



## *Town of Brookline Massachusetts*

PLANNING BOARD  
Linda K. Hamlin, Chair  
Mark J. Zarrillo, Clerk  
Robert Cook  
Steven Heikin  
Sergio Modigliani  
Jonathan Simpson

To: Brookline Board of Appeals  
From: Brookline Planning Board  
Date: April 30, 2015  
Subject: Construct a second enclosed parking space at the basement level at rear façade; construct a deck over the second garaged space and add 184 square feet of living space off first floor at the rear  
Location: 98 Spooner Road  
Atlas Sheet: 66 Case #: 2015-0022  
Block: 281 Zoning: S-10  
Lot: 22 Lot Area (s.f.): ± 10,095.5 sf

Board of Appeals Hearing: **June 11, 2015 at 7:30 pm (Precinct 14)**

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### **SITE AND NEIGHBORHOOD**

98 Spooner Road is a rectangular-shaped lot with a two-and-a-half-story single-family dwelling originally built in 1922. The subject property is located in the Chestnut Hill North Local Historic District, a primarily residential neighborhood located north of Boylston Street near the Brookline-Newton line. The property's slope declines from the front property line (elevation 45') to the rear property line (elevation 39').

### **BACKGROUND**

In **1994** a rear deck, a solarium, and a one-car garage were constructed to replace a 1960s modernist deck. The ZBA granted a Special Permit to increase FAR from 3,029 sf to 3,135 sf (0.31 FAR), under Sec 5.22.3b.1c.

In **July 2014** the applicants submitted a proposal to the Preservation Commission that included removing the walkway, steps, landing and the roof along driveway (side façade); removing solarium and 1994 roofing from driveway to back of house; building a new deck with metal and wood railings and steps to the west; removing steps and landing on the driveway and constructing a new garage that encompasses

retaining wall next to old garage; with the existing garage to be re-sheathed in stucco and have new door.

In **March 2015** another revised plan, including adding 184 square feet of living space not approved by the commission last year, was denied by the Building Department. The applicants have returned with a request to amend the application previously by the Commission that now includes excavation for a second enclosed parking space off the basement level and a 16 x 16 foot an addition on the rear facade (rear) facade of the house off the first floor, above the garage. A roof deck and balustrade are proposed on the addition.

At its **April 15, 2015** hearing the Preservation Commission approved the plans dated January 23, 2015 and agreed that the addition fits proportionally into the neighborhood.

**April 17, 2015** - Planner Maria Morelli conducted a site visit, including a tour of first floor, with the owners, Irina and Pascal Aguirre.

#### **APPLICANT'S PROPOSAL**

The proposal consists of the following:

#### **1 - Remove walkway, steps, landing and hood (part of the 1994 addition) from side façade**

The raised brick pathway against the foundation will be removed and made flush with driveway to provide more room for vehicles, include utility apparatus.

**2 - Construct a second enclosed parking space at the rear basement level.** The rear façade of second parking space will be recessed one foot from the rear of the existing garage. The existing garage will be re-constructed with the same dimensions; its depth will not increase. Because the rear lot line angles inward, the proposed rear yard setback to the second, recessed garage space is one foot less than the existing setback and needs setback relief.

A stucco exterior will replace the existing clapboards and new garage doors will be installed (description of garage door style and materials to be presented by architect).

#### **3 - Expand driveway paving an additional 175 sf and construct retaining wall.**

The driveway paving will be expanded about 150 sf between existing driveway and the entrance of the new garage space, and about 25 sf beyond the end of the driveway in the rear.

The architect will confirm the height and materials of the retaining wall (*5'8", under 7 feet in rear yard setback*).

**4 - Remove existing solarium and existing terrace at the rear façade with new family room addition off the first floor and above the garage. (See photos)**

The proposed one-story family room is about 16 feet by 16 feet with four 6/1 windows along the rear façade and four 2/2 windows along the west façade. No egress from the family room to the outdoor terrace. Above the family room will be a wood balustrade. No roof deck is proposed for family room addition. The stucco exterior to be used on the garage would extend to the addition.

**5 - Replace terrace steps and landing with new deck and wood and metal rails.**

The new deck is proposed above the second garaged space. Egress onto the garage deck will continue to be the existing French doors on the rear façade (see photo of rear façade).

**FINDINGS**

**Section 5.09.2.j – Design Review**

Exterior additions to existing structures for which a special permit is requested pursuant to *Section 5.22 Exceptions to Maximum Floor Area Ratio Regulations for Residential Units* require a special permit subject to the design review standards listed under *Section 5.09.4(a-l)*. The most relevant sections are described below:

- a. Preservation of Trees and Landscape:* ~~The addition will not entail the removal of trees or landscaping. Existing trees along the rear fence would screen the addition.~~
- b. Relation of Buildings to Environment:* ~~The proposed addition is designed to integrate well with the existing dwelling, with substantial windows. The addition is relatively small, and should not negatively impact neighboring buildings.~~
- j. Heritage:* ~~The dwelling is located in the Chestnut Hill North Local Historic District. The addition would not be easily visible from Spooner Road and would not detract from the existing dwelling's style or character. The Preservation Commission agrees that the addition fits proportionally into the neighborhood.~~

**Section 5.22.3.b.1.b – Exceptions to Maximum Floor Area Ratio Regulations for Residential Units**

**Section 5.20 Floor Area Ratio - revised denial letter to be issued**

	<u>Allowed By Right</u>	<u>Allowed By Special Permit</u>	<u>Existing</u>	<u>Proposed</u>	<u>Finding</u>
<b>Floor Area Ratio (F.A.R.)</b>	0.30 (100%)	0.36 (120%)	<b>0.427 (142%)</b>	<b>0.446 (148%)</b>	<u>Special Permit*</u> <u>Variance</u>
<b>Floor Area (s.f.)</b>	3,028	3,634	<b>4,312.85</b>	<b>4,496.96</b>	--

\* Under Section 5.22.3.b.1.b, the Board of Appeals may allow by special permit an exterior addition up to 120% of the permitted gross floor area.

