



BOARD OF APPEALS
Jesse Geller, Chairman
Christopher Hussey
Jonathan Book

Town of Brookline

Massachusetts

Town Hall, 1st Floor
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Brookline, MA 02445-6899
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Patrick J. Ward, Clerk

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2014-0061
OWNER: WINCHESTER HEIGHTS, LLC

Petitioner, Winchester Heights, LLC, applied to the Building Commissioner for permission to construct two parking spaces in the front yard and a retaining wall, requiring setback relief at 138-140 Winchester Street. The application was denied and appeal was taken to this Board.

The Board 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 October 30, 2014 at 7:15 p.m. in the Selectmen's Hearing Room as the time and place of a hearing for the appeal. Notice of the hearing was mailed to the Petitioner, 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 October 9, 2014 and October 16, 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. 40A, the Board of Appeals will conduct a public hearing at Town Hall, 333 Washington Street, Brookline, on a proposal at:

138 WINCHESTER ST – INSTALL FRONT YARD PARKING in an T-6, Two-Family and Attached Single-Family, residential district, on October 30, 2014, at 7:15 PM in the 6th Floor Selectmen’s Hearing Room (Petitioner: WINCHESTER HEIGHTS LLC; Owner: WINCHESTER HEIGHTS LLC).

The Board of Appeals will consider variances and/or special permits from the following sections of the Zoning By-Law:

- 1. Section 5.43: Exceptions to Yard and Setback Regulations**
- 2. Section 5.52: Fences and Terraces in Front Yard**
- 3. Section 6.04.5.c.1 and 2: General Regulations Applying to Required Off-Street Parking Facilities**
- 4. Section 6.04.12: General Regulations Applying to Required Off-Street Parking Facilities**
- 5. Section 8.02.2; Alteration or Extension**

Hearings may be continued by the Chair to a date/time certain, with no further notice to abutters or in the TAB. Questions about hearing schedules may be directed to the Planning and Community Development Department at 617-730-2130, or by checking the Town 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 Town programs and services may 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, Chair
Christopher Hussey
Jonathan Book*

Publish: October 9, 2014 & October 16, 2014

At the time and place specified in the notice, this Board held a public hearing. Present at the hearing was Board Chair Mark Zuroff, and Board Members Jonathan Book and Christopher Hussey. Attorney Robert Allen, of The Law Office of Robert L. Allen Jr. (300 Washington Street, Brookline,

MA), spoke on the applicant's behalf and notified the Board that a hearing continuance is requested in order to modify project plans based on feedback from the Planning Board and abutting residents.

The Board unanimously approved the applicant's request for continuance without prejudice, and fixed January 8, 2015 at 7:00 p.m. in the Selectmen's Hearing Room as the time and place to continue the hearing for this appeal.

At the time and place specified, this Board held a public hearing. Present at the hearing was Board Chairman Jesse Geller, and Board Members Mark Zuroff and Avi Liss. Attorney Robert Allen spoke on the applicant's behalf and again requested a hearing continuance to provide additional time for the applicant to finalize project plans. Mr. Allen stated that ongoing engineering analysis to evaluate the feasibility of rear-yard parking options is the reasoning behind this request for an additional hearing continuance.

The Board unanimously approved the applicant's request for continuance without prejudice, and fixed March 19, 2015 at 7:00 p.m. in the Selectmen's Hearing Room as the time and place to continue the hearing for this appeal.

At the time and place specified, this Board held a public hearing. Present at the hearing was Board Chair Jonathan Book, and Board Members Mark Zuroff and Johanna Schneider. Attorney Robert Allen spoke on the applicant's behalf and requested to withdraw this special permit application without prejudice. Mr. Allen stated that the applicant continues to work with abutting residents to design a parking plan at 138-140 Winchester Street that meets the needs of both residents

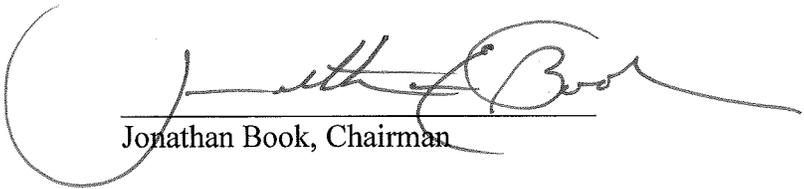
and the wider neighborhood. Revised plans will most likely require modified zoning relief and additional Planning Board review. Mr. Allen stated that it is more appropriate to withdraw this application without prejudice rather than to seek further hearing continuation.

Board members deliberated on the merits of this withdrawal request. Board Member Mark Zuroff indicated support for the applicant's request, and both Ms. Schneider and Mr. Book concurred.

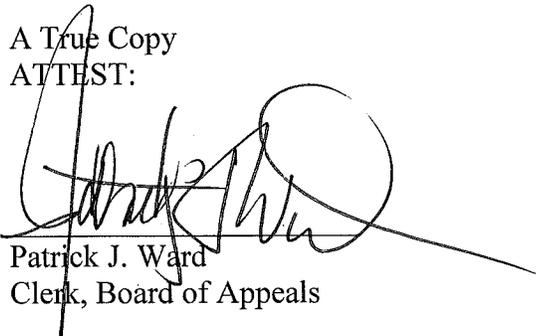
Accordingly, the Board voted unanimously to grant the request to withdraw the special permit application without prejudice.

Unanimous decision of the
Board of Appeals

Filing Date: 9/22/15


Jonathan Book, Chairman

A True Copy
ATTEST:


Patrick J. Ward
Clerk, Board of Appeals

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