



Town of Brookline

Massachusetts

BOARD OF APPEALS
Jesse Geller, Chairman
Christopher Hussey
Jonathan Book

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Patrick J. Ward, Clerk

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2016-0083
19 PUDDINGSTONE ROAD

Petitioner, Kurt Mickelson, applied to the Building Commissioner for a building permit to construct a 300 square foot second story addition at 19 Puddingstone 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 January 19, 2017 at 7:10 p.m., in the Selectmen's Hearing Room as the date, time and place of a hearing for appeal. Notice of the hearing was mailed to the Petitioners, 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 January 5, 2017 and January 12, 2017 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:

19 PUDDINGSTONE ROAD to CONSTRUCT A 300 SQUARE FOOT SECOND STORY ADDITION in an S-7 (Single-Family) Residence District, on JANUARY 19, 2017 at 7:10

PM in the 6th Floor Selectmen's Hearing Room (Petitioner/Owner: Kurt Mickelson) 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: Exceptions 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 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

*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 Chairman Mark G. Zuroff, and Board Members Jonathan Book and Stephen Chiumentti. The case was presented by Architect Josh Kelley, from JK Development Group, 245 Forrest Street Dunton, Massachusetts. Chairman Zuroff called the case forward at approximately 7:10 p.m.

Mr. Kelley stated that they were seeking relief under the Zoning By-law to construct an addition to a single-family home. Mr. Kelley described the lot as non-conforming due to the size of the lot and the existing F.A.R. Mr. Kelley stated that the lot area required is 7,000 and the

existing square footage of the lot is 6,500 thus, 2,275 square feet is what would be allowed as of right and the house is currently has 2,574 square feet.

Mr. Kelley described the proposal to create a master suite by adding an additional 295 square feet. Mr. Kelley stated that the proposal falls within the exceptions under **Section 5.22**. Mr. Kelley described the location of the addition as on top of previously constructed single-story addition at the rear of the home.

In regards to the Planning Board, Mr. Kelley noted they made changes to the windows as requested. Mr. Kelley reiterated that the proposal before the Board is a modest 295 square feet and under allowable pursuant to **Section 5.22**.

Board of Appeals Chairman Zuroff asked if the Board had any questions. Mr. Chiumentti asked a clarifying question regarding where the addition will be. Mr. Kelley confirmed that the addition is proposed to go on top of an existing roof, and will not alter the footprint.

Board of Appeals Chairman Zuroff asked if there was anyone present who wished to speak in opposition to this application. The homeowner, Mr. Mickelson stated they have a letter of support for the project and entered it into the record.

Board of Appeals Chairman Zuroff asked if there was anyone present who wished to speak in opposition to this application. No one spoke in opposition to the application.

Board of Appeals Chairman Zuroff called upon Ashley Clark, Planner for the Planning and Community Development Department of the Town of Brookline, to deliver 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 alter the footprint of the existing structure or extend into existing trees.
- b. Relation of Buildings to Environment – The proposed addition is not expected to have shadow impacts on neighboring properties. The building footprint will remain the same.
- c. Relation of Buildings to the Form of the Streetscape and Neighborhood – The front elevation will not be altered with this proposal. There are only four houses which front on this section of Puddingstone Road and this would be the second house with an addition on this second story section of the home (25 Puddingstone).

Section 5.22.3.c – Floor Area Ratio

If the application of the percentages in paragraph 3, subparagraph b results in a floor area increase of less than 350 square feet, a special permit may be granted for an increase in floor area of **up to 350 square feet** provided that the resulting gross floor area of the building(s) is not more than **150%** of the permitted gross floor area. See below:

Floor Area	Allowed	Existing	Proposed	Finding
Floor Area Ratio (% of allowed)	.35 100%	.396 113%	.44 126%	Special Permit*
Floor Area (s.f)	2,450	2,574	2,574+ 295= 2,869	
Lot size (s.f.)	7,000	6,500	6,500	

*The proposed addition qualifies for a special permit under Section 5.22.3.c. because the size of the addition is less than 350 square feet and less than 150% of the permitted gross floor area.

Section 8.02.2 – Alteration or Extension

A special permit is required to alter a nonconforming structure or use.

Ms. Clark stated the Planning Board is supportive of relief for the proposed two-story addition for this single-family dwelling. Ms. Clark added that the addition will not have a significant impact on the view from the public way nor should it be a detrimental impact to abutters.

Therefore, the Planning Board recommends approval of the floor plans and revised elevations dated 9/14/2015 and 1/11/17 by JK Development Group, subject to the following conditions:

1. Prior to issuance of a building permit, final elevations indicating all exterior alterations and proposed materials and floor plans with labeled dimensions shall be submitted to the Assistant Director of Regulatory Planning for review and approval.
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 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.

The Chairman then called upon Ms. Clark to deliver the comments of the Building Department. Ms. Clark stated the Building Department has no objection to the relief as requested and should the Board find it meets the statutory requirements for the grant of special permit relief the Building Department will work with the Petitioner to ensure compliance.

After deliberating on the merits of the request for special permit relief, the Board voted unanimously that the requirements have been met for the issuance of a special permit pursuant to Sections 5.22.3.c, 8.02.2 and 9.05.

Accordingly, the Board voted unanimously to grant the requested relief subject to the following conditions:

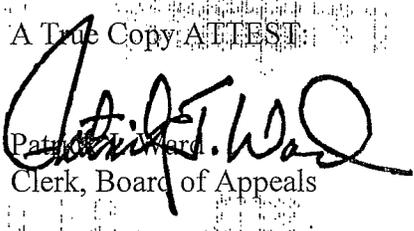
Unanimous Decision of
The Board of Appeals

Filing Date: 2/8/17



Mark G. Zuroff, Chairman

A True Copy ATTEST



Patricia J. Ward
Clerk, Board of Appeals