**Section 5.70 – Rear Yard Requirement**

<b>Dimensional Requirements</b>	<b>Required/Allowed</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
<b>Rear Yard Setback</b>	30 feet	23.7 feet	22.7 feet	Special Permit*

\* Under **Section 5.43**, the Board of Appeals may waive yard and setback requirements if a counterbalancing amenity is provided.

**Section 8.02.2 – Alteration or Extension:** The applicant has applied for a special permit to alter a pre-existing non-conforming building.

**PLANNING DEPARTMENT COMMENTS**

At the request of the Planning Department, the architect provided a breakdown of gross floor area by floor, which indicates that the GFA will increase from 4,312 to 4,496 sf (FAR 0.446, or 148% of what is allowed). The Building Department has determined that a new denial letter will need to be issued.

Because a Special Permit had been granted in 1994 to increase FAR under Section 5.22, another Special Permit under Section 5.22.3b.1c is not permitted. Although the 1994 permit did not utilize the full 20% FAR increase allowed, at some point the basement space had been converted to habitable area, which in our opinion does not permit the applicant to seek a Special Permit under Section 5.22.3c (150% FAR allowed; less than 350 sf). A Variance is required under Section 5.20.

Nonetheless, the Planning Department does support the issuance of a variance because of the site’s topography and lot shape:

The property slopes from the front yard (elevation 45') to the rear yard (elevation 39'). The side yard in which the L-shaped driveway is located narrows from 22 feet wide at the front to 14 feet at the rear at which the driveway turn left almost 90 degrees and a vehicle would need to turn and enter the basement garage.

Were it not for these site characteristics, the basement— and hence the footprint of the structure—would very likely have been smaller, and the enclosed parking spaces would have been accommodated under the first floor.

The modest addition is a practical decision to locate a family room off the kitchen in the rear (reconfiguration of the first floor to accommodate a family without a new addition is not possible). Because the second garaged space cannot be located under the first floor, it makes sense to enclose a portion of the space above the garage for year-round use instead of having a larger seasonal deck.

### **PLANNING BOARD COMMENTS**

The Planning Board supports the proposed project and submits the following comments:

- Constructing a room above the garage that can be used year-round is a practical decision that the Planning Board supports. It updates the configuration of the 1920s floor plan with a family room off the kitchen, a typical use of contemporary households with young children. The dimensions of the addition are in proportion to the existing structure. Overall, the addition is not out of scale with the surrounding neighborhood. Mature plantings along the rear lot line largely screen the addition from abutters on Middlesex Road. Additional plantings in the left side yard are recommended for further screening.
- A second garaged space is preferable to open-air parking and is an improvement to the rear yard, especially where the existing driveway is a mere five feet away from the rear lot line.
- The contemporary style of the wood and metal rails proposed for the new terrace contrast with the Colonial revival aspects of the existing structure (namely, the wood balustrades and French doors); however, the addition will be identifiable from original 1922 structure. Furthermore, the terrace is not viewable from the public way.
- Direct abutters on each side and at the rear have expressed support of the project.

**Therefore, if the statutory requirements for a variance are met, then the Planning Board recommends approval of the plans, by David Rubino of Huth**

**Architects, dated October 9, 2014 and January 23, 2015, and the site plan by George C. Collins of Boston Survey Inc. dated August 4, 2014, subject to the following conditions:**

- 1. Prior to the issuance of a Building Permit, the applicant shall submit to the Assistant Director for Regulatory Planning for review and approval (a) site plan, stamped and signed by a registered land surveyor, including setbacks, open space, parking area layout, retaining walls; and (b) floor plans and elevations.**
- 2. Prior to the issuance of a Building Permit, a landscaping plan shall be submitted subject to the review and approval of the Assistant Director for Regulatory Planning.**
- 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 elevations stamped and signed by a registered architect; 3) Certificate of Appropriateness from the Preservation Commission; and 4) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.**

MM



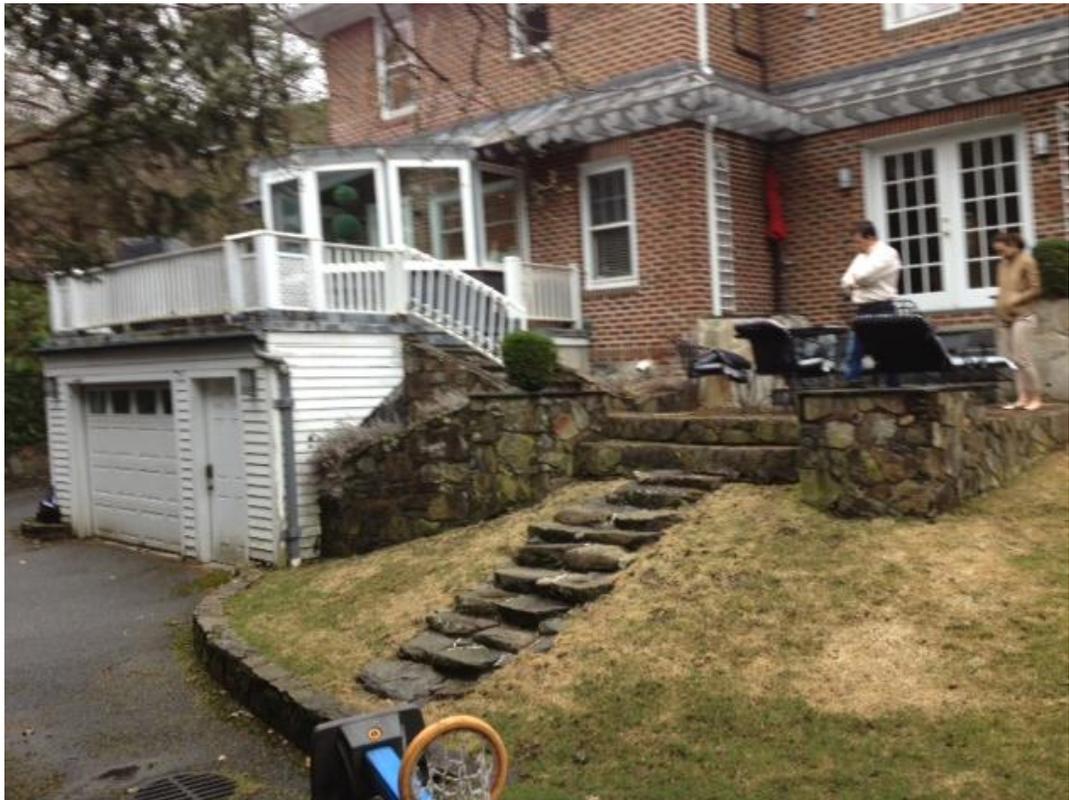
Side façade: hood, stairs will be removed



