



BOARD OF APPEALS
Jesse Geller, Chairman
Jonathan Book
Christopher Hussey

Town of Brookline

Massachusetts

Town Hall, 1st Floor
333 Washington Street
Brookline, MA 02445-6899
(617) 730-2010 Fax (617) 730-2043

Patrick J. Ward, Clerk

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2014-0003
Owner: Carlos Estrada, Jr.

Petitioner, Carlos Estrada, applied to the Building Commissioner for permission to enclose an existing porch on the first floor rear for an additional 230 square feet of floor area at 330 Clinton 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 February 27, 2014 at 7:15 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 February 6 and February 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: JOHN TANKARD
Owner: CARLOS ESTRADA, JR.
Location of Premises: 330 CLINTON ROAD
Date of Hearing: FEBRUARY 27, 2014
Time of Hearing: 07:15 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 5.09.2.j; Design Review
Section 5.22.3.c; Exceptions to Floor Area Ratio (FAR) for Residential Units
Section 8.02.2; Alteration or Extension**

Of the Zoning By-Law to **ENCLOSE EXISTING SCREEN PORCH FOR AN ADDITIONAL 230 SQUARE FEET OF FLOOR AREA** at 330 CLINTON ROAD. Said premises is in an S-10 (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**

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**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 Jonathan Book and Board Members, Mark Zuroff and Christopher Hussey. John Tankard, Architect presented the case for the Petitioner.

Mr. Tankard described that 330 Clinton Road is located south of Beacon Street, off of Chestnut Hill Avenue, and the neighborhood consists of primarily single-family dwellings. The dwelling is a brick exterior Neo-Rationalist style structure that was built in 1916 and designed by R.L. Davidson. The property is in the Fisher Hill National Register of Historic Places district.

Mr. Tankard said his client, Carlos Estrada, is proposing to enclose the existing porch on the first floor and create an additional 230 square feet of floor area. The enclosed porch will allow the Petitioner to create a new den/family room. The proposal will retain the existing columns and will create new casement windows on each side that will match the dwelling, and a paneled wall on the side elevation.

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 in opposition.

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

Section 5.09.2.j – Design Review: All proposals for exterior additions that require FAR relief under *Section 5.22*, also require a special permit for design review. The applicant has submitted a statement reviewing the applicable Community and Environmental Impact and Design standards listed in *Section 5.09.4.a-n*. The applicable standards are as follows:

Preservation of Trees and Landscape: The rear yard is primarily landscaped with grass, with large trees on the perimeter. The addition will not require the removal of trees or landscaping since it is on the existing footprint of the dwelling.

Relation of Buildings to Environment: The addition is consistent with the rest of the dwelling’s style, and will not alter the environment.

Relation of Buildings to the Form of the Streetscape and Neighborhood: Since the addition is enclosing an existing porch, it will not alter the streetscape or neighborhood.

Open Space: The addition will not affect the existing open space on the property.

Section 5.22.3.c – Exceptions to Floor Area Ratio (FAR) for Residential Units

Dimensional Requirements	Allowed	Existing	Proposed	Relief
Floor Area Ratio	.30	.29	.31	Special Permit*
FAR Percentage	100%	96%	103%	
Floor Area	3,384 s.f.	3,338 s.f.	3,568 s.f.	

*Under Section 5.22.3.c, the Board of Appeals may by special permit allow an increase in floor area for an exterior addition that is less than or equal to 350 square feet, provided that the addition does not result in a floor area that is over 150% of the allowed floor area.

Section 8.02.2 – Alteration or Extension

A special permit is required to alter a pre-existing non-conforming structure.

Mr. Richard said the Planning Board is supportive of the proposal to convert the existing porch to additional floor area. The applicant worked with Preservation Staff to retain enough of the existing structure that the addition would not be considered demolition and could be easily converted back into unfinished floor area. The Planning Board finds the design of the addition to be attractive and appreciates the effort to retain the existing columns and roof. The Board did not feel it was necessary to retain the balusters, as it would create a great deal more maintenance for the homeowner.

Therefore, the Planning Board recommends approval of the plans by John R. Tankard III, Architect, revised 2/21/14, subject to the following conditions:

1. Prior to the issuance of a building permit, final plans and elevations, shall be submitted 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) final floor plans and building elevations stamped and signed by a registered architect; and 2) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Chief Building Inspector, Michael Yanovitch, delivered the comments for the Building Department. Mr. Yanovitch said the Building Department has no objections to the request for relief and if the Board finds the request meet the requirement for the grant of a special permit,

the Building Department will work with the Petitioner to ensure compliance with the Building Code as well as any conditions of the grant.

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, 5.22.3.c and 8.02 of the Zoning By-Law. The Board made the following specific findings pursuant to Section 9.05 of the 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.

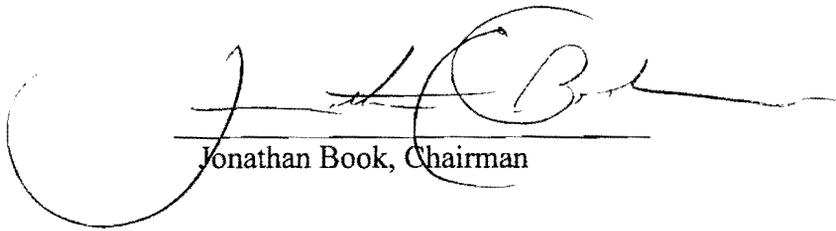
Accordingly, the Board voted unanimously to grant the requested relief as shown on the plans by John R. Tankard III, Architect, revised 2/21/14, subject to the following conditions:

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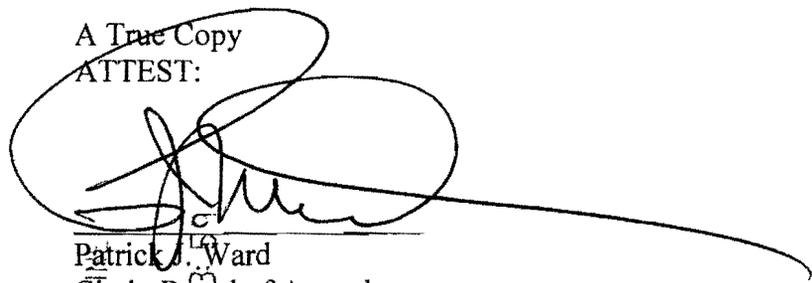
decision: 1) final floor plans and building elevations stamped and signed by a registered architect; and 2) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Unanimous Decision of
The Board of Appeals

Filing Date: April 15, 2014


Jonathan Book, Chairman

A True Copy
ATTEST:



Patrick J. Ward
Clerk, Board of Appeals

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2014 APR 15 P 3:47