



BOARD OF APPEALS  
Enid Starr, Co-Chair  
Jesse Geller, Co-Chair

# Town of Brookline, Massachusetts

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Patrick J. Ward, Clerk

TOWN OF BROOKLINE  
BOARD OF APPEALS  
CASE NO. 2011-0055

Petitioner, Trustees of Zeta Beta Tau Fraternity, applied to the Building Commissioner for permission extend the time period for the operation of their fraternity house at 58 Manchester Road an additional four years as required in Board of Appeals decision #070058. The application was denied and an appeal was taken to this Board.

On November 3, 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 December 15, 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 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 November 17 and 24, 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: **TRUSTEES OF ZETA BETA TAU FRATERNITY**

Owner: **TRUSTEES OF ZETA BETA TAU FRATERNITY**

Location of Premises: **58 Manchester Road**

Date of Hearing: **December 15, 2011**

Time of Hearing: **7:00 p.m.**

Place of Hearing: **Selectmen's Hearing Room, 6<sup>th</sup> Floor**

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

**To extend time period 4 years as previously done in Board of Appeals case # 070058 dated November 17, 2007.**

of the Zoning By-Law to extend the time period four years at **58 MANCHESTER RD.**

Said premise located in a **T-5 (two-family and attached single-family)** residential 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, Jonathan Book and Christopher Hussey. The case was presented by Robert Brik, President of the Zeta Beta Tau Fraternity.

The Planning Board report dated December 1, 2011 provided a brief historical narrative of previous approvals of the Zoning Board of Appeals:

1924 – Existing frame house converted to fraternity house.

1961, Case #1092 – special permit granted to build new brick building for 28-member fraternity.

1964, Case #1292 – modification denied to increase occupancy from 28 to 42 members.

1965, Case #1092A – modification granted to permit 42 members subject to 5 year limitation.

1970, Case #1620 – 5 years extension of 42 member limit.

1975 – 2007, Cases #1988 through #BOA070058 – Time extensions were granted 9 times for the 42-member fraternity, five times for 4 years and four times for 3 years. The most recent extension will end on December 31, 2011.

Mr. Brik described the property at 58 Manchester Road as a 2½-story brick fraternity house located on the corner of Naples Road. There is a side yard parking lot for 14 cars. The lot is screened from the abutting homes by shrubs. The neighborhood consists primarily of two-family homes and apartment buildings, with a three-story apartment building directly across the street.

Mr. Brik stated that he was before the Board to request a four-year extension of the time limitation in BOA Case #070058, their previously issued extension. This requested extension would begin on January 1, 2012, and last through December 31, 2015.

Chairman Starr asked whether anyone in attendance wished to speak in favor-of or against the requested time extension. No one rose to speak. Mr. Brik submitted a petition in support signed by neighborhood residents.

Courtney Synowiec, Planner, delivered the findings of the Planning Board. She said that the purpose of these periodic hearings is to ensure that past conditions have been complied-with and that no new issues have arisen that may be mitigated with new conditions.

Ms. Synowiec reported that the Planning Board had no objection to granting a four-year time extension for the Zeta Beta Tau Fraternity. The Board considered the frequent review of the fraternity as an incentive for good behavior and an opportunity for the neighbors to comment positively or negatively. The Board felt that access to fraternity officers, as set up in previous cases, should be continued to ensure communication with the neighbors. Therefore, the Planning Board recommended a four-year time extension subject to the same conditions issued in 2007.

The Chairman then called upon Michael Shepard, Building Commissioner, for the report from the Building Department. Mr. Shepard stated that since the last extension there have been no complaints relative to the operation of the fraternity house. Mr. Shepard also said that given the relatively unblemished record that this operation has enjoyed over an extended period of time, he would recommend extending the renewal period an additional two years, to expire on December 31, 2017.

The Board having deliberated on this matter and having considered the foregoing testimony, finds that periodic evaluation of the petitioner's behavior in the the Town's best interest and gives the Board the opportunity to refresh and remind the fraternity's brotherhood of its responsibilities pursuant to continued zoning relief. After considering the past operation of the fraternity, the Board decided to extend the renewal period an additional two years and set the expiration date at December 31, 2017.

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

1. **All rooms in the fraternity house shall be rented only to members of the MIT Chapter of the ZBT fraternity. A memo to this effect shall be sent to all fraternity brothers, posted in a public place in the fraternity, and submitted to the Department of Planning and Community Development for its file.**
2. **The property shall be properly maintained and the area picked up at least weekly and more often if necessary.**
3. **The names and phone numbers of the fraternity's trustees and the designated fraternity community liaison shall be filed with the Building Commissioner [with a copy sent to the Department of Planning and Community Development] and sent to the abutting property owners.**
4. **As part of the effort to insure continuity within the fraternity to improve communication with its neighbors, the fraternity shall post a permanent set of instructions in the fraternity president's office, including telephone numbers and who shall be available in an emergency.**

5. Fraternity representatives shall meet periodically with neighborhood representatives to resolve any differences regarding the operation and maintenance of the fraternity house and the conduct of its members.
6. Within 45 days of the filing of this decision, the applicant shall submit to the Building Commissioner evidence the Board of Appeals decision has been recorded at the Registry of Deeds.

Unanimous Decision of  
The Board of Appeals

Filing Date: **December 20, 2011**

A True Copy  
ATTEST:



Patrick J. Ward  
Clerk, Board of Appeals



Enid Starr, Chairman

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