



BOARD OF APPEALS
Jesse Geller, Chairman
Christopher Hussey
Jonathan Book

Town of Brookline

Massachusetts

Town Hall, 1st 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. 2015-0036
OWNER: JAMES & GIANG WYNER
52 NORFOLK ROAD, BROOKLINE, MA

Petitioner, James Wyner, applied to the Building Commissioner for permission to reconfigure the driveway layout at 52 Norfolk. 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 September 10, 2015 at 7:00 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 August 27, 2015 and September 3, 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:

52 NORFOLK RD – RECONFIGURE DRIVEWAY LAYOUT in an S-10, Single-Family, residential district, on September 10, 2015, at 7:00 PM in the 6th Floor Selectmen’s Hearing Room (Petitioner/Owner: WYNER JAMES HENRY & GIANG THI H) Precinct 13

The Board of Appeals will consider variances and/or special permits from the following sections of the Zoning By-Law, and additional zoning relief as needed:

- 1. Section 5.43: Exceptions to Yard and Setback Regulations**
- 2. Section 5.50: Front Yard Requirements (driveway)**
- 3. Section 6.04.5.c.1: Design of All Off-Street Parking Facilities**

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

*Jesse Geller, Chair
Christopher Hussey
Jonathan Book*

Publish: August 27, 2015 & September 3, 2015

At the time and place specified in the notice, this Board held a public hearing. Present at the hearing was Board Chair Jonathan Book and Board Members Johanna Schneider and Mark Zuroff. The petitioner’s attorney, Adam Barnosky of the Law Office of Robert Allen, located at 300 Washington Street, Brookline, waived a reading of public hearing notice for the record and presented project details to the Board. Attorney Barnosky introduced property owner James Wyner, project architect Kent Duckham, and landscape architect Blair Hines. Attorney Barnosky stated that the 52

Norfolk Road structure is a two and one-half story single-family home located within the Chestnut Hill North Local Historic District. Ongoing home alterations were permitted as-of-right and include relocation of a two-car garage from the Norfolk Road side of the property (west) to the Crafts Road side of the property (east). The Brookline Preservation Commission also approved these property alterations.

Attorney Barnosky further stated that the property owner is now requesting to reconfigure the previously approved driveway, requiring special permit relief for front-yard setback and design of off-street parking facilities. The original curb cut was 20 feet wide and included a straight driveway to the relocated garage. The new proposal before the Board includes a 12 foot wide curb cut, landscape screening, an angled driveway, and adequate driveway turnaround space for vehicles. The driveway will be constructed of asphalt and the design was unanimously supported by the Planning Board.

Landscape Architect Blair Hines stated that the proposed reconfiguration is intended to improve the driveway from both an aesthetic and safety standpoint. The original large driveway opening is reduced and further screened by landscaped features as counterbalancing amenities. Vehicles will also be able to turn around on the property itself rather than backing out onto the sidewalk and Crafts Road. An existing 6 foot tall wood fence will be enhanced by proposed 12-14 foot tall evergreen trees as additional counterbalancing amenities. Additionally, existing mature rhododendrons will be maintained along Crafts Road.

Board Chair Book questioned if there is adequate turning radius for vehicles with the previous driveway configuration. Mr. Hines stated that driveway turnaround would be possible but difficult.

The revised driveway is much improved in terms of vehicle maneuverability. Mr. Hines also stated that abutting residents are aware of, and support, this reconfiguration.

Attorney Barnosky believed that the proposal before the Board meets the standards for special permit relief under By-Law Section 9.05 because the site is appropriate for the proposed driveway, there will be no adverse impact on the neighborhood, vehicle and pedestrian safety is maintained, and adequate facilities are provided.

Board Member Zuroff questioned if the petitioner considered the use of permeable materials for the driveway. Mr. Hines stated that permeable materials were considered at the Planning Board meeting, but the petitioner has elected to incorporate ground infiltration measures and perhaps a heated driveway for snow removal.

