



# TOWN OF BROOKLINE

*Massachusetts*

## PLANNING BOARD

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To: Brookline Board of Appeals

From: Brookline Planning Board

Date: January 9, 2014

Subject: Retain the existing 750 square foot pool cabana, originally slated for demolition, requiring FAR variance relief for either the pool cabana or the new dwelling currently under construction.

**Location: 17 Yarmouth Road**

Atlas Sheet: 129  
Block: 440  
Lot: 31

Case #: 2013-0079  
Zoning: S-40  
Lot Area (s.f.): 40,423 sf

Board of Appeals Hearing: November 7, 2013 at 7:30 p.m., Postponed to March 6, 2014 at 7:15 p.m.

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## **BACKGROUND**

In November 2012, the Preservation Commission issued a permit to demolish the existing home built in 1955 and the 750 sf pool cabana. The Preservation Commission determined that neither the house nor the cabana was significant. The applicant has begun constructing a single-family home on the property.

## **SITE AND NEIGHBORHOOD**

The neighborhood consists of large single-family homes and is situated between The Country Club and Pine Manor College.

## **APPLICANT'S PROPOSAL**

The applicant is proposing to retain the existing 750 square foot pool cabana, originally slated for demolition, and is requesting FAR variance relief for for the property.either the pool cabana or the new 6,042 sf dwelling, which is under construction.

**FINDINGS****Section 4.07: Table of Use Regulations, Use #61****Section 5.20: Floor Area Ratio**

<b>Dimensional Requirements</b>	<b>Allowed</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
<b>Floor Area Ratio</b>	0.15 (6063 sf max)	0.15 (6042 sf)	0.16 (6642 sf)	Variance* (579 sf)

\*No exceptions to floor area ratio allowed for new dwellings per Sec. 5.22.1.c.

**Gross Floor Area Calculations**

New House	6,042 sf
Existing Cabana	+750 sf
Allowance for Accessory Structure**	-150 sf
Proposed GFA***	6642 sf
Proposed FAR	6642 / 40,423 = 0.16
Variance	6642 – 6063 = 579 sf

\*\* Table 4.07, Use #61

\*\*\*Proposed GFA is lower than what was submitted by Applicant, because Applicant had incorrectly included 150 sf allowance in GFA (per Building Department).

**PLANNING BOARD COMMENTS**

The Applicant, Cindy L. Stumpo, states that she has changed her mind about demolishing the pool house and would like to retain it. Although the new house under construction conforms to the allowed FAR, when the floor area of the pool house is added, the allowed FAR for the property is exceeded by 579 s.f.

The Planning Board is split three to three on its recommendation.

Half of the members support retaining the pool cabana, because it is an attractive and intact structure and does not appear to negatively impact any of the neighbors. Although if the Applicant had submitted an appeal for FAR relief prior to the construction of the main house, they would have recommended that the floor area for the proposed single-family be scaled back, so that with the retention of the pool house, the maximum FAR for the property would not be exceeded.

The other half of the Planning Board does not support preservation of the pool house because the main house (6, 042 s.f.) should have been built smaller, so that the applicant could keep her options open about retaining, or not retaining, the pool house. The applicant made the decision to preserve the pool house while construction of the new house was underway and although it might be costly, the plans of the main house could have been modified to reduce the floor area. These Planning Board members do not support granting a variance for FAR relief for a new house and believe it would set a bad precedent.

**Therefore, half the Planning Board would recommend granting the variance, and the other half, denying the variance. Should the Board of Appeals find that the statutory criteria for a variance are met, the Planning Board recommends that the following conditions be attached to the decision.**

1. Prior to the issuance of a building permit, the applicant shall submit a final site plan, 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; and 2) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

*pss*



