



Town of Brookline Massachusetts

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Benjamin Kaufman, Clerk

BOARD OF APPEALS
Jesse Geller, Chairman
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TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2021-0032
MIGUEL AND MARISA SERRANO
150 TAPPAN STREET, BROOKLINE, MA

Petitioners, Miguel and Marisa Serrano, applied to the Building Commissioner for permission to construct a two-story addition to existing single family home in an SC-10 Single-Family & Converted For Two-Family Zoning 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 certified by the Board of Assessors of the Town of Brookline and fixed July 15, 2021 at 7:00 p.m. virtually as the date, time and place of a hearing for the appeal. Notice of the hearing was mailed to the Petitioner, 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 July 1, 2021 and July 8, 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 public hearing on the following petition:

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Address: **150 Tappan Street**
Petitioner: **Miguel and Marisa Serrano**
Zoning District: **SC-10 (Single-Family & Converted For Two-Family)**
Precinct: **12**
Description: **Two-story addition to single family home**

Date, time, and location of the public hearing are as follows:

Date: **07/15/2021**
Time: **7:00 pm**
Location: **Virtual Meeting (see below)**

Register for this virtual hearing:

<https://bit.ly/2Sv4Hr2>

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>

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:

§5.14 - LOT FRONTAGE

§8.02 - ALTERATION OR EXTENSION

QUESTIONS, PUBLIC COMMENT FILES, PDFs OR PRESENTATIONS:

*Advanced 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 **Karen Chavez (kchavez@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 by mail or in the papers. Questions about hearing schedules may be directed to the Planning and Community Development Department at vpanak@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: 07/01/2021 & 07/08/2021

At the time and place specified in the notice, the Town of Brookline Zoning Board of Appeals held a virtual public hearing. Present at the hearing were Chair Jesse Geller and Board Members Mark Zuroff and Randolph Meiklejohn. Also present at the hearing was Assistant Director for Regulatory Planning, Polly Selkoe; Deputy Building Commissioner, Paul Campbell; and Zoning Coordinator and Planner, Karen Chavez.

The Petitioner's attorney, Scott C. Gladstone, 822 Boylston St., Suite 300, Chestnut Hill, Massachusetts, waived a reading of the public hearing notice for the record. Also in attendance was Project Architect, Kent Duckham, and the Petitioners, Miguel and Marisa Serrano.

Attorney Gladstone stated that 150 Tappan Street is a rear lot accessed from Tappan Street through a shared driveway with the front lot, and explained that the MBTA D-Line runs behind the property. Mr. Gladstone stated that the Petitioners propose to expand the single-family home which has a pre-existing nonconforming rear yard setback and left side yard setback. He commented that the pre-existing non-conformities will not be increased by the proposal. Mr. Gladstone noted that the single family home also has a pre-existing nonconforming frontage and the Zoning By-Law does not permit frontage to be by way of an easement over a shared driveway, but otherwise it is conforming to every other dimensional requirement.

Mr. Gladstone stated that the parameters of the rights to the shared driveway were set forth in a recent decision by Judge Long of the Massachusetts Land Court who ruled that "the shared driveway and its use by the Serrano lot pre-date this section [Section 5.14 of the Town of Brookline

Zoning By-Law], and thus is grandfathered.” Mr. Gladstone therefore explained that the standard to be applied to a new or expanded structure on a pre-existing nonconforming lot is to be evaluated under the “not substantially more detrimental” standard established in a series of cases interpreting **M.G.L. c. 40A, Section 6**, and opined that the standard has been met arguing that, as a matter of law, a single-family home conforming to every dimensional requirement other than pre-existing nonconforming frontage cannot be considered substantially more detrimental to the neighborhood. Mr. Gladstone further added that the proposal is consistent in size with other structures in the neighborhood.

Mr. Gladstone then stated that there will be no change in the use, and therefore no change in intensity or impact is anticipated on the shared driveway once the addition is built and the landscaping is finished. Mr. Gladstone went on to say that the proposal otherwise complies with the Zoning By-Law: the required lot size is 10,000 square feet, and the subject lot size is over 16,000 square feet; the required lot width is 65 feet, and the subject lot is 131 feet wide; the required side yard setback is 7.5 feet, and the proposal will have a right side yard setback of 41.57 feet and right side yard setback of 6.28 feet; the required usable open space is 30%, and 128.21% (7,087 square feet) is proposed; and the required landscaped open space is 10%, and 201.55% (11,140 square feet) is proposed.