Rear yard between garage and rear property line; view of west side abutters



View of rear property line and screening



View of rear façade and area of proposed construction. Solarium, existing steps and landing will be removed.



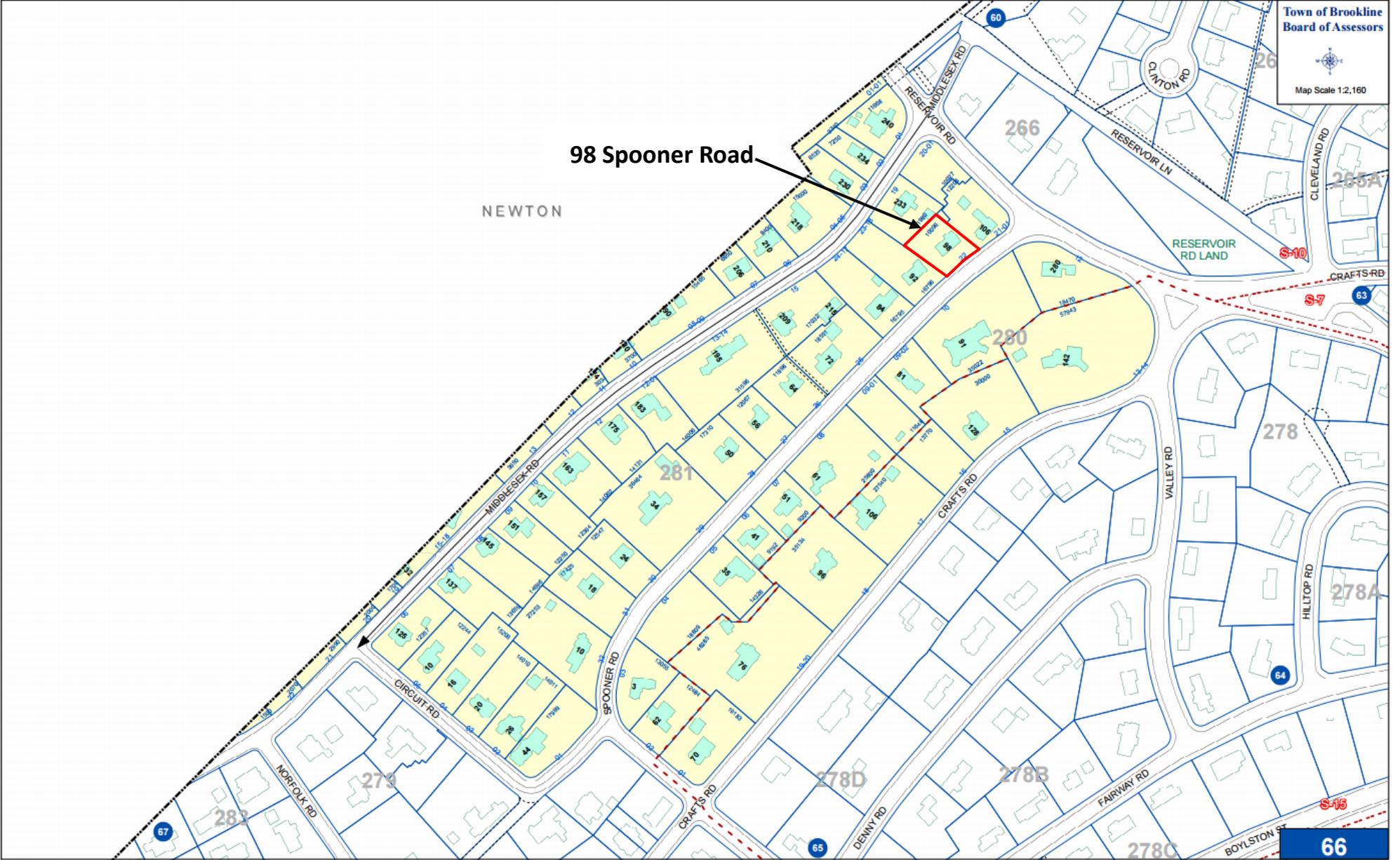
View of rear façade, and east side abutter.



