



BOARD OF APPEALS
Jesse Geller, Chairman
Christopher Hussey
Jonathan Book

Town of Brookline

Massachusetts

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Brookline, MA 02445-6899
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Patrick J. Ward, Clerk

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2014-0085
OWNER: RIC CALVILLO & KATHERINA
ZABICKI CALVILLO

Petitioners, Ric Calvillo and Katherina Zabicki Calvillo, applied to the Building Commissioner for permission to construct an attached two-car garage, reconfigure the driveway, and construct a two-story side addition at 99 Crafts Road. The application was denied and 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 7:30 p.m. in the Selectmen's Hearing Room as the time and place of a hearing for the appeal. 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 29, 2015 and February 5, 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:

99 CRAFTS RD – CONSTRUCT A THREE-CAR GARAGE, EXTEND THE DRIVEWAY, AND CONSTRUCT A TWO-STORY SIDE ADDITION in an S-15, Single-Family residential district, on February 12, 2015, at 7:15 PM in the 6th Floor Selectmen’s Hearing Room (Petitioner: Ric Calvillo and Katherina Zabicki Calvillo; Owner: Ric Calvillo and Katherina Zabicki Calvillo)

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

- 1. Section 5.43: Excpetions to Yard and Setback Regulations**
- 2. Section 5.70: Rear Yard Requirements**
- 3. Section 5.60: Side Yard Requirements**
- 4. Section 6.04.5.c.2 and 3: Design of All Off-Street Parking Facilities**
- 5. 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.

*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 Sneider**, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone: (617) 730-2328; TDD (617)-730-2327; or email at rsneider@brooklinema.gov.*

*Jesse Geller, Chair
Christopher Hussey
Jonathan Book*

Publish: January 29, 2015 & February 5, 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 Mark Zuroff and Johanna Schneider. The project architect, Kerri Byrne of Catalano Architects Inc. (115 Broad Street, Boston, MA), spoke on the applicant’s behalf and notified the Board that a hearing continuance is required in order to incorporate Brookline Preservation Commission recommendations, most

notably a reduction from three garage bays to two garage bays, into updated project plans. Ms. Byrne stated that a continuance date of April 9, 2015 at 7:30 p.m. had been established after conferring with the Zoning Coordinator. Ms. Byrne also noted that standard public notification will be distributed if an earlier continuance date does become available.

Board members unanimously approved the applicant's request for a continuance without prejudice.

Notice of a revised March 26, 2015 hearing date 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 revised hearing date was published on March 12, 2015 and March 19, 2015 in the Brookline TAB, a newspaper published in Brookline. A copy of said notice is as follows.

Notice of Hearing

Revised Zoning Board of Appeals Hearing Date

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:

99 CRAFTS RD – CONSTRUCT AN ATTACHED TWO-CAR GARAGE ADDITION AT THE REAR, RECONFIGURE THE DRIVEWAY, AND CONSTRUCT A TWO-STORY SIDE ADDITION in an S-15, Single-Family residential district, on March 26, 2015, at 7:30 PM in the 6th Floor Selectmen's Hearing Room (Petitioner: Ric Calvillo and Katherina Zabicki Calvillo; Owner: Ric Calvillo and Katherina Zabicki Calvillo) *Precinct 13*

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

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*Jesse Geller, Chair
Christopher Hussey
Jonathan Book*

Publish: March 12, 2015 & March 19, 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 Mark Zuroff and Jonathan Book. The project architect, Tom Catalano of Catalano Architects Inc. (115 Broad Street, Boston, MA), presented project details to the Board on the applicant's behalf.

Mr. Catalano described 99 Crafts Road as a single-family home located on a 27,381 square foot lot within the Chestnut Hill North Local Historic District. The applicant is proposing to demolish an existing detached two-car garage at the southeast corner of the lot and has received proper approval from the Preservation Commission to do so. The applicant is also proposing to construct an attached two-car garage at the rear and a two-story addition at the side of the existing home. Only the proposed garage, and subsequent driveway reconfiguration, triggers the need for special permit relief for side and rear-yard setback non-compliance. Mr. Catalano stated that the new garage actually reduces the pre-existing setback non-conformity. For these reasons, Mr. Catalano believed that the applicant's proposal adequately meets the standards for special permit relief.

