



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

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BOARD OF APPEALS
TOWN OF BROOKLINE
Town of Brookline
Massachusetts

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Patrick J. Ward, Clerk

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2011-0026

Petitioners, Susan and Arthur Flashman, applied to the Building Commissioner for permission to construct a new 2 car garage with a family room to the rear of their home at 140 Fairway Road. The application was denied and an appeal was taken to this Board.

On April 28, 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 June 9, 2011 at 7:30 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 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 May 19 and 26, 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: **FLASHMAN, ARTHUR & FRANK, SUSAN**
Owner: **FLASHMAN, ARTHUR & FRANK, SUSAN**
Location of Premises: **140 FAIRWAY RD**
Date of Hearing: **JUNE 09, 2011**
Time of Hearing: **7:30 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. 5.09.2.a; Design Review, special permit required.**
- 2. 5.43; Exceptions to Yard and Setback Regulations, special permit required.**
- 3. 5.60; Side Yard Requirements, variance required.**

Amend as required, Board of Appeals case # 2263

of the Zoning By-Law to **GARAGE ADDITION REQUIRING BOA RELIEF at 140 FAIRWAY RD.**

Said premise located in a **S-15 (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, Mark Zuroff and Board Members, Jonathan Book and Christina Wolfe.

The case was presented by the Petitioner, Arthur Flashman and his wife Susan. They were also

accompanied by their architect, Anne Snelling-Lee of a + sl studios, 54 Carver Road, Newton, MA 02136.

Mr. Flashman described his home as a single-family brick French colonial built in 1938. His neighborhood is residential located west of Reservoir Street and north of Boylston Street. The two-story dwelling has an open-ended carport built in 1978 on the east side of the home as well as an existing garage. The neighborhood homes are similar to his own.

Mr. Flashman said that they are proposing to remove the existing carport and construct a new single-story addition on the dwelling's northeast and rear sides. The project would add 810 square feet of new gross floor area and a 515 square foot garage, he said. The existing garage will be converted to accommodate a mudroom and new kitchen. The new addition behind the garage will encompass a new family room, laundry room and half bath. In order to construct the addition, a portion of the gutter and roof will be removed and reframed; the new roof will be clad in slate and will match the height of the existing roofline. Mr. Flashman said he is also proposing to replace doors, windows, and interior mechanical systems. Finally, he said that they desired to alter their driveway configuration to accommodate the moved garage door. The proposed driveway alterations would preserve the 17'3 1/4" curb cut, and will widen to 21'-6" to allow for entry to the new garage. The proposed driveway width comfortably allows access for two cars since the applicant is intending to use one bay of the garage primarily as storage. As a counter balancing amenity for relief from the side yard requirement, Mr. Flashman said that they intended to provide new landscaping on the garage side addition for screening from the neighboring property.

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

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

November 20, 1978, Board of Appeals Decision case #2263 – The Board of Appeals voted to allow Mary E. Merritt and her husband, owners of 140 Fairway Road, to construct a 20 ft. by 12 ft. carport next to their garage. The applicants had to park their cars beside the home since the garage was too small for their cars.

Section 5.09.2.j – Design Review: Any exterior addition for which a special permit is requested is 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: The proposed addition would remove a tree and relocate a tree/bush.
- b) Relation of Buildings to Environment: The proposed addition is not anticipated to cause shadowing on neighboring buildings as the addition is single-story and the height of the dwelling would remain unchanged. The addition should relate harmoniously to the landscape.
- c) Relation of Buildings to the Form of the Streetscape and Neighborhood: The proposed addition is consistent in style with the existing dwelling as well as with neighboring dwellings.
- d) Open Space: The applicant is proposing to make improvements to the landscaped areas in the side yard near the garage.
- e) Circulation: The proposal will retain the existing driveway and is not anticipated to impact circulation.

Modification to BOA Decision case #2263, November 20, 1978: The Board met and determined that the proposal to build a carport meets the environmental impact and design review standards of Section 5.09. *Modification required.*

Section 5.43 – Exceptions to Yard and Setback Regulations

Section 5.60 – Side Yard Requirements

Dimensional Requirements	Required	Existing	Proposed	Relief
Side Yard Setback	15'	16.8'	9'	Special permit/Variance*

*Under **Section 5.43**, the Board of Appeals may waive by special permit yard and setback requirements if

counterbalancing amenities are provided. As a counterbalancing amenity, the applicant is proposing to provide new landscaping on the garage side addition for screening from the neighboring property.

Ms. Synowiec reported that the Planning Board was generally supportive of the proposal to construct an enclosed garage addition. The Board believed that an enclosed garage will be a visual improvement from the carport and will be more consistent with the character of the home. However, the Planning Board had some concerns with regard to the window selection on the front elevation. The Planning Board would like the applicant to install windows with divided lights on the garage and the window opening immediately adjacent to the garage. The Board noted that the applicant originally proposed to construct a much wider driveway and is pleased the applicant revised their plans to minimize asphalt by removing a section of the existing driveway and converting it to a landscaped planter with a walkway. Finally, the Planning Board noted that the majority of the work on this project will not be visible from the street and the removal of the carport will be a substantial improvement to the streetscape. Therefore, the Planning Board approves the plans and elevations by Anne E. Snelling-Lee, Registered Architect, dated May 24, 2011 and site plan by John R. Hamel, Registered Land Surveyor, dated April 11, 2011, subject to the following conditions:

1. Prior to the issuance of a building permit, final elevations indicating windows with divided lights on the front façade, all necessary dimensions and materials shall be submitted subject to the review and approval of the Assistant Director of Regulatory Planning.
2. Prior to issuance of a building permit, the applicant shall submit a final landscaping plan indicating all counterbalancing amenities to the Assistant Director of Regulatory Planning for review and approval.
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) a final site plan stamped and signed by a registered engineer or land

2. Prior to issuance of a building permit, the applicant shall submit a final landscaping plan indicating all counterbalancing amenities to the Assistant Director of Regulatory Planning for review and approval.
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) 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



Mark Zuroff, Chairman

Filing Date: June 20, 2011

A True Copy
ATTEST:



Patrick J. Ward
Clerk, Board of Appeals