



# Town of Brookline

## Massachusetts

BOARD OF APPEALS  
Jesse Geller, Chairman  
Christopher Hussey  
Jonathan Book

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

TOWN OF BROOKLINE  
BOARD OF APPEALS  
CASE NO. 2016-0070  
161 BUCKMINSTER ROAD

RECEIVED  
TOWN OF BROOKLINE  
TOWN CLERK

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Petitioners, Gerald Billow and Barbara Kellman, applied to the Building

Commissioner for a building permit to construct a total of 200 square feet in additions at 161 Buckminster 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 certified by the Board of Assessors of the Town of Brookline and fixed October 27, 2016 at 7:00 PM, in the 1<sup>st</sup> Floor, room 111 in Town Hall at 333 Washington Street as the date, time and place of a hearing for appeal. Notice of the hearing was mailed to the Petitioner, to their attorney of record, 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 13, 2016 and October 20, 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:

**161 BUCKMINSTER ROAD– CONSTRUCT A 200 SQUARE FOOT ADDITION in A S-15 (SINGLE-FAMILY) RESIDENCE DISTRICT, on OCTOBER 27, 2016 at «HearingTime» in the 1<sup>st</sup> Floor Room 111 in Town Hall, 333 Washington Street (Petitioner/Owner: Gerald Billow Barbara Kellman) 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.b.1.b: Exceptions to Floor Area Ratio (FAR) Regulations 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](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 programs and services of the Town of Brookline are invited to make their needs known to Lloyd Gellineau, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone (617) 730-2328; TDD (617) 730-2327; or e-mail at [llgellineau@brooklinema.gov](mailto:llgellineau@brooklinema.gov)*

*Jesse Geller, Chair  
Christopher Hussey  
Jonathan Book*

At the time and place specified in the notice, this Board held a public hearing. Present at the hearing was Board Chair Johanna Schneider and Board Members Jonathan Book and Mark Zuroff. Michael Yanovitch was present on behalf of the Building Department and Ashley Clark was present on behalf of the Planning Department. The Petitioners, Gerald Billow and Barbara Kellman were present.

Ms. Kellman presented the application to construct a total of 200 square feet in additions. Ms. Kellman stated they are seeking a special permit under **Section 5.22.3.b.1.b**

to construct a 200 square foot addition that takes the FAR from 111% to 117% which is within the permitted range. Ms. Kellman stated the Planning Board thought the design was good and had no objections. Ms. Kellman stated they have spoken with their closest neighbor, who has no objection to the proposal.

Board Chair Schneider confirmed the additions will be where there are currently open decks. Ms. Kellman stated the building footprint and setbacks will not be altered with this proposal.

Board Chair Schneider called for public comment in favor of, in opposition to, or in general to the Petitioner's proposal. There was no public comment.

Board Chair Schneider called upon Zoning Coordinator Ashley Clark from the Planning Department to review the findings of the Planning Board.

### **FINDINGS**

**Section 5.09.2.j – Design Review:** Any exterior addition for which a special permit is requested pursuant to *Section 5.22 (Exceptions to Maximum Floor Area Ratio Regulations)* requires a special permit subject to the design review standards listed under *Section 5.09.4(a-l)*. All the conditions have been met, and the most relevant sections of the design review standards are described below:

- a. Preservation of Trees and Landscape – The proposal does not require the removal of any trees or substantial landscaping, as the addition does not extend significantly away from the existing building. The proposed addition is almost fully within the footprint of the existing deck. The deck will be extended minimally.
- b. Relation of Buildings to Environment – The proposed addition is not expected to have shadow impacts on neighboring properties. The addition will not extend past the existing deck at the rear. On the side, the new addition will extend slightly but is within all required setbacks.
- c. Relation of Buildings to the Form of the Streetscape and Neighborhood – The proposed addition has been designed to be consistent with the style of the existing dwelling. The size of the addition is in proportion to that of the existing home and the scale of the finished space correlates to that of the surrounding homes.

