



Town of Brookline Massachusetts

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Patrick J. Ward, Clerk

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BOARD OF APPEALS
Jesse Geller, Chairman
Mark Zuroff
Johanna Schneider

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2021-0005
27 INTERVALE ROAD
BROOKLINE, MA

Petitioner, Reshma Katwa, applied to the Building Commissioner for permission to construct a second-story addition in an S-7 Single-Family Residential District. 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 March 11, 2021 at 7:00 p.m. virtually as the time and place of a hearing for 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 February 25, 2021 and March 4, 2021 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 **March 11, 2021 at 7:00PM**

Register for this hearing:
<http://bit.ly/3awj8RD>

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>

27 INTERVALE ROAD, MA 02467 – CONSTRUCT A SECOND STORY ADDITION; INTERIOR CHANGES TO THE LAYOUT. This property is in an S-7 SINGLE FAMILY ZONE. This case is to be heard virtually on 3/4/2021 at 7pm (Petitioner: PREIS, ELISABETH D & FIREHAMMER, JOEL A) Precinct 16

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 - EXCEPTIONS TO FLOOR AREA RATIO REGULATIONS FOR RESIDENTIAL UNITS

§8.02 - ALTERATION OR EXTENSION

Any other relief the Board finds necessary

QUESTIONS, 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 or questions be sent before the hearing to **Monique Baldwin (mbaldwin@brooklinema.gov)**.*

*All plans and submissions may be found at: <https://aca-prod.accela.com/Brookline/Default.aspx>. An account is **NOT REQUIRED** to access materials. 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 **Assistive Listening Devices**, please contact Caitlin Haynes at 617-730-2345 or at chaynes@brooklinema.gov.*

*Jesse Geller, Chair
Mark Zuroff
Johanna Schneider*

Publish: 2/25/2021 & 3/4/2021

On March 11, 2021 at 7pm the Brookline Zoning Board of Appeals held a public hearing. Present at the hearing were Zoning Board Chair Johanna Schneider and Board Members Mark Zuroff and Lark Palermo.

The Petitioner's attorney, Robert L. Allen, Law Office of Robert L. Allen, Jr. P.C., 300 Washington Street, Brookline, MA, waived a reading of the public hearing notice for the record. Also in attendance were the Petitioners, Reshma and Umakanth Katwa, and the project architect, Paul Girello, Paul Girello Architect, LLC, Braintree, Massachusetts.

Attorney Allen stated that the single-family home at 27 Intervale Road is located in an S-7 Single-Family Residential District. He noted that the Preservation Planner issued a Certificate of Non-Significance for the existing house. Mr. Allen described the proposal to construct a 2,288 square foot second-story addition. Mr. Allen described the neighborhood as having similarly sized two-story homes. He noted that no neighbors have voiced opposition to the requested relief and a letter in support was provided from 257 South Street.

Attorney Allen stated that a special permit was sought for design review under **Section 5.09.2.J** as the Petitioner seeks to increase the FAR pursuant to **Section 5.22.3.b.1.b**. He stated that the existing FAR is currently 73% of the allowable FAR and the proposal will result in 113% of the FAR utilized. Attorney Allen stated that the Zoning By-law allows an increase of up to 120% and noted that the Petitioner wanted an appropriately sized addition that would not alter the footprint of the building. Attorney Allen stated that the size of the home after the addition

will be 6,409 square feet. In regard to the special permit request under design review, Mr. Allen stated the Planning Board unanimously supported the addition and found that it was well designed.

Attorney Allen then reviewed the special permit standards in **Section 9.05**, stating the following: (1) Specific site is an appropriate location for such use: The single-family home is located in an S-7 Single-family residential district and the residential addition will maintain this use. (2) Use will not adversely affect the neighborhood: The second story addition will not expand the footprint of the existing single-family home and will not cast any shadow on abutting properties. (3) No nuisance or serious hazard to vehicles or pedestrians: There will be no change to the site circulation for vehicles or pedestrians. (4) Adequate and appropriate facilities will be provided for the proper operation and proposed use. (5) Development will not have any effect on the supply on housing available for low- and moderate-income people: The proposal will allow the family to stay in their home by making some changes to fit their needs.

