



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

# *Town of Brookline*

## *Massachusetts*

Town Hall, 1<sup>st</sup> Floor  
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Brookline, MA 02445-6899  
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Patrick J. Ward, Clerk

TOWN OF BROOKLINE  
BOARD OF APPEALS  
CASE NO. 2014-0084  
OWNER: MARK LECCESE AND MEREDITH REGAN

Petitioners, Mark Leccese and Meredith Regan, applied to the Building Commissioner for permission to construct an attached single-story rear sunroom at 121 Summit Avenue. 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 12, 2015 at 7:00 p.m. in the Selectmen's Hearing Room as the time and place of a hearing on the modification request. Notice of the hearing was mailed to the Petitioner, 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 January 22, 2015 and January 29, 2015 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:

**121 SUMMIT AVE – CONSTRUCT AN ATTACHED SINGLE-STORY REAR SUNROOM AND INSTALL SIDE AND REAR PATIOS in an S-7, Single-Family residential district, on February 12, 2015, at 7:00 PM in the 6<sup>th</sup> Floor Selectmen’s Hearing Room (Petitioner: LECCESE MARK A REGAN MEREDITH M; Owner: LECCESE MARK A REGAN MEREDITH M) Precinct 11**

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 5.70: Rear Yard Requirements**
- 3. Section 8.02.2: Alteration or Extension**

*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: January 22, 2015 & January 29, 2015**

At the time and place specified in the notice, this Board held a public hearing. Present at the hearing was Board Chairman Jesse Geller, and Board Members Johanna Schneider and Mark Zuroff. Property owner Mark Leccese presented project details to the Board.

Mr. Leccese described 121 Summit Avenue as a small lot with limited useable rear-yard space due to a natural slope and tree shading. The property is located within the Corey Hill neighborhood, which is a dense residential area, comprised of many single-family homes.

Mr. Leccese stated that he is proposing to construct a 183 square foot rear sunroom and two bluestone paver patios (upper and lower). The sunroom will include paneled screens and storm windows to allow for seasonal use, and will incorporate rounded-off corners to match the existing design of the home. This construction will replace existing rear wooden porches that are in poor condition. An 8" tall concrete block retaining wall is required to support the sunroom due to the natural slope of the lot. The sunroom will be located approximately 20.7 feet from the rear lot line, requiring relief from rear-yard requirements for the S-7 Single-Family district. The proposed patios do not require zoning relief.

Ms. Schneider asked the petitioners whether they had communicated the project details with their abutting neighbors. The petitioners responded in the affirmative. Ms. Schneider requested additional information regarding water runoff mitigation.

Project contractor Lenny Gillis of Colony Home Improvement Inc. stated that proposed patios will have no pitch and will be constructed with permeable materials in order to reduce water runoff, particularly toward the rear of the lot. The pitch of the new sunroom roof is also intended to direct water toward side portions of the lot. Mr. Gillis stated that bushes will be installed around the perimeter of the sunroom and along the rear lot line.

Mr. Zuroff asked for further details concerning the landscaping proposed as a counterbalancing amenity under **Section 5.43** of the Zoning By-Law. Mr. Gillis stated that landscaping would include bushes around the perimeter of the sunroom addition.

Board Chairman Jesse Geller called for any public comment in favor of, or in opposition to the applicant's proposal. No members of the public wished to comment.

Mr. Geller called upon Jay Rosa, Zoning Coordinator, to deliver the findings of the Planning Board:

## FINDINGS

### Section 5.43 – Exception to Yard and Setback Regulations

### Section 5.70 – Rear Yard Requirements

|                          | <b>Required</b> | <b>Existing</b> | <b>Proposed</b> | <b>Finding</b>  |
|--------------------------|-----------------|-----------------|-----------------|-----------------|
| <b>Rear Yard Setback</b> | 30'             | 30+'            | 20.7'           | Special Permit* |

*\* Under Section 5.43, the Board of Appeals may waive dimensional requirements in lieu of other dimensions if the applicant provides counterbalancing amenities.*

### Section 8.02.2- Alteration or Extension; Special Permit Required

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

Mr. Rosa stated that the Planning Board unanimously supported this proposal. The sunroom partially follows the footprint of the existing porches and requires minimal rear-yard setback relief. The Planning Board did emphasize the use of permeable materials for patio construction. Existing fences also serve to screen proposed alterations from abutting properties, but the Board recommended more detailed landscaping plans that include all counterbalancing amenities.

**Therefore, the Planning Board recommended approval of construction plans submitted by Colony Home Improvement, Inc., dated 11/12/2014, and the site plan submitted by Dennis O'Brien, dated 10/15/2014, subject to the following conditions:**

1. Prior to the issuance of a building permit, the applicant shall submit a final site plan, elevations, and floor plans subject to the review and approval of the Assistant Director for Regulatory Planning.
2. Prior to the issuance of a building permit, the applicant shall submit a final landscaping plan indicating all counterbalancing amenities, subject to the review and approval of the Assistant Director for 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 and elevations stamped and signed by a registered architect;

3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Mr. Geller called upon Jay Rosa, Zoning Coordinator, to deliver the opinion of the Building Department.

Mr. Rosa stated that The Building Department shared a similar opinion. The sunroom design is attractive and will have minimal visual impact on abutting residents. If the Zoning Board of Appeals finds that the conditions for a special permit have been met, the Building Department will work with the applicant to ensure compliance with building codes.

The Board deliberated on the merits of special permit relief as requested. Board members were satisfied that the proposed sunroom is appropriate for this location and reiterated the importance of landscaping type and location to reduce water runoff. The Board voted unanimously that the requirements have been met for the issuance of a special permit under **Sections 5.43, and 9.05** of the Zoning By-Law granting relief from application of the provisions of **Sections 5.70** and **8.02.2** of the Zoning By-Law. The Board made the following specific findings pursuant to the aforementioned **Section 9.05** of the Zoning By-Law:

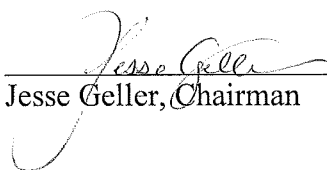
- The specific site is an appropriate location for such a use, structure, or condition.
- The use as developed will not adversely affect the neighborhood.
- There will be no nuisance or serious hazard to vehicles or pedestrians.
- Adequate and appropriate facilities will be provided for the proper operation of the proposed use

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

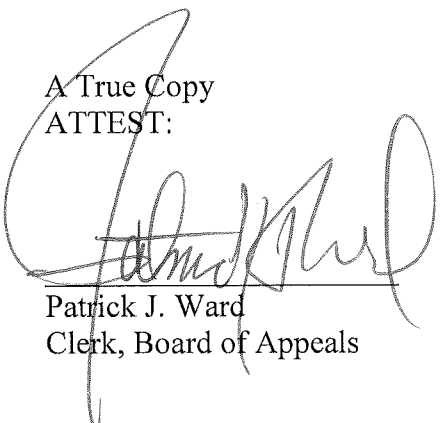
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Unanimous decision of the  
Board of Appeals

Filing Date: 3/16/15

  
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Jesse Geller, Chairman

A True Copy  
ATTEST:

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

2015 MAR 16 A 10:03

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TOWN CLERK