



Town of Brookline Massachusetts

BOARD OF APPEALS
Jesse Geller, Chairman
Jonathan Rook
Christopher Hussey

Town Hall, 1st Floor
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Brookline, MA 02445-6899
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Patrick J. Ward, Clerk

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2017-0006
30 ASTON ROAD LLC
BROOKLINE, MA

RECEIVED
TOWN OF BROOKLINE
TOWN CLERK

2017 SEP 29 P 12:00

Petitioner, Keith Gizzi, applied to the Building Commissioner for permission to construct a second story, one addition at the side and one addition at the rear. 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 September 14, 2017 at 7:15 PM., in the Selectmen's Hearing Room as the date, time and place of a hearing for the appeal. Notice of the hearing was mailed to the Petitioners, to their attorney (if any) 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 August 31, 2017 and September 7, 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:

30 ASTON RD, BROOKLINE - Construct one addition at the side and one addition at the rear of existing structure in a(n) S-15 SINGLE-FAMILY on 09/14/2017 at 7:15 PM in the 6th Floor Selectmen's Hearing Room (Petitioner/Owner: Keith Gizzi) 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:

§5.09.2.J – DESIGN REVIEW

§5.22.3.B.1.B – EXCEPTIONS TO FLOOR AREA RATIO (FAR) FOR RESIDENTIAL UNITS

§8.02.2 – ALTERATION AND EXTENSION

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

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Christopher Hussey
Jonathan Book

Publish: 08/31/2017 & 09/07/2017

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 Christopher Hussey and Steve Chiumenti. Also present at the hearing was Planner and Zoning Coordinator, Ashley Clark.

The case was presented by the homeowner, Keith Gizzi.

Chairman Zuroff called the hearing to order at 7:15 p.m. Mr. Gizzi waived the reading of the public notice.

Mr. Gizzi stated that he is proposing to renovate his home at 30 Aston Road. Mr. Gizzi stated that updates are in order to make the home more livable. Mr. Gizzi described the proposal as follows: an existing screen porch will be the location of one of the addition, a new patio at the rear, a second story addition to add more bedrooms, as well as finishing existing basement space.

Mr. Gizzi then described the Planning Board meeting. Mr. Gizzi stated that the Planning Board unanimously approved the design. He shared that the Planning Board made a finding that the proposal fits within the neighborhood context and would not be a burden to anyone or alter the ability for others to use their property.

Mr. Gizzi then described the zoning relief the project requires. Mr. Gizzi stated that they need relief from the provisions of **Section 5.20** for FAR requirements. Mr. Gizzi then argued that relief is available under **Section 5.22.3.b.1.b** whereby, this board may grant a special permit to allow up to 120% of allowable FAR. Mr. Gizzi stated that the proposal seeks to go up to 110% of the allowed FAR, and as such is below the max allowed by special permit.

Mr. Gizzi then argued that the proposal meets all the requirements as listed under **Section 9.05** of the Zoning By-Law and highlighted specifically that: (1) the specific site is an appropriate location; (2) the use as developed will not adversely affect the neighborhood because the large lot sizes no shadow impacts are expected; (3) there will be no nuisance or serious hazard to vehicles or pedestrians.

Mr. Gizzi then requested the Board grant the requested zoning relief.

Upon inquiry from Chairman Zuroff, Mr. Gizzi stated that he has spoken with three of his neighbors who are in support. Further, Mr. Gizzi added, he sent out letters to other neighbors and was not made aware of any objection or opposition.

Chairman Zuroff then asked whether anyone was present to speak in support of the proposal. No one spoke in opposition to the proposal.

Chairman Zuroff then asked whether anyone was present to speak in opposition to the proposal. No one spoke in opposition to the proposal.

Chairman Zuroff then called upon Ashley Clark, Planner & Zoning Coordinator, to deliver the findings of the Planning Department.

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-1). 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. The new second story addition will be built over the existing first story.
- b. Relation of Buildings to Environment – The proposed addition is not expected to have shadow impacts on neighboring properties due to the large lot sizes.
- c. Relation of Buildings to the Form of the Streetscape and Neighborhood – The proposed addition has been designed to fit in with the neighborhood context. Although many homes on the street are one-story, numerous homes have had a second floor added including the home directly across the street. The neighborhood has a wide variety of home types.

Section 5.22.3.b.1.b – Floor Area Ratio

Floor Area	Allowed	Existing	Proposed	Finding
Floor Area Ratio (% of allowed)	.25 (100%)	.19 (75%)	.28 (110%)	Special Permit*
Floor Area (s.f.)	4,879	3,657	5,386	

**Under Section 5.22.3.b.1.b, the Board of Appeals may grant a special permit for an addition totaling less than 120% of allowable gross floor area.*

Ms. Clark stated that the Planning Board supports this proposal for a second story addition and two small first story additions. She added that the second story addition is proportional to the home and

designed attractively. Mr. Clark noted that the additional garage and living room bump out are also within the scale of the enlarged structure and although many homes on the street are single-story, there are also homes with second-story additions including the home directly across the street. Ms. Clark stated that the structure will not be out of character with the neighborhood and remains within the allowable 120% FAR for its lot size; due to the large lot sizes on the street, impacts on neighbors will be minimal.

Therefore, Ms. Clark stated, the Planning Board recommends approval of the site plan dated 3/27/2017 by Peter Hoyt and the floor plans and elevations dated 4/4/2017 by McKay Architects, 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 with all materials noted, subject to the review and approval of the Assistant Director of 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 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 Board then determined, by unanimous vote that the requirements for a special permit from the provisions **Section 5.20**, of the Zoning By-Law were met under **Sections 5.09.2.i, 8.02.2** and **9.05** of the Zoning By-Law. The Board made the following specific findings pursuant to said **Section 9.05**

- a. The specific site is an appropriate location for such a use, structure, or condition.
- b. The use as developed will not adversely affect the neighborhood.
- c. There will be no nuisance or serious hazard to vehicles or pedestrians.
- d. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

- e. Development will have no effect on the supply of housing available for low and moderate-income people.

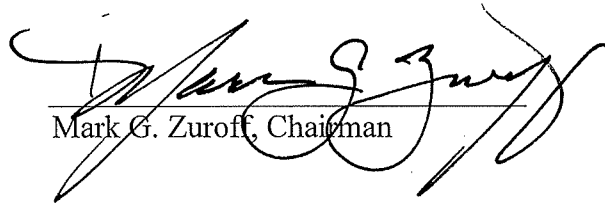
Accordingly, the Board voted unanimously to grant the requested relief subject to the following

conditions:

1. Prior to the issuance of a building permit, the applicant shall submit a final site plan, floor plans and elevations with all materials noted, subject to the review and approval of the Assistant Director of 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 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.

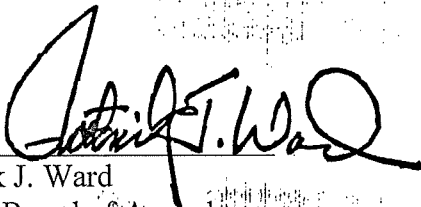
Unanimous Decision of
The Board of Appeals

Filing Date: 9/29/2017



Mark G. Zuroff, Chairman

A True Copy
ATTEST:



Patrick J. Ward
Clerk, Board of Appeals