



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

RECEIVED
TOWN OF BROOKLINE
TOWN CLERK

2020 OCT -6 P 12:01

Town of Brookline

BOARD OF APPEALS
Jesse Geller, Chair

Massachusetts

TOWN OF BROOKLINE

BOARD OF APPEALS

CASE NO. 2020-0017

Owner: KUTKA, MICHAEL & FENNESSEY,
FIONA

Petitioners, KUTKA, MICHAEL & FENNESSEY, FIONA, applied to the Building Commissioner for permission to construct a rear addition with interior renovations at 124 Dean 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 in accordance with the certification prepared by the Assessors of the Town of Brookline and approved by the Board of Appeals, and fixed a virtual hearing on August 27, 2020 at 7:00 p.m. via Zoom as the time and place of a hearing on the appeal. Notice of the hearing was mailed to the Petitioner, 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 8/13/2020 and 8/20/2020 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 **virtual** public hearing on **August 27, 2020** at **7:00PM**

Register for this hearing:

<https://bit.ly/3kf7fTf>

After registering you will receive a confirmation email containing information about joining the hearing.

Our Virtual Meeting Guide for Applicants and the Public can be found here:

<https://bit.ly/30wRoY3>

124 DEAN ROAD, BROOKLINE, MA 02445 – CONSTRUCT A REAR ADDITION AND INTERIOR RENOVATIONS. This property is in an S-10 SINGLE FAMILY ZONE. This case is to be heard virtually on 8/27/2020 at 7pm (Petitioner: KUTKA, MICHAEL & FENNESSEY, FIONA) Precinct 14

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:

SECTION 5.20 – FLOOR AREA RATIO

SECTION 8.02.2 – ALTERATIONS AND EXTENSIONS

Any other relief the Board finds necessary

PUBLIC COMMENT FILES, PDFs OR PRESENTATIONS:

Advance submissions of files and presentations are strongly encouraged. In an effort to ensure the Board has adequate time to review materials we ask that any additional documents such as written comment letters, photos, files, or presentations be sent before the hearing to Monique Baldwin

(mbaldwin@brooklinema.gov) and Joe Braga (jbraga@brooklinema.gov).

Public testimony will be taken during the hearing as normal.

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 mbaldwin@brooklinema.gov, or by checking the Town meeting calendar at:

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.

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

Publish: 8/13/2020& 8/20/2020

At the time and place specified in the notice, this Board held a virtual public hearing. Present at the hearing were Chair Mark G. Zuroff, and Board Members Paul Bell and Kate Poverman. David Buchannan, Horst Buchannan Architects, waived the requirement to read the legal ad notice and provided a brief overview of the case. There were no questions from the Board.

There was no one that spoke in favor or opposition.

Monique Baldwin, Zoning Coordinator / Planner, read the Planning Board Report into the record. Both the Planning Department and Planning Board were supportive of the proposal. The request is minimal and will have little to no impact on the public way or abutting properties. The altered structure is therefore not substantially more detrimental to the neighborhood than the

existing structure. Additionally, the Planning Board is supportive of this proposal, finding the request to be modest and positive for the neighborhood.

The Planning Board recommends approval of the architectural plans by Horst Buchanan Architects, dated 3/5/2020, subject to the following conditions:

- 1. Prior to the issuance of a building permit, the applicant shall electronically submit final floor plans and elevations, stamped and signed by a registered architect or engineer and a final site plan, stamped and signed by a registered engineer or land surveyor, to the Assistant Director for Regulatory Planning for review and approval.**
- 2. Prior to the issuance of a building permit, the applicant shall electronically submit to the Building Commissioner for review and approval a) the site plan, floor plans, and elevations displaying the approval stamp of the Assistant Director for Regulatory Planning; and b) evidence that the Board of Appeals decision has been obtained from the Town Clerk's office by the applicant or their representative and recorded at the Registry of Deeds.**

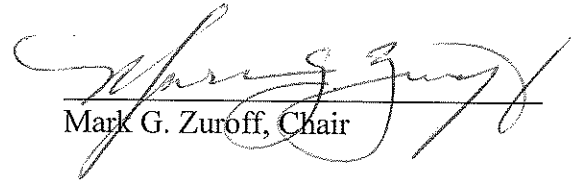
Joe Braga, representative of the Building Department, had no objections to the proposed project.

Kate Poverman noted that the request was minimal, and that she supported the project. Paul Bell and Mark G. Zuroff echoed Ms. Poverman's sentiments. The Board found that the conditions for a special permit under Section 9.05 were met.

Accordingly, the Board voted unanimously to grant the request for special permit for architectural plans by Horst Buchanan Architects, dated 3/5/2020, subject to the following conditions:

- 1. Prior to the issuance of a building permit, the applicant shall electronically submit final floor plans and elevations, stamped and signed by a registered architect or engineer and a final site plan, stamped and signed by a registered engineer or land surveyor, to the Assistant Director for Regulatory Planning for review and approval.**
- 2. Prior to the issuance of a building permit, the applicant shall electronically submit to the Building Commissioner for review and approval a) the site plan, floor plans, and elevations displaying the approval stamp of the Assistant Director for Regulatory Planning; and b) evidence that the Board of Appeals decision has been obtained from the Town Clerk's office by the applicant or their representative and recorded at the Registry of Deeds.**

Unanimous decision of the
Board of Appeals



Mark G. Zuroff, Chair

Filing Date: 10/06/20
Pat Ward, Town Clerk

