



Town of Brookline

Massachusetts

PLANNING BOARD

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To: Brookline Board of Appeals
From: Brookline Planning Board
Date: April 18, 2013
Subject: Construct rear addition requiring side and rear yard relief
Location: **98 Clinton Road**

Atlas Sheet:	52	Case #:	2013-0025
Block:	247	Zoning:	S-10
Lot:	08	Lot Area (s.f.):	17,418

Board of Appeals Hearing: May 2, 2013 at 7:00 pm

SITE AND NEIGHBORHOOD

Clinton Road is located south of Boylston Street and consists of primarily single-family dwellings. 98 Clinton Road is a single-family Colonial style dwelling built in 1920 that abuts the Fisher Hill Local Historic District to the south. There is an existing garage in the rear of the dwelling accessed by a driveway. The top of the garage is accessed by a concrete path that arcs around the slope and to the top of the garage.

APPLICANT'S PROPOSAL

The applicants, Bea and Sam Wilderman, are proposing to demolish the existing garage and replace with a new, slightly larger garage in the same location. The new garage requires side and rear yard setback relief. The applicant is proposing to construct a deck on top of the roof that will include an outdoor kitchen area near the rear yard property line. There will also be a seating area and bocce court on the garage roof and all of the roof area will be screened from neighboring properties with a wood fence. There will be a railing around the roof deck that faces to the interior of the property. The proposal includes the construction of retaining walls that will provide a path up to the roof deck area, and will create an outdoor patio in the back corner of the property that will be level with the deck above the proposed garage.

FINDINGS**Section 5.43 – Exceptions to Yard and Setback Regulations****Section 5.60 – Side Yard Setback****Section 5.63 – Accessory Buildings or Structures in Side Yard****Section 5.70 – Side Yard Setback****Section 5.72 – Accessory Buildings or Structures in Rear Yards**

Dimensional Requirements	Required	Existing	Proposed	Relief
Side Yard Setback (west)	6'	.80'	.69'	Special Permit*
Rear Yard Setback	6'	15.5'	9.2'	Special Permit*

* Under **Section 5.43**, the Board of Appeals may waive yard and setback requirements if a counterbalancing amenity is provided. The Planning Board suggests that the applicant install additional landscaping as a counterbalancing amenity.

Section 6.04.5.c.2 – Design of All Off-Street Parking Facilities**Section 8.02.2 – Alteration or Extension**

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

PLANNING BOARD COMMENTS

The Planning Board supports the proposed replacement of the garage and construction of the roof deck above. The Board feels that this proposal is attractive, and it will help the applicant to better utilize their property, and create usable open space. The construction of the retaining walls will allow the land in the rear corner to be additional usable open space with landscaping surrounding it. The Board does not anticipate a negative impact on the surrounding properties as a result of this proposal. The Board feels that the landscaping included in the proposal will be adequate to satisfy the counterbalancing amenity requirement for a special permit. The Board is please that the applicant has agreed to remove the kitchen after listening to the neighbor's concern.

Therefore, the Planning Board recommends approval of the plans by Colin Smith Architecture Inc., dated 3/14/13, and the site plan by Metrowest Engineering, Inc., dated 2/4/13, subject to the following conditions:

1. Prior to the issuance of a building permit, final plans and elevations, indicating all proposed setback dimensions, 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 surveyor; 2) final floor plans and 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.

tcr



98 Clinton Road front façade



Existing garage to be demolished



View of stairs to access top of garage roof deck



View of side of garage



View of existing roof deck



Proposed patio and courtyard area