



Town of Brookline

Massachusetts

BOARD OF APPEALS
Jesse Geller, Chair
Johanna Schneider
Lark Jurev Palermo

Town Hall, 1st Floor
333 Washington Street
Brookline, MA 02445-6899
(617) 730-2010 Fax (617) 730-2043
Benjamin Kaufman, Clerk

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 2022-0049
7 CONANT ROAD

Petitioner Candace LaPann applied to the Building Commissioner for permission to add a double shed dormer to the existing 1.5 story single family home. The application was denied and an appeal was taken to this Board.

The Board administratively determined that the property affected was that shown on a schedule certified by the Board of Assessors of the Town of Brookline and fixed October 13, 2022, 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 September 29, 2022, & October 6, 2022, in the Boston Globe, a newspaper in general circulation in the Town. A copy of said notice is as follows:

TOWN OF BROOKLINE - Zoning Board of Appeals

NOTICE OF HEARING

The Brookline Zoning Board of Appeals will hold a public hearing on

Date/Time: Thursday, October 13, 2022

Location: Virtual Hearing

Virtual Registration Link: <https://bit.ly/3UIQBxi>

Petitioner: Candace LaPann

Address: 7 Conant Road

Subject: Add double shed dormer to existing 1.5 story cottage

Nature of Action/Relief:

§5.09.2.J - DESIGN REVIEW

§5.20 - FLOOR AREA RATIO

§5.22.2 - EXCEPTIONS TO FLOOR AREA RATIO REGULATIONS FOR
RESIDENTIAL UNITS

§8.02 - ALTERATION OR EXTENSION

Plans and submissions may be viewed online at

<https://brooklinema.gov/DocumentCenter/Index/2352>

*Interested persons may provide comments at the public hearing or
by submitting written comments by email to
manthony@brooklinema.gov.*

Assistive Listening Devices are available upon request:

<https://www.brooklinema.gov/560/Americans-With-Disabilities-Act-ADA>

Publish: 9/29/2022 & 10/6/2022

On October 13, 2022, the Zoning Board of Appeals held a public hearing. Present at the virtual hearing were Chair Lark Palermo and Board Members Jesse Geller and Randolph Meiklejohn. The case was presented by the project's architect, Scott Vaughn, Vaughn Associates, Inc., One Mifflin Place, Suite 400, Cambridge, MA 02138. Also in attendance were the Petitioner, Candace LaPann, and co-owner Kimberly Ritter.

Zoning Board of Appeals Chair Palermo called the virtual hearing to order at 7:00 pm. Chair Palermo reviewed the standard hearing procedure for virtual hearings and confirmed that all Board Members and staff could visually and auditorily engage in the hearing. Mr. Vaughn waived a reading of the published notice.

Mr. Vaughn presented the case for the Petitioner. He presented the project plans and noted there are zoning non-conformities in lot size and frontage. He then displayed the proposed floor plans and explained that the proposal consists of re-working the attic space and adding a double-shed dormer which would allow the attic to function as a second floor. He stated that everyone in the home currently occupies only the first floor and the proposal will create bedrooms for the Petitioner's two young children, a bathroom, laundry space, and a small-sized bedroom which will be used as a home office.

Mr. Vaughn explained that the goal of this project is to add this extra space to the house in a way that is respectful to the neighborhood and to make the minimum alterations necessary. He stated that the existing gable ends and cottage-style exterior of the building will remain intact and that the height and footprint of the house will not be increased. The house is smaller than the surrounding houses in the neighborhood and situated lower than the other houses, therefore it will not negatively impact its surroundings.

Mr. Vaughn stated the house is in an S-7 zoning district and that Section 5.22.2 allows for improving attics and basements provided the increase in FAR is not beyond 130% of the maximum proscribed in Table 5.01 Dimensional Requirements. The proposed project will increase the size of the home to 2,274 square feet which is not beyond the 130% threshold.

Chair Palermo then called for public comments in support of or in opposition to the Petitioner. No public comments were submitted.

Chair Palermo then called upon Senior Planner Maria Morelli to present the Planning Board report.