Mr. Gladstone explained that while no counterbalancing amenities are required, the Petitioners have provided a landscaping plan showing green screens. In addition, the Petitioners provided pictures depicting the recently installed raised planting beds in which Evergreens of at least ten feet in height have been planted along the front property line for screening purposes, and more trees will be planted along the side and rear property lines to increase privacy with homes along Blake Road and Clark Road, respectively.

Mr. Gladstone stated that Planning Staff observed that the current house is not visible from Tappan Street, as a result of the substantial change in elevation, and the proposed addition will remain unseen from the public right-of-way. He further stated that the proposal will help screen the front lot house, both by sight and sound, from the D-line train tracks that run behind the Petitioners' lot. Mr. Gladstone noted that there is substantial neighborhood support, with eleven (11) letters in support of the application submitted as of the hearing date, including one from a direct abutter and one from a property across the street. Mr. Gladstone noted that FAR and open space calculations, as well as the driveway placement, have been reviewed and approved by Building Commissioner Dan Bennett. Additionally, Deputy Building Commissioner Paul Campbell did a site visit on July 14, 2021 to confirm compliance with all dimensional zoning requirements. Mr. Gladstone noted that the project received unanimous support from the Planning Board and opined, with respect to a condition recommended by the Planning Board, that the suggested requirement for a site supervisor to be present daily during construction would set an undesirable precedent for future projects with shared driveways. Project Architect Kent Duckham provided an overview of the design to demonstrate how the proposal is dimensionally conforming, that it sits appropriately on the lot, and how it preserves the existing home.

Board Member Meiklejohn inquired whether previous additions to the subject site were depicted on the existing floor plans, and Mr. Duckham confirmed that the plans depict previous additions. The Petitioner, Miguel Serrano, further added in response to an inquiry made by Board Member Meiklejohn that the existing stairs are code-compliant and will be demolished as part of the proposed scope of work, and new stairs would be added. Board Member Zuroff inquired about the proposed driveway material, and Mr. Duckham stated that the existing and proposed driveway material is asphalt. Mr. Gladstone further added that the driveway will be repaired, if damaged

during construction with permission from the front abutter.

Mr. Gladstone stated that the proposal would meet all requirements for a special permit under **Section 9.05** of the Zoning By-Law: a) The site is an appropriate location for such a use, structure, or condition: The subject site is in an SC zoning district, and the Petitioners seek to maintain their single-family home and expand it to maximize the allowed gross floor area on this generously sized lot. b) The proposed use will not adversely affect the neighborhood: The subject site is not visible from the street and will be screened by landscaping. Additionally, the proposed house is within all required dimensional limitations, and is comparable in size to other homes in the neighborhood. c) There will be no nuisance or serious hazard to vehicles or pedestrians: The proposal will cause no nuisance nor hazard since there is no change in use or vehicular access. d) Adequate and appropriate facilities will be provided for the proper operation of the proposed use: See all of the above. e) The development as proposed will not have a significant adverse effect on the supply of housing available for low and moderate income people: The proposal does not take away any current housing and the current single family use is not changing.

Chair Geller called for public comments in support of the application. Chair Geller noted for the record that a fair number of letters in support of the application were submitted.

Lakshmana Swainy, 70 Beaconsfield Road, stated that he is in support of the application and noted that construction is always unpleasant for abutters but the end result would elevate the Town of Brookline. Craig Hass, of Clark Road, asked in the chat if any screening would be provided along the rear lot line and Mr. Serrano indicated that there would be.

Chair Geller called for public comments in opposition to the application. Chair Geller noted for the record that a fair number of letters in opposition to the application were submitted. Adrian Bignami, owner of 146 Tappan Street, stated that he and his wife had not objected to the

Petitioners' first house expansion, but construction was very disruptive and noted safety and livability issues especially when trucks would pass over the shared narrow driveway. Mr. Bignami requested that Petitioners invest in safety and site management, and that there be no construction on weekends.