Rear façade; French doors will provide egress to the new terrace

98 Spooner Road

NEWTON



233 MIDDLESEX ROAD  
N/F  
STEPHEN MEAD, JR.  
& LAETITIA F. MEAD  
BK : 6420; PG : 303

92 SPOONER ROAD  
N/F  
ROBERT RIZIKA  
& DANIELLE RIZIKA  
BK : 25115, PG : 359

106 SPOONER ROAD  
N/F  
JEREMIAH E. SILBERT  
& CYNTHIA SILBERT  
BK : 4546, PG : 701

No. 98  
2 STORY  
W/F

LOT 22  
BLOCK 281  
10,095.5 ±SF

SPOONER ROAD

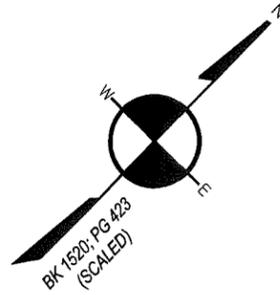
PROPOSED  
DECKING ABOVE  
(DASHED)

PROPOSED  
DRIVEWAY  
EXPANSION

PROPOSED  
DECK ABOVE  
EXISTING 1 STORY

PROPOSED  
ADDITION

DRIVEWAY



SBDH  
FND

RESEERVOIR ROAD

R=1034.88  
L=90.50

SBDH  
FND

SBDH  
FND

**REFERENCES:**

DEED: BK 25882; PG 255  
PLAN: BK 1302; PG 572  
PLAN: BK 1520; PG 423  
PLAN: BK 1585; PG 239  
PLAN: BK 1615; PG 527  
PLAN: BK 1760; PG 343  
PLAN: PL BK 49; PL 2330



FIELD BOOK	PAGE	INSP. BY	DRAFT. BY	CHECKED BY
MO	N/A	MO/PF	JHR/AP	GCC

I CERTIFY THAT THIS PLAN WAS MADE FROM AN INSTRUMENT SURVEY ON THE GROUND ON THE DATE OF DECEMBER 5, 2013 AND ALL STRUCTURES ARE LOCATED AS SHOWN HEREON.

ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) MAPS, THE MAJOR IMPROVEMENTS ON THIS PROPERTY FALL IN AN AREA DESIGNATED AS ZONE "X" (AREA DETERMINED TO BE OUTSIDE 0.2% ANNUAL CHANCE FLOODPLAIN).  
COMMUNITY-PANEL # 250234 0034 E  
EFFECTIVE DATE: JULY 17, 2012

