



Town of Brookline Massachusetts

BOARD OF APPEALS
Jesse Geller, Chairman
Christopher Hussey
Jonathan Book

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Brookline, MA 02445-6899
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Patrick J. Ward, Clerk

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2016-0064
105 SALISBURY ROAD

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Petitioner, Nicole Chang, applied to the Building Commissioner for a building permit to construct a kitchen addition at 105 Salisbury Road. The application was denied and an appeal was taken to this Board.

The Board administratively determined that the properties affected were those shown on a schedule certified by the Board of Assessors of the Town of Brookline and fixed October 20, 2016 at 7:20 p.m., in the Selectmen's Hearing Room as the date, time and place of a hearing for 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 October 6, 2016 and October 13, 2016 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:

105 SALISBURY ROAD-- CONSTRUCT A KITCHEN ADDITION in AN S-7 (SINGLE-FAMILY) RESIDENCE DISTRICT, on OCTOBER 20, 2016 at 7:20 PM in the 6th Floor Selectmen's Hearing Room (Petitioner/Owner: Nicole and David Chang) *Precinct 13*

The Board of Appeals will consider variances and/or special permits from the following sections of the Zoning By-Law, and any additional zoning relief the Board deems necessary:

- 1. Section 5.09.2.j: Design Review**
- 2. Section 5.22.3.b.1.b: Exceptions to Floor Area Ratio (FAR) Regulations for Residential Units**
- 3. Any additional relief the Board may find necessary**

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 programs and services of the Town of Brookline are invited to make their needs known to Lloyd Gellineau, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone (617) 730-2328; TDD (617) 730-2327; or e-mail at llgellineau@brooklinema.gov

*Jesse Geller, Chair
Christopher Hussey
Jonathan Book*

At the time and place specified in the notice, this Board held a public hearing.

Present at the hearing was Chairman Mark G. Zuroff, and Board Members Jonathan Book and Chris Hussey. Ashley Clark was present on behalf of the Planning Department. The owners Nicole and David Chang were present with Brandon Halliday, an owner of Halliday Construction.

Ms. Chang presented the application to construct a single story addition kitchen addition at 105 Salisbury Road. Ms. Chang stated they are seeking FAR relief for a 157 square foot addition. Ms. Chang described the Planning Board design review process the proposal went through and stated they received unanimous support from the Planning

Board. Ms. Chang stated they have 11 letters of support, including two from direct abutters. Ms. Chang stated the plans under review are for minor FAR relief and stated they are already over the allowable FAR in their S-7 zone. Ms. Chang additionally added they are providing counter balancing amenities, including landscaping around the property.

Board Member Hussey stated the site plan leaves out a critical piece of information, the rear yard dimension to the new addition. Mr. Hussey stated he would like a surveyor to re-certify the site and indicate the rear yard setback distance to the proposed addition as part of the first condition recommended by the Planning Board. Board Chairman Zuroff agreed they need a new certified survey plot plan.

Board Chairman Zuroff called for public comment in favor of, or in opposition to, the Petitioner's proposal. Mr. Deutsch and Ms. Chang both spoke in favor of the proposal at 105 Salisbury Road. There was no public comment submitted in opposition to the proposal.

Board Chairman Zuroff called upon Zoning Coordinator, Ashley Clark, from the Planning Department to review the findings of the Planning Board:

FINDINGS

Section 5.09.2.j: Design Review

- a. Preservation of Trees and Landscape – The proposal does not require the removal of any trees or substantial landscaping, as the addition does not extend significantly away from the existing building.

b. Relation of Buildings to Environment – The proposed addition is not expected to have shadow impacts on neighboring properties.

c. Relation of Buildings to the Form of the Streetscape and Neighborhood – The proposed addition has been designed to be consistent with the style of the existing dwelling. The proposed bay window will be similar to the one on the other side of the house, including the stucco side of the house and the same color wooden exterior trims. Also, the size of the addition is in proportion to that of the existing home and the scale of the finished space correlates to that of the surrounding homes.

Section 5.22.3.b.1.b: Exceptions to FAR Regulations for Residential Units

Floor Area	Allowed	Existing	Allowed by Special Permit	Proposed	Finding
Floor Area Ratio (% of allowed)	0.350 100%	0.355 101.3%	0.55 120%	0.37 105%	Special Permit*
Floor Area (s.f.)	3,344.6	3391	4013.52	3391+157= 3548	

**Under Section 5.22.3.b.1.b a special permit may be granted for an exterior addition that is less than or equal to 20% of the permitted gross floor area*

Ms. Clark stated the Planning Board is not opposed to this proposal for partial demolition of the west elevation to allow for a modest kitchen expansion. Ms. Clark noted the design is consistent with the existing house and will not impact the streetscape and the relief requested is minimal as it is within the 120% FAR allowed by special permit and no setback relief is required.

Therefore, the Planning Board recommends approval of the plot plan submitted by Clifford Rober and dated 1/29/2016, and the elevations and modified floor plans submitted by Halliday Construction Group and dated 7/14/2016 and 9/16/2016 subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit a final site plan, elevations showing the finish of the crawl space to grade with lattice, and floor plans subject to the review and approval of the Assistant Director for Regulatory Planning.
2. 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 floor plans and elevations 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Chairman Zuroff requested that Ms. Clark deliver the findings of the Building Department. Ms. Clark stated the Building Department has no objection to this request. Ms. Clark noted the relief requested utilizes very little of the allowed 120% bonus and the proposal complies with all the required setbacks. Ms. Clark stated if the board finds this proposal meets the requirements for the grant of a special permit, the Building Department will work with the petitioner to ensure compliance.

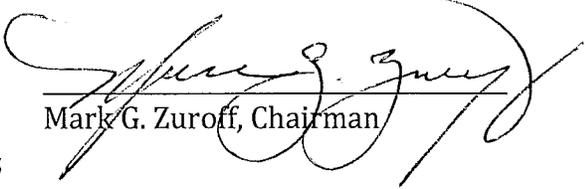
The Board then deliberated on the merits of a special permit as requested. Board Members Book and Hussey were in support of granting the relief. Chairman Zuroff stated the proposal was well within the parameters of the requirements for special permit relief under **Section 9.05** and **Section 5.22.3.b.1.b**

Accordingly, the Board voted unanimously to grant the requested relief of a special permit under **Section 9.05** and **Section 5.22.3.b.1.b** subject to the following amended conditions:

1. Prior to the issuance of a building permit, the applicant shall submit a final site plan indicating yard dimensions including the rear yard setback distance to the proposed addition, elevations showing the finish of the crawl space to grade with lattice, and floor plans subject to the review and approval of the Assistant Director for Regulatory Planning.
2. 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 floor plans and elevations 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

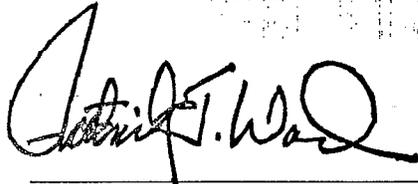
**Unanimous Decision of
The Board of Appeals**

Filing Date: 11/10/16


Mark G. Zuroff, Chairman

A True Copy

ATTEST:

A handwritten signature in black ink, appearing to read "Patrick J. Ward". The signature is written in a cursive style with a large initial "P".

Patrick J. Ward
Clerk, Board of Appeals