Attorneys Jennifer Dopazo Gilbert and Brian Kaplan, representing Adrian and Petra Bignami (owners of the abutting property to the front which shares the common driveway with the Petitioners), spoke in opposition. Ms. Gilbert reviewed the history of two Land Court cases involving her client and the Petitioners, with respect to the two lots. She noted that in one case, the ZBA's prior denial of the Petitioners' request to build a two-family had been upheld. Ms. Gilbert also reviewed the rulings of the Land Court in the other case, in which she reported that the Court ordered that her clients were precluded from parking or turning around on the Petitioners' property (the subject site), and no longer allowed to point video or audio equipment towards the Petitioners' lot or the shared driveway, and that the Court ruled that a prior 40 foot right-of-way no longer exists. Ms. Gilbert stated that the earlier referenced footnote 6 of the Land Court's decision (cited by Mr. Gladstone in support of the property's status as pre-existing non-conforming) was dicta and should not be taken as a final determination that the Serrano's lot is pre-existing non-conforming, and opined that the lot was never conforming to any past frontage requirement and therefore could not benefit from M.G.L. c. 40A, Section 6. Ms. Gilbert also opined that the proposal requires a variance, and expressed concern that some of the proposed usable open space did not meet the requirements of Section 5.91 of the Zoning By-Law since a substantial amount would be in excess of an 8% grade. Ms. Gilbert also argued that a 1954 ZBA decision, where a variance was granted to create this subdivision, did not address frontage and therefore the proposal should instead seek a modification of that decision. Ms. Gilbert also noted that the 40-foot

previously existing right-of-way did not create frontage for the subject site since no frontage exists then a variance is needed.

Board Member Zuroff asked Ms. Gilbert why the frontage is not considered a pre-existing condition when the approval of the variance in 1954 that created the subdivision preceded the institution of the Town of Brookline's Zoning By-Law. Ms. Gilbert responded that she only mentioned the 1954 ZBA decision to say that the old decision needs to be modified, and further added that the frontage cannot be pre-existing nonconforming when it never met the requirements for frontage any under any version of the Zoning By-Law. Attorney Kaplan further added that there was a Zoning By-Law in 1954 and the Petitioners' lot did not comply with the requirement for frontage in effect.

Chair Geller inquired whether the purpose of the variance was for subdivision or for frontage. Ms. Gilbert stated that the purpose of the variance at the time was for subdivision because the lot did not meet the requirements of the Zoning By-Law with respect to rear setbacks, since there is an MBTA easement in the rear. Chair Geller inquired why the frontage was not raised as a zoning issue when the variance was approved in 1954. Mr. Kaplan noted that the approved ANR depicted a 40-foot wide right-of-way that lead from the rear lot [150 Tappan Street] to the street, and at the time the Zoning By-Law provided two avenues for frontage: 1) the lot had to abut a public way, private way, or a way that received formal subdivision approval for 40 feet; or 2) the lot had to abut, and have a right to use, a right-of-way that is 40 feet wide which led to a public way. He further added that Appeals Court upheld that the 40-foot wide right-of-way was not constructed and never existed, and therefore the frontage did not exist. Chair Geller commented that if there was an interpretation concerning the adequacy of the frontage made by the then Building Department, and if there are no records indicating there was a successful timely appeal

of the Building Department's determination, then that interpretation is not now subject to challenge and the frontage would be a pre-existing nonconformity.

Chair Geller called upon Karen Chavez, Planner and Zoning Coordinator, to deliver the findings of the Planning Department and Planning Board:

FINDINGS

ZONING: SC-10	Requirements	Existing Conditions	Proposed Conditions	Relief Required
Use	1-family detached dwelling	1-family detached dwelling	1-family detached dwelling	
Lot Size	10,000sf	16,062sf	16,062sf	
Lot Frontage	25'	0'	0'	<u>Special Permit¹</u>
Floor Area Ratio	0.35 (100%) 5,622sf	0.16 (46%) 2,585sf	0.34 (98%) 5,527sf	
Height	35'	<35'	14.5' (addition only)	
Front Setback	30'	52.3'	30'	
Side Yard Setback (left / right)	7.5' / 7.5'	6.28' / 84.91'	6.28' / 41.57'	Pre-existing Nonconforming (no intensification)
Rear Yard Setback	30'	12.8'	12.8'	Pre-existing Nonconforming (no intensification)
Open Space (Landscaped / Usable)	10%/30% 553sf/1,658sf	n/a	202%/128% 11,141sf / 7,087sf	

¹ Under MGL Chapter 40A, Section 6, a pre-existing nonconforming structure can extend or intensify the nonconformity by special permit provided the Board of Appeals finds that the altered structure is not substantially more detrimental to the neighborhood than the existing structure.

Other Zoning Relief Needed

Section 8.02, Alteration or Extension: A special permit is required for the alteration of a non-conforming structure.

