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BUILDING DEPT.
TOWN OF BROOKLINE

Town of Brookline Massachusetts

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

Town Hall, 1st Floor
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Patrick J. Ward, Clerk

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2011-0020

Petitioner, Michael Brodsky, applied to the Building Commissioner for permission to expand the parking area and related construction including steps, retaining walls and curb cut in the front yard at his home at 260 Mason Terrace. The application was denied and an appeal was taken to this Board.

On April 7, 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 12, 2011 at 7:00 p.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 21 and 28, 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: **MICHAEL BRODSKY**
Owner: **MICHAEL BRODSKY**
Location of Premises: **260 MASON TER**
Date of Hearing: **May 12, 2011**
Time of Hearing: **7:00 p.m.**
Place of Hearing: **Selectmen's Hearing Room, 6th. floor**

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

1. **5.43; Exceptions to Yard and Setback Regulations, special permit required.**
2. **6.04.5.c.1; Parking in front yard, variance required.**
3. **6.04.12; Exceptions to dimensional requirements for new parking for existing structures, special permit required.**
4. **8.02.2; Alteration or Extension, special permit required.**

of the Zoning By-Law to **construct a parking space in the front of the yard of the property located at 89 WINTHROP ROAD**

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.

**Enid Starr
Jesse Geller
Robert De Vries**

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, Lisa Serafin and Mark Zuroff. The petitioners were represented by Attorney Robert Allen of 300 Washington Street, Brookline MA presented the case on behalf of the petitioner, Michael Brodsky. Attorney Allen reported that

Mr. Brodsky had recently been involved in an automobile accident and was unable to attend the hearing. Mrs. Brodsky appeared in his stead.

Attorney Allen described 260 Mason Terrace as a single-family two-story stucco colonial, built in 1925. The property is located in a single-family district north of Beacon Street, off of Summit Avenue, and southeast of Brighton. The dwelling is located on the south side of the street which is built into a slight hill, while the north side of the street is closer to grade. Beneath the home, on the east side, is an existing one-car garage. Surrounding uses are residential and the property is near Corey Hill Park. The petitioner, Michael Brodsky, proposes to expand the front yard parking area to allow for additional parking on this sloped lot. Mr. Brodsky does not have access to the side and rear yard for additional parking and would like to add a parking area constructed from concrete pavers so he can park two cars on the property. The current parking accommodations include a one-car garage recessed into the grade on the east side of the home. According to the original plans, a 4' wide grass strip would separate the area between the existing garage and the proposed parking area. However, this plan was revised so that the parking area would be adjacent to the garage and existing parking area, so that only one curb cut would be required. Mr. Brodsky is planning to provide planters on top of the existing garage. Mr. Allen stated that the petitioner proposes to extend the existing curb cut serving the dwelling's parking area by 10'. The remaining granite curbing would be 5.5' in the area in front of the grass strip. The new parking area would measure 16.8'x 12', totaling approximately 200 s.f. The staircase leading to the front door on the west side of the home would be reconstructed and moved to make additional space for the driveway expansion. Also included in the plans is a 4' high retention wall for the dwelling's front façade. The applicant also proposes to install a

basement door next to the new wall, in order to keep trash inside the home and to provide access to the proposed parking area.

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

Courtney Synowiec, Planner delivered the findings of the Planning Board.

Section 6.04 – Design of All Off-Street Parking Facilities

Section 6.04.5.c.1 – Parking in Front Yard

The surfaced area of a parking lot shall be set back from the front lot line in accordance with the Zoning By-laws and shall be maintained continuously. *Variance required.*

Proposed Driveway	Required	Existing	Proposed	Relief
Front Yard Setback	20'	9.5'	0'	Special permit

*Under **Section 5.43**, the Board of Appeals may waive by special permit yard and setback requirements in return for increasing the depth or area of another yard or setback

*Under **Section 6.04.12**, the Board of Appeals may allow by special permit the substitution of other dimensional requirements where new parking facilities are being installed to serve existing structures.

Section 8.02.2 – Alteration or Extension

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

Ms. Synoweic reported that the Planning Board recommended that the applicant revise the plans and relocate the parking area adjacent to the garage and existing drive, so that it only requires one curbcut. The Planning Board supports the revised plan and believes it provides a higher quality landscaping in front of the house. Therefore, the Planning Board approves the revised plans by Yevgeniy Romm, dated 5/2/2011, subject to the following conditions:

1. Prior to the issuance of a building permit, a final site plan, landscaping plan and elevations indicating all relevant 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, for the report from the Building Department. Mr. Shepard stated that the Building Department was supportive of the revised proposal. He said that many of the lots on this side of the road had parking in the front yard. He reported that the revised plan appears well thought-out and when constructed, will add value to the property as well as aesthetic value for the neighboring properties.

The Board asked about the possibility of extended the garage. Attorney Allen informed them that the garage cannot be extended back to make room for two cars due to the narrow distance between the home and the lot line. The Board thought the planters on the roof of the garage was a nice way of providing privacy for the neighboring property. The Board felt that the plan as revised, with a 20' curb cut, was a better option than the original plan submitted by the petitioner.

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 **Section 6.04.12, 5.43, and 8.02.2**. The Board also 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.

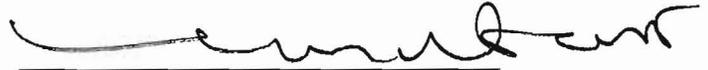
Accordingly, the Board voted unanimously to grant the requested relief subject to the following conditions:

1. Prior to the issuance of a building permit, a final site plan, landscaping plan and elevations indicating all relevant 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.

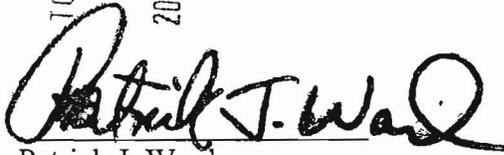
Unanimous Decision of
The Board of Appeals



Enid Starr, Chairman

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TOWN OF BROOKLINE
TOWN CLERK
2011 JUN - 8 9:30
Filing Date: June 8, 2011

A True Copy
ATTEST:



Patrick J. Ward
Clerk, Board of Appeals