Board Chair Book called for public comment in favor of, or in opposition to the applicant’s proposal.

No members of the public spoke in favor of, or in opposition to, the proposal.

Board Chairman Book requested that Jay Rosa deliver the findings of the Planning Board.

FINDINGS

Section 5.43 – Exceptions to Yard Setback and Setback Regulations

Section 5.50 – Front Yard Requirements (driveway)

Section 6.04.5.c.1 – Design of All Off-Street Parking Facilities

Dimensional Requirements	Required	Existing	Proposed	Relief
Section 5.50 Front Yard Setback	20’	Not applicable	7’-9”	Special Permit*
Section 6.04.5.c.1 Driveway in front yard	20’	Not applicable	7-9”	Special Permit*/**

*Under Section 5.43, the Board of Appeals may waive setback requirements if counterbalancing amenities are provided. **Under Section 6.04.12, the Board may waive dimensional requirements for new parking facilities to serve existing buildings.

Mr. Rosa stated that the Planning Board unanimously supported this driveway reconfiguration. Vehicle maneuverability and overall visual screening of the driveway are improved from the prior proposal. Board member concerns about drainage and water runoff were alleviated by the fact that a driveway trench drain is proposed for the site. The immediate abutter at 20 Crafts Road has also submitted formal support for the proposal. Therefore, the Planning Board recommended approval of the site plan submitted by Verne T. Porter, Jr. PLS, dated March 7, 2014, and the plans by registered architect Kent Duckham and landscape architect Blair Hines dated June 9, 2014 and revised July 7, 2015, subject to approval the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit a final site plan showing the reconfigured driveway consistent with architectural/landscaping plans revised July 7, 2015, subject to review and approval by 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 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) a Certificate of Appropriateness signed by the Preservation Commission Chair (for only the applicable findings); and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Mr. Rosa also recommended that Condition 2 be modified to include paving materials for the proposed driveway.

Board Chair Book requested that Mr. Rosa deliver the opinion of the Building Department. Mr. Rosa stated that the Building Department also has no objection to the requested

setback relief. The applicant has proposed dense landscape screening in an effort to meet counterbalancing amenity requirements under By-Law **Section 5.43**, and reduced visual impact requirements under By-Law **Section 6.04**.

The Board deliberated on the merits of special permit relief as requested. Board Member Zuroff stated that he was in favor of the driveway reconfiguration and believed that the proposal before the Board is an improvement from the prior driveway layout.

Board Member Schneider agreed that the driveway layout has been improved, specifically in terms of vehicular safety and visual screening.

Board Chair Book concurred with these comments and noted an improved streetscape within this local historic district. Mr. Book stated that the proposal meets the standards for special permit relief in accordance with By-Law **Section 9.05**, and provides adequate counterbalancing amenity/landscape screening for the requested front-yard setback relief in accordance with By-Law **Sections 5.43** and **6.04.12**.

The Board voted unanimously that the requirements have been met for the issuance of a special permit under **Sections 5.43, 6.04.12, and 9.05** of the Zoning By-Law, granting relief from the provisions of **Sections 5.50** and **6.04.5.c.1** 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 special permit relief, subject to the following revised conditions:

1. Prior to the issuance of a building permit, the applicant shall submit a final site plan showing the reconfigured driveway consistent with architectural/landscaping plans revised July 7, 2015, subject to review and approval by 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 and driveway paving materials, 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) a Certificate of Appropriateness signed by the Preservation Commission Chair (for only the applicable findings); and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

RECEIVED
TOWN OF BROOKLINE
TOWN CLERK

2015 SEP 22 A 11:43

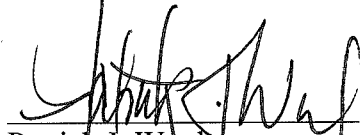
Unanimous decision of the

Board of Appeals

Filing Date: 9/22/15


Jonathan Book, Chairman

A True Copy
ATTEST:


Patrick J. Ward
Clerk, Board of Appeals