



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

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Town of Brookline
Massachusetts
BUILDING DEPT.
TOWN OF BROOKLINE

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. 2011-0018

Petitioners, Giovanni Gavetti and Claudia Olivetti, applied to the Building Commissioner for permission to construct an addition to the rear of their home at 15 Jordan Road. The application was denied and an appeal was taken to this Board.

On March 24, 2011, 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 May 5, 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 April 14 and 21, 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: **Giovanni Gavetti**
Owner: **Giovanni Gavetti**
Location of Premises: **15 JORDAN RD**
Date of Hearing: **May 5, 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. **5.22.3.b.1.b; Exceptions to Maximum Floor Area Ratio (FAR) Regulations For Residential Units, special permit required.**
3. **8.02.2; Alteration or Extension, special permit required.**

Of the Zoning By-Law to: **ADDITIONS REQUIRING BOA RELIEF at 15 JORDAN RD.**

Said premise located in a **S-7(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 Jonathan Book and Mark Zuroff. The petitioner, Mr. Gavetti, presented the case before the Board. Due to a scheduling conflict, the site of the hearing was moved to the employee lounge, 3rd floor of the Town Hall. Appropriate notice was posted throughout the building advising of the change in location.

Mr. Gavetti described the property at 15 Jordan Road as a single-family home located on a downward sloping lot on the “low-side” of the street on Corey Hill. The home is a two-story Tudor style home with a shed dormer on the front façade with an attached single car garage. There is an addition and deck on the rear of the home that were constructed in 1987; the addition has some structural issues and both are slated for removal. The majority of the house is clad in brick while the rear addition and front dormer are clad in wood siding. The neighboring properties are primarily single family residences and the property is located near the Corey Hill Outlook Park.

Mr. Gavetti, said that he and Ms. Olivetti are proposing to remove the existing two-story addition and deck on the rear of the house and construct a new three-story (including the walk-out basement level) addition. The addition will have a wide “v” shape and will be three stories on the side of the “v” closest to the side lot line, and two stories with a deck above on the other side of the “v” facing the neighboring Summit Avenue Condo Association parking lot. The addition has a modern design with a gently sloping shed roof over the three-story portion of the addition and a flat roof below the deck. Mr. Gavetti said that they are proposing to construct a deck on the rear of the house on the first floor in addition to the second floor deck. The first floor deck will have a spiral staircase leading down to the ground level and both decks will utilize an identical railing system. The addition will be clad in vertical and horizontal clapboards with an accent material used on portions of the basement and first floor levels of the addition that has not yet been determined. The addition utilizes a combination of fixed, casement and hopper style windows in addition to the existing sliders and casement windows. Finally, he said that they are proposing to construct a carport adjacent to the existing attached single-car garage.

Mr. Gavetti said that since he and his wife are both academics, the addition will provide much needed individual office space at home. He also said the addition will help meet the needs of his growing family.

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

The Chairman called upon Courtney Synoweic, Planner, to provide 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-l). 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: The footprint of the new addition is largely in the same footprint of the existing addition and deck. The landscaping around the existing addition is primarily grass with trees and brush located on a terrace below the house, approximately 15' away. The new addition is not anticipated to disturb any existing landscaping other than some areas of grass and the applicant is proposing to add a substantial amount of new plantings.
- b) Relation of Buildings to Environment: The bulk of the addition is located on the side of the house closest to neighboring property at 19 Jordan Road. However, the tallest corner of the addition is north facing and setback far enough that it is unlikely to cast significant shadows on the neighboring property.
- c) Relation of Buildings to the Form of the Streetscape and Neighborhood: The proposed addition has a different style than the existing home. Many of the homes in the neighborhood are more traditional styles like colonials or Tudors and there is very little presence of modernist architecture. The proposal should not significantly alter the appearance of the streetscape as only a corner of the addition and the new carport are visible from the street.
- d) Open Space: The applicant is only slightly increasing lot coverage and there should not be a detrimental loss of open space.

Section 5.20 – Floor Area Ratio

Floor Area	Allowed	Existing	Proposed	Finding
Floor Area Ratio	.35	.30	.38	Special Permit*

(% of allowed)	100%	85%	109%	
Floor Area (s.f.)	2,868	2,429	3,125	

* Under Section 5.22.3.b.1, the Board of Appeals may grant a special permit for up to 120% of the permitted gross floor area.

Section 8.02.2 – Alteration or Extension

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

Ms. Synoweic reported that the Planning Board was supportive of the proposal to construct an addition and carport. The majority of the work will not be visible from the street, with exception of the new carport and should not have a significant impact on the streetscape. The Planning Board noted that although the rear of the house is at a higher grade than the properties below on Mason Terrace and the neighboring parking lot at 101 Summit Avenue, the addition will be largely screened by existing vegetation as well as new plantings. While the design of the addition is modernist and stylistically different from the majority of architecture in Brookline, the Planning Board believes that eclectic mixes of architectural styles contribute to the vibrancy and character of the Town. The Planning Board felt that the new addition is fairly modest in size, addresses the structural issues of the existing addition, and creates a new and interesting design for the rear facade of the building. Therefore, the Planning Board recommended approval the plans by Hamlin & Co., dated 1/31/2011, 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 the site is relatively steep toward

the rear and the addition appears designed to accommodate the site. He said that in his opinion the proposed addition would meet the needs of the family, improve the appearance of the home and add value to it as well as the rest of the neighborhood. Mr. Shepard said that should the Board consider the grant of the requested relief that the Building Department would ensure compliance with the Massachusetts State Building Code.

During deliberations, Board Members agreed that the relief sought was minimal and were supportive of granting the requested relief.

The Board, having deliberated on this matter and having considered the foregoing testimony, concludes that it is desirable to grant the Special Permit relief requested and that the petitioner has satisfied the requirements necessary for relief under Sections: 5.09, 5.22.3.b.1, 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.

Unanimous Decision of
The Board of Appeals


Enid Starr, Chairman

Filing Date: May 12, 2011

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AT THE CLERK'S OFFICE


Patrick J. Ward
Clerk, Board of Appeals