



BOARD OF APPEALS
Diane R. Gordon, Co-Chair
Harry Miller, Co-Chair
Bailey S. Silbert

Town of Brookline

Massachusetts

Town Hall, 1st Floor
333 Washington Street
Brookline, MA 02445-6899
(617) 730-2210 Fax (617) 730-2248
Patrick J. Ward, Secretary

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. BOA 070054

Petitioner, Irving Salloway, applied to the Building Department for a permit to construct a garage on his property at 64 Seaver Street. The application was denied and an appeal taken to this Board.

On September 6, 2007 the Board of Appeals met and determined that the properties affected were those shown on a schedule in accordance with the certification prepared by the Assessors of the Town of Brookline and approved by the Board of Appeals and fixed October 25, 2007 at 7:00 p.m. in Hunneman Hall, Main Library, as the time and place of a hearing on the appeal. Notice of the hearing was mailed to the Petitioners, to the owners of the properties deemed by the Board to be affected as they appeared on the most recent local tax list, to the Planning Board and to all others required by law. Notice of the hearing was published October 10 and 17, 2007 in the Brookline Tab, a newspaper published in Brookline. Copy of said notice is as follows:

TOWN OF BROOKLINE
MASSACHUSETTS
BOARD OF APPEALS
NOTICE OF HEARING

Pursuant to M.G.L., C.39, sections 23A & 23B, the Board of Appeals will conduct a public hearing to discuss the following case:

Petitioner: **Irving SALLOWAY, Trustee, Seaver Realty Trust**

Location of Premises: **64 SEAVER ST BRKL**

Date of Hearing: **10/25/2007**

Time of Hearing: **07:00 p.m.**

Place of Hearing: **Main Library, Hunneman Hall, 2nd fl.**

A public hearing will be held for a special permit and/or variance from:

4.01.2, Permitted Uses; Special Permit Required.

4.01.3.a, Permitted Uses; Special Permit Required.

4.07, Table of Use Regulations; Accessory Use 54; Special Permit Required.

5.09.2.a,c,d, Design Review, Special Permit Required.

5.09.3.e, Plan Revision; Special Permit Required.

Of the Zoning By-Law to construct a garage addition per plans at **64 SEAVER ST BRKL.**

Said Premise located in a **S-15**, District.

Hearings, once opened, may be continued by the Chair to a date and time certain. No further notice will be mailed to abutters or advertised in the TAB. Questions regarding whether a hearing has been continued, or the date and time of any hearing may be directed to the Zoning Administrator at 617-734-2134 or check meeting calendar at: <http://calendars.town.brookline.ma.us/MasterTownCalendar/?FormID=158>.

*The Town of Brookline does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. Individuals who need auxiliary aids for effective communication in programs and services of the Town of Brookline are invited to make their needs known to the **ADA Coordinator, Stephen Bressler, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone: (617) 730-2330; TDD (617) 730-2327.***

Diane R. Gordon

Harry Miller

Bailey S. Silbert

Present at the hearing was Chair, Murray Shocket and Board Members Bailey Silbert and Jesse Geller. Mr. Salloway accompanied by his wife, Ms. Karol, represented himself at the hearing.

Mr. Salloway described his home at 64 Seaver Street as part of Fisher Hill Estates, a 34-unit cluster development of attached and detached single-family dwellings, including a swimming pool and tennis court, all located on one lot. His property is a detached single-family dwelling located directly next to the Estates' tennis court, and is accessed by a common driveway from Seaver Street. The grade slopes down rapidly from Seaver Street toward Boylston Street. The dwelling currently has parking for two cars with an attached, single-car garage and a single-car carport. A unique gambrel roofline exists over both the garage and the carport and provides for a covered walkway to the dwelling's front door.

Mr. Salloway said he proposes to construct an attached two-car garage to the existing single-family dwelling and increase the number of covered parking spaces from two to three. This would involve constructing a new two-car garage attached to the existing garage. The new garage would be located in front of the existing garage and in place of the existing carport. New windows would be installed on the side wall of the existing garage, which would continue to be used as either parking for a third car or as storage space, depending on the need. The roof for the new garage would extend the covered walkway for the front entry. In the original design of the garage, the addition had a partial gambrel roof with a salt box-like extension. He said after receiving comments from the Planning Board, he redesigned the addition's gambrel roof portion to project approximately two feet from the garage's front façade, continuing the appearance of the dwelling's existing roofline while allowing a shed-dormer-like roof for the garage expansion. Mr. Salloway said that the slope down from Seaver Street is so steep that the project could barely be seen

from the street. He said that the existing landscaping would be changed to accommodate the proposal.

The Chair asked whether anyone would like to speak in favor or in opposition to the proposal. Ms. Jill Garrity, a Trustee of the Condominium Association, stated that the Condominium Association supports the project. She said that the proposal would improve the aesthetic nature of the home.

Adam Serafin, Planner, described the relief required for the project.

