exiting the proposed driveway. A review of photographs of the site and review of a revised plan put that

concern to rest. The Board, having heard all testimony, and after review of the plans submitted, voted unanimously to grant a Special Permit under Section 6.04.12 to allow the construction of the proposed driveway, with parking for one automobile only, subject to the following conditions:

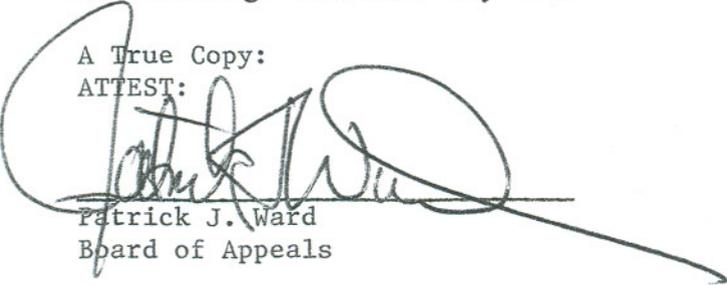
1. Prior to the issuance of a building permit, a final site plan, indicating accurate measurements and showing the driveway in a revised location so as not to damage the existing street tree, shall be submitted to the Assistant Planning Director for review and approval,
2. Prior to the issuance of a building permit, a final landscaping plan indicating the location and types of plantings, paving materials, handrails and fencing shall be submitted to the Assistant Planning Director for review and approval,
3. The driveway shall be constructed of concrete pavers; the walkway shall be demarcated from the driveway by a different color and/or material.
4. No vehicle shall be parked in the front yard setback of the dwelling, and
5. 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 recorded with the Registry of Deeds.

Unanimous decision of  
the Board of Appeals

  
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Diane Gordon, Chair

Date of Filing: November 20, 2006

A True Copy:  
ATTEST:

  
Patrick J. Ward  
Board of Appeals