



# Town of Brookline

## Massachusetts

### PLANNING BOARD

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Brookline, MA 02445-6899  
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Mathew Oudens  
Mark J. Zarrillo

To: Brookline Board of Appeals  
From: Brookline Planning Board  
Date: February 18, 2016  
Subject: Construct a single-story addition at the rear  
Location: 189 Eliot Street

|              |      |                  |           |
|--------------|------|------------------|-----------|
| Atlas Sheet: | 60   | Case #:          | 2015-0074 |
| Block:       | 264C | Zoning:          | S-10      |
| Lot:         | 12   | Lot Area (s.f.): | ±9,418    |

Board of Appeals Hearing: March 3, 2016, at 7:00 p.m.

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### **BACKGROUND**

**July 14, 1986** – Board of Appeals Case #2794 granted special permit relief to remove a 137 square foot rear addition and construct a single-story addition totaling 296 square feet in its place. The project resulted in a net floor area increase of 159 square feet and an FAR of .39 (132%). FAR relief was granted under By-Law **Section 5.22.c.3** (*attached*).

### **SITE AND NEIGHBORHOOD**

189 Eliot Street is a two-story Colonial Revival style dwelling constructed of brick and slate in 1932. The subsequent rear addition was constructed of clapboard and asphalt shingle in 1986. The single-family dwelling is located approximately ¼ of a mile to the northwest of the Heath Elementary School and is situated on an undersized lot within the S-10 district. The surrounding neighborhood consists of modestly sized single-family dwellings with occasional two- and three-family dwellings located along Eliot Street to the south toward Boylston Street.

### **APPLICANT'S PROPOSAL**

The Applicant, Melvin Shuman, is proposing to construct a single-story addition at the rear. The addition will expand the existing kitchen/eating area will result in a gross floor area increase of

136.3 square feet. The addition will be constructed of wood clapboard and asphalt shingle. This addition also replaces and reconfigures the rear doorway/stairs providing access to the kitchen area.

**FINDINGS**

**Section 5.20 – Floor Area Ratio**

|                               | Permitted            | Existing               | Proposed               | Relief                    |
|-------------------------------|----------------------|------------------------|------------------------|---------------------------|
| <b>Floor Area Ratio (FAR)</b> | 2,825.4 s.f.<br>100% | 3,729.2 s.f.<br>131.9% | 3,865.6 s.f.<br>136.8% | Special Permit*/Variance† |

*\* Under Section 5.22.3.c, the Board of Appeals may grant by special permit an exterior addition that is less than or equal to 350 square feet, provided that the resulting gross floor area is not more than 150% of the permitted gross floor area.*

*† In this case, the proposed 136.6 s.f. increase is below both the 350 s.f. and 150% limits. However, The prior grant of additional gross floor area as of right or by special permit under Section 5.22 or any prior version of Section 5.22 shall preclude a subsequent grant of a special permit under this paragraph 3, subparagraph c (Section 5.22.3.c) .*

**Section 5.09.2.j – Design Review:** Any exterior addition for which a special permit is required pursuant to §5.22 is subject to design review standards listed under Section 5.09.4 (a-m). All design review standards have been met, with the most relevant design review sections described below:

- a. Preservation of Trees and Landscape – The proposed rear addition will have no adverse impact on existing trees located on the subject property, nor does it significantly alter existing landscaped features or open space. Despite the undersized nature of the lot, there is a sizable rear yard area and a variety of large-scale plantings along the perimeter of the lot.
- c. Relation of Buildings to the Form of the Streetscape and Neighborhood – Single-family dwellings along the eastern side of Eliot Street, between Dean Road and Clinton Road, produce a consistent streetscape by incorporating attractive brick facades, front entry walkways, street trees, and ground level garages that are not easily visible from the public way. The proposed rear addition for 189 Eliot Street effectively maintains this streetscape, as well as the Colonial Revival style design that is characteristic of the immediate neighborhood.
- d. Circulation – The existing driveway, ground level garage, and pedestrian walkways will not be altered as a result of this rear addition.

**Section 8.02.2 – Alteration or Extension:** A special permit is required to expand the pre-existing non-conforming structure (FAR).

