



BOARD OF APPEALS
Jesse Geller, Chairman
Christopher Hussey
Jonathan Book

Town of Brookline Massachusetts

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Patrick J. Ward, Clerk

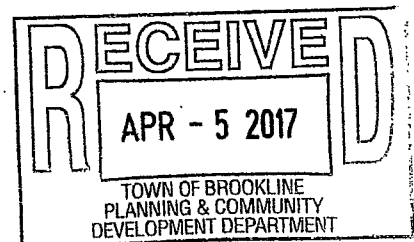
TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2017-0007
OWNER: BUTTON, LINDA C
87 CRAFTSLAND ROAD

Petitioner, Linda Button, applied to the Building Commissioner for a building permit to construct an enclosed front entry at 87 Craftsland 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 March 16, 2017 at 7:00 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 March 2, 2017 and March 9, 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:



**87 CRAFTSLAND ROAD– Construct an enclosed front entry in S-7 (Single Family)
Residence District, on March 16 at 7:00 PM in the 6th Floor Selectmen’s Hearing Room
(Petitioner/Owner: Peter Vicars) *Precinct 15***

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 5.43: Exceptions to Yard and Setback Regulations**
- 2. Section 5.50: Front Yard Requirements**
- 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 Jonathan Book, and Board Members Kate Poverman and Lark Palermo. Ashley Clark, Zoning Coordinator, was present on behalf of the Planning Department and the Building Department. The case was presented by the designer for the Petitioner, Kip Schultz, 5 Hilliard Road Lincoln, Massachusetts. Also in attendance were homeowners Peter Vicars and Linda Button. Chairman Book called the hearing to order at approximately 7:00 pm. Mr. Schultz waived the reading of the public hearing notice.

Mr. Schultz stated that they are proposing to add an entry vestibule at the front of their house. Mr. Schultz submitted emails from abutters in the neighborhood expressing support of their plan to add a vestibule. Chairman Book reviewed the letters and entered them into the record as Exhibit A. Chairman Book noted that all submitted letters speak in support with the exception of a letter from the abutter at 100 Craftsland Road. Chairman Book noted that the email spoke in support of the project, however raised a concern regarding how the exterior lighting of the vestibule will be impact a street that already experiences light pollution.

Mr. Schultz then described the proposal at 87 Craftsland Road, stating that it is a small 6 foot by 10 foot structure at the front of the house. Mr. Schultz stated that the addition is less than 20 feet from the road, which requires them to seek setback relief under **Section 5.43**. Chairman Book stated that **Section 5.43** requires a counterbalancing amenity be provided and asked Mr. Schultz how the Applicant is satisfying this requirement. Mr. Schultz stated that the Applicant will submit a landscaping plan showing additional plantings at the front of the house.

Board Member Poverman asked what lighting is planned for the vestibule. Mr. Schultz stated that they are planning to have lighting on either side of the vestibule to light the path. Mr. Schultz stated that they were planning to place sconces as an appropriate way to light the path and not disturb the street. Ms. Button stated the front of the house is currently lit. Chairman Book stated that the light given off should stay within the property lines.

Chairman Book asked whether anyone would like to speak in favor of or in opposition to the proposal. There were no public comments submitted.

Chairman Book then called upon Ashley Clark, Zoning Coordinator, to deliver the findings from the Planning Board:

FINDINGS

Section 5.43: Exceptions to Yard and Setback Regulations

Section 5.50: Front Yard Requirements

<u>Dimensional Requirements</u>	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>	<u>Finding</u>
Front yard setback	20'	19.3'	14.8'	<i>Special Permit*</i>

***Section 5.43** – The BOA may waive yard and setback requirements if counterbalancing amenities are provided.

Ms. Clark stated that the Planning Board is supportive of the proposal to construct an enclosed entry way at 87 Craftsland Road. Ms. Clark noted, it is attractively designed, and the relief sought is minimal; the applicants are proposing new plantings on either side of the entryway as a counterbalancing amenity.

Therefore, the Planning Board recommends approval of the site plan plans, by Joseph R. Porter, dated 12/8/2016, and floor plans indicating a 6’x10’ new vestibule addition submitted by Kip Schultz titled “87 Craftsland Road” 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 a landscaping plan to the Assistant Director of Regulatory Planning for review and approval, to serve as the counterbalancing amenity.
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) final floor plans and elevations and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Chairman Book then called upon Ashley Clark, Zoning Coordinator, to deliver the findings from the Building Department. Ms. Clark stated that the Building Department has no objection to the relief requested and if the Board finds it meets the requirements for the grant of a special permit, the Building Department will work with the Petitioner to ensure compliance.

Deliberation

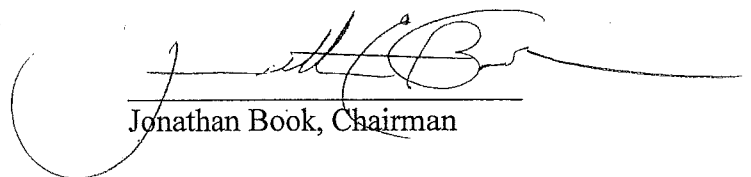
The Board then deliberated on the merit of special permit relief. Board Members Poverman and Palermo were in support. Chairman Book suggested amending the Planning Board condition to include a provision that a lighting plan will also be reviewed as part of the landscaping and counterbalancing amenity. The Board agreed that before a building permit is issued the Assistant Director of Regulatory Planning will review the lighting plan for compliance with Section 7.04.

Accordingly, the Board voted unanimously to grant the requested special permit relief under Section 5.43 and Section 9.05 of the Zoning By-Law, from application of the provisions of Section 5.50, 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 a landscaping plan to serve as the counterbalancing amenity, and lighting plan compliant with Section 7.04, to the Assistant Director of Regulatory Planning for review and approval.
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) final floor plans and elevations and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

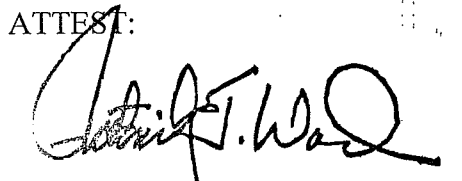
Unanimous Decision of
The Board of Appeals

Filing Date: 4/5/2017


Jonathan Book, Chairman

A True Copy

ATTEST:


Patrick J. Ward
Clerk, Board of Appeals