



BOARD OF APPEALS  
Jesse Geller, Chairman  
Mark G. Zurroff

RECEIVED  
TOWN OF BROOKLINE  
TOWN CLERK

2019 APR -9 P

# Town of Brookline

## Massachusetts

Town Hall, 1<sup>st</sup> Floor  
333 Washington Street  
Brookline, MA 02445-6899  
(617) 730-2010 Fax (617) 730-2043  
Patrick J. Ward, Clerk

TOWN OF BROOKLINE  
BOARD OF APPEALS  
CASE NO. 2019-0006  
GARY ALTMAN & JUDY FERBER  
91 COOLIDGE STREET

Petitioners, Gary Altman and Judy Ferber, applied to the Building Commissioner for permission to convert a single-family dwelling to a two-family dwelling. 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 28, 2019 at 7:00 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 March 14, 2019 and March 21, 2019 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:

**91 COOLIDGE STREET, BROOKLINE, MA 02446 - Convert single-family to 2-family residence. Create new entry/mudroom within existing covered front porch. Add rear stair, add new mudroom within existing covered porch in a(n) T-5 TWO-FAMILY & ATTACHED SINGLE-**

**FAMILY on March 28, 2019 at 7:00 pm in the 6th Floor Select Board's Hearing Room  
(Petitioner/Owner: David Hamlin) Precinct 8**

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:

**§5.05 - CONVERSIONS**

**§5.43 - EXCEPTIONS TO YARD AND SETBACK REGULATIONS**

**§5.50 - FRONT YARD REQUIREMENTS**

**§5.60 - SIDE YARD REQUIREMENTS**

**§5.70 - REAR YARD REQUIREMENTS**

**§5.71 - PROJECTIONS INTO REAR YARDS**

**§6.04.5.C.2 – DESIGN OF ALL OFF-STREET PARKING FACILITIES**

**§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](http://www.brooklinema.gov).*

*The Town of Brookline does not discriminate in its programs or activities on the basis of disability or handicap or any other characteristic protected under applicable federal, state or local law. Individuals who are in need of auxiliary aids for effective communication in Town programs or activities may make their needs known by contacting the Town's ADA Compliance Officer. Assistive Listening Devices are available at the Public Safety Building for public use at Town of Brookline meetings and events. Those who need effective communication services should dial 711 and ask the operator to dial the Town's ADA Compliance Officer.*

*If you have any questions regarding this Notice or the Assistive Listening Device, please contact Caitlin Haynes at 617-730-2345 or at [chaynes@brooklinema.gov](mailto:chaynes@brooklinema.gov).*

***Jesse Geller, Chair  
Mark G. Zuroff***

**Publish: March 14 & March 21**

At the time and place specified in the notice, this Board held a public hearing. Present at the hearing were Chairperson Mark G. Zuroff and Board Members Kate Poverman and Steve Chiumenti. Also present at the hearing was Planner Karen Martin.

The case was presented by homeowner Gary Altman. Mr. Altman stated that he and his wife purchased this home in 1980 as an owner-occupied two-family home. In 1995, the owners applied to convert the home to a single-family home to raise their children and have been utilizing it as such since that time. Now, Mr. Altman explained, his daughter and grandchildren plan to move in with them into the home and they would like to re-convert the home to a two-family to create one unit on the upper floor and a second unit on the first and basement floors. Mr. Altman further explained that the footprint of the home is not changing but that there are pre-existing non-conformities on all sides with regards to setback. He also stated that they have letters of support from all neighbors.

Chairman Zuroff asked if there is an increase in the FAR of the home due to the finishing of the basement. The applicant explained that it will increase but will still be under what is allowed. Mr. Chiumenti noted that the increased parking requirement seems like it will be a challenge. The applicant explained that currently six cars can fit within the garage and driveway.

Chairperson Zuroff called upon Karen Martin to deliver the findings of the Planning Board. Ms. Martin noted the following:

**FINDINGS**

**Section 5.05 – Conversion**

In the case of a conversion of a single-family detached dwelling to a two-family dwelling in an SC, the structure shall conform to all dimensional requirements in Section 5.01; however, the Board of Appeals by special permit may waive any of said dimensional requirements except minimum lot size, provided that no previously existing non-conformity to such requirements is increased and provided that all other requirements of this by-law for such conversions are met.

