

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

# *Town of Brookline*

## *Massachusetts*

Town Hall, 1<sup>st</sup> 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. 2014-0052  
Owner: Brendan and Rose Collins**

Petitioners, Brendan and Rose Collins, applied to the Building Commissioner for permission to construct a covered front entry at 218-220 Freeman Street. The application was denied and an appeal was taken to this Board.

The Board 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 September 18, 2014 at 7:30 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 August 28, 2014 and September 4, 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:

**218 FREEMAN ST 3 & P1 – CONSTRUCT COVERED ENTRY in an F-1.0, Three-Family, residential district, on September 18, 2014, at 7:30 PM in the 6<sup>th</sup> Floor Selectmen’s Hearing Room (Petitioner: SMITH COLIN P; Owner: COLLINS BRENDAN J & ROSE M)**

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

- 1. Section 5.43: Exceptions to Yard and Setback Regulations**
- 2. Section 5.50: Front Yard Requirements**
- 3. Section 8.02.2; Extension or Alteration**

*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](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 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](mailto:rsneirson@brooklinema.gov).***

*Jesse Geller, Chair*

*Christopher Hussey*

*Jonathan Book*

**Publish: August 28, 2014 & September 4, 2014**

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 Jonathan Book and Johanna Schneider. Architect, Colin Smith presented the case on the petitioners’ behalf

Mr. Smith described 218 Freeman Street as a two-family Colonial Revival style dwelling that was built in 1886 by Bernard Harvey, the original owner. The dwelling has two front entrances to access each of the units that are divided by a party wall. The property is located across the street from St. Aidan's Church. The neighborhood is comprised of single to multi-family dwellings that vary in size.

The petitioners said they are proposing to construct a new covered front entrance to access the two units. The current stair and landing are located on the front property line. The new covered entrance will be located on the front property line and will be slightly wider to allow for more maneuvering space. The porch will continue to have a 0' front yard setback.

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

The Chairman called upon Tim Richard, planner, to deliver the comments of the Planning Board:

**FINDINGS**

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

**Section 5.50 – Front Yard Requirements**

<b>Dimensional Requirements</b>	<b>Allowed</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
<b>Front Yard Setback</b>	15'	0'	0'	Special Permit*

\* Under Section 5.43, the Board of Appeals may waive by special permit yard and setback requirements if a counterbalancing amenity is provided.

**Section 8.02.2 – Extension or Alteration**

A special permit is required to alter this non-conforming use and structure.

Mr. Richard said the Planning Board is supportive of the plans to replace the existing front landing and create an attractive covered entrance for the attached dwellings. The Board believes that this proposal will have a positive impact on the streetscape. The Board recommends that the applicant install landscaping as a counterbalancing amenity.

**Therefore the Planning Board recommends approval of the plans by Colin Smith Architecture, Inc., dated 7/3/14, and the site plan by D. O'Brien Land Surveying, dated 7/8/14, subject to the following conditions:**

1. Prior to the issuance of a building permit, final plans 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, a final site plan showing the footprint of the covered porch, and landscaping plan, indicating all counterbalancing amenities, shall be submitted subject to the review and approval of the Assistant Director of Regulatory Planning.
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 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 Timothy Richard, to deliver the comments of the Building Department. Mr. Richard 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 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 requirements have been met for the issuance of a special permit under Sections: 5.43, 5.50 and 8.02.2 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.

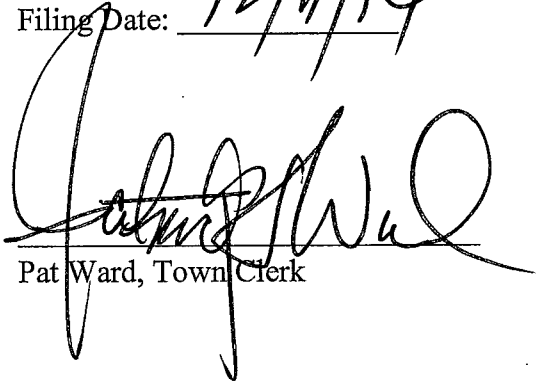
Accordingly, the Board voted unanimously to grant the requested relief subject to the following conditions:

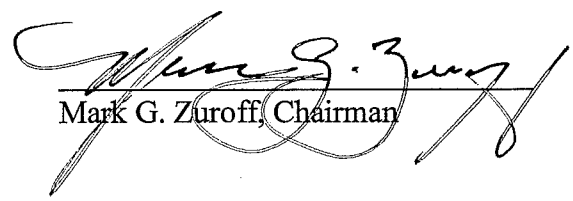
1. Prior to the issuance of a building permit, final plans shall be submitted subject to the review and approval of the Assistant Director of Regulatory Planning.
2. Prior to the issuance of a building permit, a final site plan showing the footprint of the covered porch, and landscaping plan, indicating all counterbalancing amenities, shall be submitted subject to the review and approval of the Assistant Director of Regulatory Planning.
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 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: 12/4/14

  
Pat Ward, Town Clerk

  
Mark G. Zuroff, Chairman

RECEIVED  
TOWN OF BROOKLINE  
TOWN CLERK  
2014 DEC 11 P 4:43