Mr. Geller requested that Mr. Catalano describe proposed counterbalancing amenities for the requested special permit relief as required under Zoning Bylaw Section 5.43.

Mr. Catalano stated that the driveway will be pulled away from the side lot line. Plantings will be installed along this lot line and plantings are also planned in place of the demolished garage.

Mr. Zuroff questioned how existing trees on the property may be impacted during and post construction. Mr. Catalano stated that only one tree will be removed as a result of the side addition. All construction that requires special permit relief will have no significant impact on existing trees.

Mr. Geller called for public comment in favor of, or in opposition to the applicant's proposal. No members of the public spoke in favor.

Patricia Cavanagh, of 107 Crafts Road, stated that her property abuts 99 Crafts Road to the east. She watched this case closely because she is the most impacted abutter. She appreciated that the garage had been reduced from three bays to two, but still expressed concern that the attached garage had only been reduced by 4 feet. Ms. Cavanagh stated that she has attempted to contact the architect and property owners with no response. She was concerned about damage to trees along her property line, water runoff, construction noise, and failure to explore alternate access points for construction vehicles rather than use the narrow driveway. Ms. Cavanagh submitted photos of views from her property as well as sample construction screening methods at other sites.

Board Members noted that a construction management plan is not typically required where relief is sought involving an addition to a single family structure but that construction mechanics are more appropriate for Building Department consideration at the time of permitting. Board Members suggested that more direct communication between the applicant and the abutting residents might alleviate concerns and potential adverse neighborhood impact, both during and after project construction.

Mr. Geller requested that Jay Rosa (Zoning Coordinator) deliver the opinions of the Planning Board and Building Department.

FINDINGS

Section 5.20 – Floor Area Ratio

	Allowed	Existing	Proposed	Relief
Floor Area Ratio	.25	.15	.25	Complies
Percentage of Allowable	100%	59.9%	100%	
Gross Floor Area	6,845 s.f.	4,101 s.f.	6,844 s.f.	

Section 5.43 – Exception to Yard and Setback Regulations

Section 5.60 – Side Yard Requirements

Section 5.70 – Rear Yard Requirements

Section 6.04.5.c.2 and 3 – Design of All Off-Street Parking Facilities

	Required	Existing	Proposed	Finding
Side Yard Setback	15'	9.1'	9.1'	Special Permit*
Rear Yard Setback	40'	52.5'	23'	Special Permit*
Parking Area – Side Yard Setback	5'	0'	0'	Special Permit*
Parking Area – Rear Yard Setback	5'	Approx. 4.3'	Approx. 4.3'	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 the proposed attached two-car garage and two-story addition. The applicant has been responsive to Preservation Commission recommendations, and increased floor area is permitted by-right. Required setback relief is minimal and largely pre-existing, but the Planning Board did request the submission of a final landscaping plan to ensure that existing trees and vegetation, specifically along the eastern property line are maintained as much as possible.

Therefore, the Planning Board recommended approval of construction plans submitted by Catalano Architects Inc., dated 12/19/2014, and the site plan submitted by Bruce Bradford, dated 9/24/2014, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit a final site plan, floor plans, and elevations, subject to review and approval by the Assistant Director for Regulatory Planning and Preservation Commission staff.
2. Prior to the issuance of a building permit, the applicant shall submit a final landscaping plan indicating all counterbalancing amenities, subject to review and approval by 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 signed and stamped by a registered architect; 3) a Certificate of Appropriateness issued by the Brookline Preservation Commission; and 4) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Mr. Rosa also stated that the Building Department has no objection to this proposal. Requested relief is minimal and the design of proposed additions fits the layout of the lot nicely. If the Board finds that the standards for special permit relief have been met, the Building Department will work with the applicant to ensure compliance with all building codes.

