



BOARD OF APPEALS
Jesse Geller, Chairman
Jonathan Book
Christopher Hussey

Town of Brookline

Massachusetts

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Patrick J. Ward, Clerk

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2014-0023
Owner: Lisa and Brian Sheehan

Petitioners, Lisa and Brian Sheehan, applied to the Building Commissioner for permission to demolish an existing underground garage and construct a new underground garage structure in the front yard of 296 Mason Terrace. The application was denied and an appeal was taken to this Board.

The Board met and administratively 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 June 26, 2014 at 7:30 p.m. in the Selectmen's hearing room as the time and place of a hearing on the appeal. Notice of the hearing was mailed to the Petitioner, to their attorney of record, 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 on June 12, 2014 and June 19, 2014 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: **LISA and BRIAN SHEEHAN**

Owner: **LISA and BRIAN SHEEHAN**

Location of Premises: **296 MASON TERRACE**

Date of Hearing: **JUNE 26, 2014**

Time of Hearing: **7:30PM**

Place of Hearing: **SELECTMEN'S 6TH FLOOR HEARING ROOM**

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

- 1. Section 5.44.2, 3, and 4; Accessory Underground Structures**
- 2. Section 5.01; Table of Dimensional Requirements, Footnote 1**
- 3. Section 8.02.2; Extension and Alteration**

of the Zoning By-Law to **Demolish gargage and replace with new gargage** at 296 mason Terrace. Said Premises is located in a **S-7 (Single-Family) Residence District**.

Hearings once opened, may be continued by the Chair to a date and time certain. No further notice will be mailed to abutters or advertised in the TAB. Questions regarding whether a hearing has been continued, or the date and time of any hearing may be directed to the Office of the Town Clerk at 617-730-2007 or check the meeting calendar at: www.brooklinema.gov.

*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 **Robert Sneirson, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone: (617) 730-2328; TDD (617)-730-2327; or email at rsneirson@brooklinema.gov.***

**Jesse Geller
Jonathan Book
Christopher Hussey**

At the time and place specified in the notice, this Board held a public hearing. Present at the hearing was Chairman Jesse Geller, and Board Members Jonathan Book and Johanna Schneider. Petitioner, Lisa Sheehan, presented the case on her own behalf

Ms. Sheehan described 296 Mason Terrace as a single-family dwelling that was built in 1938. The property is located in a single-family district near the Boston city line. There is a one-car garage that is below grade, located to the right of the dwelling. There is a similar garage at 302 Mason Terrace directly abutting the garage at 296 Mason Terrace. Surrounding uses are residential and the property is north of Corey Hill Park.

The petitioners said they are proposing to demolish the existing garage and construct a new garage. The existing garage is below the grade of the property and is considered an underground accessory building by building code. The proposed garage will be extended further underground and connect to the basement and allow for two cars to fit in the garage parked in tandem. The garage connection to the basement makes the garage an attached garage. The proposed garage will be slightly wider than the existing garage and will be built with a stone exterior and will have a railing above. The garage will have a double door facing the street.

The Chairman asked if anyone wished to speak in favor of or in opposition to the proposal. No one spoke in favor of or in opposition to the petitioners' request for relief.

The Chairman called upon Tim Richard, Planner, to deliver the comments of the Planning Board:

FINDINGS

Section 5.44.2-4 – Accessory Underground Structures

Section 5.01 – Table of Dimensional Requirement, Footnote 1

Dimensional Requirements	Required	Existing	Proposed	Relief
Front Yard	20'	11'	11'	Special Permit*
Side Yard	20'	0'	0'	Special Permit*

* Under **Section 5.43**, the Board of Appeals may modify the setback requirements for an underground garage if a counterbalancing amenity is provided.

Section 8.02.2 – Alteration or Extension

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

Mr. Richard said that the Planning Board is supportive of this proposal to demolish and reconstruct an underground garage. Mr. Richard stated that the Board felt that the replacement garage is attractively designed and will improve the existing streetscape. The proposal would not increase any of the setbacks and is not expected to detract from the neighborhood. Mr. Richard

noted that the Planning Board recommended that the applicant install additional landscaping as a counterbalancing amenity.

Therefore, the Planning Board recommends approval of the plans by Tiriyaki Architectural Design, dated 8/15/13, and the site plan by Howard/Stein-Hudson Associates, Inc., dated 7/31/13, subject to the following conditions:

1. Prior to the issuance of a building permit, a final site plan, final floor plan, and front elevation shall be submitted subject to the review and approval of the Assistant Director of Regulatory Planning.
2. Prior to the issuance of a building permit, a final landscaping plan, indicating all counterbalancing amenities shall be submitted, subject to the review and approval of the Assistant Director of Regulatory Planning.
3. Prior to the issuance of a building permit, the applicant shall submit to the Building Commissioner 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; 2) final garage 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.

The Chairman called upon Michael Yanovitch, Chief Building Inspector, to deliver the comments of the Building Department. Mr. Yanovitch said the Building Department has no objections to the request. He went on to say the proposal is very well designed and the relief is minimal and if the Board finds the proposal meets the requirements for the grant of a special permit, the Building Department will work with the petitioner to ensure compliance with the building code as well as the Town of Brookline Zoning By-Law

The Board deliberated on the merits of special permit relief as requested. The Board voted unanimously that the requirements have been met for the issuance of a special permit

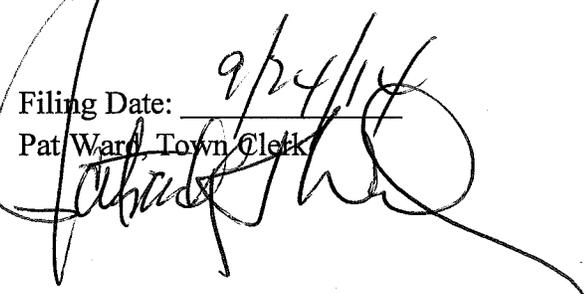
under Sections, 5.43, 5.44.2-4, 8.02.2 and 9.05 of the Zoning By-Law. The Board made the following specific findings pursuant to said Section 9.05 of the of the Zoning By-Law:

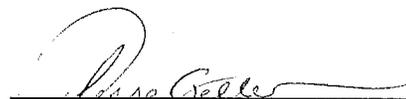
- a. The specific site is an appropriate location for such a use, structure, or condition.
- b. The use as developed will not adversely affect the neighborhood.
- c. There will be no nuisance or serious hazard to vehicles or pedestrians.
- d. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

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

- 4. Prior to the issuance of a building permit, a final site plan, final floor plan, and front elevation shall be submitted subject to the review and approval of the Assistant Director of Regulatory Planning.
- 5. Prior to the issuance of a building permit, a final landscaping plan, indicating all counterbalancing amenities shall be submitted, subject to the review and approval of the Assistant Director of Regulatory Planning.
- 6. Prior to the issuance of a building permit, the applicant shall submit to the Building Commissioner 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; 2) final garage 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

Filing Date: 9/24/14
Pat Ward, Town Clerk



Jesse Geller, Chairman

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