**Section 5.43 – Exceptions to Yard and Setback Regulations**

**Section 5.50 – Front Yard Requirements**

**Section 5.60 – Side Yard Requirements**

**Section 5.70 – Rear Yard Requirements**

**Section 6.04.5.c.2 – Design of All Off-Street Parking Facilities**

	Required	Existing	Proposed	Relief Required
Front Yard Setback	15 feet	12.2 feet	12.2 feet	Special Permit*/Variance

<b>Side Yard Setback (north)</b>	10 feet	3.9 feet	3.9 feet	<b>Special Permit*/Variance</b>
<b>Rear Yard Setback</b>	30 feet	29.8 feet	29.8 feet	<b>Special Permit*/Variance</b>
<b>Driveway setback</b>	5 feet	None	None	<b>Special Permit*/Variance</b>

*\*\* Under Section 5.43, the Board of Appeals may waive by special permit yard and/or setback requirements if a counterbalancing amenity is provided.*

**Section 8.02.2 – Alteration or Extension**

A special permit is required for alterations to a non-conforming structure.

**PLANNING BOARD COMMENTS**

The Planning Board had no concerns regarding this proposal. The Board felt that the conversion is being done with virtually no changes to the structure and that the small enclosures of the porches are appropriate and well-designed.

**Therefore, the Planning Board recommends approval of the site plan dated 12/28/2018 by Scott Cerrato and the floor plans and elevations dated 1/1/2019 by Hamlin & Co. Inc, , subject to the following conditions:**

1. Prior to the issuance of a building permit, the applicant shall submit a site plan, floor plans and elevations, subject to review and approval by the Assistant Director of Regulatory Planning.
2. Prior to the issuance of a building permit, the applicant shall submit a final landscaping plan, subject to review and approval by the Assistant Director of Regulatory Planning.
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: a) final floor plans and elevations stamped and signed by a registered architect; b) a final site plan, stamped and signed by a registered engineer or land surveyor; and c) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Chairperson Zuroff then called upon Deputy Building Commissioner Joseph Braga to deliver the comments of the Building Department. Mr. Braga stated that the Building Department has no objections to this proposal.

Mr. Chiumenti stated that he is in support of the proposal. Ms. Poverman also stated that she appreciated the support letters from neighbors and fully supports the project particularly because the home is remaining owner-occupied and providing the opportunity for the applicant’s family to move

back into Brookline. Chairman Zuroff also stated that he supports this project to re-convert the home to an original use and that the project is worthy of the requested relief.

In reliance on the above referenced revised plans, the Board then determined, by unanimous vote that the requirements for relief from Section 5.05 for conversion, Section 5.50, Section 5.60, Section 5.70 for front, side and rear yard setbacks, Section 6.04.5.c.2 for design of off-street parking all under Section 5.43 for setback requirements, all pursuant to Section 9.05 of the Zoning By-Law were met, finding specifically under said Section 9.05:

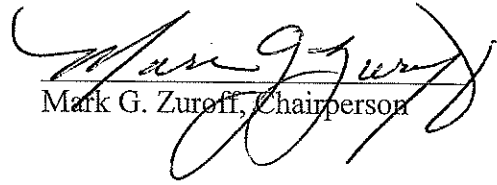
- a. The specific site is an appropriate location for such a use, structure, or condition because the proposed addition will be consistent with other homes in the neighborhood and will not change the use of the property.
- b. The use as developed will not adversely affect the neighborhood because the home will continue to be used as a single-family dwelling and the new height will be compliant with the Zoning By-Law.
- c. There will be no nuisance or serious hazard to vehicles or pedestrians and the property's on-site circulation will not change.
- d. Adequate and appropriate facilities will be provided for the proper operation of a single-family dwelling.
- 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:

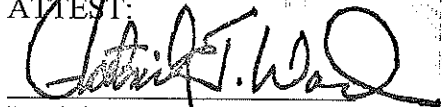
1. Prior to the issuance of a building permit, the applicant shall submit a final site plan, floor plans and elevations subject to the review and approval of the Assistant Director of Regulatory Planning.
2. Prior to the issuance of a building permit, the applicant shall submit a landscaping plan indicating counterbalancing amenities subject to the review and approval of the Assistant Director of Regulatory Planning.
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 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: 04/09/19

  
Mark G. Zuroff, Chairperson

A True Copy  
ATTEST:

  
Patrick J. Ward  
Clerk, Board of Appeals