Section 4.01.2 – Permitted Uses: Any application for change in a special permit use or condition approved by the Board of Appeals shall require either a new special permit or Board of Appeals approval of modification of the prior special permit. *Special permit required.*

Section 4.01.3.a – Permitted Uses: Any use for a lot which fronts on or is within 100 feet of Boylston Street shall require a special permit. *Special permit required.*

Section 4.07 – Table of Use Regulations, Accessory Use #54: An accessory private garage or parking area for noncommercial motor vehicles with not more than three spaces per dwelling unit, or four spaces for a single-family dwelling on a 10,000 s.f. or larger lot, is an allowed use by right, except dwellings on lots with frontage on Boylston Street shall require a special permit. *Special permit required.*

Section 5.09.2.a, c, d – Design Review: Any exterior addition to a structure located on a lot which fronts on or is within 100 feet of Boylston Street, or part of a designed group of single family dwellings, or part of a development with multiple dwellings with 10 or more units, whether contained in one or more structures, requires a special permit for design review. The applicant has not submitted an impact statement. The relevant sections of the Community and Environmental Impact and Design Standards are as follows:

- a. *Preservation of Trees and Landscape* – The proposal does not affect existing trees or landscaping; instead, the proposed garage would be located where the lot is already paved and used for parking.
- b. *Relation of Buildings to Environment* – The proposed garage should not negatively impact abutting properties or nearby structures. The overall height of the building is not being changed. Though the roofline for the garage is unique, it is not out of scale with the existing building.
- d. *Circulation* – Vehicular circulation on-site will not be substantially altered with this proposal, which will provide for more enclosed and screened parking. The driveway curve in front of the garage will be slightly enlarged.

Section 5.09.3.e – Design Review, Plan Revision: Once the Board of Appeals hearing on a proposal is closed, any plan revision which in any way affects or alters the visual appearance of the façade, roof, or cornice line, or modifies the site plan, shall be reviewed by the Building Commissioner and the Planning Director, and if such a

revision is deemed to constitute a change other than a minor modification, the matter shall be referred to the Planning Board for its recommendation and then to the Board of Appeals. *This proposal would alter the roofline of the existing building, whose design was approved under BOA case #2449. Special permit required.*

Mr. Serafin stated that the Planning Board is not opposed to the proposal to alter the single-family dwelling and construct a new two-car attached garage. The new garage would be located where it is already paved, and it should not negatively affect neighboring buildings. The landscaping that would be removed due to this proposal is minimal, and the tennis court and existing vegetation make the building difficult to see from the street. Additionally, the applicant has modified the design of the addition in response to Planning Board comments to ensure it integrates well with the dwelling's existing roofline. He said that the Planning Board recommended approval of the proposal and the submitted site plan, entitled "64 Seaver Street," prepared by J.F. Hennessy Co., and last dated 6/26/07, and the submitted architectural plans, entitled "Karol/Salloway Residence Garage Addition," prepared by Weaver & Associates, and last dated 8/2/07, and the submitted modifications entitled "Salloway Residence," and last dated 10/8/07, 10/12/07, and 10/15/07, subject to the following conditions:

- 1. Prior to issuance of a building permit, final elevations of the garage addition shall be submitted to the Assistant Director for Regulatory Planning for review and approval.**
- 2. Prior to issuance of a building permit, the applicant shall submit to the Zoning Administrator 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 elevation plans, stamped and signed by a registered architect; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.**

The chair then called on Frank Hitchcock representing the Building Department. Mr. Hitchcock described the project for the Board. He said that on January 23, 1981, the Board of Appeals approved case #2449 to construct a cluster development of 34 single-family dwellings, some attached and some detached, including the renovation of existing buildings and recreational facilities. He said that this home was part of that project. Mr. Hitchcock said all the required relief could be granted by special permit. He said a special permit was required under Section 4.01.2 because the proposal represents a change to an existing special permit. Special permits are required under Sections 4.01.3.a and Section 4.07 because the property fronts on or is within 100 feet of Boylston Street. Mr. Hitchcock said that two special permits are required under Design Review, one under Section 5.09.2.a,c,d because of the location and nature of the property and one under Section 5.09.3.e because the proposal would alter the roofline of the existing building, whose design was approved under BOA case #2449. Mr. Hitchcock stated that the Building Department had no issue with the relief required for the project or the conditions proposed by the Planning Board.

The Board, having deliberated on this matter and having considered the foregoing testimony, concludes that it is desirable to grant special permits under Sections 4.01.2, 4.01.3.a, 4.07- Accessory Use #54, 5.09.2.a,c,d and 5.09.3.e of the Zoning Bylaw. The Board made the following findings pursuant to Section 9.05:

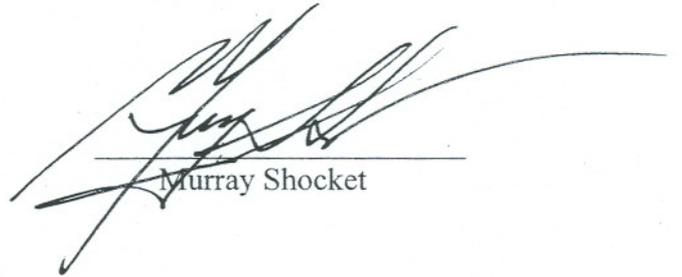
- a. The specific site is an appropriate location for such a use, structure, or condition.
- b. The use as developed will not adversely affect the neighborhood.
- c. There will be no nuisance or serious hazard to vehicles or pedestrians.

- d. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
- e. The development as proposed will not have a significant adverse effect on the supply of housing available for low and moderate income people.

Therefore, the board voted unanimously to grant all the Special Permit relief with the following conditions:

1. Prior to issuance of a building permit, final elevations of the garage addition shall be submitted to the Assistant Director for Regulatory Planning for review and approval.
2. Prior to issuance of a building permit, the applicant shall submit to the Zoning Administrator 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 elevation plans, stamped and signed by a registered architect; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Unanimous Decision of
the Board of Appeals



Murray Shocket

RECEIVED
TOWN OF BROOKLINE
REGISTRARS OF VOTERS

AM 9:

Filing Date:

A True Copy:

ATTEST



Patrick J. Ward

Clerk, Board of Appeals