



Town of Brookline

Massachusetts

PLANNING BOARD

Town Hall, 3rd Floor
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Linda Hamlin, Chairman
Steven Heikin, Clerk
Blair Hines
Robert Cook
Sergio Modigliani
Mark J. Zarrillo

To: Brookline Board of Appeals
From: Brookline Planning Board
Date: December 3, 2015
Subject: Construct a three-car garage, install a surface play court, and reconfigure the driveway
Location: 33 Leicester Street

| | | | |
|--------------|-----|------------------|-----------|
| Atlas Sheet: | 56 | Case #: | 2015-0055 |
| Block: | 254 | Zoning: | S-15 |
| Lot: | 11 | Lot Area (s.f.): | ±29,196 |

Board of Appeals Hearing: December 17, 2015, at 7:05 p.m.

BACKGROUND

March 16, 2013 – The Brookline Preservation Commission issued a Certificate of Non-Significance, permitting demolition of a two-car garage located within the required front and side yards at 33 Leicester Street.

SITE AND NEIGHBORHOOD

33 Leicester Street is a single-family dwelling located within the Fisher Hill neighborhood. This Federal Georgian house with a hip roof was converted from a stable to a dwelling in 1920. The subject property is located approximately two blocks to the north of Route 9 and is in close proximity to the Fisher Hill Reservoir. The surrounding S-15 district consists of similarly sized single-family lots, while the immediately adjacent S-0.5P district to the north consists of multiple attached dwelling units (Olmsted Hill, Longyear Condominiums).

The abutting property at 23 Leicester Street includes a detached three-car garage located within the required front yard, while properties at 55, 80 and 83 Leicester Street maintain accessory structures located in close proximity to respective front lot lines (garages and pool houses).

APPLICANT’S PROPOSAL

The applicant, Stephanie Horowitz, is proposing to construct a detached three-car garage in the front-yard and install a surface play court behind this garage. The proposed garage is 30’ x 29.25’, and will be located 25 feet from the front lot line along Leicester Street and 1.8 feet from the western side lot line. The garage provides two separate access doors (16 feet wide for 2 vehicles; 8 feet wide for 1 vehicle), and includes shiplap siding and a rubber membrane roof. A proposed bituminous concrete driveway will be installed to access this garage. The semi-circle driveway utilizes two existing curb cuts on Leicester Street. The applicant elected to remove a surface parking space in this driveway from proposed plans.

The proposed play court is located directly to the south of the three-car garage (behind) and covers approximately 687 square feet. This court will be constructed of asphalt paving. The applicant is proposing to install a 5.5 foot wide buffer between this court and the side lot line to the west. This buffer area also includes a 6 foot tall wooden privacy fence and evergreen plantings.

The applicant is also proposing to install a pool and terraces in the rear yard as well as an accessory trash enclosure in the side yard. These features do not require zoning relief.

FINDINGS

Section 4.01 – Table of Use Regulations, Accessory Use #62

A special permit is required for the proposed play court in a required side yard unless it is screened from the side lot line by a strip of land at least four feet wide, densely planted with shrubs or trees which are of a type that may be expected to form a year-round dense screen at least 10 feet high within three years.

Section 5.60 – Side Yard Requirements

Section 5.43 – Exceptions to Yard and Setback Regulations

Section 5.53 – Accessory Buildings in Front Yards (garage)

Section 5.63 – Accessory Buildings or Structures in Side Yards (garage)

Section 6.04.5.c.1 – Design of All Off-Street Parking Facilities (driveway)

Section 6.04.14 – Design of All Off-Street Parking Facilities (garage door width)

| Dimensional Requirements | Required | Existing | Proposed | Relief Required |
|------------------------------------|-----------------|-----------------|-----------------|------------------------|
| Front-Yard Setback (garage) | 25 feet | 10 feet | 25 feet | Complies |
| Side-Yard Setback (garage) | 15 feet | 6.5 feet | 1.8 feet | Special Permit* |

| | | | | |
|---------------------------------------|---------------------|-------------------|-------------------|--------------------------------------|
| Side-Yard Setback (play court) | 15 feet | N/A | 5.5 feet | Complies – <i>dense screening</i> |
| Garage Door Width | 24 feet | Approx. 16 feet | 26 feet | Special Permit** |
| Gross Floor Area | 7,327.25 sf 100% | 6,556 sf 89.5% | 6,736 sf 91.9% | Complies |

* Under **Section 5.43**, the Board of Appeals may by special permit waive yard and/or setback requirements if counterbalancing amenity is provided.

Under Zoning By-Law **Section 6.04.14.c, The Board of Appeals by special permit may waive the requirements in Section 6.04.14, but only to the extent necessary, if it finds that the garage, carport, or covered parking area, accessed by or facing a side or rear yard on a lot is not feasible or would result in substantially less landscaped or usable open space on the lot.

Section 8.02.2 – Alteration or Extension

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

PLANNING BOARD COMMENTS

The Planning Board supports this proposed three-car garage and play court. Parking and/or garages within the required front yard are typically discouraged for safety and aesthetic reasons. In this instance, the proposed garage is pulled further away from the front lot line than the existing front garage to be removed. Additionally, the circular driveway will not require exiting vehicles to back out directly on to Leicester Street. The proposed garage door width is consistent with the existing streetscape, and single-family lots of 10,000+ square feet are permitted to have up to four off street parking spaces.

However, the Planning Board finds that garage design elements should be modified to better complement the primary structure. The Planning Board recommends the inclusion of a pitched roof and a consistent design style for proposed garage doors and windows. The Planning Board recommends that the applicant return with revised roof and façade plans for Planning Board review and approval prior to the issuance of the building permit. Also, the Planning Board did not support the surface parking space in the driveway, which is within the required front-yard setback. This feature has since been removed from the project proposal.