**PREPARED FOR:**

IRINA AGUIRRE  
PASCAL AQUIRRE  
98 SPOONER ROAD  
BROOKLINE, MA 02467

**NOTES:**

PARCEL ID: 281-22-00

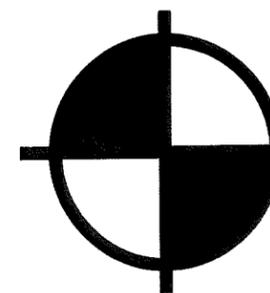
**CERTIFIED PLOT PLAN**

SHOWING PROPOSED CONDITIONS AT

**98 SPOONER ROAD  
BROOKLINE, MA**

SCALE: 1 INCH = 20 FEET

DATE: AUGUST 4, 2014



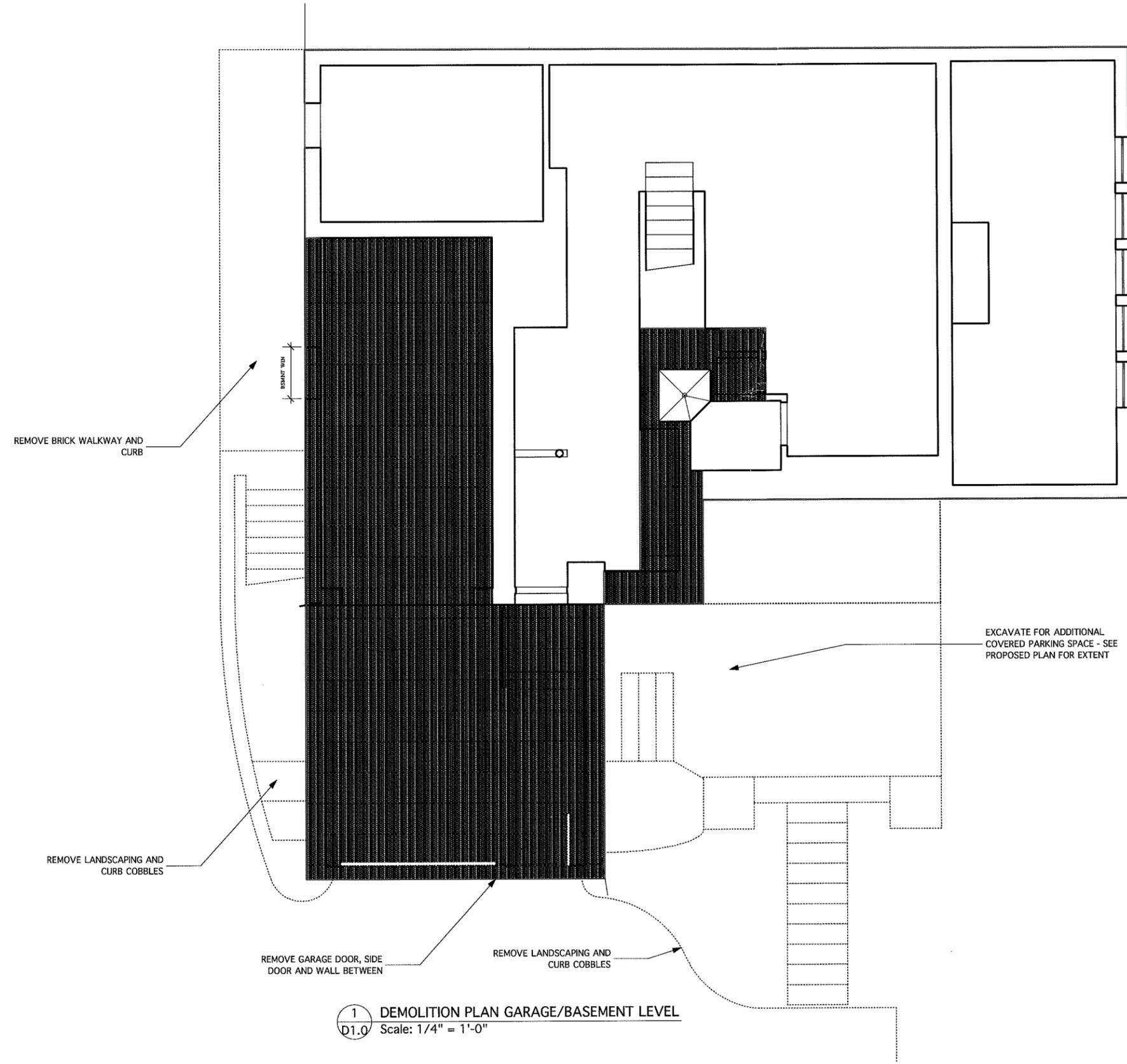
**BOSTON  
SURVEY, INC.**

UNIT C-4 SHIPWAY PLACE  
CHARLESTOWN, MA 02129  
(617)242-1313

JOB #13-00719

FILE #13-00719 - 12/02/13





1 DEMOLITION PLAN GARAGE/BASEMENT LEVEL  
 D1.0 Scale: 1/4" = 1'-0"



313 Washington Street  
 Suite 212  
 Newton, Massachusetts  
 02458  
 617.965.6601  
 617.965.9907  
 hutharchitects.com

Project Name:  
**AGUIRRE RESIDENCE**  
**98 SPOONER ROAD**  
**BROOKLINE, MA**

Project No:  
 Drawn By:  
 Date: 1 JULY 2014  
 Rev: 9 OCT 2014

Drawing Name:  
**DEMOLITION PLAN**

Scale: 1/4" = 1'-0"

**D1.0**

Project Name:  
AGUIRRE RESIDENCE  
98 SPOONER ROAD  
BROOKLINE, MA

Project No:

Drawn By:

Date: 1 JULY 2014

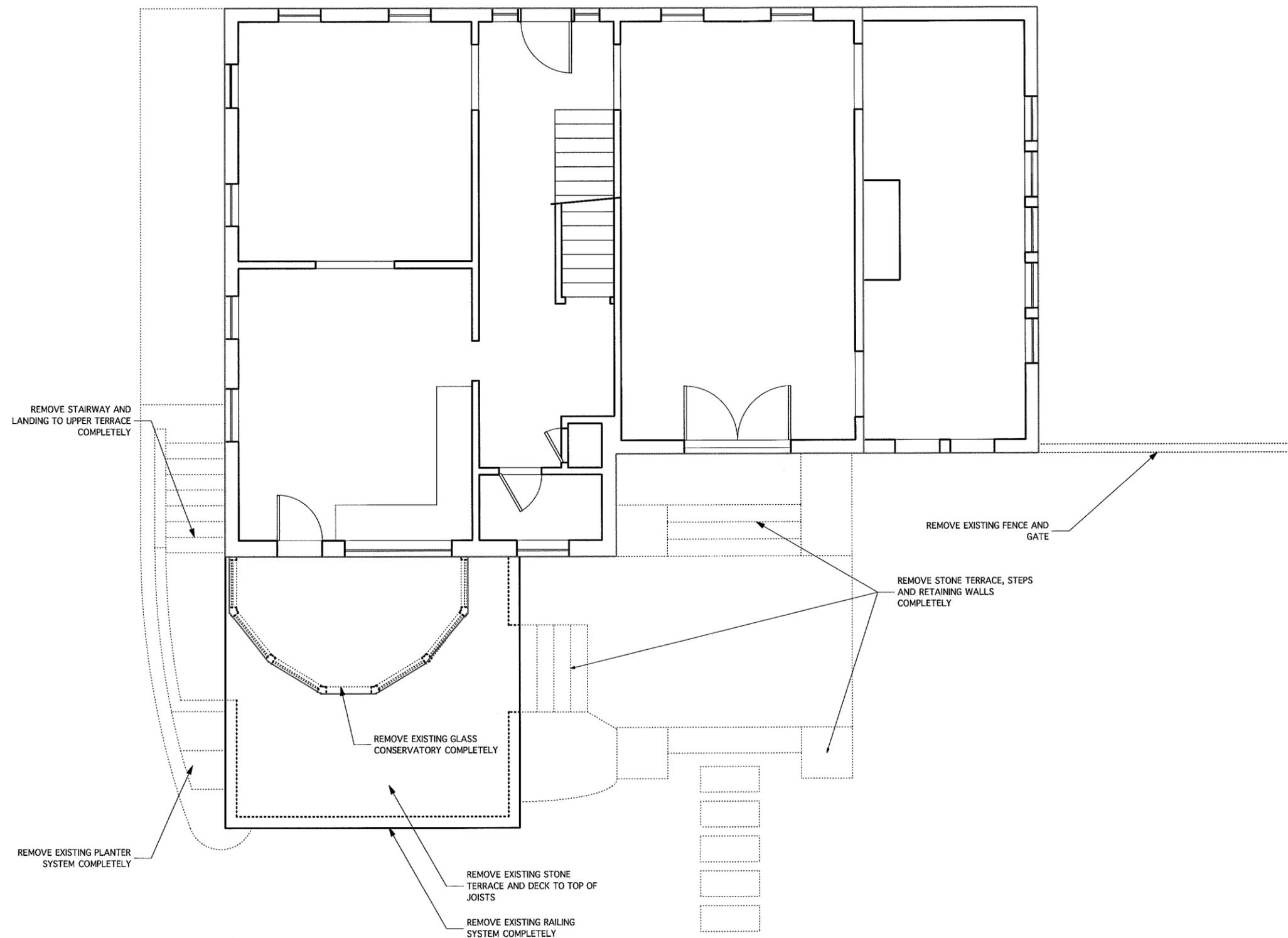
Rev: 9 OCT 2014

Drawing Name:

