



BOARD OF APPEALS
Jesse Geller, Chairman
Jonathan Book
Christopher Hussey

Town of Brookline

Massachusetts

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Brookline, MA 02445-6899
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Patrick J. Ward, Clerk

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2014-0006

Owner: Kevin and Helen Newmark

Petitioners, Kevin and Helen Newmark, applied to the Building Commissioner for permission to construct a 280 square foot single story addition in the rear at 136 Bonad Road. The application was denied and an appeal was taken to this Board.

The Board administratively 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 March 27 at 7:00 p.m. in the Selectmen's Hearing Room as the time and place of a hearing on the appeal. Notice of the hearing was mailed to the Petitioner, to its attorney (if any of record), 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 on March 6 and 13 , 2014 in the Brookline Tab, a newspaper published in Brookline. A copy of said notice is as follows:

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: **DAN DEMONT, DESIGN DYNAMICS, LLC**

Owner: **KEVIN AND HELEN NEWMARK**

Location of Premises: **136 BONAD ROAD**

Date of Hearing: **MARCH 27, 2014**

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 and/or special permit from

**Section 5.22.3.C; Exceptions to Floor Area Ration for Residential Units
Section 5.09.2.j; Design Review**

Of the Zoning By-Law to **ADD A SINGLE STORY ADDITION TO THE REAR ADDING AN ADDITIONAL 280 SQUARE FEET OF FLOOR AREA** at 136 BONAD ROAD. Said premises is in an S-7 (Single Family) Residential 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 Robert Sneirson, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone: (617) 730-2328; TDD (617)-730-2327; or email at rsneirson@brooklinema.gov.

**Jesse Geller
Jonathan Book
Christopher Hussey**

At the time and place specified in the notice, this Board held a public hearing. Present at the hearing was Chairman Mark G. Zuroff and Board Members, Johanna Schneider and Avi Liss. Dan Demont, designer and builder for the petitioner, presented the case.

Mr. Demont described 136 Bonad Road is a single-family dwelling located near the VFW Parkway. The house is a two- story, gable-roofed brick structure, with a driveway leading off Bonad Road to a detached garage at the rear property line. 136 Bonad Road is similar in type and style to its immediate neighbors, which are all single-family dwellings. Hancock Village, a multi-family development, is also nearby.

Ms. Demont said his clients, Kevin Newmark and Helen Lacouture, propose constructing a one-story 244 sf addition and a 36 sf covered porch at the rear of their single-family home. The additional space will serve as an eating area off the existing kitchen. The addition and the covered porch, which create a footprint of about 14.5 ft x 21 ft, replaces an existing deck.

The Chairman asked if anyone in attendance would like to speak in favor of the petition. No one spoke. The Chairman asked if anyone in attendance would like to speak in opposition to the proposal. No one spoke...

The Chairman called upon Timothy Richard, Planner, to deliver the comments of the Planning Board.

FINDINGS

Section 5.09.2.j – Design Review: Any exterior addition for which a special permit is requested pursuant to *Section 5.22 (Exceptions to Maximum Floor Area Ratio Regulations)* requires a special permit subject to the design review standards listed under *Section 5.09.4(a-l)*. All the conditions have been met, and the most relevant sections of the design review standards are described below:

a. Preservation of Trees and Landscape – The proposal does not require the removal of any trees or substantial landscaping, as the addition does not extend significantly away from the existing building. Only the existing deck and grass would need to be removed.

b. Relation of Buildings to Environment – The proposed addition is not expected to have shadow impacts on neighboring properties.

c. Relation of Buildings to the Form of the Streetscape and Neighborhood – The proposed addition has been designed to be consistent with the style of the existing dwelling. In addition, the size of the addition is in proportion to that of the existing home and the scale of the finished space correlates to that of the surrounding homes.

Section 5.22.3.c – Exceptions to Maximum Floor Area Ratio (FAR) Regulations For Residential Units

Floor Area	Allowed	Existing	Proposed	Finding
Floor Area Ratio (% of	0.35	0.326	0.382	Special Permit*
	100%	93%	109%	

allowed)				
Floor Area (s.f.)	1,750	1,631	1,911	

*Under *Section 5.22.3.c* A special permit may be granted for an increase in floor area of 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.

Mr. Richard said the Planning Board is supportive of the proposed addition for this single-family dwelling. The addition is modest and will improve the home's livability for the residents.

Therefore, the Planning Board recommends approval of the architectural plans by Dan Memont of Design Dynamics dated 12/16/2013, and the site plan by John W. McEachern of Bowditch & Crandall dated 12/17/2013, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit final floor plans and elevations indicating all salient dimensions, windows, roof plan, and materials subject to the review and approval of the Assistant Director of 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 building plans and elevations stamped and signed by a registered architect or engineer; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Tim Richard delivered the comments on behalf of Chief Building Inspector, Michael Yanovitch, for the Building Department. Mr. Yanovitch said the Building Department has no objections to this request and will work with the petitioner to ensure compliance.

The Board deliberated on the merits of special permit relief as requested. The Board voted unanimously that the requirements have been met for the issuance of a special permit under Sections 5.09.2.j, and 5.22.3.c of the Zoning By-Law. The Board made the following specific findings pursuant to Section 9.05 of the Zoning By-Law:

- 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.

Accordingly, the Board voted unanimously to grant the requested relief subject to the following conditions:

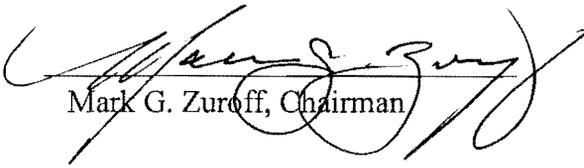
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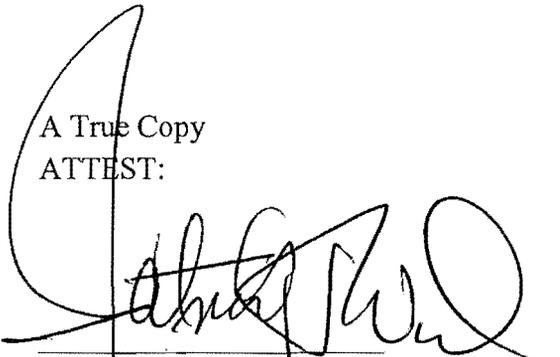
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RECEIVED
TOWN OF BROOKLINE
TOWN CLERK
2014 APR 28
9:41 AM

Unanimous Decision of
The Board of Appeals

Filing Date: April 28, 2014


Mark G. Zuroff, Chairman

A True Copy
ATTEST:

Patrick J. Ward
Clerk, Board of Appeals