



BOARD OF APPEALS
Jesse Geller, Chairman
Christopher Hussey
Jonathan Book

Town of Brookline

Massachusetts

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TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2016-0028
OWNER: FARLA & MASSIMO RUSSO
79 WILLISTON ROAD, BROOKLINE, MA

Petitioners, Farla and Massimo Russo, applied to the Building Commissioner to construct a single-story rear addition at 79 Williston Road. 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 June 2, 2016 at 7:00 p.m. in Town Hall 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 May 19, 2016 and May 26, 2016 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:

79 WILLISTON RD – CONSTRUCT A SINGLE-STORY REAR ADDITION in an S-7, Single-Family, residential district, on June 2, 2016, at 7:00 PM in the 6th Floor Selectmen’s Hearing Room (Petitioner/Owner: RUSSO MASSIMO & FARLA) Precinct 13

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

- 1. Section 5.09.2.j: Design Review**
- 2. Section 5.22.3.c: Exception to Floor Area Ratio (FAR) for Residential Units**
- 3. Section 8.02.2: Alteration or Extension**
- 4. Any Additional Relief the Board May Find Necessary**

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: May 19, 2016 & May 26, 2016

At the time and place specified in the notice, this Board held a public hearing. Present at the hearing were Board Chairman Jonathan Book and Board Members Mark Zuroff and Christopher Hussey. Property owner Farla Russo, of 79 Williston Road, Brookline, MA, waived the reading of public notice for the record and stated that she requests zoning relief in the form of a special permit in order to construct a single-story addition located at the rear of her existing single-family dwelling. Ms. Russo stated that this addition would serve to expand her kitchen by incorporating an additional seating area for her family. Ms. Russo explained that the location of

this addition is not easily visible from Williston Road and the design includes clapboard siding that is identical to the existing structure. This addition will also improve a deteriorating rear entryway by replacing concrete steps with new wooden steps and handrails.

Ms. Russo further stated that the subject property does not conform to floor area ratio (FAR) requirements for the S-7 Single-Family zoning district. The current gross floor area of 3,890 square feet would be increased by 66.5 square feet as a result of the proposed addition. The expansion of this pre-existing nonconformity therefore requires zoning relief to allow for the excessive floor area and associated design review. Ms. Russo confirmed that this requested zoning relief may be granted by special permit under Zoning By-Law Sections 5.22.3.c and 5.09.2.j.

Board Chairman Book called for public comment in favor of, or in opposition to, the Applicant's proposal.

No members of the public commented.

Board Chairman Book requested that Zoning Coordinator Jay Rosa review the findings of the Planning Board and the Building Department.

FINDINGS

Section 5.09.2.j – Design Review:

Any structure that exceeds the allowed FAR and is requesting a special permit to exceed is subject to the design review standards listed under *Section 5.09.4(a-1)*. All the conditions have been met, and the most relevant sections of the design review standards are described below:

Preservation of Trees and Landscape: The modest rear addition requires no tree removal however the proposed expansion of the building footprint does necessitate the elimination of a small landscaped area that includes mulch and shrub plantings.

Relation of Buildings to Environment: The proposed changes to the structure are in harmony with the surrounding landscape. The proposal is not expected to have a negative relation to the environment.

Relation of Buildings to the Form of the Streetscape and Neighborhood: The proposed rear addition would not be visible from Williston Road and would not have any impact on the existing area streetscape.

Open Space: Despite the proposed floor area increase, the subject property significantly exceeds minimum requirements for both usable and landscaped open space.

Circulation: There would be no change in the existing parking configuration based on the location of this rear addition. Additionally, the functionality of the rear yard is not adversely affected by the modest expansion of the structural footprint into the rear yard.

Section 5.22.3.c – Exceptions to Floor Area Ratio for Residential Units

Dimensional Requirements	Allowed	Existing	Proposed	Relief
Floor Area Ratio	.35	.409	.417	Special Permit*
FAR Percentage	100%	116.9%	119.9%	
Floor Area (sf)	3,325	3,890	3,956.5	

* Under **Section 5.22.3.c**, the Board of Appeals may grant a special permit for an addition that is less than or equal to 350 square feet, provided that the resulting floor area of the building is not more than 150% of the allowed floor area.

Section 8.02.2 – Alteration or Extension

A special permit is required to alter a non-conforming structure (FAR).

Mr. Rosa stated that the Planning Board unanimously supported the proposed rear addition. Mr. Rosa described the requested FAR relief as being modest in nature and characterized the proposal as an extension of a pre-existing nonconforming condition. Mr. Rosa confirmed that Planning Board Members were satisfied that all applicable design review standards are met and they believed that the addition would improve the overall design of the rear façade. Therefore, the Planning Board recommended approval of the site plan submitted by Heidi Helf, dated 4/11/2016, and floor plans and elevations submitted by Heidi Helf, dated 4/11/2016, 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.

2. 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 architect; 2) final floor plans and building elevations stamped and signed by a registered architect; and 3) 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 relief as requested. Mr. Rosa confirmed that Zoning By-Law Section 5.22 provides special permit relief to achieve this proposed floor area increase contingent upon the fact that pertinent design review standards are satisfied. The Building Department also does not anticipate any adverse impact on neighboring residents as a result of this proposed addition. Mr. Rosa confirmed that the Building Department would work with the Applicant to ensure compliance with all building codes and imposed conditions if the Board finds that the standards for the grant of a special permit are met.

The Board deliberated on the merits of special permit relief as requested. Board Member Mark Zuroff agreed that the proposed addition would result in very little impact on neighboring residents while substantively improving the interior functionality of the structure. Mr. Zuroff stated that the scale of the addition clearly falls within the threshold of permitted exceptions to floor area ratio requirements and is therefore worthy of zoning relief.

Board Member Christopher Hussey concurred with Mr. Zuroff's comments and further stated that projects such as this are common in Brookline as a strategy to improve the livability of kitchen areas, particularly within residential structures that were constructed in the early 1900's. Mr. Hussey stated that he supported the grant of special permit relief as requested.

Board Chairman Book also supported the request for zoning relief. Mr. Book specifically cited project compliance with the standards for the grant of a special permit in accordance with Zoning By-Law Section 9.05.

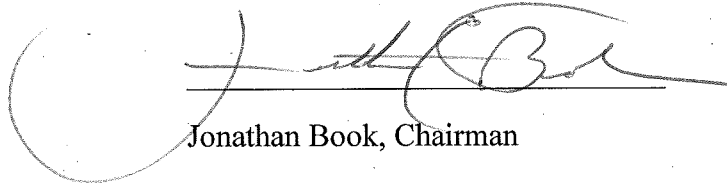
The Board voted unanimously that the requirements have been met for the issuance of a special permit under Sections 5.22.3.c and 9.05 of the Zoning By-Law, granting relief from the provisions of Sections 5.09.2.i, 5.22.3.c, and 8.02. The Board made the following specific findings pursuant to Section 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.
- The development as proposed will not have a significant adverse effect on the supply of housing available for low and moderate income people.

Accordingly, the Board voted unanimously to grant special permit relief, 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.
2. 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 architect; 2) final floor plans and building elevations 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**



Jonathan Book, Chairman

Filing Date: _____

A True Copy

ATTEST:

Patrick J. Ward

Clerk, Board of Appeals