



Jesse Geller, Chairman
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Benjamin Kaufman, Clerk

TOWN OF BROOKLINE
 BOARD OF APPEALS
 CASE NO. 2022-0006
 191 DAVIS AVENUE
 BROOKLINE, MA

ASSOCIATED CASE:
 TIME EXTENSION
 OF BOA CASE #2021-0003

TOWN CLERK'S OFFICE
 APR 27 '22 PM2:47

Petitioners, Lein Han and Ning Chao, applied for a one-year time extension of BOA Case No. 2021-0003 to construct an attached unit to the rear of the property at 191 Davis Avenue.

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 February 17, 2022, 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 3, 2022, and February 10, 2022, 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:

Address: **191 Davis Avenue**
 Petitioner: **Lein Han and Ning Chao**
 Zoning District: **T-6 Two-family and Attached Single-Family Zone**
 Precinct: **6**

Description: **Time extension for previously granted special permit (case no. 2021-0003 to construct an attached unit to the rear of the property).**

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

Date: 2/17/22
Time: 7:00 pm
Location: Virtual Meeting (see below)

Register for this virtual hearing:

<https://bit.ly/3u6DSd6>

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:

§4.07 – TABLE OF USE REGULATIONS, USE #05

§5.43 – EXCEPTIONS TO YARD AND SETBACK REGULATIONS

§5.60 – SIDE YARD REQUIREMENTS

§5.70 – REAR YARD REQUIREMENTS

§5.91 – MINIMUM USABLE OPEN SPACE

§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 **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 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: 2/3/2022 & 2/10/2022

On February 17, 2022, at 7:00 p.m., the Brookline Zoning Board of Appeals held a virtual public hearing and voted to continue the hearing without testimony to March 3, 2022, at 7:00 p.m.

On March 3, 2022 at 7:00 p.m., the Brookline Zoning Board of Appeals held a virtual public hearing. Present at the hearing was Chair Jesse Geller, Board Member Randolph Meiklejohn, and Board Member Lark Palermo. The Petitioners' attorney, Jennifer Dopazo Gilbert, RLAW, P.C., 300 Washington Street, Brookline, Massachusetts, waived a reading of the public hearing notice for the record.

Attorney Dopazo Gilbert presented the case for the Petitioners. She stated that on April 16, 2021, the Board of Appeals voted unanimously to grant special permit relief to allow for the conversion of an existing two-family dwelling into two attached single-family dwellings at 191 Davis Avenue. Attorney Dopazo Gilbert explained that the ongoing COVID-19 pandemic has caused delays and the Petitioners have not yet received a building permit to begin the project. She stated that a one-year extension is requested and added that said time extension may be granted by special permit under **Section 9.07** of the Zoning By-Law.

The Board, having deliberated on this matter and considered the foregoing testimony, concludes that it is desirable to grant the Petitioner's request for a one-year time extension of Board of Appeal Case No. 2021-0003, 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.

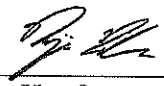
2. Prior to the issuance of a building permit, the applicant shall electronically submit a landscape plan and fencing plan that shows proposed counterbalancing amenities subject to approval by the Assistant Director for Regulatory Planning. The counterbalancing amenities must be executed in accordance with the approved plan.
3. 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, Chair

Filing Date: APR 27 2022

A True Copy
ATTEST:


Benjamin Kaufman
Clerk, Board of Appeals