The proposed play court will be adequately screened from the abutting property at 23 Leicester Street by a 6-foot tall fence and evergreen plantings that are expected to exceed 10 feet in height. The applicant has also proposed appropriate counterbalancing amenities in the form of extensive plantings and privacy fencing throughout the property.

Therefore, the Planning Board recommends approval of the three car garage submitted by Stephanie T. Horowitz, dated 11/9/2015, and the site plan by John R. Hamel, revised 12/8/2015, subject to the following conditions:

- 1. Prior to the issuance of a building permit, the applicant shall submit a final site plan, without the parking space in the circular garage, and garage floor plans, subject to the review and approval of the Assistant Director for Regulatory Planning.**
- 2. Prior to the issuance of a building permit, the applicant shall submit final garage elevations that incorporate design elements that are more complementary of the style of the primary structure, subject to the review and approval of the Planning Board.**
- 3. Prior to the issuance of a building permit, the applicant shall submit a final landscaping plan indicating all counterbalancing amenities and buffer screening for the play court, subject to the review and approval of the Assistant Director for Regulatory Planning.**
- 4. 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; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.**

jr



Existing 33 Leicester Street garage to be demolished and adjacent three-car garage at 23 Leicester St.



33 Leicester Street



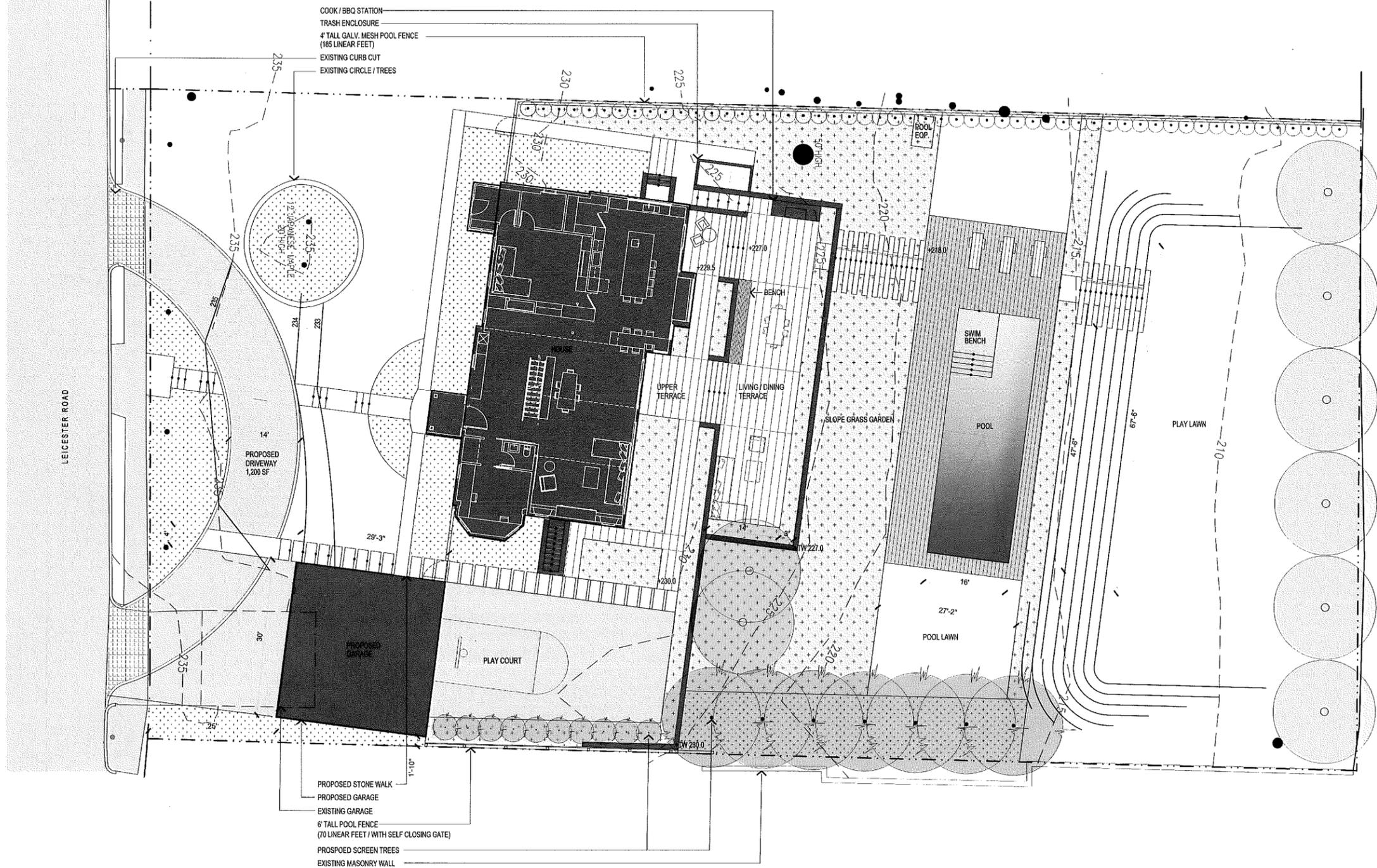
Town of Brookline
Board of Assessors



Map Scale 1:1,440

56

Map data updated Feb 2010 by Town of Brookline GIS and printed on 04/08/2010



COOK / BBQ STATION
 TRASH ENCLOSURE
 4' TALL GALV. MESH POOL FENCE
 (185 LINEAR FEET)
 EXISTING CURB CUT
 EXISTING CIRCLE / TREES