**Section 5.22.3.b.1.b – Exceptions to Maximum Floor Area Ratio (FAR) Regulations For Residential Units**

<b>Floor Area</b>	<b>Allowed</b>	<b>Existing</b>	<b>Proposed</b>	<b>Finding</b>
<b>Floor Area Ratio (% of allowed)</b>	0.25 100%	0.28 111%	.29 117%	Special Permit*
<b>Floor Area (s.f.)</b>	3,705	4,124	4,324	

*\* Section 5.22.3.b.1.b allows for an FAR increase of up to 120%, in this case, the Petitioner is proposing to go up to 117%*

**Section 8.02.1 and 8.02.2 – Alteration or Extension**

A special permit is required to extend this non-conforming use and alter this non-conforming structure.

**PLANNING BOARD COMMENTS**

Ms. Clark stated the Planning Board is supportive of the proposed addition for this single-family dwelling. Ms. Clark stated the addition is in proportion with the home and will add livable space for the owners. Ms. Clark noted similar (as well as much larger and imposing) additions have been added to homes of similar style across the street and nearby and the addition will not be out of character and will increase the functionality of the home.

**Therefore, the Planning Board recommends approval of the site plan, architectural plans and elevations by Howland Architecture Studio, reviewed by the Planning Board on dated 10/20/2016, subject to the following conditions:**

1. Prior to the issuance of a building permit, the applicant shall submit final site plans, floor plans and elevation subject to the review and approval of the Assistant Director of Regulatory Planning and subject to discussion with Preservation upon their request.
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 land surveyor; 2) final floor plans and elevations stamped and signed by a registered architect or engineer; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Board Chair Schneider requested that Deputy Building Commissioner Michael Yanovitch review the findings of the Building Department. Mr. Yanovitch stated the Building Department has no objection to this request. Mr. Yanovitch stated in his opinion, the relief requested is minor in nature. Mr. Yanovitch stated that should the Board grant relief, the Building Department will work with the application to ensure compliance.

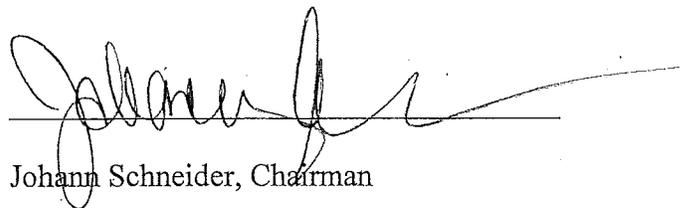
The Board then deliberated on the merits of a special permit relief requested. Mr. Zuroff was in support of the proposal as it would have a minimum impact on the neighborhood and meets the requirements of granting a special permit. Mr. Book concurred with Mr. Zuroff and stated the application meets the requirements under **Sections 9.05** and **5.22.3.b.1.b**. Board Chair Schneider agreed with Mr. Zuroff and Mr. Book in that it is a modest request for relief and will not have a detrimental impact on the neighbors or surrounding properties.

Accordingly, the Board voted unanimously to grant the requested special permit relief under **§5.22.3.b.1.b** of the Zoning By-Law, subject to the following conditions:

1. Prior to the issuance of a building permit, a final signage site plan shall be 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 to the Building Commissioner for review and approval for conformance to the Board of Appeals decision: 1) signage site plans stamped and signed by a registered architect; and 2) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

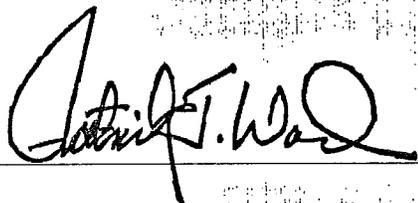
**Unanimous Decision of  
The Board of Appeals**

Filing Date: 11/16/16

  
\_\_\_\_\_  
Johann Schneider, Chairman

A True Copy

ATTEST:

  
\_\_\_\_\_  
Patrick J. Ward

Clerk, Board of Appeals