PLANNING DEPARTMENT COMMENTS

Ms. Chavez stated that the Planning Department is supportive of this proposal. She noted that while the addition is large, it complies with all requirements of the Zoning By-Law and would be allowed by right if it were not for the lack of any frontage for the property based on the current definition under the By-Law. Due to the lack of this frontage, the existing property is pre-existing nonconforming and any intensification of the use of the site requires approval under a Special Permit (per MGL, c.40A, §6). The only standard to be applied to this case is whether the altered structure is substantially more detrimental to the neighborhood than the existing structure. Because the altered structure would otherwise comply with all By-Law requirements and because the intensity of the use (single-family) remains unchanged, staff is of the opinion that the altered structure should not be deemed substantially more detrimental than the existing structure. Nonetheless, due to the site's topography and the proposed site disturbance, negative impacts from this proposal could arise, especially as they relate to erosion and stormwater management. She noted that the applicant has provided a seemingly robust stormwater management system that will likely be reviewed by the DPW under Article 8.26.2 of the General By-Law (Erosion and Sediment Control). If this project is not subject to that section, a condition should be included to require that the erosion and sediment control plan and the stormwater management system be reviewed by the DPW. Similarly, the loss of vegetation on the site has impacts on erosion control but also on screening from surrounding properties; the applicant should provide a landscaping/replanting plan that ensures that the new addition (and existing house) are provided with proper screening from the surrounding properties.

PLANNING BOARD RECOMMENDATION

Ms. Chavez stated that the Planning Board is supportive of this proposal. She noted that the Board feels that the proposed addition is generous in size, but not unreasonable, and that because the use of the property will remain unchanged, intensity of use on the site will not increase and adverse impacts will be minimal once construction is complete. However, the construction phase of the project was noted as having the potential to seriously impact the front abutter. As such, the Board recommends that the construction phase of the project be carefully planned and supervised. To this end, the Board strongly recommends that a construction management plan be required and that the plan include the requirement for an on-site supervisor during any construction activities.

Ms. Chavez stated that the Planning Board recommends approval of the site plan by Everett M. Brooks Co., dated 3/19/21, and architectural plans by Duckham Architecture and Interiors, dated 5/6/21, 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 a construction management plan to be approved by the Building Department with the further condition that there shall be a full-time site supervisor during any construction hours.
3. Prior to the issuance of a building permit, the applicant shall electronically submit a landscape plan that shows proposed tree removal and proposed plantings that shall provide adequate screening of the addition subject to approval by the Assistant Director for Regulatory Planning. Any proposed landscaping must be executed in accordance with the approved plan.
4. *(If not subject to Article 8.26.2)* Prior to the issuance of a building permit, the applicant shall submit proof to the Assistant Director of Regulatory Planning that an erosion and sediment control plan and a stormwater management plan were submitted to, and approved by, the Department of Public Works as being sufficient to reasonably limit any stormwater runoff on surrounding properties and limit any existing or potential risk of erosion.

5. 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.

Board Member Meiklejohn inquired whether the Planning Board noted specific criteria or thresholds that were passed when recommending that the Petitioner provide a construction management plan and a full-time supervisor. Ms. Gilbert noted that there was a lot of discussion at the Planning Board meeting regarding issues raised by the abutters at 146 Tappan Street during the previous construction, which was the basis for the condition.

Chair Geller inquired from Ms. Gilbert whether she was appealing the Building Department's determination about compliance with open space requirements, and Ms. Gilbert stated that she was not in a position to appeal the determination, and opined that the slope and grade on Petitioner's lot is significant and in many areas does not meet **Section 5.91** of the Zoning By-Law.

Chair Geller called upon Deputy Building Commissioner, Paul Campbell to deliver the opinion of the Building Department. Mr. Campbell stated that the Building Department has no objection to the relief requested and will work with the Petitioner to ensure compliance with the Board's decision and all state building codes. Mr. Campbell also indicated that he had done a site visit and observed that the lot was large, and the proposed landscaped and usable open space far exceed the requirement of the Zoning By-Law. Mr. Campbell recommended amending condition number three to require a resubmission of a landscaped plan to further review the grading and topography.

Board Member Zuroff inquired what the Building Department's position was regarding overseeing the construction to reduce negative impacts on the abutter, and how would it be

enforced. Mr. Campbell noted that the subject site is unique for having a narrow shared driveway, and agreed with condition number two in order to control traffic. He further clarified that the onsite supervisor can be a construction supervisor, or his or her designee, and that a construction management plan should be submitted to the Building Department. Mr. Campbell stated that this would be enforced on a complaint-driven basis, where the Building Department would investigate once a complaint has been filed.

