



Town of Brookline

Massachusetts

PLANNING BOARD

Town Hall, 3rd Floor
333 Washington Street
Brookline, MA 02445-6899
(617) 730-2130 Fax (617) 730-2442

Linda Hamlin, Chairman
Steven Heikin, Clerk
Robert Cook
Blair Hines
Sergio Modigliani
Matthew Oudens
Mark J. Zarrillo

To: Brookline Board of Appeals
From: Brookline Planning Board
Date: March 31, 2016
Subject: Convert existing three-family dwelling into a four-family dwelling and install three additional off-street parking spaces
Location: 21 Kent Street

Atlas Sheet:	30	Case #:	2016-0009
Block:	140	Zoning:	G-2.0
Lot:	15	Lot Area (s.f.):	±5,703

Board of Appeals Hearing: March 21, 2016, at 7:00 p.m.

BACKGROUND

February 13, 1984 – Board of Appeals case #2613 granted zoning relief to convert the two-family dwelling at 21 Kent Street into a three-family dwelling. Relief was required to locate two additional off-street parking spaces within required front and side yard setbacks. This additional parking, in combination with existing parking at the site, resulted in one parking space located along Kent Street and three total parking spaces along Andem Place, which is a private way. Both the Planning Board and the Board of Appeals supported a parking scheme that consolidated the paved parking surface along Andem Place toward the western side lot line in order to protect existing maple and birch trees located near the eastern side lot line.

The submitted site plan for this current proposal, dated 12/16/15, includes four existing surface parking spaces along Andem Place. There is no special permit or variance history associated with the creation of the fourth parking space.

SITE AND NEIGHBORHOOD

21 Kent Street is a three-family dwelling located within the Brookline Village General Business district. The 2 ½ story clapboard and shingle structure was constructed around 1925. The

subject property is bounded by Kent Street, Andem Place (private way), the municipally owned Kent Street parking lot, and a two-family dwelling at 17 Kent Street. A large portion of the property is surrounded by fencing with a solid board fence screening the property from the adjacent public parking lot.

The surrounding neighborhood presents a diverse building stock with larger mixed-use buildings along Station Street and Washington Street, and attached multi-family dwellings to the northeast along Kent Street. The subject property is located in close proximity to the Brookline Village T station and various retail/commercial activities.

APPLICANT'S PROPOSAL

The Applicant's, Mikael and Tiffany Rinne, are proposing to convert unfinished basement area into a 1,191 square foot residential unit. This unit will include two bedrooms and is accessible from an existing interior staircase and a rear door that is slightly below grade. Two window wells will also be installed at the front of the structure to provide adequate natural light and emergency egress for basement-level bedrooms. The Applicants are also proposing to enclose a covered porch located at the first floor, expanding the existing residential unit by 409 square feet.

The existing paved parking surface that provides four spaces along Andem Place will be expanded by approximately 420 square feet. This additional parking surface will be constructed of bituminous concrete and will create one new standard parking space (8.5' x 18') and two new compact parking spaces (7.5' x 17.5').

Lastly, the Applicants are proposing to construct an 11 foot tall accessory shed at the rear of the primary structure. The shed will be constructed of clapboard and shingle to match the primary structure and will be located within the required side yard setback.

Submitted landscape concept plans include options for either precast steppers or a raised composite deck (21.6' x 10') between the Andem Place parking area and rear access points to the structure. The steppers option does not alter the side yard setback in this area but any raised deck that requires the installation of footings would further reduce the side yard setback along the eastern lot line to 7.2 inches.

The plans show Option 1 and Option 2; however, only Option 2 is proposed by the applicant.

FINDINGS

Section 4.07 – Table of Use Regulations, Use #6

For a building containing four or more residential units in L and G districts, the ground floor of said building must have no more than 40% of its frontage along the street devoted to residential use, including associated parking. This proposed conversion to create four attached dwelling units includes 100% of the building frontage dedicated to residential use, therefore a **variance** is required.