Chair Schneider then called for public comments in favor of the proposal. No comments were submitted and no one spoke in support.

Chair Schneider then called for public comments in opposition to the proposal. No comments were submitted and no one spoke in opposition.

Chair Schneider then called upon Monique Baldwin, Planner and Zoning Coordinator to deliver the reports of the Planning Department and Board:

FINDINGS

§5.09.2.J – DESIGN REVIEW

A Special Permit is required under Design Review for an exterior addition that requires a special permit for FAR.

Please see the attached Impact Report by the architect which addresses satisfactorily all of the design standards under this Section.

§5.22 - EXCEPTIONS TO FLOOR AREA RATIO REGULATIONS FOR RESIDENTIAL UNITS:

ZONING: S-7	Required/ Allowed	Existing	Proposed	Relief
Floor Area Ratio	0.35 / 100% 5,664 sf	0.25 / 73% 4,121 sf	0.40 / 113% 6,409 sf	<u>Special Permit</u>

§8.02 – ALTERATION OR EXTENSION – A special permit is required for the alteration of a non-conforming structure.

PLANNING DEPARTMENT COMMENTS

Ms. Baldwin stated that the Planning Department is supportive of this proposal. She noted that the second story addition is well-designed and in keeping with the neighborhood which consists of other two-story structures. Ms. Baldwin stated that all required setbacks are met, and the landscaping remains undisturbed because the footprint of the house is not being expanded.

PLANNING BOARD RECOMMENDATION

On behalf of the Planning Board, Ms. Baldwin stated, the Board supportive of the proposal, feeling that the addition is well-designed and in keeping with the existing building and surrounding neighborhood. The Planning Board encouraged the applicant to consider making the building fossil-fuel-free as part of the addition and renovation.

Therefore, Ms. Baldwin stated, the Planning Board recommends approval of the site plan by D. O’Brien Land Surveying, dated 12/31/21, and architectural plans by Paul Girello Architect, LLC, dated 12/28/20, 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, 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.

Chair Schneider then called upon acting Deputy Building Commissioner, Joe Braga to deliver the opinion of the Building Department. Mr. Braga stated that the Building Department has no objection to the relief requested.

The Board then deliberated on the merit of the application. Board Member Zuroff stated that the proposal will improve the house and noted that the criteria were met for the requested FAR increase. Board Member Palermo concurred and stated that the addition is modest and appropriate in this neighborhood. Ms. Palermo then stated that the criteria for special permit relief were met under **Section 9.05** of the Zoning By-law. Chair Schneider concurred.

The Board voted unanimously to grant special permit relief pursuant to **Sections 5.22.3.b.1.b** and **5.09.2.J** to grant relief from the provisions of **Table 5.01-Dimensional Relief** with respect to the FAR of the Zoning By-Law.

The Board made the following specific findings pursuant to **Section 9.05** of the Zoning By-Law:

- 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.

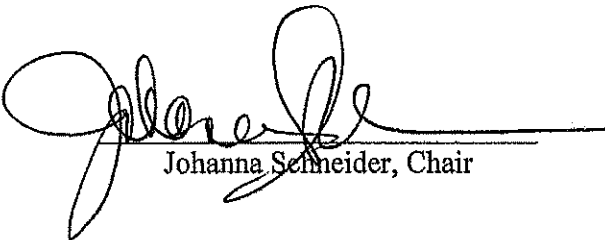
e. The development as proposed will not have a significant adverse effect on the supply of housing available for low- and moderate-income people.

Accordingly, the Board voted unanimously to grant special permit relief, 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, 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.

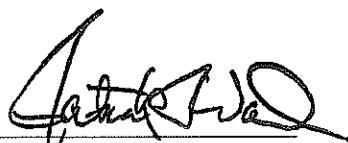
Unanimous decision of the
Board of Appeals

Filing Date: 03/24/21



Johanna Schneider, Chair

A True Copy
ATTEST:



Patrick J. Ward
Clerk, Board of Appeals