**PLANNING BOARD COMMENTS**

The Planning Board unanimously supported this single-story rear addition. The proposed floor area increase is modest and all exterior modifications are not easily visible from surrounding properties. Wood clapboard additions of this nature are common amongst brick single-family dwellings located throughout surrounding Fisher Hill and Chestnut Hill Neighborhoods. The Board is not convinced that special permit relief under By-Law **Section 5.22.3.c** may be applied to this addition based on the grant of prior zoning relief. The Board did consider the applicability of M.G.L. c.40B, §6 provisions as they relate to the alteration of a pre-existing nonconforming single-family structure but ultimately defer to the Board of Appeals' ruling on that matter.

**Should the Board of Appeals find that the statutory requirements for a variance are met the Planning Board recommends approval of floor plans and elevations by Michael J. Huller, dated 11/20/2016, and the site plan by Bruce Bradford, dated 12/1/2015, subject to the following conditions:**

- 1. Prior to the issuance of a building permit, the applicant shall submit final floor plans and elevations, subject to review and approval by the Assistant Director for 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, 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*



**Zoning By-Law Section 5.22.c.3 (June – November, 1986)****SECTION 5.22 EXCEPTIONS TO FLOOR AREA RATIO REGULATIONS FOR RESIDENTIAL UNITS**

(a) The Board of Appeals may allow by special permit a maximum gross floor area greater than is permitted in Section 5.00 for a building(s) on a single lot, subject to the procedures, limitations, and conditions specified in this Section and in Sections 5.09 and 9.5, for an existing residential building which meets the following basic requirements:

(1) The existing building(s) is located on a lot (or part of a lot) in a district with a maximum floor area ratio no greater than 1.5.

(2) The existing building contains at least one residential unit but no more than four units. For the purpose of this Section, units shall be defined to include all dwellings, offices, and commercial spaces within the building.

(b) The additional floor area allowed by special permit pursuant to this Section shall not include the floor area permitted by right under Section 5.00.

(c) The maximum increase in floor area allowed by special permit shall be granted in accordance with the following conditions, but in no case shall the resulting gross floor area of the building(s) be more than 150% of the permitted gross floor area:

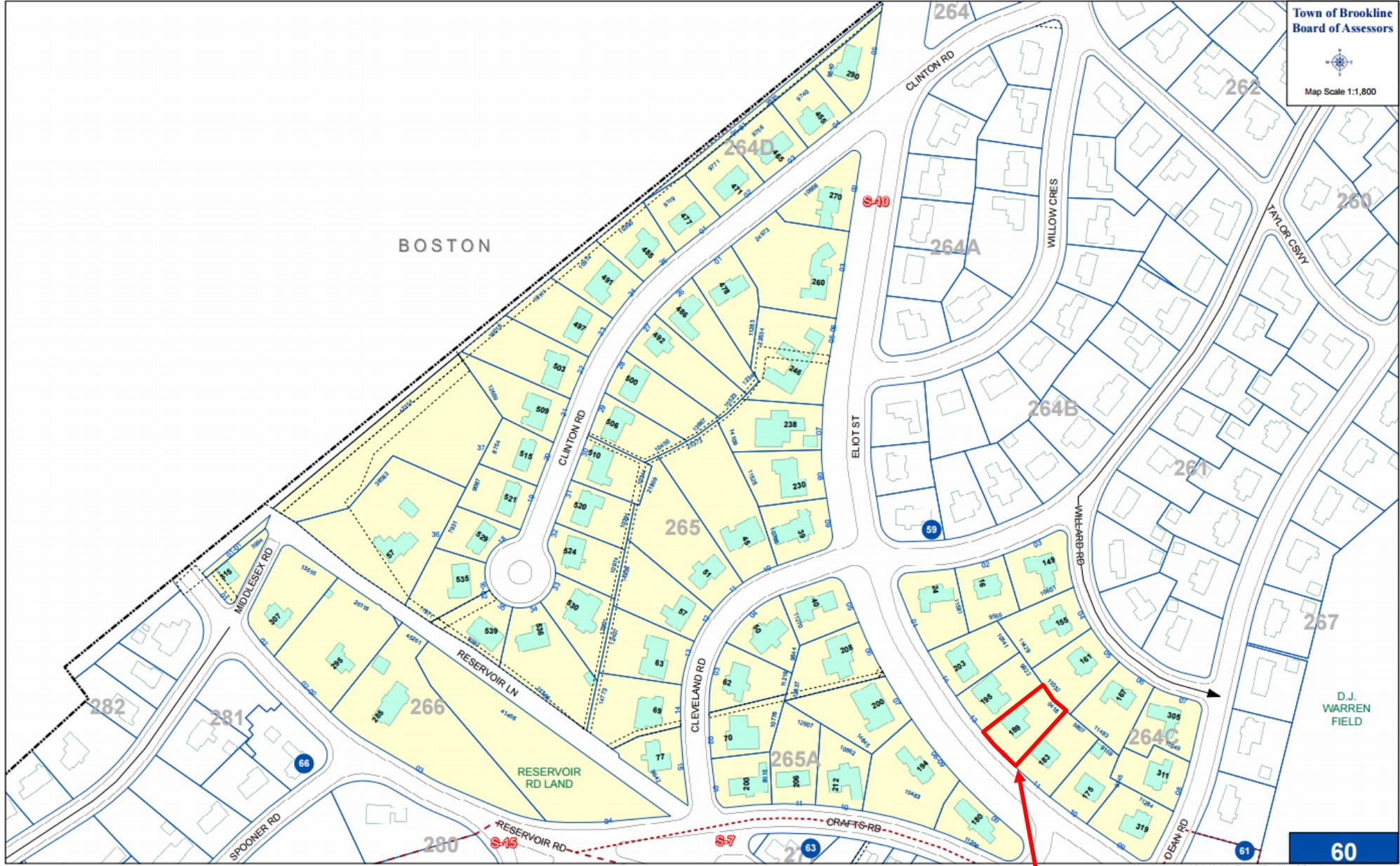
(1) In all S Districts a special permit may be granted for an increase in floor area up to 30% above the permitted floor area, except that any additional floor area utilized for an exterior addition shall be deducted from the total additional floor area allowed at a rate of 1-1/2 times the area of the exterior addition.