Section 5.07 – Dwellings in Business and Industrial Districts

Dwellings in G-2.0 districts shall conform to the minimum usable open space and minimum side and rear yard requirements of the M-2.0 district. However, if the Board of Appeals finds that a waiver of such dimensional requirements would promote reasonable development of the site compatible with adjacent buildings and the surrounding area, the Board may waive such requirements by **special permit**.

Section 5.43 – Exceptions to Yard and Setback Regulations

Section 5.60 – Side Yard Requirements

Section 5.63 – Accessory Buildings or Structures in the Side Yard

Section 5.91 – Minimum Usable Open Space

G-2.0 (General Business)	Required	Existing	Proposed	Relief
Front-Yard Setback (Primary Structure)	0'	18.9' (Kent St.) 27.5' (Andem Pl.)	18.9' (Kent St.) 27.5' (Andem Pl.)	Complies
Side-Yard Setback (Primary Structure)	15.3'	10.5' (west) 4.6' (east)	10' (west) 0.6' (east – raised deck)	Special Permit* Pre-Existing
Front-Yard Setback (Accessory Shed)	0'	N/A	18.6'	Complies
Side-Yard Setback (Accessory Shed)	6'	N/A	2.4'	Special Permit*
Minimum Usable Open Space	160.6 s.f.	Approx. 480 s.f.	0 s.f.	Special Permit**

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

Under **Section 5.07, the Board of Appeals may waive minimum usable open space and side and rear yard requirements by special permit for residential dwellings in business districts if the Board finds that a waiver of such requirements would promote reasonable development of the site compatible with adjacent buildings and the surrounding area.

Section 6.02, Paragraph 1 – Table of Off Street Parking Requirements

Section 6.01.2.a– General Regulations Applying to Required Off-Street Parking

Section 6.04.5.a – Design of All Off-Street Parking Facilities

Section 6.04.7 – Design of All Off-Street Parking

Parking	Required	Existing	Proposed	Relief
Off-Street Parking Spaces	8	5	8	Complies
Front-Yard Setback (Andem Place)	10 feet	0 feet	0 feet	Special Permit* Pre-Existing

Side-Yard Setback (Andem Place)	5 feet	0 feet (west) 22.5 feet (east)	0 feet (west) 0 feet (east)	Special Permit* Pre-Existing
Setback From Basement and Ground Level Residential Units	10 feet	9 feet (Andem Pl.)	9 feet (Andem Pl.)	Special Permit* Pre-Existing

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

***Under Section 5.07, the Board of Appeals may waive minimum usable open space and side and rear yard requirements by special permit for residential dwellings in business districts if the Board finds that a waiver of such requirements would promote reasonable development of the site compatible with adjacent buildings and the surrounding area.*

Section 6.04.2.a, b, e – Design of All Off- Street Parking Requirements

For parking areas containing 7 or more spaces, the minimum dimensions of stalls and aisles shall be as follows:

- a. Standard stall width shall be 8.5 feet; compact stall width shall be 7.5 feet.
- b. Standard stall depth shall be at least 18 feet for angle parking; compact stall depth shall be 16 feet for angle parking. Such dimensions may include no more than two feet of any landscaped setback area adjacent to the front or rear of a stall used for bumper overhang.
- e. No more than 25% of the total number of parking spaces provided may be designated for use by compact cars only.

The Applicant is proposing to create 3 new parking spaces (7 total) to be located on a continuously paved area immediately adjacent to Andem Place. 5 of these spaces will comply with minimum standard stall dimension requirements (8.5’ x 18’) and 2 of these spaces comply with minimum compact stall dimension requirements (7.5’ x 16’). The submitted certified “parking scheme” indicates one compact space but the certified site plan indicates that two proposed spaces along Andem Place only satisfy dimensional requirements for designated compact spaces. Despite this discrepancy, the proposed parking scheme **complies** with parking stall requirements included in By-law Section 6.04.2.