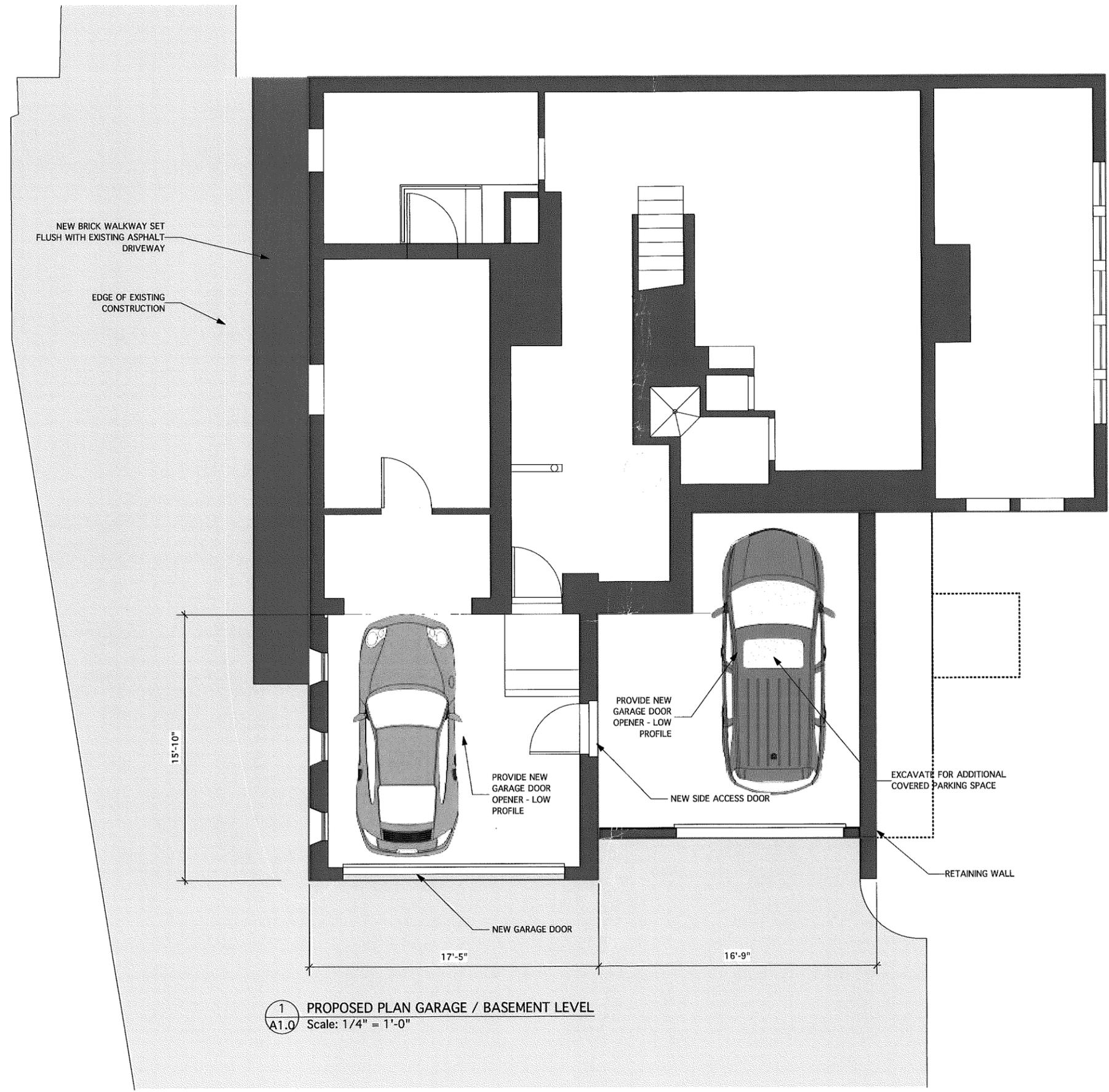
DEMOLITION  
PLAN

Scale: 1/4" = 1'-0"