PROPOSED STONE WALK
 PROPOSED GARAGE
 EXISTING GARAGE
 6' TALL POOL FENCE
 (70 LINEAR FEET / WITH SELF CLOSING GATE)
 PROPOSED SCREEN TREES
 EXISTING MASONRY WALL



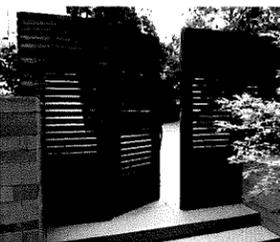
- SYMBOLS LEGEND**
- HARDSCAPE**
- MASONRY PAVERS
 - MASONRY STEPS
 - MASONRY PAVING
 - ASPHALT PAVING
 - IPE DECK
 - CRUSHED STONE PATH
 - P.I.P. CONCRETE RETAINING WALL
- PLANTS**
- PROPOSED DECIDUOUS TREE
 - PROPOSED EVERGREEN TREE
 - PERENNIAL PLANTING BED
 - GROUND COVER
 - LAWN



POOL DECK PRECEDENT



SLOPE GRASS PLANTING PRECEDENT



PRIVACY SCREEN PRECEDENT

FISHER HILL RESIDENCE
 LEICESTER ROAD
 BROOKLINE, MASSACHUSETTS

| No. | Revision / Submission | Date |
|-----|-----------------------|-----------|
| 1 | ZBA SUBMISSION | 11/9/2015 |

revisions:
 date: November 9, 2015
 scale: As Noted
 drawn: XX
 checked: XX

L1.0

NOT FOR CONSTRUCTION

LANDSCAPE PLAN

Soren deNiord Design Studio
 43 Wellwood Road
 Portland, ME
 04103
 T: 207-400-2450
 E: soren@sorendenior.com

