



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

Town of Brookline

Massachusetts

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Patrick J. Ward, Secretary

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. BOA060057

Petitioner, Evelyn Frost applied to the Board of Appeals to construct a garage and enclose an existing covered entrance at the front of her single-family residence at 14 Thayer Street.

On 7 September 2006, 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 November 2, 2006, at 7:00 p.m. in the Selectmen's Hearing Room on the sixth floor of the Town Hall 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 September 28 and October 5, 2006 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: **Evelyn Frost**
Location of Premises: **14 Thayer Street**

Date of Hearing: 11/02/06

Time of Hearing: 07:00 p.m.

Place of Hearing: **Selectmen's Hearing Room, 6th. Floor**

A public hearing will be held for a variance from:

- 1) 5.43; **Exceptions to Yard and Setback Regulations; Special Permit Required.**
- 2) 5.50; **Front Yard Requirements; Variance Required.**
- 3) 5.70; **Rear Yard Requirements; Variance Required.**
- 4) 8.02.2; **Alteration or Extension; Special Permit Required.**
- 5) **Board of Appeals Decision; Case #2785; dated 9 June, 1986; Modification Required.**

at **14 Thayer Street**

Said Premise located in a T-5 (Two Family and Attached Single Family) district.

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.

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At the time and place specified in the notice, a public hearing was held by this Board. Present at the hearing was Chair, Diane Gordon and Board members Bailey Silbert and Murray Shocket. George I. Warner of Warner and Cunningham, Inc., 397 Newton Street, Chestnut Hill, MA 02467, presented the case for the petitioner, Evelyn Frost, who was out of town at the time of the hearing. The property was subject to relief granted by the Board of Appeals, case #2785, 9 June, 1986. Relief granted was for a two-story addition to the rear of the home.

Mr. Warner described the project as the enclosure of an existing front porch to accommodate a half bath and air lock, the addition of a small garage to the SE corner where an existing storage shed is

currently located and the relocation of an existing door to the East end of the building (a window will replace the door in its current location). Mr. Warner stated that the new garage would not project beyond the rear of the existing house; he said that Mrs. Frost often travels to visit her grandchildren during the winter and would like to be able to keep her car in a garage to avoid coming home to a car embedded in snow and ice. Mrs. Frost would like the convenience of a small half bath on the first floor and the added benefit of an air lock for potential energy savings. The home, the last in the T-5 district is located between a brick apartment building to the East and a storage garage to the South which is part of a Commercial Business. The proposed garage would not be visible to the abutter to the West and only the side and short return would be visible from the street. As a counter-balancing amenity the petitioner will be providing new trees and additional landscaping as well as a parking area with pavers to the rear of the home.

The Chair asked whether anyone in attendance desired to speak in favor and/or register support of the requested relief. Dr. Elisabeth Frost, daughter of the petitioner and resident of Brookline at 82 High Street spoke in support of the proposed garage and enclosed porch.

The Chair then asked whether anyone wished to speak opposition. No-one rose to speak

Planner, Adam Serafin then reviewed the comments and recommendations of the Planning Board: He stated that the Planning Board is supportive of the new garage, enclosed front porch and other external alterations, provided the garage is used primarily for storage of a compact vehicle and not for active parking, as the aisle width would not be sufficient for frequent entering and exiting. Additionally, the roof of the garage should be raised slightly. The enclosure of the front porch and extension of the front stairway should not have a detrimental impact on the neighborhood, and the new garage would not extend beyond the rear wall of the existing dwelling. The enclosed front porch should

have more detail, including at least one window light on its front façade. New trees and additional landscaping will provide an amenity to the property. The proposal would not be a significant modification of the original decision, as the project continues to locate parking to the rear and side of the building, and the exterior alterations, besides the garage, are relatively minimal.

Therefore, the Planning Board voted unanimously (4-0) to recommend approval of the plans prepared by Warner & Cunningham Inc. and those prepared by Everett M. Brooks Co., and dated July 23, 2006, and July 19, 2006, respectively, subject to the following conditions:

1. Prior to the issuance of a building permit, final elevations, showing at least one window light on the front façade of the enclosed porch and a slightly raised roof for the garage, must be submitted to the Assistant Planning Director for review and approval.
2. Prior to obtaining a building permit, a final landscaping plan must be submitted to the Assistant Planning Director for review and approval.
3. The driveway shall be constructed of concrete pavers or gravel.
4. Prior to obtaining 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 showing dimensions stamped and signed by a registered architect or land surveyor, and 2) evidence that the Board of Appeals decision has been submitted to the Registry of Deeds.

The Chair called on Frank Hitchcock representing the Building Department. Mr. Hitchcock stated that all the relief requested could be granted by Special Permit. He outlined the relief requested:

1. **5.43 - Setback front and rear**
2. **6.04.12 - Minimum Aisle Width**
3. **8.02.2 - Alteration or Extension**
4. **Modification of a previously granted Special Permit (case #2785)**

Mr. Hitchcock stated that the Building Department had no objections to the proposal, the relief required or the conditions recommended by the Planning Board.

The Chair then asked Mr. Warner if he wished to make a closing statement and he declined.

The Board, having deliberated on this matter and having considered the foregoing testimony, concludes that it is desirable to grant the relief requested under **Sections 5.43, 6.04.12 and 802.2** of the Zoning Bylaw and makes 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.

Accordingly, the Board voted unanimously to grant the requested relief and modify previously granted relief, case #2785 subject to the following conditions:

1. Prior to the issuance of a building permit, final elevations, showing at least one window light on the front façade of the enclosed porch and a slightly raised roof for the garage, must be submitted to the Assistant Planning Director for review and approval.
2. Prior to obtaining a building permit, a final landscaping plan must be submitted to the Assistant Planning Director for review and approval.
3. The driveway shall be constructed of concrete pavers or gravel.
4. Prior to obtaining 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 showing dimensions stamped and signed by a registered architect or land surveyor, and 2)

evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Unanimous Decision of
The Board of Appeals

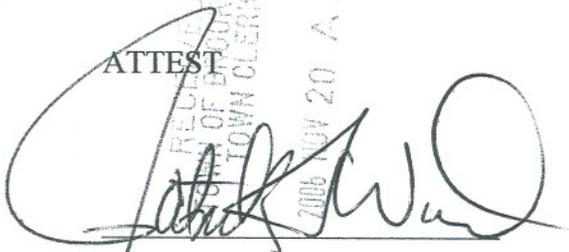


Diane R. Gordon

Filing Date:

A True Copy:

ATTEST



REGISTRY OF DEEDS
TOWN CLERK
2006 NOV 20 A 10:32

Patrick J. Ward

Clerk, Board of Appeals