FINDINGS

Section 5.20- Floor Area Ratio for Residential Units

ZONING: S-7	Requirements	Existing Conditions	Proposed Conditions	Relief Required
Use	1-family detached dwelling	1-family detached dwelling	1-family detached dwelling	
Floor Area Ratio	0.35 1,750 sf	0.40 2,044sf	0.45 2,274sf	<u>Special Permit</u> ¹ OR <u>Special Permit</u> ²

¹ **Section 5.22.2, Exceptions to Maximum Floor Area Ratio Regulations for Residential Units:** This section allows single- and two-family dwellings to finish attics and basements, thereby increasing their floor area ratio, provided that the added gross floor area does not increase the FAR beyond 130% of the maximum proscribed in Table 5.01, Dimensional Requirements. Any exterior addition proposed as part of the conversion may not protrude beyond the height of the existing roof ridge nor beyond the existing eave and is subject to a Special Permit under Design Review.

²Under **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 5.09.2.J, Design Review: If the Board chooses to grant the relief to FAR via Section 5.22 rather than a Section 6 finding, Design Review is required. Any application seeking relief under Section 5.22 requires Design Review.

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

PLANNING DEPARTMENT DIVISION COMMENTS

The Regulatory Division staff is supportive of this proposal. The dormer is reasonable in size and does not significantly increase the scale of the proposed building. Being on the rear of the building, the addition will also have a minimal impact on the public way and surrounding abutters and is therefore unlikely to be substantially more detrimental to the neighborhood than the existing structure. A Section 6 finding is therefore appropriate.

PLANNING BOARD RECOMMENDATION

The Planning Board recommends approval of the site plan by Peter Nolan, dated 4/26/22 and architectural plans by Vaughn Associates, dated 3/30/22, with 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 Palermo then called upon Deputy Building Commissioner Paul Campbell to deliver the findings of the Building Department. Mr. Campbell stated that the Building Department concurred with the Planning Board analysis and added that, should the Board grant the requested relief, the Building Department would work with the Petitioners to ensure conformance with the Board's decision and all applicable building codes.

In deliberation, Mr. Geller stated that he believes this proposal meets the requirements under **Chapter 40A Section 6** and commented that the architect has designed a minimalistic addition to the structure. He continued that he believes the proposed design is not substantially more detrimental to the neighborhood and he would be in favor of granting the relief sought, subject to the conditions. He added that he also believes it meets the requirements set forth in **Section 9.05** of the Town's bylaws.

Mr. Meiklejohn stated he would be in favor of granting the requested relief under **Section 6** and **Section 9.05**. He added that he is sympathetic to a request for relief where the proposed changes are minimum interventions. This is a modest house where the applicants have been living modestly and they have designed changes to accommodate their growing family without increasing the height or the footprint of the building, while respecting the existing architecture. He stated he is impressed they were able to achieve this and it will not be substantially more detrimental to the neighborhood than the existing structure.

Chair Palermo concurred with both Board members and found that the building will not be substantially more detrimental to the neighborhood.

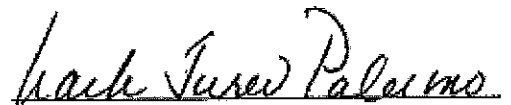
In addition, the Board made the following specific findings under Section 9.05 based on the evidence submitted at the hearing and the Board's deliberations:

- 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. Development will not have any effect on the supply of housing available for low- and moderate-income people.

Accordingly, the Board voted unanimously to grant the requested relief, the issuance of a special permit, 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 Planning Board for review and approval. The elevation plans shall show a simplified roof line for the dormer.
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.

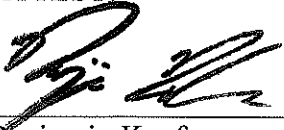
Unanimous Decision of
The Board of Appeals



Lark Jurev Palermo, Chair
Zoning Board of Appeals

Filing Date: 11/29/2022

A True Copy
ATTEST:

A handwritten signature in black ink, appearing to read 'B. Kaufman', written over a horizontal line.

Benjamin Kaufman
Clerk, Board of Appeals