The Board deliberated on the merits of special permit relief as requested. Board Members were satisfied that the proposed project was worthy of special permit relief on merit but were concerned about construction management and abutter impact.

Mr. Book agreed that requested relief is minimal but was troubled by the lack of communication between the project architect/property owner and the most impacted abutter. Mr. Book agreed that construction management plans for single-family residential projects are rare but stated that he would feel more comfortable about project approval if a more transparent construction process is agreed upon.

Mr. Geller stated that the submission of a drainage plan is appropriate but a detailed construction management plan for inclusion in the Decision is unnecessary for a project of this type. Mr. Geller questioned whether the applicants would find it beneficial to request a short continuance of the hearing in order to speak with the affected neighbors.

Mr. Zuroff concurred with these comments. Mr. Zuroff did not feel that the lack of a construction management plan at this time should delay or deny project progress, but he did agree that language could be included within the final Board decision to mitigate project impact on abutters.

Mr. Catalano requested that case #2014-0085 be continued for ten minutes to allow the involved parties to discuss construction impact mitigation measures. The Board unanimously granted this requested continuance.

Mr. Geller recalled case #2014-0085. Mr. Catalano stated that he appreciated the opportunity to speak with the abutting residents. Discussions resulted in the establishment of

four suggested impact mitigation items:

1. Two landscaping plans will be provided to highlight fencing and access points during construction and landscaped counterbalancing amenities post construction
2. A site drainage plan will be submitted for approval by the Town's Engineering Department
3. A pre-construction meeting will be held between the contractor and abutters to discuss the implementation of a construction vehicle parking plan – with an effort to locate all vehicles on the 99 Crafts Road property itself
4. A tree protection plan will be established by the abutter's arborist prior to construction

Board Members agreed on the appropriateness of including these items to amended special permit conditions.

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 5.60, 5.70, 6.04.5.c.2 and 3**, 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:

- 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 zoning relief as requested, subject to the following revised conditions:

1. Prior to the issuance of a building permit, the applicant shall submit a final site plan, floor plans, and elevations, subject to review and approval by the Assistant Director of Regulatory Planning.
2. Prior to the issuance of a building permit, the applicant shall submit two landscaping plans indicating: 1) all fencing and construction vehicle access points and parking locations (which applicants will endeavor to locate on-site to minimize impacts to the street) during construction; and 2) all counterbalancing amenities, 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 a final drainage plan, subject to review and approval by the Director of Engineering and Transportation.
4. 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 signed and stamped by a registered architect; 3) a Certificate of Appropriateness issued by the Brookline Preservation Commission; 4) evidence of a pre-construction meeting between the project contractor and immediate abutters; 5) a tree protection plan stamped and certified by a registered arborist; and 6) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

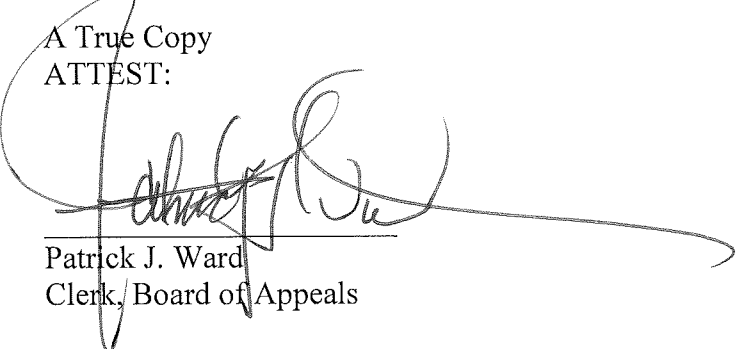
Unanimous decision of the
Board of Appeals

Filing Date: 5/26/15



Jesse Geller, Chairman

A True Copy
ATTEST:



Patrick J. Ward
Clerk, Board of Appeals

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