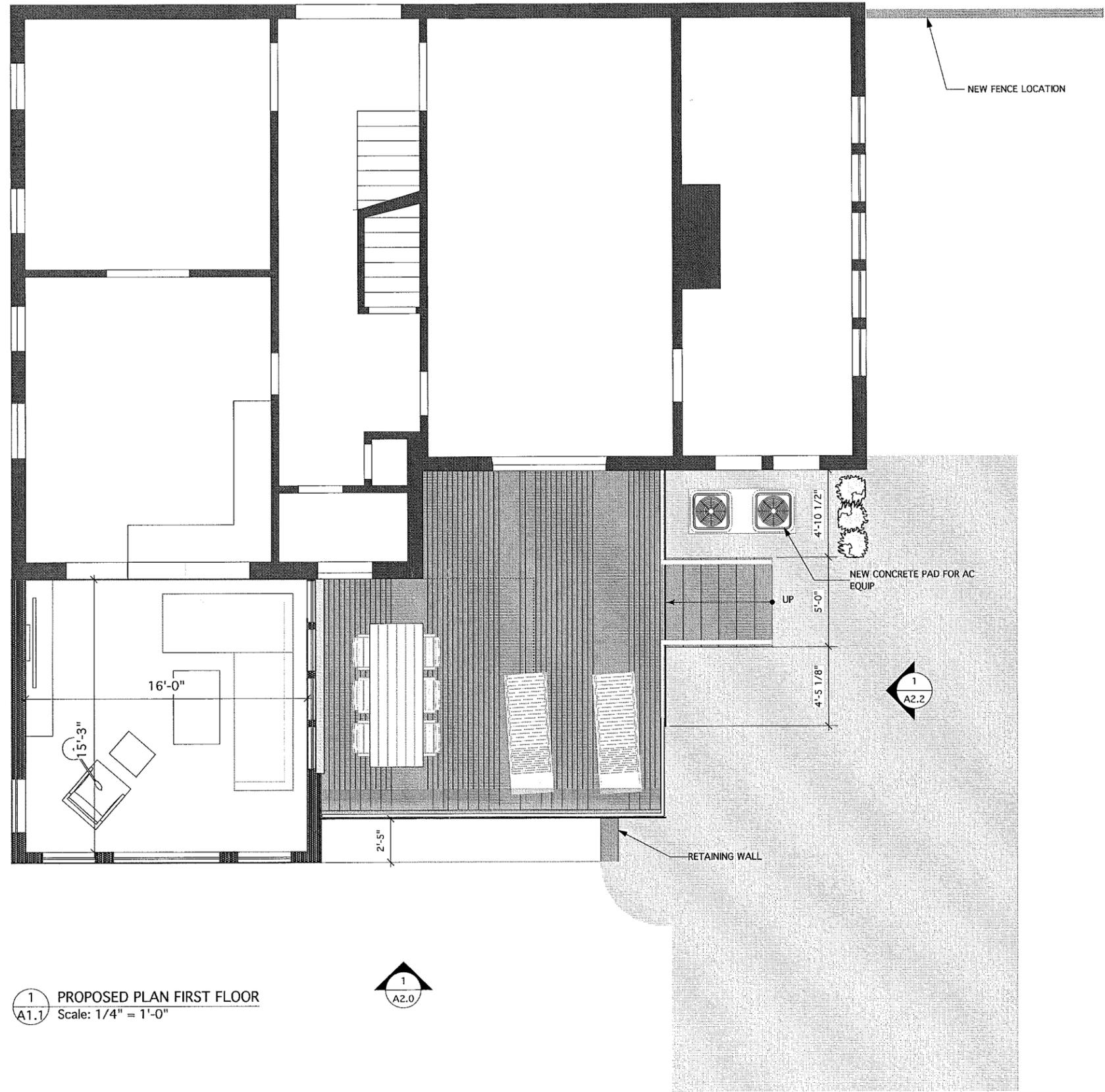
D1.1



1 DEMOLITION PLAN FIRST FLOOR  
D1.1 Scale: 1/4" = 1'-0"



1  
A1.0 PROPOSED PLAN GARAGE / BASEMENT LEVEL  
Scale: 1/4" = 1'-0"



1  
A1.1 PROPOSED PLAN FIRST FLOOR  
Scale: 1/4" = 1'-0"



313 Washington Street  
Suite 212  
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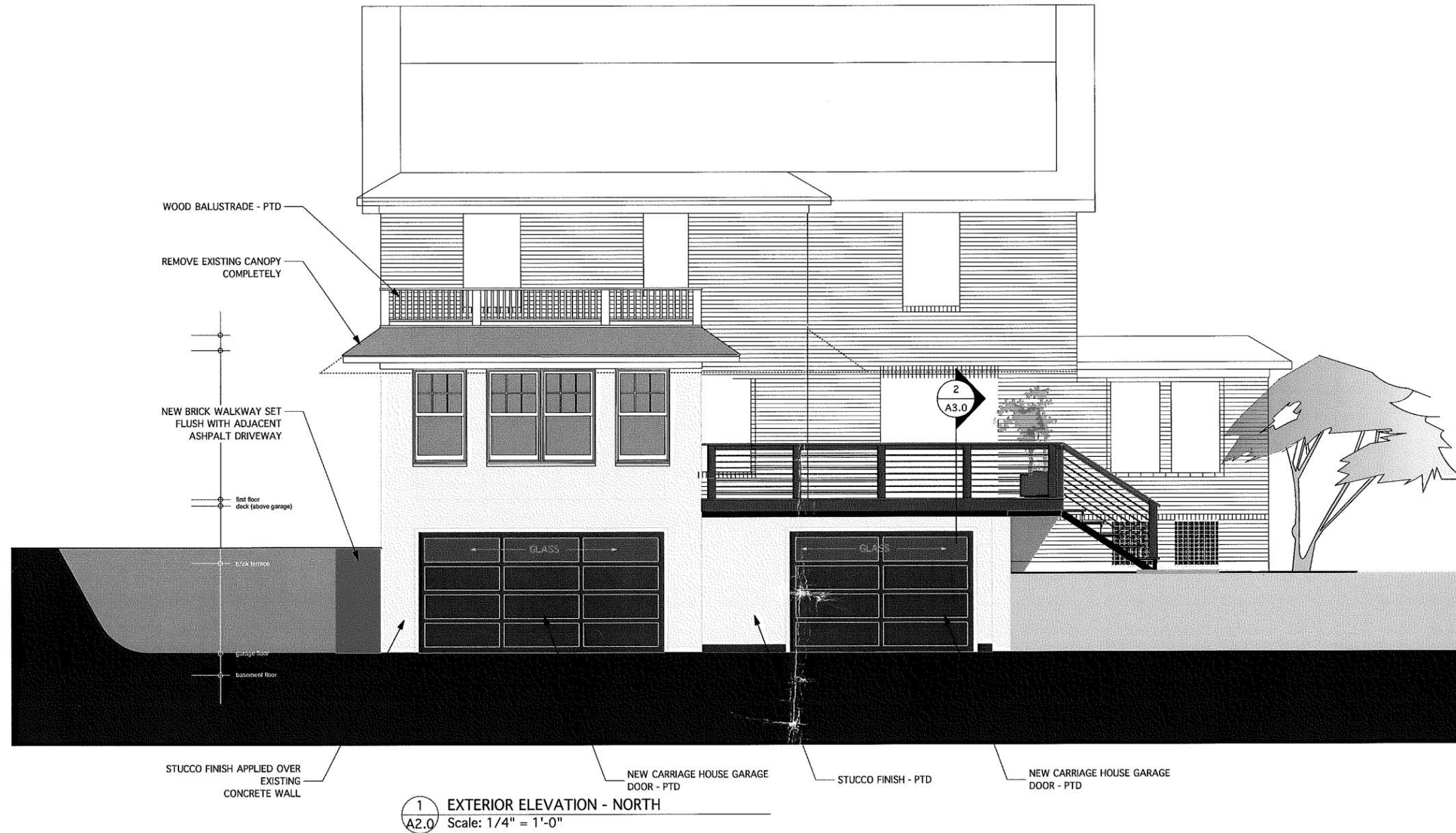
Project Name:  
AGUIRRE RESIDENCE  
98 SPOONER ROAD

