



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. 2015-0049
OWNER: LAURIE & JEFFREY LASKY
8 GREENOUGH CIRCLE, BROOKLINE, MA

Petitioners, Laurie and Jeffrey Lasky, applied to the Building Commissioner for permission to expand an existing driveway to create a single surface parking space within the required front and side yards at 18 Greenough Circle. 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 October 15, 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 October 1, 2015 and October 8, 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:

18 GREENOUGH CIR – EXPAND EXISTING DRIVEWAY TO CREATE ONE FRONT YARD PARKING SPACE, in a T-6, Two-Family and Attached Single-Family, residential district, on

October 15, 2015 at 7:00 PM in the 6th Floor Selectmen’s Hearing Room (Petitioner/Owner: LASKY JEFFREY S & LAURIE B) Precinct 6

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 Requirements**
- 2. Section 6.04.5.c.1 and 2: Design of All Off-Street Parking Facilities**
- 3. Modification, as required, of BOA case #090030, July 27, 2009**

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

*Jesse Geller, Chair
Christopher Hussey
Jonathan Book*

Publish: October 1, 2015 & October 8, 2015

At the time and place specified in the notice, this Board held a public hearing. Present at the hearing was Board Chairman Mark G. Zuroff and Board Members Johanna Schneider and Christopher Hussey. The Petitioner, Julie Lasky, presented project details to the Board. Ms. Lasky stated that she is seeking special permit relief to expand the existing driveway at 8 Greenough Circle in order to create one new surface parking space. The existing “blacktop” driveway will be removed and replaced with belgard permeable pavers. Ms. Lasky stated that

the new driveway and parking surface will be 10.5 feet wider than the existing driveway, resulting in a side-yard setback of 2 feet and a front-yard setback of 0 feet. Ms. Lasky stated that she has owned and operated a large family daycare at her home for 25 years. This home daycare use required previous special permit relief that was granted by this Board. Ms. Lasky's home is located at the end of Greenough Circle, which is a privately owned cul-de-sac. Ms. Lasky confirmed that her property extends from the front-yard parking area in question to the center of Greenough Circle itself. Ms. Lasky concluded her project description by stating that the majority of daycare users walk to the property or park on the privately owned cul-de-sac.

Ms. Lasky also informed the Board that she communicated the details of this parking proposal to abutting residents, and reiterated the fact that this additional off-street parking space is intended to "ease" the neighborhood impact of daycare related parking.

Board Chairman Zuroff requested that the Petitioner further describe proposed counterbalancing amenities for this requested setback relief, specifically landscaped plantings and paving materials.

Ms. Lasky confirmed that she collaborated with abutting residents to propose inkberry bushes and azaleas along the side lot line in question (west). Ms. Lasky also confirmed that belgard pavers will serve as a pervious paving material for the entire driveway and parking area.

Board Member Christopher Hussey requested further detail regarding current garage and parking practices at the property. Ms. Lasky stated that no vehicles park in the existing attached single-car garage because it has been converted for daycare related activity. Ms. Lasky acknowledged that it is common for one vehicle to park in the existing driveway. Daycare employee and visitor parking are provided in the cul-de-sac itself. The proposed new off-street parking space is intended for use by a single daycare employee.

Board Chairman Zuroff called for public comment in favor of, or in opposition to, the Petitioner’s proposal. No members of the public commented. Mr. Zuroff requested that Jay Rosa deliver the findings of the Planning Board and the Building Department.

FINDINGS

Section 5.43 – Exceptions to Yard and Setback Requirements

Section 6.04.5.c.1 – Design of All Off-Street Parking Facilities: The required front yard setback for parking facilities is the same as the building setback.

Section 6.04.5.c.2 – Design of All Off-Street Parking Facilities: The required side yard setback for parking facilities is 5 feet or one-third the driveway width (6.3 feet), whichever is greater.

Dimensional Requirements	Required	Existing Driveway	Proposed Parking Space	Relief Required
Side-Yard Setback	6.3’	Approx. 11’	2’	Special Permit*
Front-Yard Setback	15’	N/A	0’	Special Permit*

* Under **Section 5.43**, the Board of Appeals may waive yard and/or setback requirements if counterbalancing amenity is provided.

** *Setback relief for the parking space can be granted under Section 5.43, as described above, or under **Section 6.04.12**, for installing parking facilities for existing buildings.*

Modification, as required, of BOA Decision #090030 (July 27, 2009)

A use special permit was granted to operate this family daycare. The submission of a parking diagram was a condition of that special permit. The proposed parking space is intended to further improve daycare related parking but the applicant should submit a revised parking layout and pick-up/drop-off procedures if they are found to be materially different from current procedures.