Mr. Gladstone, in his rebuttal, stated that contrary to Ms. Gilbert's earlier statement, the 1954 ZBA decision approving the subdivision did address frontage by requiring adequate means of ingress and egress, and read from that case for the record that the decision states that "the Board finds that the buildings located on Lots A and B were constructed prior to 1904 and consequently might be technically considered as a non-conforming use and that the sub-division plan provides an appropriate right of way adjacent to Lot A affording adequate means of egress and ingress to the rear parcel designated at Lot B." Mr. Gladstone noted that this decision was never appealed and therefore the rear lot is pre-existing non-conforming as to frontage.

Mr. Gladstone also addressed the Bignamis' concerns about safety during construction, saying that the Petitioners offered to help pay for various driveway alternatives to make construction safer. The alternatives offered included the creation of a temporary construction driveway, in anticipation of the Bignamis' potential implementation of the Land Court-approved MPM Builders plan to move the shared driveway, and the relocation and reconstruction of the driveway to make it wider and further away from the Bignamis' parking area. It was noted that all of these ideas to mitigate the risks have been rejected.

The Board then deliberated on the merits of the application. Board Member Zuroff opined that a preexisting nonconformity for frontage exists, noting that an easement was created and a

record exists through an ANR plan. Board Member Zuroff stated that he agreed with Mr. Campbell's recommendation about having the contractor's designee or designated inspector be present during construction, that an onsite third party inspector is not required, and that it be enforced on a complaint based basis. He further added that any concerns about usable open space complying with the Zoning By-Law can be addressed through the landscape and drainage plans when reviewed and approved by the respective department having jurisdiction, and he is not averse to granting the requested relief.

Board Member Meiklejohn agreed with Board Member Zuroff, and noted that the unique circumstance where the two lots share a driveway does not warrant the denial of a special permit. Board Member Meiklejohn also inquired whether the requirement of a construction management plan fell within the purview of the Zoning Board of Appeals. Mr. Campbell stated that construction management plans are typically only requested for three-family dwellings and greater, but the Building Department agrees with the requirement of said plan due to the uniqueness of the subject site. Mr. Campbell also noted that the building code requires that the construction supervisor be on site to oversee alterations, demolitions, and construction during the construction process. Chair Geller noted that Mr. Gladstone's objection is to a third party full-time supervisor and inquired if the Petitioners would agree to a condition providing a construction management plan since it would be helpful as a good neighbor. Although Mr. Gladstone expressed hesitation about the appropriateness of the recommended condition to the relief being requested, he agreed to the condition on behalf of the Petitioners.

Chair Geller stated that the Petitioner's lot was created 67 years ago, and until now no claim has been asserted that the subject site lacked frontage. Chair Geller noted that the argument in opposition to the application is not a successful one, and opined that the lot has status as pre-

existing non-conforming and therefore meets the requirements under M.G.L. c. 40A, Section 6 and Section 9.05 of the Zoning By-Law. Chair Geller also noted that the proposed expansion meets the Floor Area Ratio requirements of the Zoning By-Law. Chair Geller expressed particular sympathy to the abutting neighbor about the difficulties of and disturbance from continuing construction by the Petitioners. Chair Geller stated that the Board does not ordinarily impose a construction management plan for work done to a single family home, but the Petitioners in this instance have consented to one. Chair Geller agreed that the recommendations from Mr. Campbell provide a middle ground to resolve issues, and did not see the need for a third party supervisor to be appointed to stay on the site. In conclusion, Chair Geller was in favor of granting the requested relief subject to the revised conditions.

The Board then determined, by unanimous vote, that the proposal is subject to protection under M.G.L. c. 40A, Section 6 and meets the requirements for a special permit pursuant to Section 9.05 of the Zoning By-Law.

The Board made the following specific findings, pursuant to said 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 zoning relief, subject to the following revised 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 a construction management plan to be approved by the Building Department with the further condition that the General Contractor him/her/their self or any of his/her/their designees, which can be staggered, shall be a site supervisor(s) during any construction hours.
3. Prior to the issuance of a building permit, the applicant shall electronically submit a landscape plan that shows proposed tree removal and proposed plantings that shall provide adequate screening of the addition subject to the review and approval by the Assistant Director for Regulatory Planning. Any proposed landscaping must be executed in accordance with the approved plan.
4. (*If not subject to Article 8.26.2*) Prior to the issuance of a building permit, the applicant shall submit proof to the Assistant Director of Regulatory Planning that an erosion and sediment control plan and a stormwater management plan were submitted to, and approved by, the Department of Public Works as being sufficient to reasonably limit any stormwater runoff on surrounding properties and limit any existing or potential risk of erosion.
5. 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



Jesse Geller
Jesse Geller, Chair

Filing Date: 8/11/21

A True Copy
ATTEST:



Benjamin Kaufman
Clerk, Board of Appeals