Section 5.09.2.d – Design Review

Exterior alterations associated with multiple dwellings with four or more units on the premises require a **special permit** subject to design review standards listed under **Section 5.09.4 (a-m)**. The most relevant design review sections are described below:

- a. **Preservation of Trees and Landscape** – No significant grade changes are required to complete proposed alterations, however the expanded parking area along Andem Place will necessitate the removal of an existing large caliper maple tree located on the subject

property. Additionally, the proposed enclosure of a front-facing covered porch will eliminate all open space that meets the dimensional requirements to be included in usable open space calculations.

- c. Relation of Buildings to the Form of the Streetscape and Neighborhood – The front façade of the current three-family dwelling will not be significantly altered following conversion to a four-family dwelling. The surrounding G-2.0 district along Kent Street consists of multi-family residential units, general business uses, and public/private parking areas, therefore proposed structural alterations and the existing surface parking space located in the front yard are not inconsistent with the surrounding streetscape. Additionally, any expanded rear parking is not easily visible from public ways due to the location and existing fencing that encloses a large portion of the rear yard area.
- d. Open Space – The applicant has submitted two landscaping concepts that do encourage more interaction and active use of front and side yard areas. The reconfigured open space along Kent Street is attractive and must be continuously maintained, however the elimination of evergreen ground cover along Andem Place does result in the loss of visual amenity for surrounding properties and will adversely affect water runoff and drainage.
- e. Circulation
The subject property is located in pedestrian friendly Brookline Village and is in close proximity to various public transit options. The site itself presents adequate circulation for residents/pedestrians as it provides multiple access points from both Kent Street and Andem Place. The parking configuration along Andem Place is relatively dense, however this private way is 20 feet wide and experiences limited pedestrian activity.
- f. Stormwater Drainage
The Applicant is proposing to create approximately 420 square feet of parking surface directly adjacent to Andem Place to be constructed of bituminous concrete. Although trench drain improvements are proposed to account for this expanded parking surface, increased water runoff and snow removal requirements will result.

Section 8.02.2 – Alteration or Extension

A **special permit** is required to alter or extend a pre-existing nonconforming structure (setbacks).

Modification, as necessary, of BOA case #2613, February 13, 1984

No imposed conditions are associated with this prior zoning relief from parking and setback requirements however the Planning Board and the Board of Appeals expressly recommended that all new paved parking areas along Andem Place be “consolidated” in order to retain existing maple and birch trees located in the rear yard.

PLANNING BOARD COMMENTS

The Planning Board is not opposed to the creation of a fourth residential unit at the basement level. This proposed floor area increase requires limited exterior alterations to the structure itself. The surrounding neighborhood, particularly along Andem Place, includes a variety of dense impervious parking surfaces. The Board recommends six not seven parking spaces along Andem Place and retaining the existing parking space in the Kent Street front yard for a total of seven spaces on the site. Although this is one less space than the eight spaces required, under Section 5.07 parking requirements for this district can be waived up to 50%). Eliminating one of the proposed parking spaces will improve the setbacks to the parking. In addition, this area overlooks an alley and gets little sunlight, so the loss of open space is not critical.

The Board is supportive of proposed landscaping features in the front-yard to serve as a counterbalancing amenity for request setback relief. Additionally, the Board supports the maintenance and installation of solid board fences to screen residential units from vehicle headlights.

The Planning Board did question why a variance and not a special permit is required under Section 4.07, as the structure has always been 100% residential.

Therefore, should the Board of Appeals find that the statutory requirements for a variance are met the Board recommends approval of the site plan by Robert Babcock, dated 12/16/15, floor plans and plans by Douglas Stefanov, dated 1/29/2016, subject to the following conditions:

- 1. Prior to the issuance of a building permit, the Applicant shall submit a final site plan including all parking spaces and stall dimensions, 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 a final landscaping plan including all counterbalancing amenities and fencing, subject to review and Approval by 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, and 3) evidence that the Board of Appeals decision has been recorded at the registry of Deeds.**