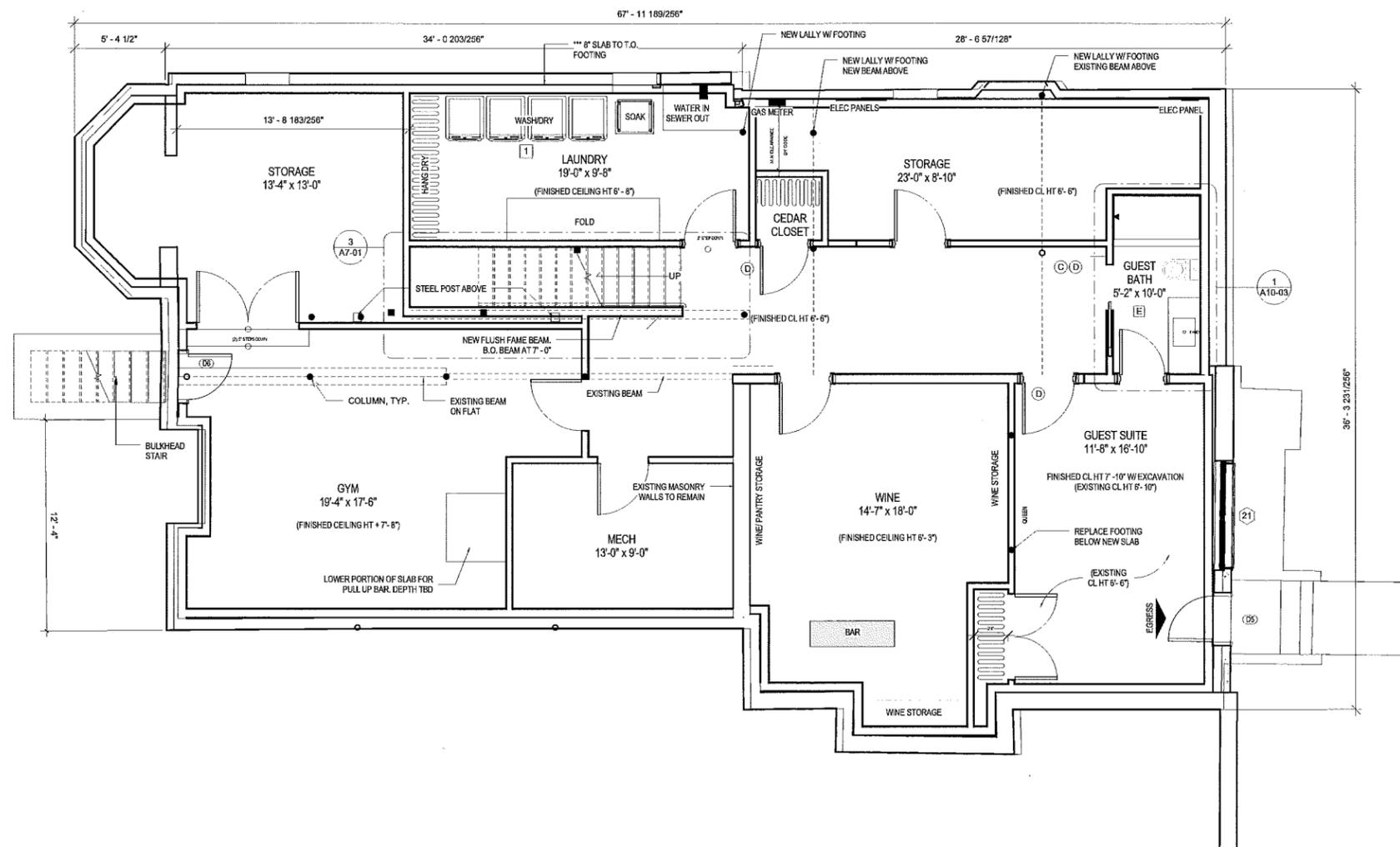
PROJECT INFORMATION

| | | |
|--|----------------|----------------|
| BEDROOMS | EXISTING 5 | PROPOSED 5 |
| BATHROOMS | 5 full, 2 half | 4 full, 1 half |
| BASEMENT FLOOR AREA | | 2229 SQ FT |
| BASEMENT FLOOR AREA (w/ exemptions) | | 1919 SQ FT |
| FIRST FLOOR AREA | | 2343 SQ FT |
| SECOND FLOOR AREA | | 2294 SQ FT |
| TOTAL PRINCIPLE BUILDING AREA | | 6556 SQ FT |
| GARAGE AREA (Less 720 SF not accounted for) | | 180 SQ FT |
| TOTAL GROSS FLOOR AREA (22%) | | 6736 SQ FT |
| ALLOWABLE GROSS FLOOR AREA (25%) | | 7327 SQ FT |



Drawing Notes:

- EXTERIOR DIMENSIONS TAKEN TO OUTSIDE OF EXTERIOR FINISH, INTERIOR DIMENSIONS TAKEN TO INSIDE OF EXTERIOR FRAMING & CENTERLINE OF INTERIOR FRAMING. ALL INTERIOR PARTITIONS 2x4 UNLESS NOTED.
 - PROVIDE ACOUSTICAL BATT INSULATION AT ALL INTERIOR PARTITIONS. SEE PRODUCT SPECIFICATIONS.
 - CONTRACTOR SHALL MAKE BEST EFFORT TO KEEP WATER & MECHANICAL LINES OUT OF EXTERIOR WALL ASSEMBLIES.
 - 5/8" TYPE X GWB TYP TO WALLS AND CEILING OF MECHANICAL ROOM.
- (D) = HARD WIRED SMOKE DETECTOR: PHOTOELECTRIC TYPE SMOKE ALARM IN ACCORDANCE WITH UL 217 OR EL 268. ALL DETECTORS SHALL BE APPROVED AND LISTED AND SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S INSTRUCTIONS.
- (C) = CARBON MONOXIDE DETECTOR: CARBON MONOXIDE DETECTORS SHALL BE UL 203A OR UL 2075 LISTED, AS APPLICABLE, WITH STANDBY POWER. ALARMS SHALL BE INSTALLED IN COMPLIANCE WITH 780 CMR 51 R315.1 THROUGH R315.3 AND THE MFG'S INSTRUCTIONS.
- (E) ZEHNDER ERY - EXHAUST FROM BATHROOM
- (T) = TEMPERED WINDOW REQUIRES SAFETY GLASS
- (E) = EGRESS WINDOW, SILL HEIGHT AT 44" MAX ABOVE FINISHED FLOOR. MIN NET CLEAR OPENING DIMENSIONS OF 20" x 24" IN EITHER DIRECTION
- (TH) = THERMOSTAT
- 1 INSTALL DRAIN PAN UNDER WASHER(S). PROVIDE SOLENOID SHUT OFF & WATER BUG.
- 2 = 2x6 INTERIOR PARTITION
- 3 ATTIC ACCESS; ROUGH FRAMED OPENING SHALL NOT BE LESS THAN 22 INCHES BY 30 INCHES.



1 BASEMENT PLAN
A2-20 1/4" = 1'-0"

ZBA



| No. | Description | Date |
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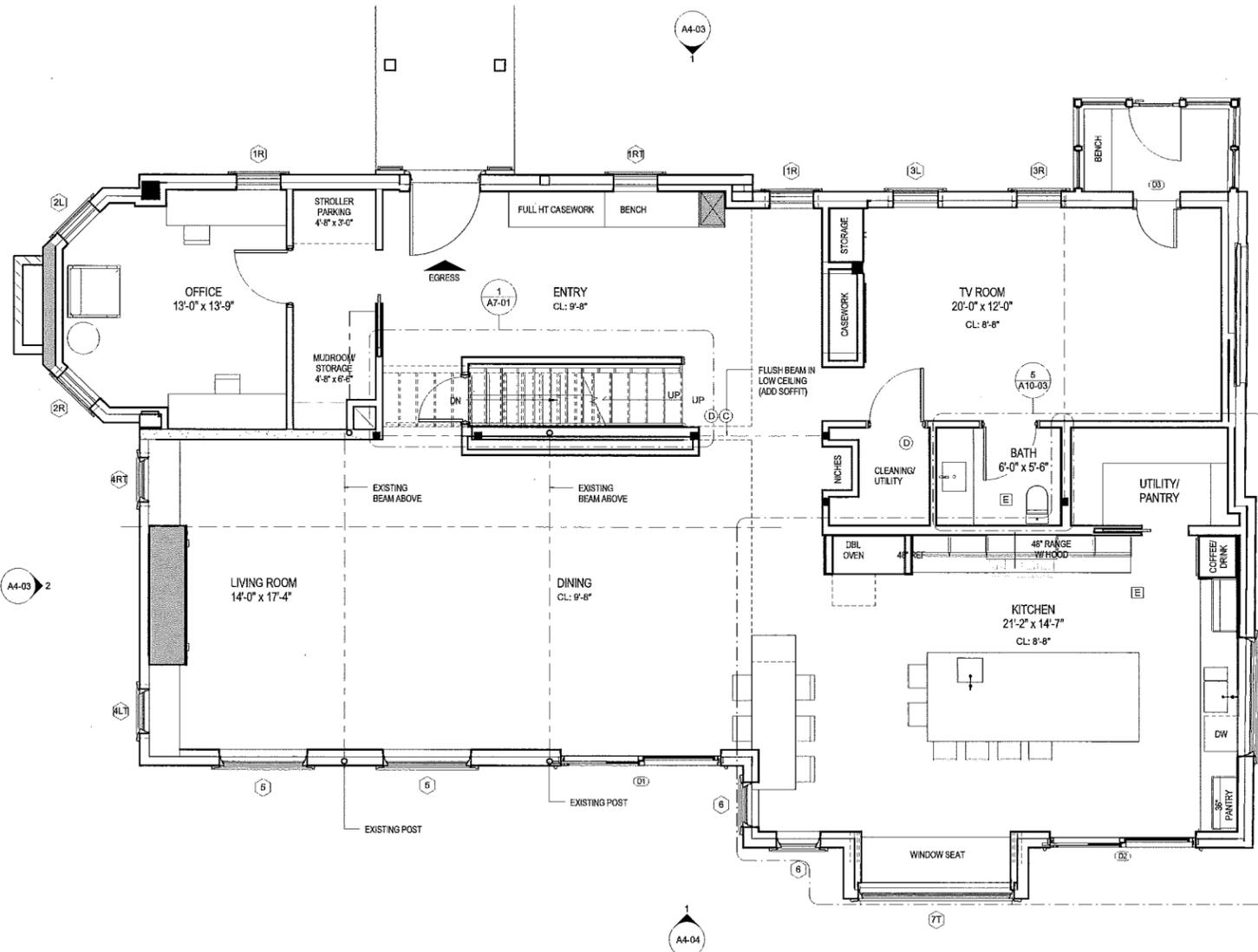
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www.ZeroEnergy.com