Mr. Rosa stated that The Planning Board unanimously supported this request to install an additional surface parking space within the required front and side yards. The Planning Board supported the use of belgard permeable pavers and suggested that the petitioner minimize disruption to an existing tree root system along the side lot line during construction. Therefore, the Planning Board recommended approval of the site plan submitted by Scott M. Cerrato, dated 8/8/15, subject to the following conditions:

1. Prior to the issuance of a building permit, a final site plan indicating all parking surface dimensions, paving materials, and setbacks 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 landscaping plan indicating all counterbalancing amenities shall be submitted, subject to the review and approval of the Assistant Director of Regulatory Planning. Every effort should be made to protect the mature tree near the driveway during construction.
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; and 2) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Mr. Rosa further stated that the Building Department also has no objection to the requested relief. Mr. Rosa stated that typically front yard parking of this nature is discouraged for vehicular safety reasons but this is a unique situation because Greenough Circle is a privately owned cul-de-sac. Additionally, the proposed off street parking space is intended to improve overall circulation on Greenough Circle. The Petitioner has also proposed landscaped screening along the side lot line in accordance with Zoning By-Law **Section 5.43**. Mr. Rosa confirmed that there was some discussion regarding the need for a revised parking diagram for the daycare use but the Building Department does not feel that this proposed alteration represents a substantive change from previously approved parking plans. Mr. Rosa concluded his comments by stating that should the Board find that the standards for special permit relief are met, the Building Department will work with the petitioner to ensure compliance with all imposed conditions and building codes.

The Board deliberated on the merits of special permit relief as requested. Board Chairman Zuroff stated that the provided parking space dimensions, specifically the 16.9 foot stall length, may cause parked vehicles to overhang the sidewalk. Mr. Zuroff suggested that an

additional condition requiring compact vehicle parking only for the proposed front yard parking space may be appropriate. Mr. Rosa confirmed that the Planning Board discussed the provided stall dimensions but noted that required parking stall dimensions for all off-street parking facilities do not apply for parking areas containing 6 or fewer spaces, in accordance with Zoning By-Law **Section 6.04.11**. Mr. Zuroff agreed that a condition requiring compact vehicle parking only is challenging to enforce and reiterated the fact that the Petitioner owns both the sidewalk in question and the impacted portion of the cul-de-sac. Mr. Zuroff did encourage the Petitioner to avoid any parked vehicles from overhanging the Greenough Circle sidewalk in order to maintain pedestrian safety, particularly for daycare visitors.

Board Members Hussey and Schneider concurred with Mr. Zuroff's comments, and both believed that the standards for special permit relief under Zoning By-Law **Sections 9.05** and **5.43** are satisfied. Mr. Zuroff further stated that the standard for special permit relief from parking setback requirements is also satisfied in accordance with Zoning By-Law **Section 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 **Section 6.04.5.c.1** and **6.04.5.c.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 special permit relief, subject to the following conditions:

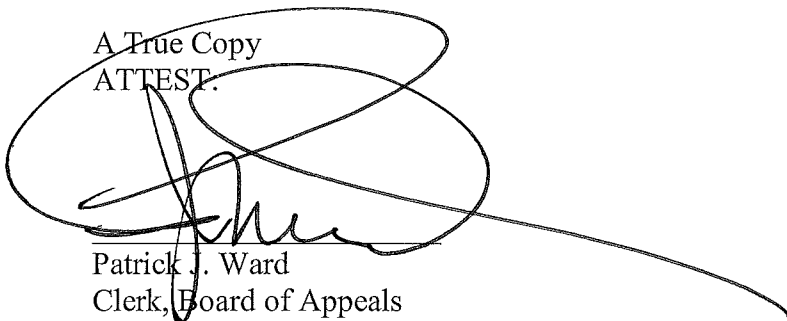
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3. Prior to the issuance of a building permit, the applicant shall submit to the Building Commissioner for review and approval for conformance to the Board of Appeals decision: 1) a final site plan stamped and signed by a registered engineer or land surveyor; and 2) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Unanimous decision of the
Board of Appeals

Filing Date: 10/27/15


Mark G. Zuroff, Chairman

A True Copy
ATTEST.


Patrick J. Ward
Clerk, Board of Appeals

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