



BOARD OF APPEALS
Enid Starr, Co-Chair
Jesse Geller, Co-Chair
Robert De Vries

Town of Brookline

Massachusetts

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Patrick J. Ward, Clerk

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2011-0002

Petitioner, Steffanie Finn, applied to the Building Commissioner for permission to construct a single story addition on the rear of her single-family home at 246 Walcott Road. The application was denied and an appeal was taken to this Board.

On December 23, 2010 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 and fixed January 27, 2011 at 7:00p.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 his 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 January 6 and 13, 2011 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: **FINN, STEFFANIE**
Owner: **FINN, STEFFANIE**
Location of Premises: **246 WOLCOTT RD**
Date of Hearing: **January 27, 2011**
Time of Hearing: **7:00 PM**
Place of Hearing: **Selectmen's Hearing Room, 6th. floor**

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

1. **5.09.2.j; Design Review, special permit required.**
2. **5.20; Floor Area Ratio, variance required.**
3. **5.22.3.c; Exceptions to Maximum Floor Area Ratio For Residential Units, special permit required.**
4. **5.43; Exceptions to Yard and Setback Regulations, special permit required.**
5. **5.50; Front Yard Requirements (Wolcott), variance required.**
6. **5.70; Rear Yard Requirements, variance required.**
7. **8.02.2; Alteration of Extension, special permit required.**

Of the Zoning By-Law to construct an addition to the rear of home requiring BOA relief at 246 WOLCOTT ROAD.

Said premise located in a **S-10 (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 the ADA Coordinator, Stephen Bressler, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone: (617) 730-2330; TDD (617) 730-2327.

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At the time and place specified in the notice, this Board held a public hearing. Present at the hearing was Chairman, Enid Starr and Board Members, Jesse Geller and Mark Zuroff. The

Petitioner, Steffanie Finn, was represented by her architect, Stephen Sousa of Sousa Design Architects, 75 Newbury Street, Boston, MA 02116.

Mr. Sousa described the home as a Tudor style single-family, located on a triangular shaped corner lot at the intersection of Wolcott Road and the Wolcott Road Extension. The home is accessed via a driveway off of the Wolcott Road Extension and has a recessed garage. The rear of the house is screened by a fence in the side and rear yards. The home is located in South Brookline near the Putterham Golf Course and is surrounded primarily by other single-family homes.

Mr. Sousa said that his client is proposing to construct a 230 square foot single story addition to the rear of the home. The addition will measure 6' x 38'4" and will accommodate a kitchen extension, new bathroom and a new pantry. The addition will be clad in copper and will have a copper roof. He said that they will also be removing an entry overhang from one side of the house.

Mr. Sousa said that he believed the proposal required relief from Sections 5.09.2.i, Design Review, 5.22.3.c, Floor Area Ratio, and 8.02.2, because the front and rear setbacks are pre-existing, non-conforming conditions. He said that he believed that all the requested relief could be granted by special permit.

The Chairman asked whether anyone in attendance wished to speak in favor or against the proposal. No one rose to speak

Polly Selkoe, Assistant Director for Regulatory Planning delivered the findings of the Planning Board.

Section 5.09.2.j – Design Review: Any exterior addition for which a special permit is requested pursuant to Section 5.22 (Exceptions to Maximum Floor Area Ratio Regulations) requires a special permit subject to the design review standards listed under Section 5.09.4(a-1). All the conditions have been met, and the most relevant sections of the design review standards are described below:

- a) Preservation of Trees and Landscape: There is not currently any landscaping immediately adjacent to the rear of the home, therefore no trees or other plantings will be disturbed by the construction of the addition.
- b) Relation of Buildings to Environment: The proposed addition is a single story and is not anticipated to cause shadowing on neighboring buildings.
- c) Relation of Buildings to the Form of the Streetscape and Neighborhood: The proposed addition will not be visible from the streetscape. However, the addition is consistent with the character of the home and is comparable in size and scale to other additions in the neighborhood. In addition, the removal of the entryway overhang on the side façade of the house also should not create any disruption to the streetscape.

Section 5.20 – Floor Area Ratio

| Floor Area | Allowed | Existing | Proposed | Finding |
|------------------------------------|-------------|-------------|-------------|---------------------------|
| Floor Area Ratio (% of allowed) | .30 100% | .34 114% | .37 124% | Variance/ Special permit* |
| Floor Area (s.f.) | 2,298.6 | 2,610 | 2,840 | |

* Under Section 5.22.3.c, the Board of Appeals may grant a special permit for up to 150% of the permitted gross floor area provided the addition is less than 350 square feet. The applicant is proposing to construct a 230 square foot addition.

Section 5.50 – Front Yard Setback

Section 5.70 – Rear Yard Setback

| Dimensional Requirements | Required | Existing | Proposed | Relief |
|--------------------------|----------|----------|----------|----------------------------|
| Front Yard Setback | 20' | 18'5" | 18'5" | Pre-existing Nonconforming |
| Rear Yard Setback | 30' | 11'8" | 11'8" | Pre-existing Nonconforming |

* Under Section 5.43, the Board of Appeals may waive yard and setback requirements if a counterbalancing amenity is provided. As both deficient setback conditions are pre-existing and not as a result of an addition, a counterbalancing amenity is not required.

Section 8.02.2 – Alteration or Extension

A special permit is required to alter a pre-existing non-conforming structure.

Ms. Selkoe reported that the Planning Board was supportive of the proposal to construct a 230 square foot addition to the rear of this home. The addition is well designed and integrates well with the general aesthetic of the structure. As the home already has a wood fence which should

screen the addition from neighboring properties, it is not anticipated the proposal should have any negative impacts on neighboring properties. Therefore, the Planning Board recommended approval of the plans by Sousa Design Architects, dated 12/14/2010, subject to the following conditions:

1. Prior to the issuance of a building permit, final plans and elevations indicating all salient dimensions and materials 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, 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 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 then called upon Michael Shepard, Building Commissioner, to deliver the comments of the Building Department. Mr. Shepard stated that addition appeared well designed and the Building Department supported the requested relief as well as the conditions recommended by the Planning Board.

During deliberations, Board Member Zuroff stated that he lived near 246 Wolcott Road and none of the proposed work would be visible from the public way

The Board, having deliberated on this matter and having considered the foregoing testimony, concludes that all the requested relief could be granted by special permit. The Board found that that the petitioner has satisfied the requirements necessary for relief under **Sections 5.09.2.i, 5.22.3.c, 8.02.2, 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, final plans and elevations indicating all salient dimensions and materials 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, 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 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**

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 11 JAN 02 PM 12:04

Unanimous Decision of
 The Board of Appeals


 Enid Starr, Chairman

Filing Date: February 01, 2011

A True Copy
 ATTEST:


 Patrick J. Ward
 Clerk, Board of Appeals