Residence for:
FISHER HILL RESIDENCE
33 Leicester St. Brookline, MA

PROPOSED BASEMENT PLAN

| | |
|----------------|--------------|
| Project number | 1298 |
| Date | 151109 |
| Scale | As indicated |

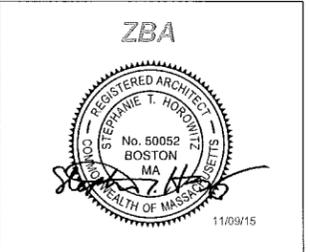
A2-20



| PROJECT INFORMATION | | |
|--|----------------|----------------|
| BEDROOMS | EXISTING 5 | PROPOSED 5 |
| BATHROOMS | 5 full, 2 half | 4 full, 1 half |
| BASEMENT FLOOR AREA | | 2229 SQ FT |
| BASEMENT FLOOR AREA (w/ exemptions) | | 1919 SQ FT |
| FIRST FLOOR AREA | | 2343 SQ FT |
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PHOTOELECTRIC TYPE SMOKE ALARM IN ACCORDANCE WITH UL 217 OR UL 268. ALL DETECTORS SHALL BE APPROVED AND LISTED AND SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S INSTRUCTIONS.
- (C) = CARBON MONOXIDE DETECTOR
CARBON MONOXIDE DETECTORS SHALL BE UL 2004 OR UL 2075 LISTED, AS APPLICABLE, WITH STANDBY POWER. ALARMS SHALL BE INSTALLED IN COMPLIANCE WITH 800 CMR 51 R315.1 THROUGH R315.3 AND THE MFG'S INSTRUCTIONS.
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| No. | Description | Date |
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Residence for:
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 33 Leicester St. Brookline, MA

PROPOSED FIRST FLOOR PLAN

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|----------------|--------------|
| Project number | 1298 |
| Date | 151109 |
| Scale | As indicated |