(2) In all T Districts, M-0.5, M-1.0, and M-1.5 Districts, a special permit may be granted for an increase in floor area up to 20% above the permitted floor area.

(3) If the application of the percentages in subparagraphs (1) or (2) of this paragraph results in a floor area increase less than 350 square feet, a special permit may be granted for an increase in floor area up to 350 square feet provided that the resulting gross floor area of the building(s) is not more than 150% of the permitted gross floor area. A grant of a special permit under either paragraph (c)(1) or (c)(2) shall preclude a subsequent grant of a special permit under this paragraph.

(4) Interior conversion is defined as the conversion of existing interior space not previously used for human occupancy in areas such as basements, attics, unenclosed porches, or penthouses. The addition of any other area for human occupancy shall be deemed an exterior addition. In determining the appropriate amount of existing interior space to be converted for human occupancy, the Board of Appeals shall consider the extent of exterior modifications required to effectuate the proposed conversion and the impact therefrom on abutting properties.

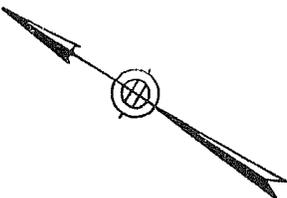
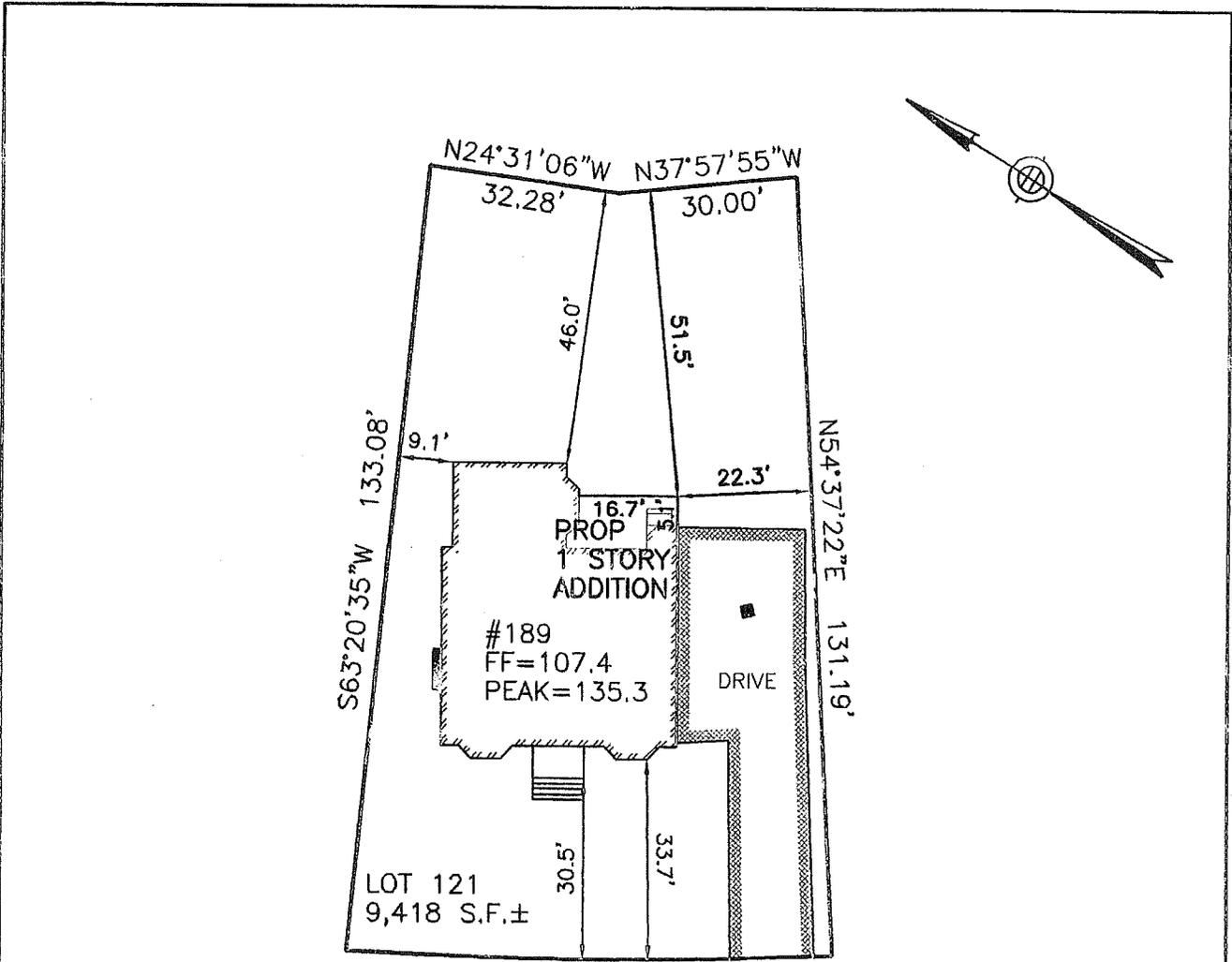
