



Jesse Geller, Chair
Christopher Hussey
Jonathan Book

PAID

NOV 11 5 09

BROOKLINE

Town of Brookline Massachusetts

Town Hall, 1st Floor
333 Washington Street
Brookline, MA 02445-6899
(617) 730-2010 Fax (617) 730-2043
Patrick J. Ward, Clerk

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2013-0074

Owner: Sandra Lundy and Ellen Rottersmann

Petitioners, Sandra Lundy and Ellen Rottersmann, applied to the Building Commissioner for permission to add a parking area by expanding their driveway at 9 Greenough Circle.. 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 at 7:15 PM October 3rd, 2013, in the Selectmen's Hearing Room as the date, time and place of a hearing for the appeal. Notice of the hearing was mailed to the Petitioner, their attorney (if any) 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 September 19th and 26th, 2013, 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: **Sandra Lundy/Ellen Rottermann**
Owner: **Sandra Lundy/Ellen Rottermann**
Location of Premises: **9 Greenough Circle**
Date of Hearing: **October 3, 2013**
Time of Hearing: **07:15 PM**
Place of Hearing: **Selectmen's conference room, 6th floor**

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

5.43; Exceptions to Yard and Setback Regulations
6.04.c.1; Design of All Off-Street Parking Facilities
6.04.c.2; Design of All Off-Street Parking Facilities
6.04.12; Design of All Off-Street Parking Facilities
8.02.2; Extension and Alteration

Of the Zoning By-Law to **add parking area by extending driveway**

At 9 Greenough Circle

Said premise located in an **T-6 (Two-Family and Attached 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 Zoning Administrator at 617-734-2134 or check meeting calendar at: <http://calendars.town.brookline.ma.us/MasterTownCalendar/?FormID=158>.

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 e-mail atrsneirson@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 Jonathan Book and Board Members Christopher Hussey, and Mark Zuroff. Petitioner Sandy Lundy presented the case on her own behalf.

Ms. Lundy described 9 Greenough Circle as a two-story single-family that was built in 1940. The home is situated on a private cul-de-sac. There are seven other single-family homes on the Greenough Circle, which is off Washington Street between Greenough Street and Cypress Street. There is very little traffic on Greenough Circle, and the road is wide enough to accommodate temporary street parking on both sides if necessary. She said the proposal is to legalize the expansion of their driveway and add two parking spaces. The parking area is constructed using cobblestone pavers. Ms. Lundy said she was not aware that the project required a permit.

The Chairman then asked if anyone in attendance wished to speak in support or in opposition to the petitioner's proposal. No one asked to be heard.

Tim Richard, Planner, delivered the findings of the Planning Department.

Section 5.43 – Exceptions to Yard and Setback Regulations

Section 6.04.5.c.1 – Design of All Off-Street Parking Facilities

Section 6.04.5.c.2 – Design of All Off-Street Parking Facilities

Section 6.04.12 – Design of All Off-Street Parking Facilities

| Dimensional Requirements | Required | Existing | Proposed | Relief |
|---------------------------------|-----------------|-----------------|-----------------|----------------|
| Parking Front Setback | 15' | 0' | 0' | Special Permit |
| Parking Side Setback | 5' | .50 | 2.5 | Special Permit |

Section 8.02.2 – Alteration or Extension

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

Mr. Richard said the Planning Board is supportive of granting this special permit. The expansion of the driveway will allow for additional parking area on the property and prevent parking on the private way. The Board requested that the applicant come to an agreement with the affected neighbor at 3 Greenough Circle. The neighbor has requested that the applicant remove some of the pavers to allow for a 2.5' gap from the property line to the edge of the pavers. They have also requested that the applicant plant evergreens that extend from the front of the property to the garage window. The Planning Board is supportive of this proposal.

Therefore, if the Planning Board recommends approval of the site plan prepared by SMC Surveying, dated 9/30/13, the following conditions are recommended:

1. Prior to the issuance of a building permit, a final site plan stamped and signed by a registered engineer or land surveyor, showing a final driveway that is 2.5 feet from the side property line, 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 shall be submitted, indicating additional landscaping in the form of evergreens that span from the front of the property to the garage window, 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) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

The Chairman then called upon Michael Yanovitch, Chief Building Inspector, to deliver the comments of the Building Department. Mr. Yanovitch said the Building Department has no objection. He said the Building Department thanks the petitioner for moving forward to legalize the construction of the driveway. He said the relief is minimal and will work with the petitioner to insure compliance.

The Board, having deliberated on this matter and having considered the foregoing testimony, concludes that it is desirable to grant Special Permits and that the petitioner has satisfied the requirements necessary for relief under Sections 5.43, 6.04.5.c.1 and 2, 6.04.12 and 9.05 of the Zoning By-Law and made the following specific findings pursuant to Section 9.05 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.

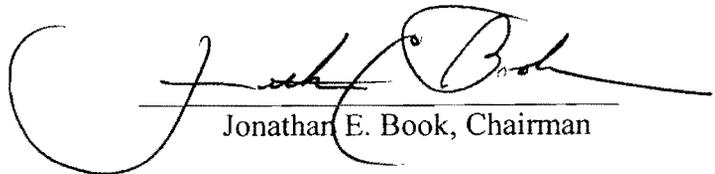
Accordingly, the Board voted unanimously to grant the requested relief subject to the following conditions:

1. Prior to the issuance of a building permit, a final site plan stamped and signed by a registered engineer or land surveyor, showing a final driveway that is 2.5 feet from the side property line, 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 shall be submitted, indicating additional landscaping in the form of evergreens that span from the front of the property to the garage window, 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) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Unanimous Decision of

The Board of Appeals

Filing Date: November 12, 2013



Jonathan E. Book, Chairman

A True Copy
ATTEST:



Patrick J. Ward
Clerk, Board of Appeals

FILED
TOWN OF FIDELITY
TOWN CLERK

2013 JUL 12 A 9 11