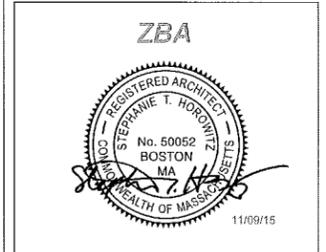
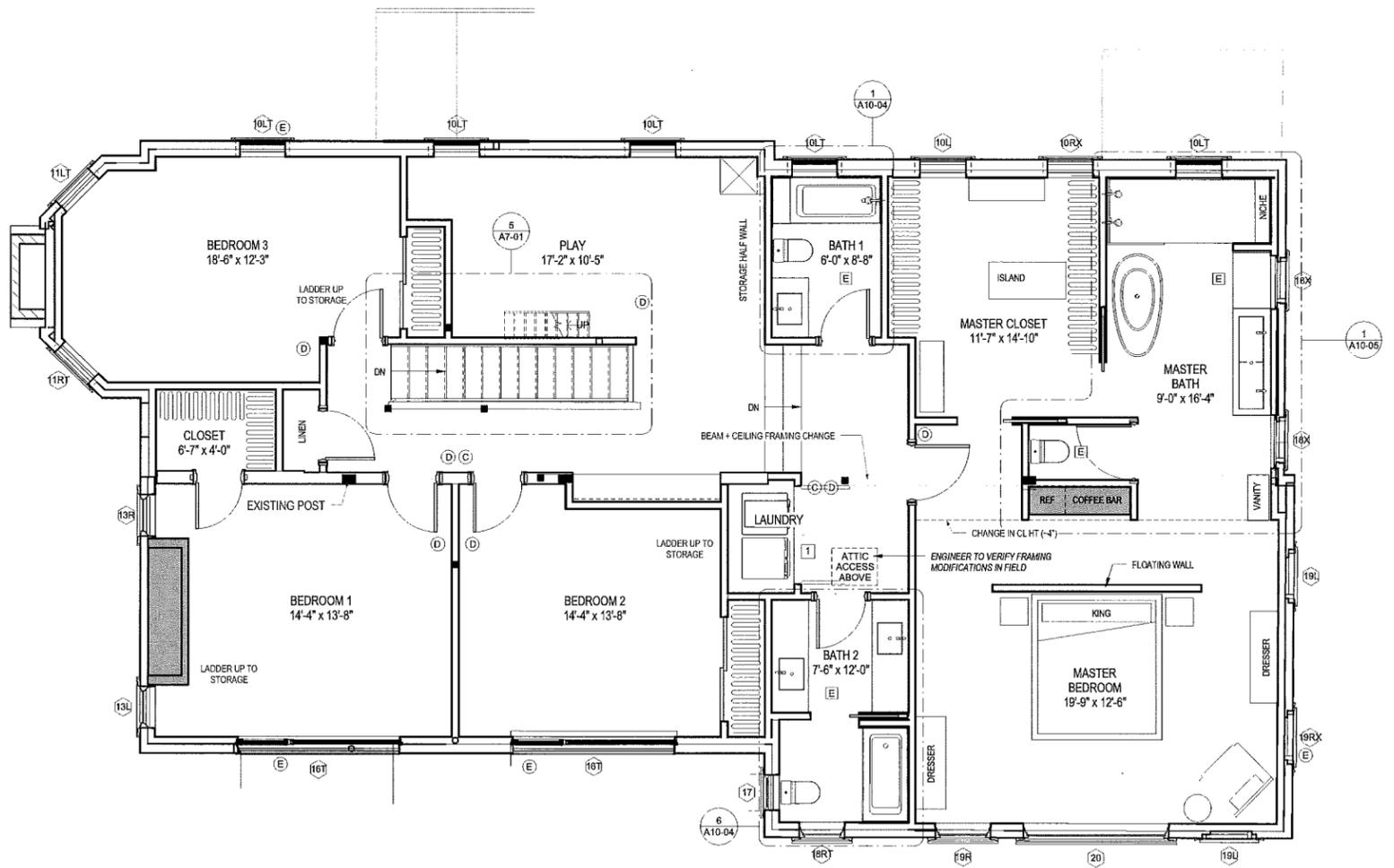
A2-21

1 FIRST FLOOR PLAN
 1/4" = 1'-0"

| PROJECT INFORMATION | | |
|--|----------------|----------------|
| BEDROOMS | EXISTING 5 | PROPOSED 5 |
| BATHROOMS | 5 full, 2 half | 4 full, 1 half |
| BASEMENT FLOOR AREA | | 2229 SQ FT |
| BASEMENT FLOOR AREA (w/ exemptions) | | 1919 SQ FT |
| FIRST FLOOR AREA | | 2343 SQ FT |
| SECOND FLOOR AREA | | 2294 SQ FT |
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 - TH** = THERMOSTAT
 - 1** INSTALL DRAIN PAN UNDER WASHER(S). PROVIDE SOLENOID SHUT OFF & WATER BUG.
 - 2** = 2x6 INTERIOR PARTITION
 - 3** ATTIC ACCESS: ROUGH FRAMED OPENING SHALL NOT BE LESS THAN 22 INCHES BY 30 INCHES.



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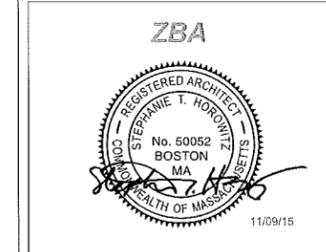
PROPOSED SECOND FLOOR PLAN

Project number 1298
 Date 151109
 Scale As indicated

A2-22

1 SECOND FLOOR PLAN
 A2-22 1/4" = 1'-0"

Drawing Notes:



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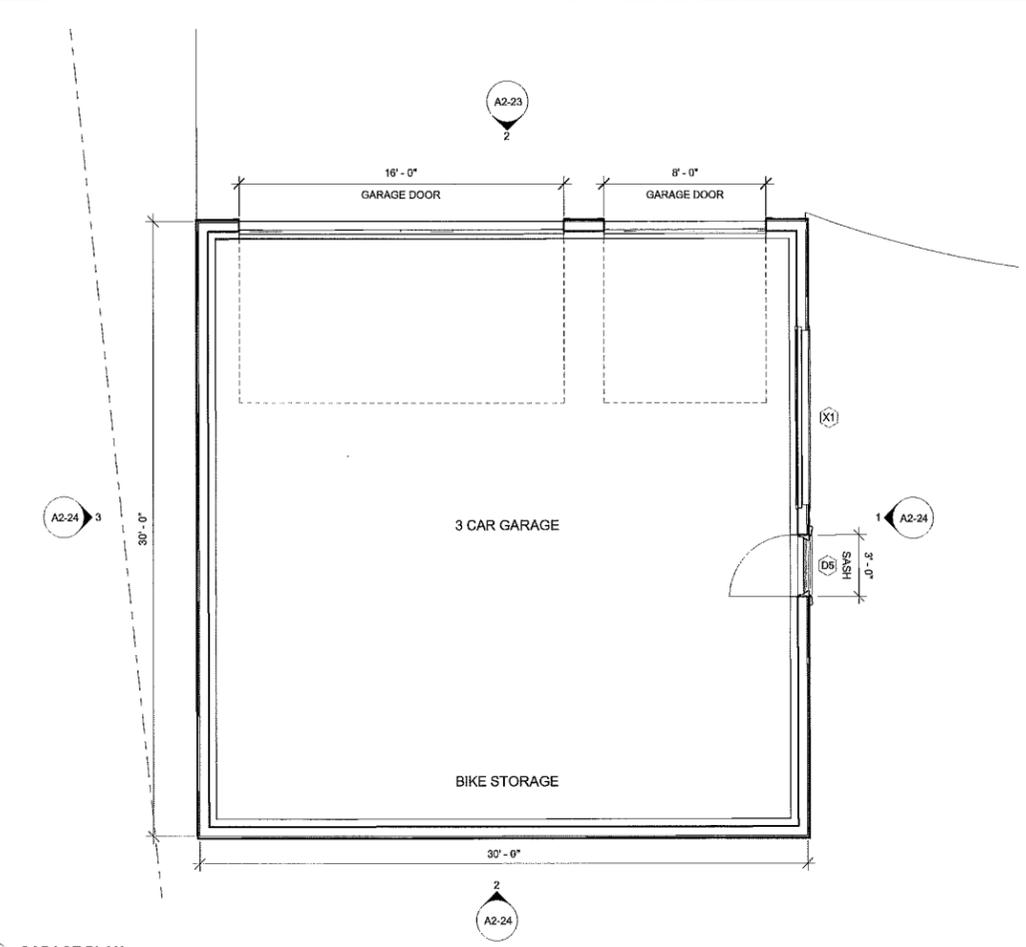
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**PROPOSED GARAGE
PLAN & ELEVATIONS**