(5) The additional floor area granted pursuant to this Section shall be incorporated into existing residential units and those units shall not subsequently be divided into multiple units.



Town of Brookline  
Board of Assessors  
Map Scale 1:1,800

189 Eliot Street

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

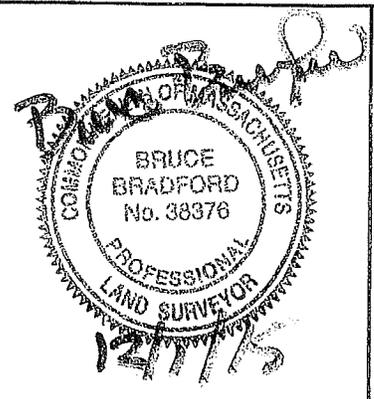


R=802.60' A=82.00'  
**ELIOT STREET**

ZONE: S-10  
 PLAN REFERENCE:  
 BOOK 2128 PLAN 3

LANDSCAPED OPEN SPACE:  
 EXISTING 146.2%  
 PROPOSED 139.6%  
 USEABLE OPEN SPACE:  
 EXISTING 79.8%  
 PROPOSED 75.0%

ESTABLISHED 1916  
  
**EVERETT M. BROOKS CO.**  
 SURVEYORS & ENGINEERS  
 49 LEXINGTON STREET  
 WEST NEWTON, MA 02465  
 (617) 527-8750  
 (617) 332-1578 FAX  
 info@everettbrooks.com



**PLAN OF LAND IN  
 BROOKLINE, MA**  
 189 ELIOT STREET  
 PROPOSED ADDITIONS

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SCALE: 1 IN. = 30 FT.  
 DATE: DECEMBER 1, 2015  
 DRAWN: MF  
 CHECK: BB

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PROJECT NO. 24787

FAR Calculations:  
 Zoning District S-10  
 Lot size: 9,418  
 $9,418 \times .30 = 2,825.4$  Allowable FAR

Existing FAR  
 Basement: 712.6 s.f.  
 (Minus dedicated mechanical and garage)  
 1st Floor: 1,688 s.f.  
 2nd Floor: 1,328.6 s.f.  
 Total FAR: 3,729.2 s.f.

