



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. 2011-0005

Petitioner, Tracy McLeod, applied to the Building Commissioner for permission to reconstruct the existing roof in order to gain additional habitable area for her home at 270 Buckminster Road. The application was denied and an appeal was taken to this Board.

On 23, December 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 17, January 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 27, January and 3, February 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: **Tracy McLeod**
Owner: **Tracy McLeod**
Location of Premises: **270 Buckminster Road**
Date of Hearing: **February 17, 2011**
Time of Hearing: **7:00PM**
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.b.1.b; Exceptions to Maximum Floor Area Ratio For Residential Units, special permit required.**

Of the Zoning By-Law to request to reconstruct the existing roof in order to gain additional habitable area for your home at 270 Buckminster 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, Jesse Geller and Board Members, Lisa Serafin and Christopher Hussey. The Petitioner, was represented by George Warner of Warner + Cunningham, Architecture, Design, Planning Inc., 397 Newton St., Chestnut Hill MA 02467

Mr. Warner described the home at 270 Buckminster Road as a single-family dwelling located across from the Runkle School at the intersection of Buckminster Road, Druce Street and Chesham Road. The dwelling has two stories with a low hip roof, and a sub-basement level two-car garage whose entrance faces Buckminster Road. A series of steps leads up to a deck and entrance, but there is not a clear front entryway for the building. Some large trees exist on the property, while the rest of the lot is landscaped with lawn and shrubbery. The lot is steeply sloped and many of the first floor windows are close to grade.

He said that his client, Tracey McLeod, wishes to rebuild the roof of the building to allow for living space at the dwelling's attic level. The dwelling would go from having a low hip roof to a traditional gable with three gable dormers each on the front and rear facades. This proposal would allow for 1,126 s.f. of additional living space at the attic level. The change would increase the total building height by approximately 10 feet, but the ridge of the roof would continue to be below the height allowable by zoning. Additional renovation work that does not require zoning relief is also planned, including replacing and relocating many windows on the front and side facades, removal of the balconies and the installation of a small canopy over new garage doors.

Mr. Warner reported that there would be no shadow impact on the surrounding properties from the increased roof height. He said that they have received support from the neighbor on the right of the property and that they tried to contact the neighbor to the left but they have been away.

Mr. Warner said all the relief requested could be granted by special permit. He said relief was requested under **Section 5.22.3.b.1.b**, for an exterior addition up to 20% above the area permitted by right. He also said because floor area relief was requested a special permit was also required under **Section 5.09.2.j**, Design Review.

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

Lara Curtis-Hayes delivered the comments of the Planning Board.

FINDINGS

Section 5.09.2.j – Design Review: All exterior additions that require a special permit under *Section 5.22 (Exceptions to Maximum Floor Area Ratio)* also require a special permit for design review. A community and environmental impact and design statement has been submitted, and the most applicable standards are reviewed below:

- *Preservation of Trees and Landscape* – Since the proposal encompasses modifying the dwelling’s roof and not expanding upon the dwelling’s footprint, the large trees and landscaping on site are not expected to be removed. One large tree near the dwelling is expected to be pruned in the area of the addition, but it will be retained.
- *Relation of Buildings to Environment* – The building is set into the hillside, and this change in the roof design should not significantly affect the building’s relation to its surrounding environment. The dwelling will continue to comply with height requirements, and it is located to the north of its closest neighbor, so the additional height is not expected to cause a significant shadow effect. Other neighboring dwellings are located either at a significant distance or at a higher elevation than the subject property.
- *Relation of Buildings to the Form of the Streetscape and Neighborhood* – The proposed roof changes, in conjunction with the additional fenestration on the front façade, will improve the overall appearance of the building as seen from the street. The proposal would bring the dwelling’s appearance more in character with its neighbors.

Section 5.20 – Floor Area Ratio

Section 5.22.3.b.1.b – Exceptions to Maximum Floor Area Ratio for Residential Units

	Existing	Maximum	Proposed	Finding
Floor Area Ratio	.276	.30	.36	Special Permit*
	3,779 s.f. (92%)	4,102.5 s.f. (100%)	4,905 s.f. (120%)	

*Under *Section 5.22.3.b.1.b*, the Board of Appeals may grant by special permit an increase in floor area for an exterior addition up to 20 percent above the permitted gross floor area.

Ms. Curtis-Hayes reported that the Planning Board was not opposed to this proposal to change the roof line of this single-family to allow for the dwelling’s attic level to be finished and used as living area. The proposal allows for the living area to be increased without expanding the

building's footprint, and the plans incorporate additional improvements that will result in a more attractive building. Therefore, the Planning Board recommends approval of the proposal and submitted plans, including the site plan prepared by Bruce Bradford and dated 1/24/2011, and the floor plans and elevations prepared by Warner + Cunningham and dated 1/25/2011 and 12/10/2010, subject to the following conditions:

1. Prior to issuance of a building permit, final elevations of the building shall be submitted to the Assistant Director for Regulatory Planning for review and approval.
2. Prior to issuance of a building permit, final floor plans and a final certified FAR analysis, stamped and signed by a registered architect, shall be submitted to the Assistant Director for Regulatory Planning for review and approval.
3. Prior to issuance of a building permit, the applicant shall submit to the Building Commissioner to ensure conformance with the Board of Appeals decision: 1) a final site plan, stamped and signed by a registered engineer or land surveyor; 2) final elevations, stamped and signed by a registered architect; and 3) evidence 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 the home is located in a neighborhood of considerably larger homes. All the neighboring properties are well kept and conducive to a family atmosphere. He said that the redesigned roof will fit better with the neighboring properties thereby providing a benefit to all. He said that the Building Department is comfortable with the relief required as well as the recommended conditions of the Planning Board.

During deliberations, Board Members agreed that the proposal would be an improvement to the property.

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.j, 5.22.3.b.1.b, 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 issuance of a building permit, final elevations of the building shall be submitted to the Assistant Director for Regulatory Planning for review and approval.**
- 2. Prior to issuance of a building permit, final floor plans and a final certified FAR analysis, stamped and signed by a registered architect, shall be submitted to the Assistant Director for Regulatory Planning for review and approval.**
- 3. Prior to issuance of a building permit, the applicant shall submit to the Building Commissioner to ensure conformance with the Board of Appeals decision: 1) a final site plan, stamped and signed by a registered engineer or land surveyor; 2) final elevations, stamped and signed by a registered architect; and 3) evidence the Board of Appeals decision has been recorded at the Registry of Deeds.**

Unanimous Decision of
The Board of Appeals

Filing Date: March 25, 2011



Jesse Geller, Chairman

RECEIVED
TOWN OF BROOKLINE
TOWN CLERK
MARCH 25
2011
TEST:
True Copy


Patrick J. Ward Clerk, Board of Appeals