



**BOARD OF APPEALS**  
Jesse Geller, Chairman  
Jonathan Book  
Christopher Hussey

# *Town of Brookline*

## *Massachusetts*

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Brookline, MA 02445-6899  
(617) 730-2010 Fax (617) 730-2043

Patrick J. Ward, Clerk

TOWN OF BROOKLINE  
BOARD OF APPEALS  
CASE NO. 2014-0026

**Owner: JAGDISH K DHINGRA and  
MEERA MASHALINGHAM**

Petitioner, Jagdish Dhingra and Meera Mashalingham, applied to the Building Commissioner for permission to construct a one story addition and elevator at the rear of 104 Coolidge 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 June 26, 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 12, 2014 and June 19, 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: **JAGDISH K. DHINGRA and MEERA MASHALINGHAM**

Owner: **JAGDISH K. DHINGRA and MEERA MASHALINGHAM**

Location of Premises: **104 COOLIDGE STREET**

Date of Hearing: **JUNE 26, 2014**

Time of Hearing: **7:00 PM**

Place of Hearing: **SELECTMEN'S 6<sup>TH</sup> FLOOR HEARING ROOM**

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

**Section 5.43: Exceptions to Yard and Setback Regulations**

**Section 5.70: Rear Yard Requirements**

**Section 8.02.2: Alteration and Extension**

**Modification, as required, of BOA case #2010-0030, August 5, 2010 and BOA case #2011-0017**

of the Zoning By-Law to **CONSTRUCT ADDITION AND ELEVATOR AT REAR at 104 COOLIDGE STREET**. Said Premises is located in a **T-5 (Two-Family and Attached Single-Family) Residence 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 Office of the Town Clerk at 617-730-2007 or check the meeting calendar at: [www.brooklinema.gov](http://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 programs and services of the Town of Brookline are invited to make their needs known to **Robert Sneider, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone: (617) 730-2328; TDD (617)-730-2327; or email at [rsneider@brooklinema.gov](mailto:rsneider@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 Jesse Geller, and Board Members Jonathan Book and Johanna Schneider. Petitioner, Jagdish Dhingra, presented the case on his own behalf

Mr. Dhingra described 104 Coolidge Street as a 2.5-story two-family home located north of the JFK Crossing commercial district. Built in 1895, this structure is distinguished by its hipped roof with gabled roof dormers, an off-centered flat-roofed front porch, and its unique detailing on the front center dormer. The property includes a driveway along the south side of the house. The surrounding neighborhood consists of mostly residential uses including single-family, row and two-family houses, as well as multi-family structures.

The petitioner said he is proposing to construct a two-story addition at the rear of the dwelling. The addition will allow the applicant to construct an elevator to make each level of the dwelling ADA accessible. In addition to the elevator, the addition will also add a laundry room in the basement, a walk-in closet and foyer on the first floor, and a foyer/study on the second floor. The exterior will be constructed with materials to match the rest of the dwelling.

The Chairman asked if anyone wished to speak in favor of or in opposition to the proposal. No one spoke in favor of or in opposition to the proposal.

The Chairman called upon Tim Richard, Planner, to deliver the findings of the Planning Board:

**FINDINGS**

**Section 5.43 – Exceptions to Yard and Setback Regulations**

**Section 5.70 – Rear Yard Requirements**

<b>Dimensional Requirements</b>	<b>Required/Allowed</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
<b>Rear Yard Setback</b>	30'	16.8'	16.8' - 25'	Special Permit*

\*Under Section 5.43, the Board of Appeals may substitute by special permit other dimensional requirements for yards and setbacks if counterbalancing amenities are provided.

**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 was supportive of this proposal to construct a two-story addition in the rear. The Planning Board did not feel that the neighborhood will be negatively impacted by the addition and felt that the addition is attractively designed and will serve to make the dwelling ADA accessible. The Planning Board recommended that the applicant install additional landscaping as a counterbalancing amenity.

Therefore, the Planning Board recommended approval of the plans by RAV & Associates, Inc., dated 2/25/14, and the site plan by Everett M. Brooks Co. Surveyors & Engineers, dated 3/13/14, subject to the following conditions:

1. Prior to the issuance of a building permit, final elevations, indicating all materials and floor plans, shall be submitted to the Assistant Director for Regulatory Planning for review and approval.
2. Prior to the issuance of a building permit, a final landscaping plan indicating all counterbalancing amenities, shall be submitted to the Assistant Director of Regulatory Planning for review and approval.
3. 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, Chief Building Inspector, to deliver the comments of the Building Department. Mr. Yanovitch said the proposal is very well designed. He said the addition will provide access for the petitioners wife and the requested relief is minimal.

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, 5.43, 5.70 and 8.02.2 of the Zoning By-Law, granting relief from application of Sections 5.70 and 8.02.2 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.

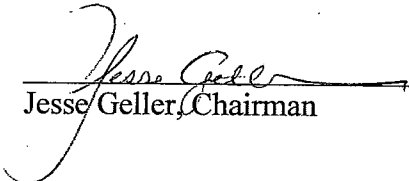
- b. The use as developed will not adversely affect the neighborhood.
- c. There will be no nuisance or serious hazard to vehicles or pedestrians.
- d. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

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

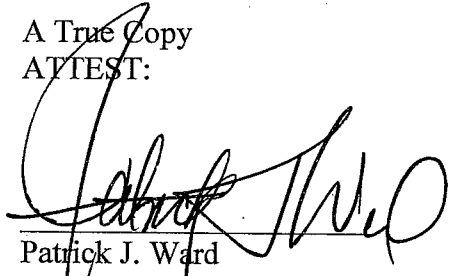
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Unanimous decision of the  
Board of Appeals

Filing Date: 11/18/14

  
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Jesse Geller, Chairman

A True Copy  
ATTEST:

  
\_\_\_\_\_  
Patrick J. Ward  
Clerk, Board of Appeals

RECEIVED  
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TOWN CLERK  
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