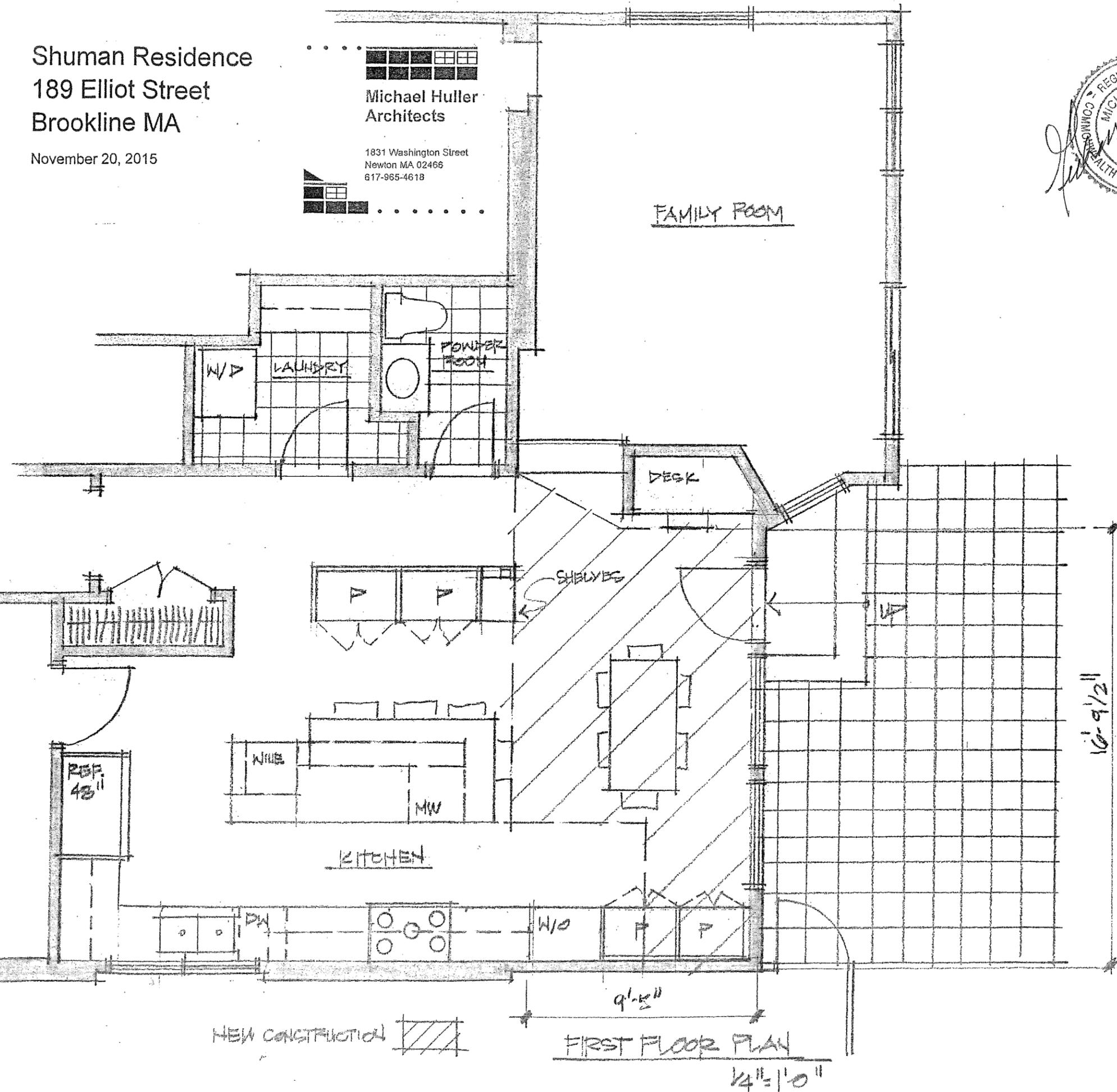
Proposed FAR  
 Basement: 712.6 s.f.  
 (Minus dedicated mechanical and garage)  
 1st Floor: 1,688 + 136.4 proposed  
 2nd Floor: 1,328.6 s.f.  
 Total FAR: 3,865.6 s.f.

Shuman Residence  
 189 Elliot Street  
 Brookline MA

November 20, 2015

Michael Huller  
 Architects

1831 Washington Street  
 Newton MA 02466  
 617-965-4618





SHINGLES TO MATCH EXIST.