Project number 1298
Date 151109
Scale 1/4" = 1'-0"

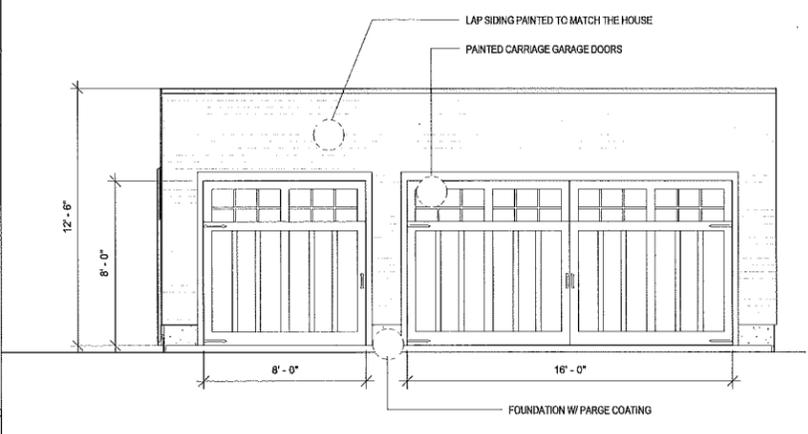
A2-23



1 GARAGE PLAN
A2-23 / 1/4" = 1'-0"



2 STREET ELEVATION - PROPOSED
A2-23 / 1/4" = 1'-0"



Drawing Notes:



| No. | Description | Date |
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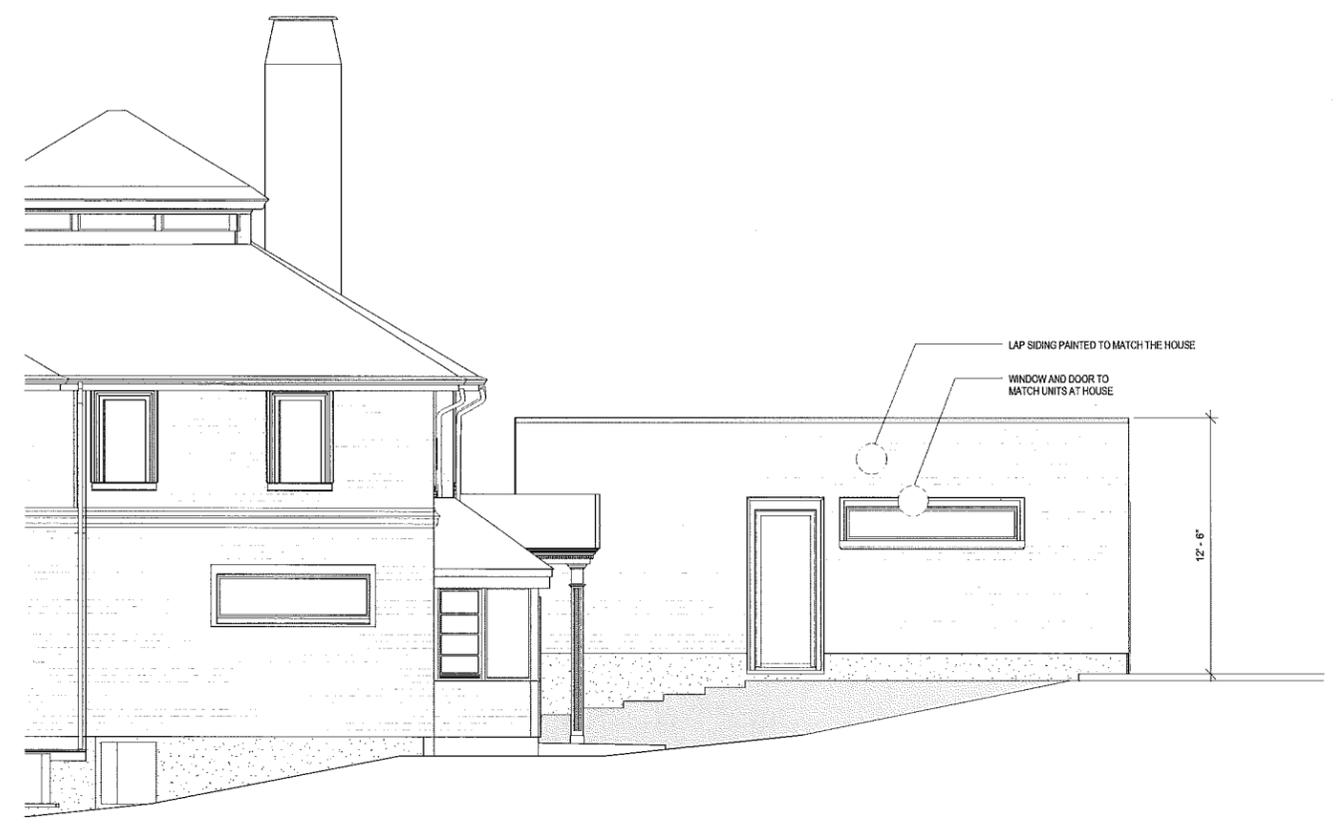
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PROPOSED GARAGE ELEVATIONS