Project No:  
Drawn By:  
Date: 20 JUNE 2014  
Rev: 23 JAN 2015

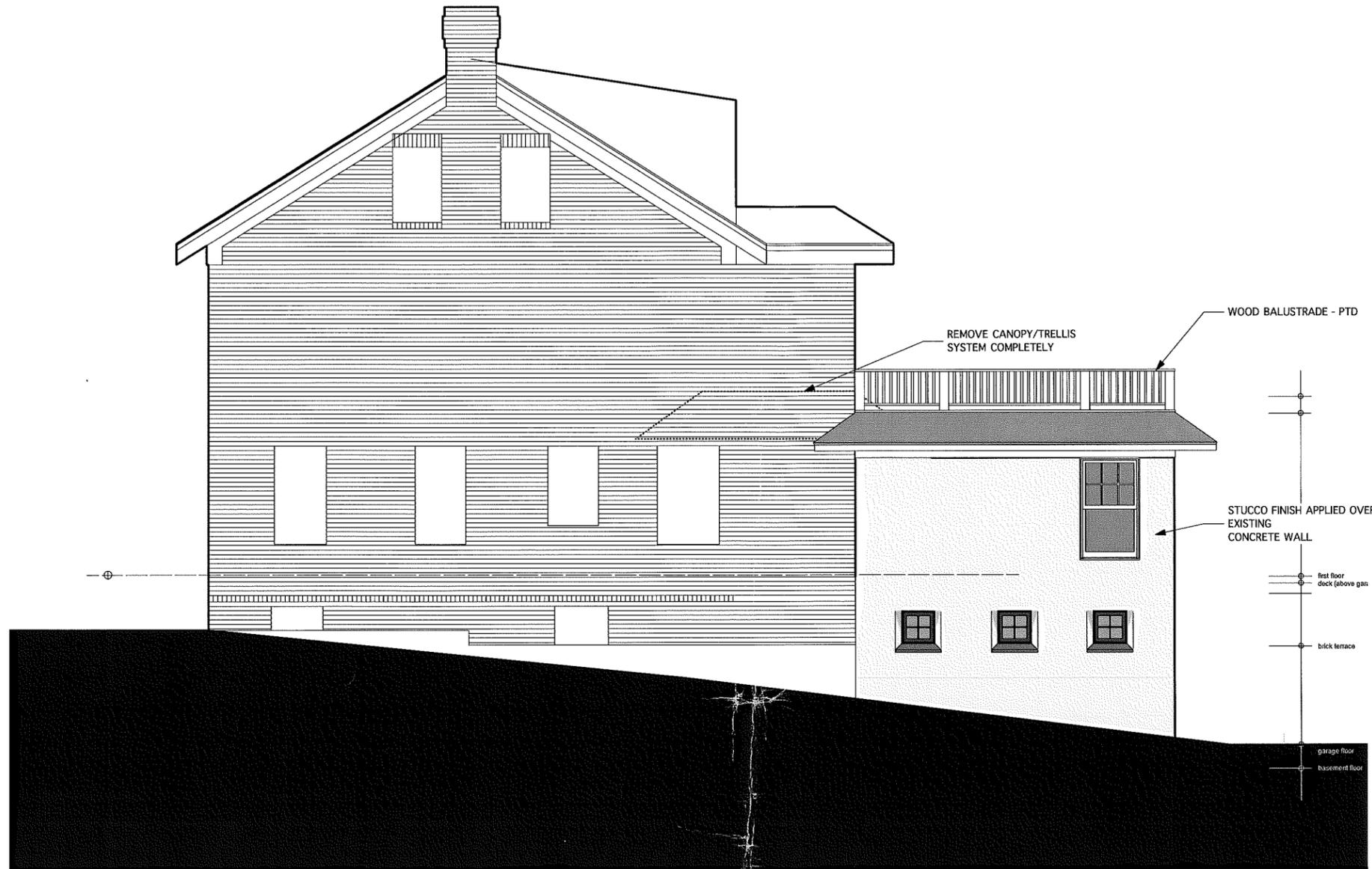
Drawing Name:  
PROPOSED  
PLAN

Scale: 1/4" = 1'-0"

A1.1



**1** EXTERIOR ELEVATION - NORTH  
A2.0 Scale: 1/4" = 1'-0"



1 EXTERIOR ELEVATION - EAST  
 A2.1 Scale: 1/4" = 1'-0"

**HATH**  
 ARCHITECTS

313 Washington Street  
 Suite 212  
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 02458

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Project Name:  
**AGUIRE RESIDENCE  
 98 SPOONER ROAD  
 BROOKLINE, MA**

Project Name:

Project No:

Drawn By:

Date: 1 JULY 2014

Rev: 23 JAN 2015

Drawing Name:

**EXTERIOR  
 ELEVATION**

Scale: 1/4" = 1'-0"

**A2.1**



1 EXTERIOR ELEVATION - WEST  
A2.2 Scale: 1/4" = 1'-0"

Project No:	
Drawn By:	
Date:	1 JULY 2014
Rev:	23 JAN 2015

Drawing Name:  
**EXTERIOR ELEVATION**

Scale:

**A2.2**