EXISTING BRICK

CLAPBOARDS

NEW STEPS

NEW

REAR ELEVATION

1/4" = 1'-0"

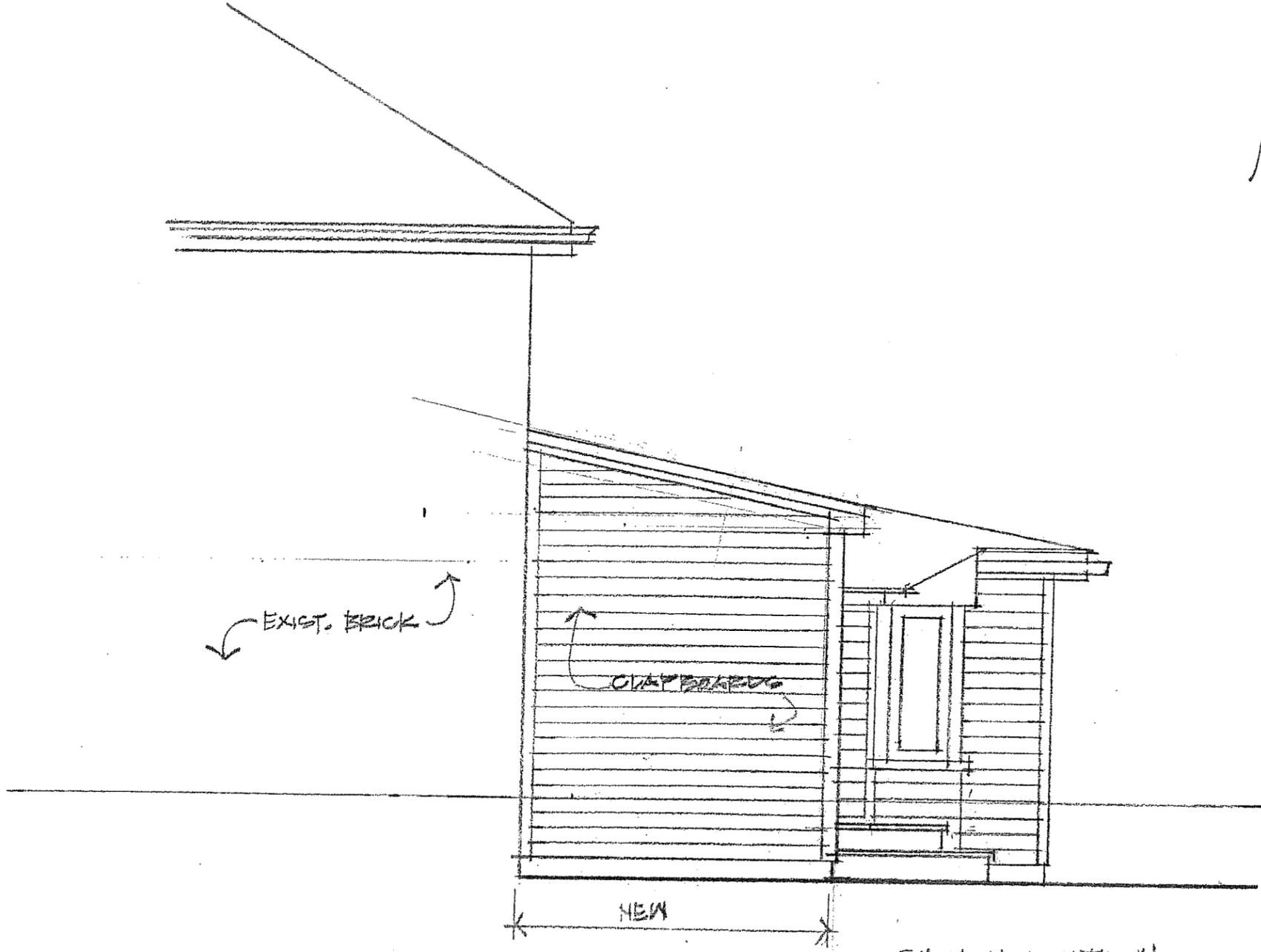