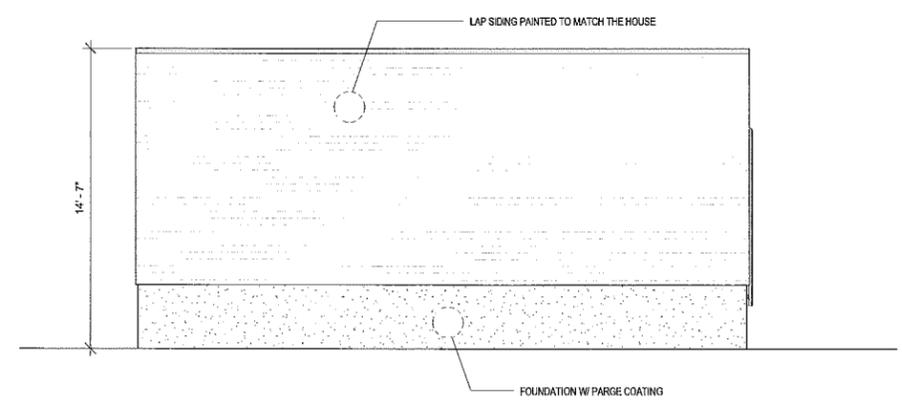
Project number 1298
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A2-24

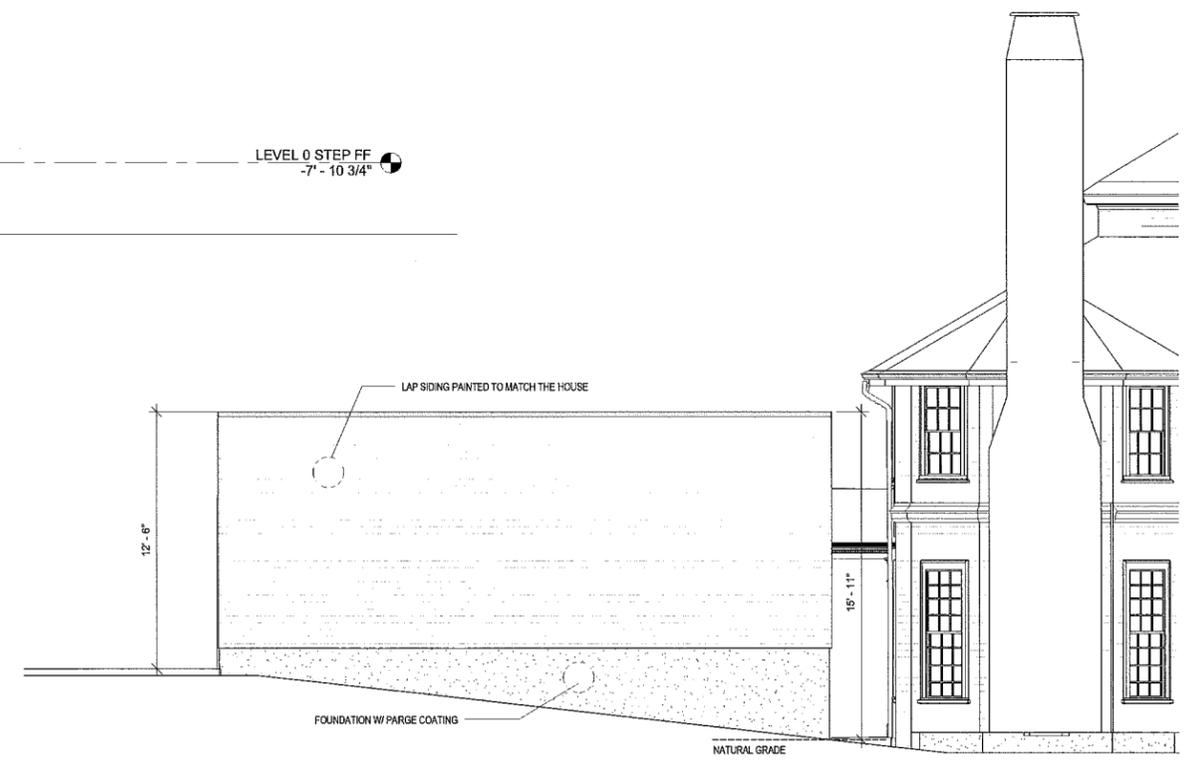


LEVEL 0 STEP FF
 -7' - 10 3/4"

1 LEFT ELEVATION - PROPOSED GARAGE
 A2-24 1/4" = 1'-0"



2 REAR ELEVATION - PROPOSED GARAGE
 A2-24 1/4" = 1'-0"



3 RIGHT ELEVATION - PROPOSED GARAGE
 A2-24 1/4" = 1'-0"