jr



View from Kent Street



Parking Area on Andem Place

STAMP

REV. NO.	DATE	DESCRIPTION

SHAWN

CHECKED

SCALE

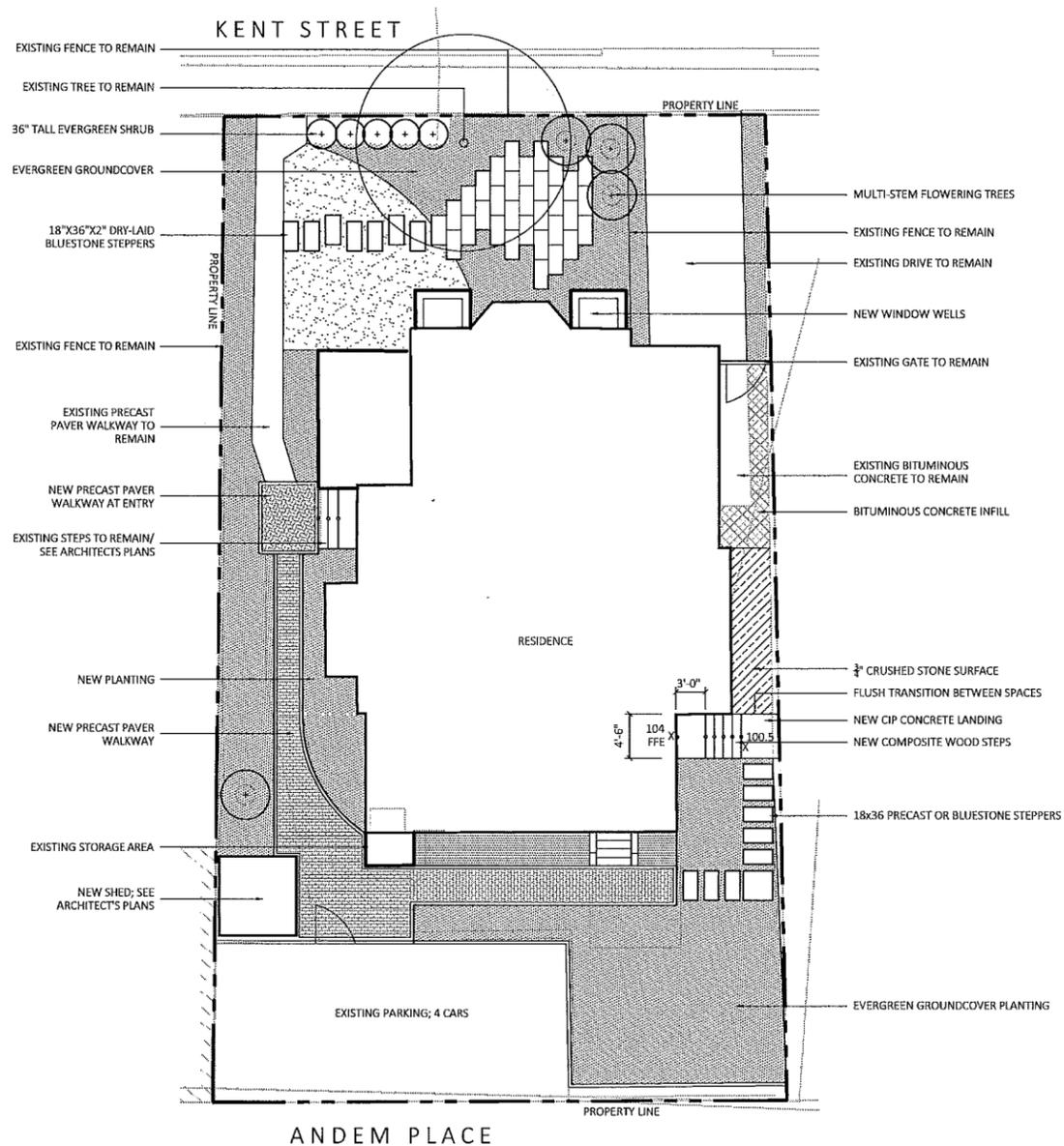
AS NOTED

DATE

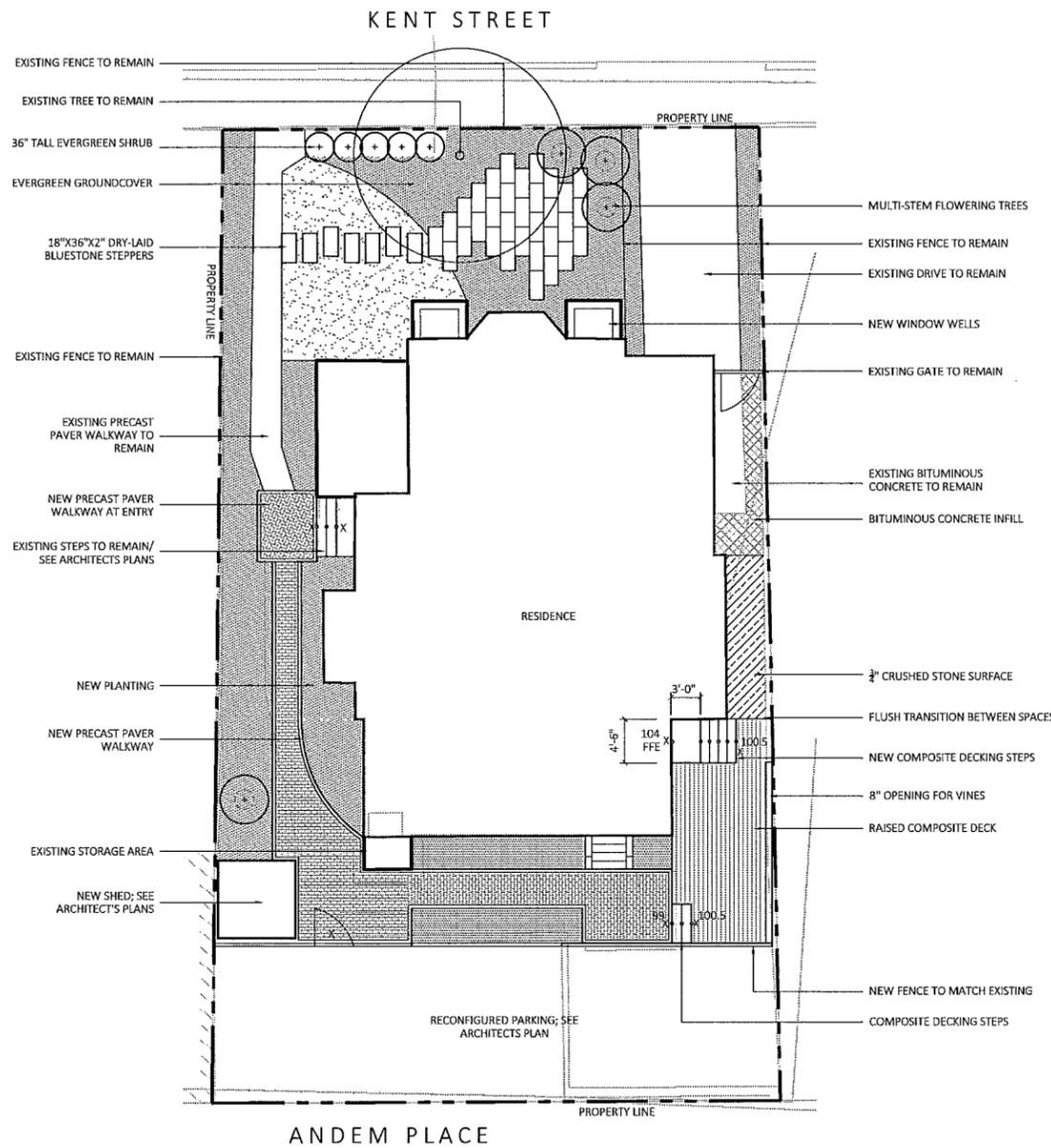
12/16/15

SHEET

OF

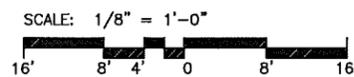


1 LANDSCAPE CONCEPT OPTION 1
SCALE: 1/8" = 1'-0"



2 LANDSCAPE CONCEPT OPTION 2
SCALE: 1/8" = 1'-0"

DRAFT PRINT
12/16/15





21 Kent Street