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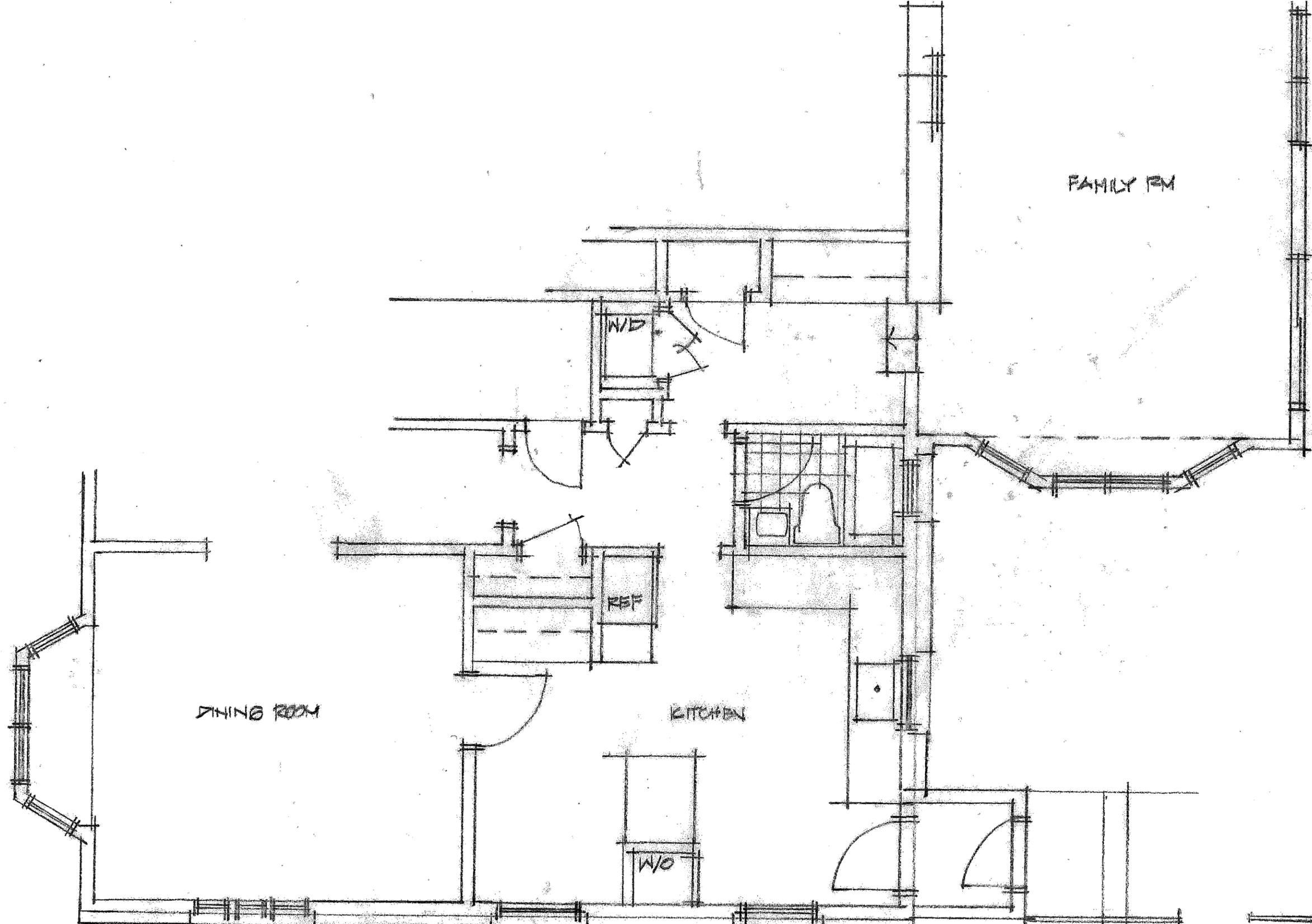


