



Town of Brookline

Massachusetts

BOARD OF APPEALS
Jesse Geller, Chairman
Christopher Hussey
Jonathan Book

Town Hall, 1st Floor
333 Washington Street
Brookline, MA 02445-6899
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Patrick J. Ward, Clerk

**TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2014-0027
OWNER: PATRICK SHEEHAN**

Petitioners, Frank Kelley III, applied to the Building Commissioner for permission to construct a 913 square foot pool house, requiring relief to build an oversized accessory structure at **1014 Boylston Street**. 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 July 17, 2014 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 their attorney 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 June 28, 2014 and July 3, 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. 40A, the Board of Appeals will conduct a public hearing at Town Hall, 333 Washington Street, Brookline, on a proposal at:

1014 BOYLSTON STREET – CONSTRUCT A 913 SQUARE FOOT POOL HOUSE, REQUIRING RELIEF TO BUILD AN OVERSIZED ACCESSORY STRUCTURE in an S-10, Single-Family, residential district, on July 17, 2014, at 7:00 PM in the 6th Floor Selectmen’s Hearing Room (Petitioner: FRANK KELLEY; Owner: PATRICK J. SHEEHAN)

The Board of Appeals will consider variances and/or special permits from the following sections of the Zoning By-Law:

1. Section 4.07; Table of Use Regulations, Use #61

Hearings may be continued by the Chair to a date/time certain, with no further notice to abutters or in the TAB. Questions about hearing schedules may be directed to the Planning and Community Development Department at 617-730-2130, or by checking the Town meeting calendar at: www.brooklinema.gov.

*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 Town programs and services may 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, Chair
Christopher Hussey
Jonathan Book*

Publish: June 28, 2014 & July 3, 2014

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 Christopher Hussey and Avi Liss. Attorney, Kevin LaGasse, and Architect, Tom Catalano, presented the case on the petitioners' behalf.

Mr. LaGasse described 1014 Boylston Street as a single-family dwelling that was built in 1890. The structure is a colonial style dwelling located off of Boylston Street. The structure is significantly setback from Boylston Street at a distance of over 350'. The property is well screened from other properties on all sides. The immediate neighborhood is comprised of single-family dwellings that are similar in overall bulk. The Chestnut Hill Benevolent Association is located directly to the east of the property.

Mr. Catalano stated that the applicant is proposing to complete a significant landscaping and outdoor space overhaul. The proposed landscaping, fencing, and pool are all being completed as-of-right. The applicant is proposing to construct a pool house that will be 953 square feet in total area. The exterior of the pool house will be constructed with brick to match the exterior of the dwelling. The front façade will have three sets of French doors that will open to the pool area, and there will be a cupola at the top of the structure.

The Chairman asked if anyone wished to speak in favor or in opposition of the proposal. No public comments were offered.

The Chairman called upon Lara Curtis Hayes, Senior Planner, to deliver the comments of the Planning Board:

FINDINGS

Section 4.07 – Table of Use Regulations, Use #61

Dimensional Requirements	Allowed	Proposed	Relief
Pool House Floor Area	150 s.f.	953 s.f.	Special Permit*

* Under Section 4.07 Table of Use Regulations, Use #61, the Board of Appeals may grant a special permit for accessory structures in excess of 150 square feet.

Ms. Curtis Hayes indicated that The Planning Board was supportive of the proposed pool house. The pool house will be well screened from neighboring properties on this very large lot (92,051 s.f.) and will provide a nice amenity to the residents of the dwelling. The Board felt that the pool house and the landscaping are nicely designed. Overall the property will be upgraded and will help to beautify the neighborhood. The Planning Board does not anticipate any negative impact on the surrounding area.

The Planning Board recommends approval site plan and plans by Hawk Design, Inc., dated 4/3/14, and the pool house elevations by Catalano Architects, Inc., dated 4/16/14, subject to the following conditions:

1. Prior to the issuance of a building permit, a final site plan, elevations, and floor plans of the pool house, shall be submitted to the Assistant Director of Regulatory Planning for review and approval.
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 elevations and floor 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 Chairman called upon Michael Yanovitch, to deliver the comments of the Building Department. Mr. Yanovitch said the Building Department has no objections to the request. He went on to say the proposal is very well designed and the relief is minimal and if the Board finds that the proposal meets the requirements 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 the Town of Brookline Zoning By-Law.

The Board deliberated on the merits of special permit relief as requested. The Board voted unanimously that the requirement have been met for the issuance of a special permit under Section, **4.07** of the Zoning By-Law, and to 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.

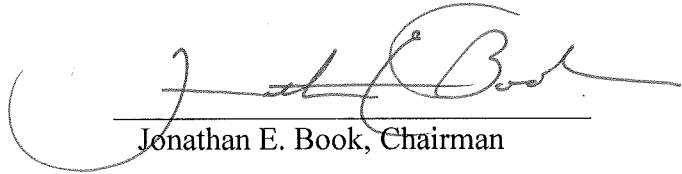
Accordingly, the Board voted unanimously to grant the requested relief subject to the following conditions:

1. Prior to the issuance of a building permit, a final site plan, elevations, and floor plans of the pool house, shall be submitted to the Assistant Director of Regulatory Planning for review and approval.
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 elevations and floor 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.

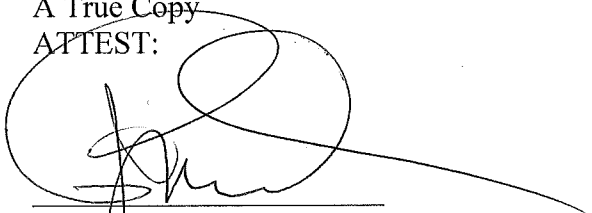
Unanimous Decision of

The Board of Appeals

Filing Date: 11/4/14


Jonathan E. Book, Chairman

A True Copy
ATTEST:


Patrick J. Ward
Clerk, Board of Appeals

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