Shuman Residence  
189 Elliot Street  
Brookline MA

November 20, 2015

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Michael Huller  
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1831 Washington Street  
Newton MA 02466  
617-965-4618  
  
  
.....

SIDE ELEVATION  
1/4" = 1' 0"



FAMILY RM

W/D

REF

DINING ROOM

KITCHEN

W/D

EXIST. FIRST FLOOR

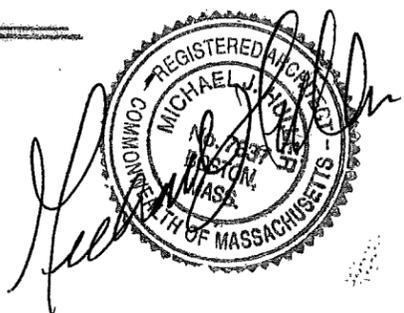
1/4" = 1'-0"

Shuman Residence  
 189 Elliot Street  
 Brookline MA

Michael Muller  
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 Newton MA 02466  
 617-965-4816

November 20, 2015





Shuman Residence  
189 Elliot Street  
Brookline MA

November 20, 2015



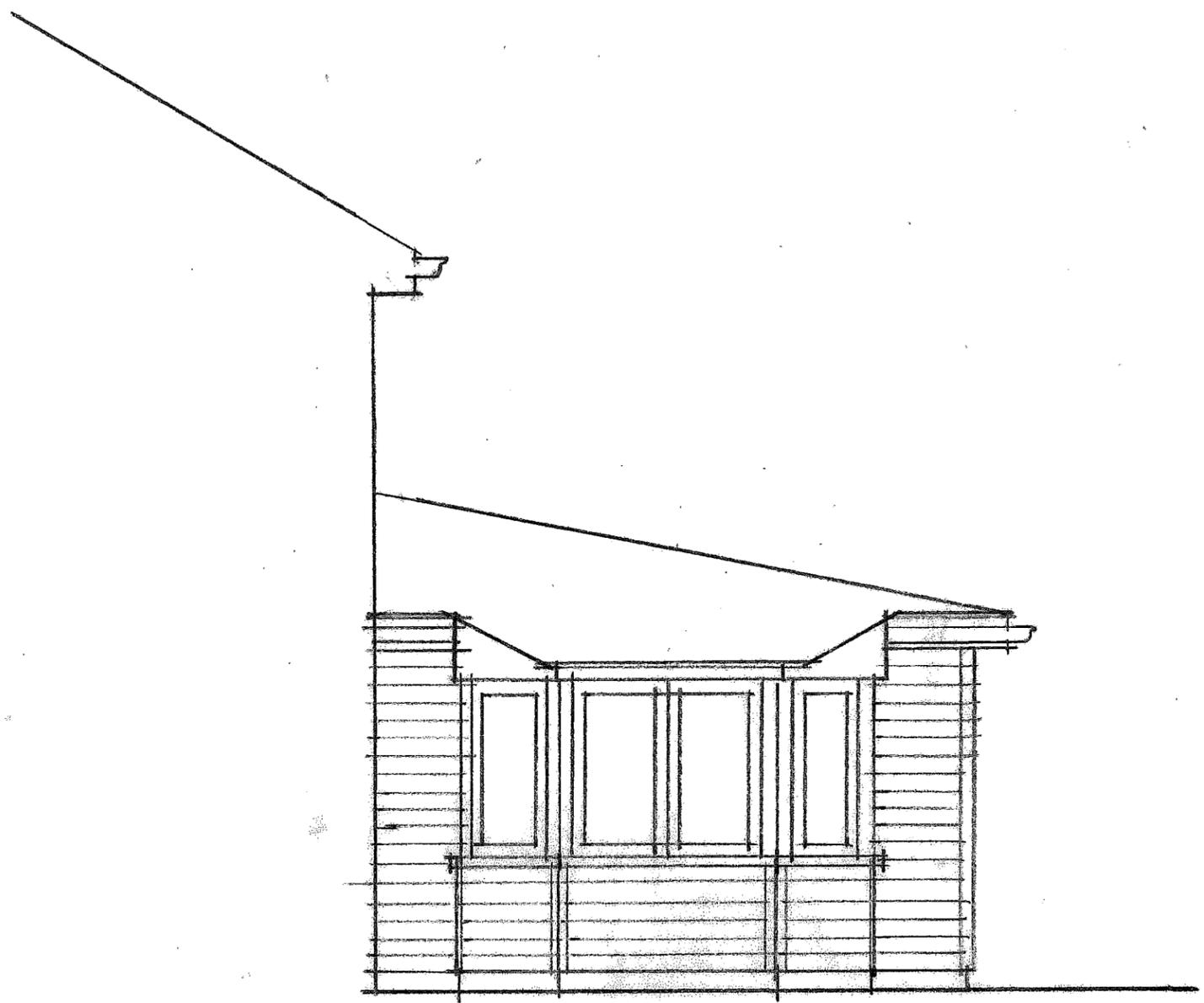
Michael Muller  
Architects

1831 Washington Street  
Newton MA 02460  
617-555-4010

REAR ELEVATION

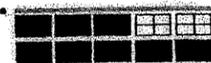
1/4" = 1' - 0"





Shuman Residence  
189 Elliot Street  
Brookline MA

November 20, 2015



Michael Huller  
Architects

1831 Washington Street  
Newton MA 02468  
817-955-4518



SIDE ELEVATION

1/4" = 1'-0"





Existing Photos